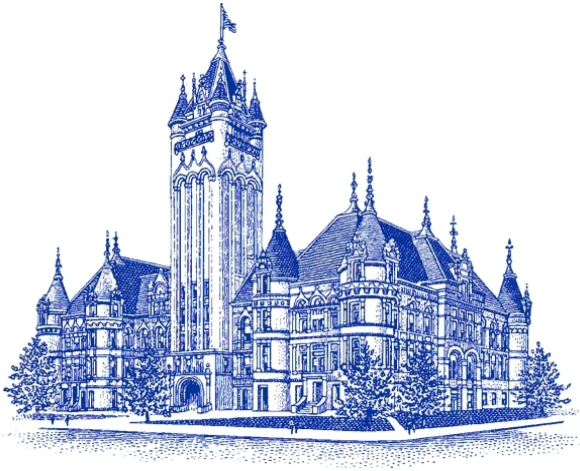


SPOKANE COUNTY SUPERIOR COURT



SPOKANE COUNTY COURT HOUSE

Behavioral Health Adult Felony Therapeutic Drug Court

Participant Handbook

WELCOME!

Welcome to the Spokane County Superior Court Behavioral Health Adult Felony Therapeutic Drug Court (TDC):

The TDC program was created to give offenders with Substance Use Disorder (SUD; previously known as chemical dependency/addiction) and those with co-occurring disorders, the opportunity to enter recovery and address their SUD, while preventing felony convictions on their record. If you choose to enter this program, you will have an opportunity to turn your life around, mend your relationships, and become a positive member of society.

Instead of jail or prison, you will enter a supervised, structured, treatment-based program designed to help you become abstinent and make healthier choices. This unique opportunity is based on treating the whole person since SUD affects major life areas. Based on your participation, you may receive assistance with stable chemical-free housing, education, employment, child care, transportation, mental health issues, and so forth.

We work as a team – you will not be alone in your recovery efforts. There will be others working through their SUD and mental health challenges to provide encouragement and strength. The treatment team joins the skills of many professionals to help guide and support you.

This program will be hard and require your total commitment, but the time and effort will be well worth it in the end as you regain control over your life.

**PLEASE READ THIS BOOKLET VERY
CAREFULLY. YOU ARE RESPONSIBLE FOR
KNOWING AND UNDERSTANDING ITS
CONTENTS.**

This handbook is designed to provide you with information regarding the Spokane County Superior Court Behavioral Health Adult Felony Therapeutic Drug Court (TDC) program. This handbook does not constitute a contract between you and the TDC program. These are guidelines so you can be informed about general policies and procedures. The Court reserves the right to change these guidelines and to decide any matter based upon individual facts and circumstances.

(Effective August 2010, updated January 2019)

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I. PROGRAM DESCRIPTION

What is the Therapeutic Drug Court (TDC) program?

The TDC program is a branch of the Superior Court Behavioral Health Adult Felony Therapeutic Courts that address Substance Use Disorder (SUD) and mental health challenges within a problem-solving court framework. The TDC program is a unique court which provides an alternative to traditional prosecution and an opportunity to have your felony charge dismissed. It handles crimes committed by non-violent offenders with SUD who may or may not have co-occurring (mental health) disorders (COD). SUD may include dependence on illegal or prescription drugs or alcohol.

Instead of experiencing a trial and possible incarceration, you will enter a voluntary, alternative, pre-conviction program which provides education, treatment, and supervision. This includes regular court reviews, frequent drug testing, alcohol/drug treatment, and mental health counseling. The TDC Judge is highly involved in your case as a team member, closely monitors your compliance with the program and may impose rewards or consequences on you when necessary. Pioneer Human Services (Pioneer) provides all SUD treatment for the TDC program and often provides mental health treatment as well.

How does the TDC program work?

The TDC program is designed to address your SUD, certain mental health issues, social and family problems, stable housing, and your employment or educational needs. You will actively participate in a variety of intensive outpatient and outpatient activities, random drug screens, group and/or individual therapy, and recovery-based self-help support groups, such as (spiritually based) AA/NA, Celebrate Recovery, etc.; or (secular-based) SMART Recovery, Rational Recovery, etc.

You must participate in the program for a **minimum of 12 months** and have at least **4 months of abstinence** prior to graduation. There are **5 phases** that must be completed. If you successfully complete these steps, pay restitution in full, and graduate, the felony charge(s) that brought you here will be **dismissed** from further prosecution. More importantly, you will gain the necessary tools to rebuild your life. If you do not work toward treatment goals, you may be terminated.

This is a team approach. Everyone wants you to succeed and create a new chemically-free, satisfying lifestyle. You will become part of the recovery community to help you transition into a healthier lifestyle.

Who is on the TDC Team and what do they do?

The TDC Team is comprised of the judge, prosecuting attorney, public defender, program coordinator, DOC community corrections officer (CCO), and Pioneer court liaisons. The Team meets immediately before every docket to discuss participants' progress and treatment recommendations. These staffings are regularly scheduled, informal conferences not held in open court.

Am I Eligible?

You may be eligible for the TDC program if you meet the following criteria:

- You are charged in Spokane County Superior Court with a felony and you have a moderate or severe SUD.
- A reasonable connection exists between the alleged illegal conduct and your SUD.
- You reside in Spokane County.
- You have no unresolved warrants from another jurisdiction.
- The maximum negotiated amount of restitution is \$5000.
- You are willing to participate in an intensive alcohol/drug treatment program to address your SUD, mental health challenges, and related issues.
- There is a reasonable basis to believe you can successfully complete the TDC program.

Note: You are NOT allowed in this program if you have a current or prior violent or sex offense.

The following situations *may* make you **ineligible**:

- There is an allegation of the production of drugs or the intent to sell drugs; or
- You have other pending felony charges which have not been incorporated into your TDC offense; or
- You are currently receiving any on-going narcotics-based prescribed medications (other than within a clinically-supervised Opioid Replacement Treatment program), including medical marijuana, prescription opiates, etc.

What happens after I am arrested?

After you have been arrested, you may be offered the opportunity to explore the TDC program as an option. You will be able to meet with the TDC Public Defender and then you will meet the TDC Judge to discuss your possible participation. If you feel this may be an option for you, you will be released from custody with a mandatory intake scheduled at Pioneer with a counselor. You will provide an initial UA, and you are expected to meet with a case manager to discuss basic needs (e.g., bus passes, child care, etc.) so that you will be able to participate fully in our TDC program. For the next 2-3 weeks, you will participate in all required activities and attend court as scheduled. During this observation period, you are expected to participate **fully** in ALL tasks, including random drug testing, regular court reviews, treatment, and recovery-based support groups.

After participating for 2-3 weeks and attending court reviews, you and the team will decide if you are an appropriate candidate for the TDC program. If you decide to “opt in” to the program, you will begin the five treatment phases. If you decide not to participate, your case will return to traditional prosecution.

What happens once I am in the TDC program?

You will develop Individual Service Plans (ISPs) jointly with your primary counselor. The ISPs are designed to improve your functioning in the critical areas of your life.

You will be required to complete a **5-phase** comprehensive program which will assist you in addressing the goals of your ISPs. This program is subject to change by the TDC Team, depending upon your progress. You must complete your required tasks and assignments to advance to the next phase. While you are in the TDC program, you are required to keep the DOC CCO advised of any and all changes in your living situation (address, phone numbers) and employment situation (employer, address, hours). You must obtain approval from the DOC CCO and the TDC Team, through your PC, prior to moving to a new address. In every stage, you are expected to:

- Appear before the Judge as scheduled.
- Follow your ISP for SUD or COD treatment.
- Meet with your primary counselor for individual sessions.
- Meet with your CCO, as directed.
- Engage in group counseling.
- Be randomly drug tested.
- Attend recovery-based support groups.
- Fulfill all other individualized requirements specified by the Judge and the TDC Team.

Additional expectations for each stage are described below:

Phase One: *Orientation/Stabilization*

- You will create your first ISP collaboratively with your primary counselor.
- You will complete an intake meeting with the DOC CCO.
- You will meet with the DOC work crew supervisor (by appointment) for orientation.

Phase Two: *Understanding Substance Use Disorders (SUD)*

- You will work toward establishing a clean date.
- You will begin to address long-term financial and housing stability.
- You will verify that you have a sponsor and home group, and complete your first triad (you, your sponsor, and your primary counselor).
- You will attend at least one Drug Court graduation.

Phase Three: *SUD Wellness Management*

- You will work toward maintaining your clean date; if needed, we will use therapeutic interventions to assist your recovery efforts.
- You will continue to address long-term financial and housing stability.
- You will meet regularly with your sponsor and attend your home group meetings.
- You will use skills learned in earlier stages, including pro-social behaviors.

Phase Four: *Relapse Prevention*

- You will continue to work toward maintaining your clean date; if needed, we will use therapeutic interventions to assist your recovery efforts.
- You will continue to meet regularly with your sponsor and attend your home group meetings.
- You will address payment of restitution.
- You will maintain safe, appropriate stable housing.
- You will complete a Wellness Management Plan.
- You will continue to use pro-social behaviors and other skills learned in earlier stages.

Phase Five: Transition and Community Integration

- You will maintain your clean date.
- You will continue to attend your home group meetings and meet regularly with your sponsor.
- You will complete a Discharge/Aftercare Plan.
- You will complete payment of your restitution.
- You will continue to use pro-social and other skills learned in earlier stages.
- You will fulfill all other individualized requirements specified by the judge and the TDC Team.

II. RULES AND RESPONSIBILITIES

Confidentiality

You will be required to sign a Release of Information (ROI) at the treatment agency (Pioneer), which allows your confidential information to be shared with the TDC Team, which includes the Judge, prosecuting attorney, public defender, treatment agency, CCO₂ and TDC Coordinator, including during staffings at which you will not be present. You will also be required to sign ROIs to share information with Spokane County's Consistent Care Program, Eastern State Hospital, and **all** your community-based service providers (e.g., primary care physician, mental health counselor, etc.).

Confidentiality is essential to maintain the integrity of group therapy sessions. Outside of the group setting, clients should never discuss any information shared within the group. This confidentiality applies to things said in the courtroom as well.

Court Appearances

Court Attendance

Attendance in court is ABSOLUTELY required on the dates you are ordered to appear before the TDC Judge. In the beginning, this may mean weekly hearings in court in which your progress will be discussed. As you advance to higher levels, court appearances may decrease to 1-2 times each month. You are expected to arrive at court *before* the docket begins, and remain in the courtroom until *after* you have interacted with the Judge and the Judge has dismissed you from the courtroom. If you are not present in court on the required days, a bench warrant may be issued. It is then your responsibility to get the warrant quashed or turn yourself in. If this does not happen, you will be arrested and remain in jail until your next court appearance.

Courtroom Behavior

You are expected to behave appropriately at all times in the courtroom and courthouse. This includes:

- No talking, eating, drinking, or sleeping in the courtroom.
- No smoking or gum chewing in the courthouse.
- Be on time and do not leave during the hearing except to use the restroom.
- All electronic devices will be confiscated if they are not turned off during court.
- Appropriate dress is necessary; shoes and shirts are required and no hats, short shorts, torn clothing, sunglasses, or tank-tops should be worn. You are expected to maintain appropriate dress and grooming or you may be asked to leave.

Honesty

Honesty with yourself and with others is a critical step toward recovery. You are expected to be honest about your behaviors, your use, your living situation, and your challenges throughout the TDC program.

Behavior Towards Other TDC Participants

You are expected to be respectful of other TDC participants and their work toward sobriety and a healthier lifestyle. We expect that you will do nothing to interfere or negatively influence other TDC participants. To protect against this, you are expected to avoid **any** type of romantic encounters/relationships with either felons or other TDC participants while you are involved in this program. TDC participants are expected **not** to interact socially outside of the Pioneer groups, except in recovery-based support group sponsored activities. You are also expected to avoid violent, threatening, or aggressive behaviors while you are in this program. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This type of behavior will result in a sanction and may result in termination from the TDC program.

Medical Needs

Another critical step toward recovery is ensuring consistent medical care to address your health needs. Once you have secured health coverage, you will be expected to identify ONE medical group or primary care physician (PCP) for yourself, and ONE pharmacy; and to use only that group/PCP and that pharmacy for medical reports or excused absences, whenever possible.

Medical Needs (cont)

While in the TDC program, you are required to sign Releases of Information to share information with Spokane County's Consistent Care Program, Eastern State Hospital, and ***all*** your community-based service providers (e.g., primary care physician, mental health counselor, etc.).

Financial Obligations

Treatment costs

Current federal and state laws governing health care require all participants to have insurance coverage. Pioneer will work with you to ensure that you have applied for such coverage.

Restitution

If your charge(s) involved a property crime, you will be required to pay the restitution that is owed to the victims of the crime(s). The amount of restitution will be determined and agreed to before you enter the TDC program. You may not enter the program if the restitution is more than \$5000, unless you have already paid down the restitution to \$5000. A payment schedule may become part of your ISP, if necessary. *Note: you will **not** be allowed to graduate until your total restitution is paid.*

III. FREQUENTLY ASKED QUESTIONS

What if I relapse?

The TDC Team understands that SUD is a chronic disease that can be challenging. The TDC Team believes that *honesty* about your relapse is critical for your recovery. It is vital that you are honest with yourself and that you tell us if relapse occurs. This allows us to work with you to address your needs. You are required to test, even if you anticipate the results will be positive. If you relapse while participating in the TDC program, it is a sign that you have more work to do. It does not necessarily mean, however, that you will be sanctioned for your use, or that you will be terminated from the program.

How does drug testing work?

You will be required to participate in ongoing drug testing (i.e., random urine “UA”, breath₂ or saliva samples, etc.) to monitor your progress. You must call the UA hotline (509-703-4883) 7 days per week to learn whether you must test that day. If so, you must complete testing no later than 5:30 pm that day. You are required to test even if you anticipate the results will show use. A same-gender treatment staff member will supervise you when you give a urine specimen. All results are documented and available to the TDC Team. Two verified negative drug tests are required to establish your clean date. You need to demonstrate lack of use through negative drug testing results. Any other outcome of a test is NOT considered a verified negative and therefore will negatively impact your clean date. These outcomes include: missed tests (unexcused absence or “No Show”); being

late for a test; failure to produce a sample or one of sufficient quantity; attempts to dilute*, use flushing agents, falsify the results by substituting or altering your specimen, or any other attempt to modify your body fluids. Ongoing positive results, tampered samples, or attempts to dilute or falsify results will be grounds for sanctions and may be grounds for termination.

** Urine tests are considered “dilute” if the creatinine level of the sample is at or below 20 mg/dL or over 300 mg/dL.*

The following items will likely cause positive drug test results, so it is imperative that, while you are in this program, you **do not** consume or ingest:

- Poppy seeds in any form (muffins, bagels)
- “Natural” or herbal remedies
- Any medications without prior approval and/or required prescription documentation
- Over-the-counter diet aids or supplements of any sort
- Cough or cold medicines

A note about Designer Drugs:

You are NOT to use any designer drugs or any drugs sold as “Not for human consumption” or “novelty collector’s item”. You will be sanctioned for using these types of substances. Examples include, but are not limited to:

- Synthetic Cannabinoids (Marijuana): Spice, K2, etc.
- Designer Stimulants: Bath Salts, Khat, Molly, etc.
- Other Designer Drugs: DMT, Kratom, Krokodil, Benzo Fury, BZP, Fly, BDO, Flakka, Gravel, Smiles, etc.

What sanctions or incentives may be given?

You are expected to complete your required tasks and assignments in the TDC program. Based on your participation, you may be eligible to receive either sanctions or incentives.

When available, possible incentives may include:

- Praise from the Judge
- Sobriety Coins
- Public Applause/Acknowledgement
- Decreased frequency of court appearances
- Move to beginning of court docket
- Permission to leave courtroom early
- Decreased DOC supervision/contact
- Gift Cards
- Snacks or other tangible rewards

Possible sanctions for any infraction of the rules or court instructions include:

- Increased frequency of court appearances
- Increased DOC supervision/contact
- Increased frequency of contact with Pioneer
- Completion of therapeutic workbooks or other written assignments (Judge must approve any request for this)
- Work crew/other community service hours (NOTE: If your community service hours become unwieldy, you may be sent to Geiger Corrections Center for a minimum of 30 days for stability and to work off those hours)
- Inpatient Treatment
- Incarceration in Jail/Geiger
- Termination from the TDC program

What if I need child care during my appointments?

There are resources for child care for your children while you are participating in all treatment requirements (including completion of assigned community service hours). Please discuss with a Pioneer case manager if child care is needed.

There is also free child care at the Children’s Waiting Room, located in the courthouse complex, where your children may stay while you are at court appearances. Anyone with children is expected to discuss potential child care needs with a Pioneer case manager, preferably during the Observation Period. Please do not bring your young children with you to court.

What if I want to travel outside of Spokane County?

If you need to travel outside Spokane County for any reason, you must first contact your primary counselor (PC) at Pioneer to request permission to leave. If your request is approved, the permit will be issued. If you are currently on DOC supervision for a felony conviction, you must also secure a travel permit from your CCO. You must also notify your PC and CCO immediately after you return to Spokane County.

What if I have a mental health condition?

You are expected to **fully** disclose and keep your Pioneer case manager updated about your condition, mental health care, (including any changes in providers or medications), and mental health history, so the TDC Team can assist you with your ongoing recovery. Although we are willing to be flexible and work collaboratively with your mental health providers, there may be some mental health symptoms that are too severe to allow for participation in the TDC program.

What if I have a serious medical condition?

In general, we are willing to be flexible and work collaboratively with your medical doctor if you have a serious medical condition. You are expected to **fully** disclose and keep your Pioneer case manager updated about your condition, current medical care, and medical history. You must provide Pioneer with verification from your medical practitioner for any absences, contagious medical conditions, and anything that impacts your ability to participate in the program.

Please refer back to the section on “***Medical Needs***” (pg. 10) regarding your use of only one medical group/PCP and one pharmacy. If, however, you are required to have more than one medical provider (e.g., a primary care physician and a psychiatrist), we require you to sign Releases of Information (ROIs) between and among all of them and the TDC Team to ensure continuity of care.

Participants with contagious diseases (such as Hepatitis C and HIV) **are permitted** to participate in the TDC program. Individuals with communicable diseases will be referred to Spokane County Regional Health District to ensure appropriate measures are taken so others do not become infected. There may be some serious medical conditions that are too severe to allow for participation in the TDC program and will be reviewed on a case-by-case basis.

May I use prescription medications while in the program?

TDC participants are expected to be chemically free. If at any time you are prescribed medication while you are in this program, you must have your health provider fax the required medical letter to Pioneer and you must use the medication strictly as directed. Please know that TDC participants are not allowed at any time to use “medical marijuana” recommended by the medical marijuana card. Use of any medication not currently prescribed for you is strictly forbidden.

TDC participants are expected **NOT** to use narcotic or addictive medications for ongoing treatment of chronic pain. If needed, we can refer you to pain management resources for medical management to assist you in tapering off such medications.

Participants **will not** accrue sobriety time until all narcotic-based or potentially addictive medication is no longer being prescribed or used. Sobriety time is affected regardless of whether the prescription medication is approved and verified. Drug testing will check for these and other substances.

What about medications specifically to treat opioid addictions?

If you are already receiving Medically Assisted Treatment (MAT) from either a recognized provider (i.e., Spokane County’s Opioid Replacement Therapy) or a private physician, you must sign an ROI at your initial assessment so that we can speak directly with your provider.

Medications to treat opioid addictions (cont):

At any time during your TDC program, including during the Observation Period, if you are thinking about **starting** an MAT program to assist you in recovery efforts, you must speak **first** with your PC about it. The PC and Clinical Director will determine if MAT is clinically appropriate for you. If so, you must sign ROIs between the Team and the MAT provider to ensure continuity of care.

Use of any other substances, including marijuana, alcohol, or medication not currently prescribed for you, is strictly forbidden.

What are grounds for termination?

You will be terminated from the TDC program for a variety of reasons. Although a relapse is not absolute grounds for termination, a continual inability to meet your ISP goals (including, but not limited to, ongoing abstinence) will result in, at minimum, a termination hearing.

There are several grounds for possible termination. These include, but are not limited to:

- Possession of a weapon in your residence, car, or on your person.
- Any new criminal charge(s).
- Living with another TDC participant, other than in approved Oxford Housing.
- Corrupting or negatively influencing another TDC participant, including initiating an intimate relationship.

Grounds for termination (cont)

- Tampering with any specimen for drug testing, using the urine of someone else for your own, or allowing someone else to use your urine for their sample.
- Flushing, adulterating, diluting, mouth coating, using charcoal, or utilizing any other method to attempt to mask use.
- Consistent and repeated non-compliance with treatment recommendations.
- Non-compliance with court orders or program requirements.
- Being in warrant status.

What happens if I am terminated from the TDC program?

The TDC Judge will hold a termination hearing, at which the Judge will review your TDC performance and make a decision on termination. The termination will be followed by an abbreviated trial on the felony charge(s) that originally brought you to the TDC.

When you opted in to the TDC program, you stipulated to the facts in the police report(s) and agreed to waive your right to a jury trial. The Judge will review the police reports and the Affidavit of Probable Cause. If the facts alleged provide sufficient facts to support a finding of guilt, the Judge will pronounce you guilty and impose a sentence.

IV. GRADUATION

When you have successfully completed the TDC program and all treatment requirements, you will graduate and your felony charge(s) that originally brought you to TDC will be dismissed. You will receive your dismissal order from the TDC Judge in the courtroom at monthly Graduation Ceremonies. You may also receive various gifts from the TDC Team and the community that recognize and celebrate your accomplishment of achieving a drug-free life. Your family, friends, employers, counselors, and sponsor are welcome to come to the Graduation Ceremony.

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