



DWI/DRUG COURT

PROGRAM OUTLINES~

Supervision in program is provided by DWI Court Team comprised of: judge, supervision officer, court coordinator, bailiff, substance abuse counselor, psychologist, court-appointed defense attorney, and district attorney, as needed.

Substance abuse evaluation is completed prior to admission to determine if chemically dependent.

Program length ideally one year but can last longer, if needed.

Three phases to Program:

Phase 1: Lasts three months, requires weekly reporting to DWI Court Team in court, participant must complete Intensive Out-Patient (IOP) counseling.

Phase 2: Last three months, requires bi-weekly reporting to the DWI Court Team in court, participant must complete Supportive Out-Patient (SOP) counseling, show proof of having a relapse management plan and complete any other educational programs required by supervision order such as DWI Class or Victim Impact Panel.

Phase 3: Six months, requires once weekly reporting to DWI Court Team in court, participant actively works relapse management plan, establishes overall stability.

During all phases and in addition to reporting to court, participants report monthly to the supervision officer in the Community Supervision and Corrections Department (CSCD).

Throughout entire program, participant submits to random urinalysis testing (UA) via in-person requests made by the DWI Court Team members and the random UA call-in phone line.

Typically, the participant will use either a SCRAM or Soberlink (alcohol monitoring devices) for the first 90 days in program.

All participants must have a deep lung device (DLD) on the car they drive.

Participants are issued an Occupational Driver's License (ODL) order, when eligible.

Participants sign and abide by DWI Court Participant Contract. (Attached)

Participants attend and document two Alcoholics Anonymous (AA) meetings weekly.

SUPERVISION OFFICER DUTIES~~

Explain and enforce all conditions of supervision.

Explain and enforce all rules of DWI Court Program Contract.

Explain, enroll, and monitor compliance with the random phone line UA call-in notification system (done daily).

Review and monitor compliance with deep lung device requirements (Deep lung device instructions and guidelines). (Attached)

Review and monitor proper use of SCRAM and Soberlink alcohol monitoring devices.

Verify DL status via DPS DL checks.

Monitor counseling status via direct contact with counselors.

Prepare and submit report and record individual participant progress and report to DWI Court Team at weekly staffings.

Explain and administer sanctions applied to participants for non-compliance to the conditions of supervision or DWI Court Contact, as provided by the Sanction Matrix document. (Attached)

Explain and encourage proper UA testing as per the UA testing instruction document. (Attached)

Enforce compliance with the provision of the Occupational DL order.

Monitor participant vehicle to assure it has proper inspection and registration.

Schedule court appearances.

Appear and participate at all court appearances with the participant as they report to the DWI Court Team.

Conduct monthly office reports with participants.

Monitor phase progress in program.

Monitor and record participant sobriety date.

Conduct weekend urinalysis drug testing to provide a more comprehensive testing program.

Conduct field visits.

Initiate and conduct special staffing with the DWI Court Team as crisis situations arise, i.e., relapse of substance abuse.

File motion to revoke supervision for program non-compliance.

Testify at motion to revoke hearings on behalf of the DWI Court Program.

Perform all CSCD casework responsibilities, keep chronological record, score Risk Needs assessment tool, formulate treatment plan, make referrals, complete force field analysis, establish criminogenic risk and needs.

Verbally encourage participant and assess rewards for exceptionally good conduct such as a reduced DWI court reporting, early termination from SCRAM or Soberlink, decreased UA testing, reduced CSCD office reporting, removal of deep lung device when eligible.

Obtain participant signature on all required waiver of confidentiality documents.

Explain and enforce compliance with alcohol abstinence testing and incidental exposure contract. (Attached)

Monitor participant use of prescription medication.

Aid and instruct participant in obtaining Occupational DL from the court.

Set participant program graduation dates as approved by DWI Court Team.

DWI/Drug Court
PARTICIPANT CONTRACT
Collin County Court at Law No. 5 DWI//Drug Court Program

TODAYS DATE: _____

1) I, _____, with a DOB:
_____, CELL NO: _____, HOME PHONE:
_____, and home address of
_____.

have been found guilty of the offense of (DWI 2nd) driving while intoxicated OR _____ in Cause No. _____.

In lieu of the possible punishment that has or could be imposed in connection with these offenses, I am hereby voluntarily entering into this Contract and agree that I am bound by its terms. _____

2) I understand that the validity of this contract is conditioned upon my eligibility for the DWI/Drug Court Program. If at any time after the execution of this agreement and in any phase of the DWI/Drug Court Program, it is discovered that I am, in fact, ineligible to participate in the program, I may be immediately terminated from the program and criminal proceedings will be reinstated. I will not be allowed to withdraw my previously entered plea of guilty unless my ineligibility is based on facts or information which should have been known to the prosecutor prior to DWI/Drug Court admission, or upon Constitutional grounds.

3) I understand that if I enter this program and fail to complete it, I may be barred from future participation. _____

4) I understand that participation in DWI/Drug Court involves a minimum time commitment of twelve months, and may include an aftercare component consisting of up to an additional six months. _____

5) I understand that during the entire course of the DWI/Drug Court program, I

will be required to attend court sessions, treatment sessions, submit to random drug testing, remain clean and sober, and law-abiding. I agree to abide by the rules and regulations imposed by the DWI/Drug Court Team. I understand that if I do not abide by these rules and regulations, I may be sanctioned or terminated from the program. _____

6) I understand that sanctions may include time in custody, increased treatment episodes, increased testing, bail bond forfeiture, community service and such other sanctions as may be deemed appropriate by the DWI/Drug Court Team utilizing the Collin County Progressive Sanctions Matrix. _____

7) I agree to cooperate in an assessment/evaluation for planning an individualized drug treatment program adequate to my needs. I understand that my treatment plan may be modified by the treatment provider or the DWI/Drug Court Team as circumstances arise, and I agree to comply with any modified requirements. _____

8) I understand that I will be required to pay a program fee of \$400.00, which may be made in installments, which I will still be responsible for should I be discharged unsuccessfully. _____

9) I understand that I will be required to pay for some or all of the cost of my treatment, and I will complete a financial declaration if necessary. _____

10) I understand that I will be tested for the presence of drugs in my system on a random basis according to procedures established by the DWI/Drug Court Team and/or treatment provider. I understand that I will be given a location and time to report for my drug test. I understand that it is my responsibility to report to the assigned location at the time given for the test. I understand that if I am late for a test, or miss a test, it will be considered "dirty" and I may be sanctioned. _____

11) I understand that substituting, altering or trying in any way to change my body fluids for purposes of testing will be grounds for immediate termination from DWI/Drug Court. _____

12) I understand that participating in DWI/Drug Court requires me to be drug and alcohol free at all times. I will not possess drugs (including marijuana) or alcohol, or drug or alcohol paraphernalia. I will not associate with people who use or possess drugs, nor will I be present while drugs or alcohol are being used by others. _____

- 13) I agree to be drug/alcohol tested at any time by a police officer, probation officer, treatment provider, or at the request of the court or of any agency designated by the court. If I fail to submit to this test, the Court will view this as a positive result and it will result in a jail sanction or possible removal from the program. _____
- 14) I understand that I may not possess any weapons while I am in DWI/Drug Court. I will dispose of any and all weapons in my possession, and disclose the presence of any weapons possessed by anyone else in my household. Failure to dispose and/or disclose may result in termination from DWI/Drug Court and possible prosecution for any illegal possession of any weapon. _____
- 15) I agree to inform any law enforcement officer who contacts me that I am in the DWI/Drug Court program. _____
- 16) I understand that I may not work as a confidential informant with any law enforcement agency while I am in DWI/Drug Court, nor may I be made or encouraged to work as a confidential informant as a condition of my full participation in the DWI/Drug Court program. _____
- 17) I may not participate in DWI/Drug Court if I am currently an affiliated gang member. _____
- 18) I will inform all treating physicians that I am a recovering addict, and may not take narcotic or addictive medications or drugs. If a treating physician wishes to treat me with narcotic or addictive medications or drugs, I must disclose this to my treatment provider and get specific permission from the DWI/Drug Court Team to take such medication. _____
- 19) I agree to be responsible for what goes into my body that may affect drug test results. Before taking medication of any kind, I will check with the pharmacist to ensure that it is non-narcotic, non-addictive and contains no alcohol. I will pre-register any and all medications, prescribed or over-the-counter, with my treatment provider and with the DWI/Drug Court. _____
- 20) I agree that I will not leave any treatment program without prior approval of my treatment provider and the DWI/Drug Court Team. _____
- 21) I understand that I may dispute positive test results, but that re-testing will be at my expense, and that I may face more severe sanctions for a re-test that is still positive. _____

- 22) For the purposes of regular DWI/Drug Court review hearings, I agree to waive my right to have my attorney of record present. I understand that my case may be discussed without my attorney or the prosecutor present. _____
- 23) I understand that my individual course of treatment may include residential treatment, education, and/or self-improvement courses such as anger management, parenting or relationship counseling. _____
- 24) I understand that during the early phases of treatment and recovery, I may be precluded from working or from gaining employment. I further understand that within the time directed by the DWI/Drug Court Team, I will seek employment, job training and/or further education as approved by the DWI/Drug Court Team, and that failure to do so may result in sanctions or termination. _____
- 25) I agree to keep the DWI/Drug Court Team, treatment provider and law enforcement liaison, if any, advised of my current address and phone number at all times and whenever changed. My place of residence is subject to DWI/Drug Court approval, and I will not leave Collin County without prior approval from the DWI/Drug Court Team. _____
- 26) I agree to keep the DWI/Drug Court Team and my probation officer advised of any new arrest or any contact with law enforcement immediately upon being released from jail or an officer at any time. _____
- 27) As a condition of participation in this program, I agree to the search of my person, property, place of residence, vehicle or personal effects at any time with or without a warrant, and with or without reasonable cause, when required by a probation officer or other law enforcement officer. _____
- 28) I agree to execute the Consent for Disclosure of Confidential Substance Abuse Information. I understand that any information obtained from this release will be kept apart from the Court file. _____
- 29) I understand that my failure to successfully complete and graduate from the DWI/Drug Court program will result in re-instatement of criminal proceedings against me. I understand that my failure to complete DWI/Drug Court cannot be a basis for withdrawing my previously entered guilty plea. _____
- 30) I further understand that should I test positive for drugs and/or alcohol after I have had the DLD unit removed I will be required to have it reinstalled. _____

31) I understand that if I am called in for a random UA I have to submit that same day and if I fail to do so or forget, it will be considered the same as failing the test or testing positive and may result in jail sanctions. _____

32) I understand that the Probation Dept. and Court work together as a team. I will not blame my failure to report, submit to a UA or any other requirement as requested on communication with the Court or Probation. I will also request a travel permit through my probation officer and from the Judge as well. I WILL NOT leave messages for Court staff advising them I will not be reporting to DWI/Drug Court due to scheduling conflicts, if so, I understand that there may be a 3 day jail sanction. _____

I have read, understand and have had the opportunity to ask any questions in regards to the above contract and I understand what I have read. I am willing to enter into this agreement with the County Court at Law No. 5 Program.

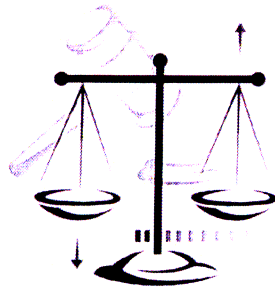
Participant's Signature

Date

Judge Dan K. Wilson

DWI/Drug Court Judge

Date



COURT 5 DWI/DRUG COURT PROGRAM ORIENTATION

Please initial each line indicating that you understand these policies.

GENERAL:

- _____ Program fee of \$400.00 (Separate from other costs), due even if discharged;
- _____ Be on time, dress appropriately, turn off cell phones, do not use foul language and be respectful to all Court staff;
- _____ Notify Court/PO of any new arrest immediately;
- _____ Notify Court/PO of any changes in your address, employment or phone numbers;
- _____ IF YOU MISS A COURT APPEARANCE YOU MUST HAVE A DR.'S NOTE/OR OTHER EVIDENCE OF EMERGENCY.
- _____ You are required to bring your AA Sheet with you to your Court appearances;
- _____ PLEASE REFER TO BROCHURE IF YOU ARE UNSURE OF ANY POLICIES AND CONTACT THE COURT WITH ANY QUESTIONS;
- _____ You agree to abide by the terms and conditions of the Alcohol Abstinence Testing and Incidental Alcohol Exposure Contract;

AA/TREATMENT:

- _____ You are to begin AA/NA immediately; BRING YOUR AA/NA SHEET TO COURT WITH 2 MTGS. A WEEK.

UA's:

- _____ YOU WILL BE REQUIRED TO CALL THE UA LINE EVERY DAY BY 9:00 AM; PLEASE REFER TO BACK OF CARD;
- _____ IF YOUR UA IS DILUTE IT IS CONSIDERED A POSITIVE; GO OVER WATER DIRECTIONS, REVIEW BACK OF CALL-IN CARD;
- _____ YOUR FAILURE TO APPEAR OR CALL IN FOR YOUR RANDOM UA MAY RESULT IN JAIL SANCTIONS;

_____ IF YOU **ADMIT** YOU HAVE USED PRIOR TO YOUR UA, YOUR CONSEQUENCES WILL BE LESS SEVERE THAN IF YOU HAVE BEEN DISHONEST WITH THE JUDGE OR COURT STAFF;

_____ IF YOU ADMIT THAT YOU HAVE USED AND YOUR UA COMES BACK POSITIVE FOR ANY OTHER SUBSTANCE THAN WHAT YOU ADMITTED TO YOU WILL HAVE ADDITIONAL SANCTIONS;

MEDICATIONS:

_____ NOTIFY COURT/PO OF ANY NEW RX IMMEDIATELY;

_____ YOU **ARE NOT** TO TAKE RXS THAT ARE NOT YOURS;

DLD/SCRAM:

_____ FAILURE TO SUBMIT TO BREATH TEST ON THE DLD WHEN REQUIRED MAY RESULT IN A SANCTION BY THE COURT (Rolling test, scheduled test, etc.)

_____ FAILURE TO DOWNLOAD SCRAM UNIT OR ABIDE BY ADDITIONAL CONDITIONS ON EITHER OF THESE DEVICES MAY RESULT IN A SANCTION;

_____ YOU WILL NOT BE ELIGIBLE TO HAVE THE DLD REMOVED UNTIL YOU HAVE BEEN IN THE PROGRAM FOR ONE HALF OF THE TERM OF YOUR PROBATION WITH NO SETBACKS/POSITIVE UAS, ETC (Not from the date you got it on prior to entering your plea).

PLEASE SIGN AND INDICATE THAT YOU HAVE READ AND UNDERSTAND THE FOLLOWING POLICIES AND PROCEDURES THAT THE COURT HAS REVIEWED WITH YOU ON THIS DATE _____, 2013.

Print

Sign

**Collin County Court at Law #5 DWI Court Program
Deep Lung Device Use Instructions and Guidelines**

You must follow the instructions and guidelines listed below. If you fail to comply, you will be sanctioned by the DWI Court Team.

1. Driver of vehicle submits to testing;
2. Other persons may drive vehicle and you are responsible for their testing;
3. Driver needs to be seated in the driver's seat facing forward and upright looking towards the front windshield when testing;
4. Submit to all initial and rolling retests within the specific time frames as required by service provider;
5. Do not leave vehicle running unattended;
6. Anytime the vehicle ignition is engaged, you must submit to testing;
7. When turning vehicle off, make sure deep lung device immediately "powers down";
8. Keep a water bottle in your vehicle and rinse your mouth prior to all tests;
9. Do not eat or drink anything (other than water) or use tobacco, chewing gum, breath fresheners, or any sucker mints within 15 minutes of any test. **PREPARE BREATH FOR TEST;**
10. Do not spray perfume, hairspray, or any other aerosol in vehicle;
11. Read the results of each test on your device and if alcohol is detected, immediately submit two (2) more tests;
12. Immediately phone your supervision officer if alcohol is detected;
13. Immediately report vehicle repairs to your supervision officer and deep lung service provider and document the repair by the vehicle repair shop;
14. You must get prior approval by your supervision officer if you are personally making vehicle repairs;
15. Honor all device re-calibration and service appointments with deep lung provider;
16. Keep this document in your vehicle;
17. Follow all device use instructions of your service provider;
18. You may not operate any motor vehicle such as, but not limited to, car, truck, boat, or motorcycle under any circumstances unless equipped with a properly functioning deep lung device with camera.

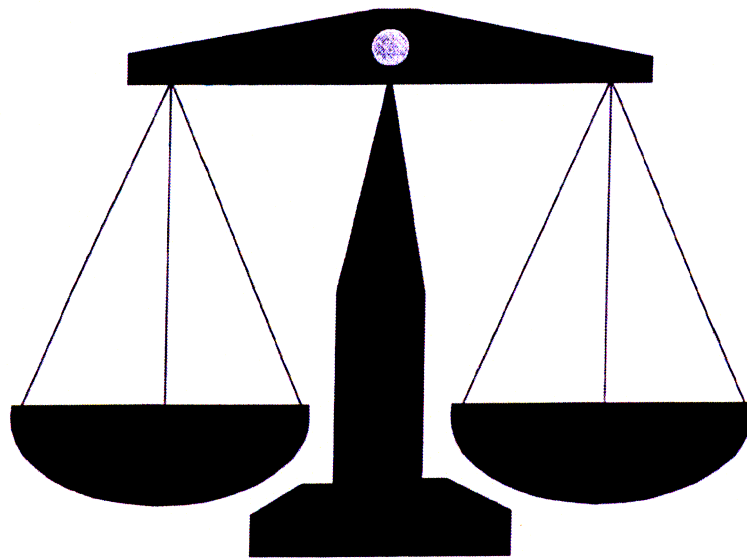
Offender

Date

Supervision Officer

Date

**COLLIN COUNTY
COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT**



**SANCTION MATRIX
FOR
DWI COURT, COURT AT LAW 5**

As a participant in the DWI Court Program you are expected to comply with the conditions of supervision and the DWI Court contract. All participants will be held accountable for non-compliance. Noncompliance will result in sanctions as determined by the DWI Court Team. The DWI Court Team will select and impose sanctions that decrease the likelihood that the DWI Court participant will engage in undesirable behavior in the future. Progressive Sanctions may be used individually or collectively to address any single noncompliance issue. The sanctions listed are not an exhaustive list. Sanctions are not listed in any specific order and sanctions imposed will be based on individual circumstances related to the noncompliance behavior and the defendant's needs. Continued violations will result in progressive sanctions providing more severe consequences for undesirable behavior.

DWI COURT NON COMPLIANCE SANCTIONS

Verbal Reprimand
Increased Reporting to CSCD
Increased Reporting to Court
Added Community Service Hours
Fine as Sanction
Extended time in the Program
Extended time in a Phase
Increased UA testing
Complete a Corrective Action Plan work sheet
Withdrawal of Occupational Driver's License Order
Increased Out Patient Counseling (Substance Abuse, Corrective Thinking, etc.)
Inpatient Substance Abuse Counseling
Increased AA attendance
Placement in SCORE Program
Electronic Monitoring/GPS includes possible House Arrest
Curfew
SCRAM
Extended time on DLD, Reinstallation of DLD, Loss of DLD Removal Option
Jail time from 1 to 30 days
Urinalysis Call-In Daily Log
Termination from DWI Court Program which results in jail time, regular probation, reassessment of the original fine and Community Service Hours
Extension of Supervision term
Motion to Revoke or Adjudicate Probation

Offender

Date

**Collin County Court at Law #5 DWI Court Program
Urinalysis Testing Instructions and Guidelines**

1. You may be asked to submit to a urinalysis at any DWI Court appearance, CSCD report, or at any other time as required by any DWI Court Team member. BE PREPARED;
2. Do not consume any more than 8 ounces of any liquid per hour for three (3) hours prior test submission and limit caffeine use;
3. Inform your supervision officer of any medication which you take having a diuretic effect or that requires you to drink excessive fluids;
4. Inform your supervision officer if you suffer from diabetes insipidus, renal failure, renal tubular necrosis, or severe kidney infection;
5. Do not drink excess fluids to insure providing a sample as the body naturally produces approximately 0.5 ml of urine per minute;
6. Do not ask your supervision officer or UA technician if your urine appears dilute at the time of collection. Not diluting a sample is your responsibility;
7. Follow instructions of the call-in random urinalysis system as per the instruction card provided by your supervision officer.
 - a. Post three (3) copies of instruction card in areas you frequently travel as a daily reminder;
 - b. Your supervision officer's work voicemail will inform you of the call-in line phone number in the event that your instruction card or call-in phone number is lost.

Offender

Date

Supervision Officer

Date

ALCOHOL ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the Collin County DWI Court testing program, it is necessary for us to restrict and/or advise DWI Court participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol; however, this list is not all inclusive. It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them. ***Use of the products detailed below in violations of this contact will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume, or apply.***

_____ **Cough syrups and other liquid medications:** DWI Court participants have always been prohibited from using alcohol-containing syrups, such as Nyquil. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. DWI Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

_____ **Non-alcoholic Beer and Wine:** Although legally considered non-alcoholic, non-alcoholic beers (e.g. O'Doul's, Sharp's) do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. DWI Court participants are **NOT** permitted to ingest non-alcoholic beer or non-alcoholic wine.

_____ **Food and Other Ingestible Products:** There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Gingko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked in wine, and flambé dishes (alcohol poured over a food and ignited such as Cherries Jubilee, Baked Alaska) must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest.

_____ **Mouthwash and Breath Strips:** Most mouthwashes (Listerine, Cepacol, etc.) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. DWI Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by DWI Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative.

_____ **Chewing Gum and Breath Mints:** Some chewing gum and breath mint brands contain alcohol sugars such as sorbitol. DWI Court participants must educate themselves as to the ingredients in a particular brand of gum or breath mint.

_____ **Hand Sanitizers:** Hand sanitizers (e.g. Purell, Germex, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary or repeated use of these products could result in a positive urine test. Hand washing with soap and water is just as effective for killing germs.

_____ **Hygiene Products:** Aftershaves and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the Court requires DWI Court participants to regulate their fluid intake to avoid dilute urine samples, it is likewise incumbent upon each participant to limit their use of topically applied (on the skin) products that contain ethyl alcohol.

_____ **Solvents and Lacquers:** Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. As with the products noted above, DWI Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive test result will not be excused by reference to use of an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, you need to discuss it with your probation officer. Do not wait for a positive test result to do so.

REMEMBER...WHEN IN DOUBT, DON'T USE, CONSUME, OR APPLY!

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

Signature of Participant

Date

Name (printed)