

Vigo County Drug Court Handbook

The Vigo County Drug Court program is a voluntary program offered to defendants who qualify for the program's eligibility criteria.

Drug Court Eligibility Criteria

1. Defendants charged with possession of a controlled substance or offenses where drug abuse or addiction is determined to be a factor and charge(s) is (are) not more than three months old or; defendants charged with OVWI who face HTV status if convicted; or defendants charged with OVWI, felony while on probation for first offense.
2. Defendants must have a diagnostic impression of dependence or abuse.
3. Defendants may have prior convictions.
4. Defendants must not be a violent offender or dealer.
5. Defendants with pending cases in other counties may be excluded.
6. Defendants must complete pre-drug court phase.
7. Defendant must enter guilty plea.

Drug Court consists of three program tracks based upon charges:

1. OVWI offenders, which is a 36 month program consisting of 180 probable cause license suspension, 90 consecutive days of breath tests, 180 days of home detention, 18 months of ignition interlock, and five phases.
2. C Felony offenders, which is a 24 month program consisting of four phases.
3. Other offenders, D Felony offenders, which is an 18 month program consisting of three phases.

The Program consists of the following phases:

PRE-DRUG COURT PHASE:

If you are willing and able to participate in the Vigo County Drug Court, you will follow the recommendations set forth at the time of your Drug Court evaluation. Those recommendations include, but are not limited to:

- § Submit to two drug screens each week on Monday and Thursday between the hours of 7:00A.M. – 11:30A.M¹;
- § Meet with case manager at least once a week;
- § Participate in treatment and self-help program;
- § Attend at least one drug court status hearing (Weds 11:00 a.m. to 12:30 p.m. in Superior Court, Div. 5);
- § Obtain or maintain employment;
- § Participate in other services recommended by Drug Court staff (GED, Parenting classes, etc.);
- § Make regular payments toward Drug Screens.

If you have followed the recommendations during the Pre-Drug Court phase then a favorable recommendation will be submitted to the Court that you be formally accepted into the program.

The first phase begins upon entering a plea agreement with the Vigo County Drug Court. Note the phase descriptions that follow are a general guideline for the program minimum requirements. Additional programming may result based upon compliance and need.

¹ You are subject to random screening during any phase.

PHASE I:

- § Submit to two drug screens each week - screens are conducted on Monday and Thursday between the hours of 7:00A.M. – 11:30A.M;
- § Meet with case manager at least once a week;
- § Participate in treatment and self-help program;
- § Carry pager;
- § Maintain employment;
- § Participate in other services if applicable (GED, Parenting classes, etc.);
- § Appear in Court when scheduled (minimum of every other week on Wednesdays at 11:00 a.m.);
- § Make weekly payments toward Drug Screens and Program Fees.

Sanctions:

Failure to provide a clean drug screen, providing a dilute screen², failure to appear for a required drug screen, and failure to participate in treatment and self-help program will result in writing assignments, community service, or jail time. You may also be required to enter more intensive treatment services. Failure to appear for Court will result in a bench warrant being issued for your immediate arrest.

Completion:

You may move to the next phase once you have achieved 2 months of clean drug screens. You must also be cooperative with all other assignments (including obtain a self-help sponsor). Failure to complete this phase in 6 months may result in your being removed from the program and a petition to enter judgment of conviction filed.

PHASE II:

- § Submit to one drug screen each week - screens are conducted on Tuesday between the hours of 7:00A.M. – 11:30A.M;
- § Meet with case manager at least biweekly;
- § Participate in treatment and self-help program;
- § Carry pager;
- § Maintain employment;
- § Participate in other services if applicable;
- § Appear in Court when scheduled (typically every 3 to 5 weeks);
- § Make regular payments toward Drug Screens and Program Fees.

Sanctions:

Same sanctions apply as in Phase I. You could also be returned to Phase I.

Completion:

You may move to the next phase once you have achieved 5 months clean. You must also be cooperative with all other assignments and have drug screen fees paid to date.

PHASE III:

- § Submit to two drug screens a month (randomly scheduled) plus random drug screens;
- § Meet with case manager at least once a month;
- § Participate in treatment and self-help program;
- § Carry pager;
- § Maintain employment;
- § Participate in other services if applicable;
- § Appear in Court when scheduled (typically every five to eight weeks);
- § Make payments toward Drug Screens and Program Fees;

² A dilute screen is treated as a deliberate attempt at over-hydration or excessive fluid intake.

Sanctions:

Same sanctions apply as in Phase I and II.

Completion:

The completion of Phase III requires you to comply with the above-mentioned requirements and remain clean. All fees must be paid up to date. D Felony participants may be eligible to graduate from the program any time after 12 months once that participant has achieved 12 months of clean screens, paid program and drug screens fees, and complied with all other recommendations.

Phase IV – OVWI and C Felony

- § Random drug screens;
- § Meet with case manager every six weeks;
- § Respond to all pages;
- § Participate in self-help program;
- § Make payments on drug screens and other applicable services.

Sanctions:

Previously listed sanctions apply.

Completion:

Completion of Phase IV requires you to appear for random drug screens and test clean, appear for appointments, attend self-help, and have all fees paid. This phase lasts for six months.

Phase V – OVWI defendants only

Phase V is a one year probationary period.

- § Random drug screens;
- § Respond to all pages;
- § No new offenses.

Sanctions:

Should you re-offend, a petition to enter judgment of conviction will be filed and you will face prosecution of the original charge. Upon sentencing, you will serve a minimum of 180 days incarceration (in addition to home detention and any jail time served as a sanction while in the program).

Completion:

At the conclusion of the program, you will have been in the program for three years. You will be required to appear at a status hearing at the end of the three years to have your charges dismissed.

Note for all drug court participants:

1. **The office reserves the right to refuse service to anyone who fails to abide by the following program guidelines: You must be dressed in an appropriate manner. This means you shall wear a shirt, shoes and have your pants up to your waist. You cannot wear any shirt promoting use of drug including alcohol nor be offensive toward a particular race or sex. You will be courteous to the staff.**
2. **A new arrest is grounds for dismissal from the program.**
3. **The Judge or Drug Court Team can make modifications to your placement in Drug Court based upon your compliance and/or needs.**
4. **At any point in the program, the Drug Court Team may decide to file a petition to enter judgment of conviction if you have not progressed through the program in a satisfactory manner.**

DRUG SCREEN GUIDELINES

Screening hours:

In Phase 1 (two drug screens per week) you need to report to this office on Mondays and Thursdays between the hours of 7:00 a.m. and 11:30 a.m. Female clients need to report after 8:00 a.m. unless special arrangement are made with the Drug Court Coordinator or Case Manager. In Phase 2 (one drug screen per week) you will need to report to this office on Tuesdays between the hours of 7:00 a.m. and 11:30 a.m. In Phase 3 (two drug screens per month) you will need to call this office the first business day of the month for your two regularly scheduled screens. The reporting times for Phase 3 clients are between the hours of 7:00 a.m. and 11:30 a.m. unless arranged otherwise. You must take a number when you arrive at the office.

At any time, the Field Officer, Coordinator, and Case Manager can conduct drug screens at your residence or workplace.

Payments:

The initial drug screen for assessment will be billed at \$25.00. After you have been found appropriate for Drug Court, there will be a \$10.00 charge for negative screens and a \$25.00 charge for positive drug screens. Payment is expected at the time of service. Should you fail to pay for screening, you will be refused further testing at your peril, and you may be considered for expulsion from the Drug Court. Please note that our office is unable to make change, and does not accept personal checks.

Random Screening:

You are subject to random drug screening and cannot refuse to comply with such a request no matter the number of screens you have already submitted to during that week or month. The Drug Court staff must be able to contact you by telephone or page. You are given no more than twenty-four hours notice to report to the Alcohol and Drug Program for a random screen. Failure to appear for a random drug screen is subject to sanction.

Failure to appear:

Should you fail to appear for a scheduled drug screen, you will be subject to sanction by the Drug Court. In addition, you will have to restart your respective phase. Further, the Drug Court staff has the authority to attempt to collect a sample at your residence or workplace in the event you fail to appear for a screen.

Failing to Provide a Urine Sample:

In the event that you attempt to provide a sample and fail to do so, you will be required to wait at the Alcohol and Drug Program until you provide an adequate urine sample. You will be provided with three attempts. If you are unable to produce on the third attempt, then you will be documented as a failure to produce. A failure to produce a urine sample is a sanctionable offense. In some instances, staff may have to leave the building, either for business purposes or the end the workday and, you will be documented as a failure to produce although you may not have had at least three attempts. Therefore, you need to allow enough time to be able to provide a urine sample. For example, if you appear at the Alcohol and Drug office at 11:30 a.m. you should not expect to be provided at least three attempts.

Positive Drug Screen:

A failed or positive drug screen will result in a sanction by the court. Depending on your case, you will most likely be required to enter more intense services and monitoring. You could be required to perform community service work, jail work crew, or short incarceration.

Holiday Scheduling:

In the event that a drug screen falls on a holiday you will be required to appear for the screen on the following business day or as scheduled by the Director of the Alcohol and Drug Program and/or Drug Court Coordinator. Our office posts green signs around the building advising of holiday closings. In the event that the office is closed a substantial number of days around the holiday then the Director of the Alcohol and Drug Program and/or Drug Court Coordinator will provide a schedule to report for screens.

Dilution:

A dilute screen is treated as a deliberate attempt at over-hydration or excessive fluid intake. Should you provide a dilute urine specimen, you will need to talk with the Drug Court Case Manager or Coordinator regarding steps to be taken to rectify the problem. You will be sanctioned for the first dilute specimen and if the problem persists then the sanctions will increase in severity. Adulteration and attempts to provide a fraudulent sample are grounds for immediate removal from the program.

PAGERS

Upon entry into the program, you may be provided with a pager and you will be required to have that pager on your person at all times. You must pay a \$32.00 refundable deposit and \$5.00 service charge prior to receiving the pager. You will then pay \$5.00 a month in advance for the pager service. OVWI cases will not be required to carry a pager while on home detention.

If paged with the number 462-3291 or 241-6366, you are to call it as soon as possible. Failure to respond to a page within 2 hours of call time will result in sanction. If any other number appears on the pager screen, you are to call the office immediately. The only people who have your pager number are the staff. If you lose or damage your pager, you will immediately inform staff. Damaged or lost pagers result in forfeiture of the \$32.00 deposit and subject you to sanction by the Court. The pager will indicate "Low Cell" when the battery nears the end of its life. You will need to replace the battery or you will risk sanction for not responding to a page.

ALCOMONITOR SUPERVISION

If you fail to appear as instructed testing, a "miss" will be recorded. Do not smoke, eat, or drink anything 20 minutes prior to testing to ensure a clean sample. Missed or positive breath tests are a sanctionable offense. As a condition of bond, OVWI client are required to submit to daily breath tests for at least 90 days between the hours of 7:00 a.m. and 11:00 a.m. on weekdays and 8:00 a.m. and 9:45 a.m. on weekends and holidays. Other clients may be required to take breath tests as a sanction.

HOME DETENTION (OVWI Only)

Once you are formally accepted into Drug Court, you will be given one week to report to Vigo County Community Corrections to sign up for home detention. Should you fail to report within one week, a bench warrant will be issued for your arrest. Once you sign up for home detention you will be given an appointment for orientation and hook-up. The initial cost of home detention is a \$100.00 for hook-up then \$35.00/week thereafter. You will be required to comply with Vigo County Community Corrections home detention for 180 days. While on home detention you must document (account for) all your time. Vigo County Community Corrections will provide you with further information regarding the home detention program.

IGNITION INTERLOCK (OVWI Only)

You will be given one week to make an appointment to have ignition interlock installed on your vehicle. You will be required to have interlock on your vehicle for at least 18 months. When you have interlock installed you will be provided with an orientation. Cost of interlock is \$159.00 plus tax every two months. A one-time installation fee of \$70.00 will need to be paid. Installation, monitoring, and removal are conducted at Don's Service Center, 1840 N. 3rd Street. Even though you may still have your driver's license suspended, you will still be required to have interlock.

DRIVER'S LICENSE (OVWI Only)

Your driver's license will be suspended 180 days from the time of your arrest. During your suspension period, you are not to drive. Driving while suspended will result in a jail sanction. When you receive your driver's license reinstatement notice, you should show it to your case manager to make sure that all information is correct. It is advised that you call the Bureau of Motor Vehicles to make sure that you do not have any additional fees or any other issues that may prevent you from your reinstatement. You can obtain your driver's license from the local branch. Your driver's license is conditional meaning that your vehicle must have interlock in order for you to legally drive. You will need to show your license to your case manager to make sure that all information on the license is correct. Once you have interlock removed, you will need to report to BMV to have a new driver's license issued.

MEDICATIONS

The goal of the Drug Court program is for you to maintain a drug-free lifestyle. With this in mind, the following policy has been established to ensure that expectations are clear and concise regarding the use of medications.

Over-the-counter (OTC) medications:

You are not to take over-the-counter medications containing alcohol or ephedrine based products. Note that ephedrine based products will not cause a positive drug screen for methamphetamine.

Prescribed medications:

In some instances, you may need to see a doctor for physical or mental problems. When this occurs, you should advise your doctor not to be prescribed any controlled substances. Should you be prescribed a medication, you must provide proof (prescription bottle) that validates the use of prescription drugs before the collection of urine.

CASE MANAGEMENT

After being found appropriate for the program, the Drug Court personnel will make a referral to treatment and advise you to attend all the requirements of Drug Court (this includes attendance at one Drug Court status hearing on Wednesdays from 11:00 a.m. to 12:30 p.m.). You will be required to complete an Individualized Referral Plan and sign the Vigo County Drug Court General Guidelines. You will also be given a local directory of self-help meetings, a Self-Help Attendance sheet, and a Vigo County Drug Court Handbook. You shall meet with the case manager once a week to address any issues of concern and we will be able to determine your willingness and motivation to participate in the program. You will need to provide your Self-Help attendance sheet to the case manager when you meet with him/her. This meeting is to be scheduled by appointment. One day before the further proceedings date, Drug Court personnel will send the Court an update advising the Court of your appropriateness for the program. Should you be found inappropriate then those issues will be documented on the update. The Court and Prosecutor will then determine acceptance into the program. Continued positive drug screens and failure to attend appointments, drug screens, and self-help meetings will most likely result in you being deemed inappropriate for Drug Court.

Once formally accepted into the program, you should report that day or next drug screening date.

The case manager will review expectations of the program and address any issues of concern. During Phase 1 of the program, you should be seen at least once weekly. Again, this meeting is scheduled by appointment when you report for drug screens. Program areas to be reviewed with you will involve, at a minimum, the following:

1. Drug screens;
2. Self-help attendance;
3. Treatment;
4. Ancillary services (G.E.D., Job training, parenting classes, etc.)
5. Fees.

Upon addressing issues of non-compliance, the case manager can advise you to report for more frequent drug screens or other types of chemical testing, attend more self-help meetings, increase level of treatment, obtain a sponsor, etc. based upon the issues needing addressed. In some cases, you can be subpoenaed for an earlier status hearing due to non-compliance. You should feel free to contact the office regarding any issues he/she may have. As you progress through the program, the need for you to be seen by the case manager will lessen. During Phase 2 of the program, you will be seen at least every other week, Phase 3 at least once a month, and Phase IV once every six weeks.

SELF-HELP EXPECTATIONS

You are required to participate in self-help programming. If you reside at a halfway house, you are required to abide by the house rules pertaining to self-help attendance (Fellowship House and Club Gobi require at least five meetings per week). The Court can also require attendance at additional meetings as a sanction. You will be required to provide written proof of attendance at these meetings. You will meet with the case manager to discuss self-help expectations. An area directory of self-help meetings will be given to you along with the Self-Help Attendance Sheet. You are required to provide documentation regarding the meeting date, time, location/name of the meeting, and the chairperson's signature. Upon reporting for drug screens, you are required to present this sheet to the Drug Court technician for documentation of meeting attendance. Then, the staff member places his or her initials to the side of the each meeting entry and returns the sheet to you. You will also need to provide the Sheet to the case manager for review. Once the Self-Help Attendance Sheet has been filled you will turn it in at your next status hearing. Meeting attendance should be spread throughout the week and you will be given credit for only one meeting per day. Forging meetings will result in jail and possible expulsion from the program.

Guidelines for Self-Help Attendance

1. You should attend meetings that are labeled as "open" which means that anyone interested in learning about recovery can attend. Closed meetings are for those individuals who identify themselves as addicts or alcoholics and have the desire to stop drinking/using.
2. Be mindful that in Alcoholics Anonymous (A.A.) meetings members identify themselves as alcoholics and in Narcotics Anonymous (N.A.) meetings members identify themselves as addicts.
3. Be respectful of the members attending the meeting.
4. Do not be disruptive to the meetings by arriving late and/or leaving early. Your sheet will not be signed should you arrive late or leave early.
5. You should turn your sheet in to the chairperson or designee at the beginning of the meeting. You will collect your sheet from the chairperson or designee at the conclusion of the meeting.

6. Do not “cross-talk” at meetings. Members share one at a time and do not engage in open conversation during the meeting. Open conversation is encouraged before and after the meeting.
7. Do not have another drug court client sign the sheet as the chairperson of the group. In the case where a client is chairperson of the group you should have another member of that group (group secretary, treasurer, or representative) provide his/her signature.
8. Provide proof of self-help attendance to the Drug Court technician and case manager every time you report for a drug screen.
9. Provide proof of self-help attendance at regular status hearings. For reporting purposes, weeks are calculated from status hearing to status hearing. For example, if you are required to attend two meetings per week and appeared at a status hearing on February 9, 2000 and are scheduled for another status hearing on February 23, 2000, you should have attended at least four meetings.
10. Meeting attendance should be spread throughout the week. This allows for interaction with the recovering community throughout the week. You will be given credit for only one meeting per day, which deters you from attempting to meet your quota by attending required meetings in one day or two days consecutive just before your status hearing. A meeting should be attended every 3 to 4 days.
11. You are to attend a variety of meetings and not limit attendance at one facility.
12. You are required to obtain a sponsor. A sponsor is someone that you can relate to, must have at least one year clean and sober, a working knowledge of the twelve steps and traditions, and attends meetings on a regular basis. Sponsors must be same sex. You must provide the first name of your sponsor and phone number to the case manager. The sponsor should not be a drug court client. You must have a sponsor before moving to Phase II.
13. Do get names and phone numbers of A.A./N.A. members and call the members for guidance and support.
14. Forging of self-help meetings will result in jail and possible expulsion from the program.

DRUG COURT STATUS HEARINGS

Initially, you will report to court every other week with fewer court appearances as you progress through the program. You must be dressed in an appropriate manner. Clothing shall be clean. Tank tops, muscle shirts, crop tops, frayed pants or frayed shorts may not be worn. Clean T-shirts are acceptable but may not promote the use of drugs, including alcohol, nor be offensive toward a particular race or sex. Drug Court is held on Wednesdays at 11:00 a.m. and typically lasts until 12:30 p.m. Generally, 20 to 25 clients are scheduled to appear for Drug Court. At the status hearing, the judge reviews your treatment, drug screens, self-help, and any other requirements of the program. Those who are compliant and further along in the program are called first and those non-compliant are called toward the end. First timers wait until the end. Should you be non-compliant then the Judge will impose a sanction. Both case managers are present for Drug Court, as well as treatment providers.

RESIDENCE & TRAVEL

While in Drug Court, you are to maintain permanent residence within the County or surrounding counties. Whenever you move you are to advise the program of your new address and phone number. If you wish to travel out of state, you are to obtain the Court’s permission to do so. You will be required to wear a sweat patch and drug screen before departure and upon your return. If you plan to travel outside the county for more than a 24-hours, you are to notify your case manager. You are not to frequent bars, taverns, and/or pubs. If you are seen at these places you will be subject to sanction by the Court.

COST OF DRUG COURT

As a part of the process, you will need to pay for the cost associated for participation in the program. A \$500.00 program fee is assessed, drug screens cost \$10.00/negative screen (positive assessed at additional \$15.00), treatment costs will vary upon individual case, and \$159.00 every two months for interlock (plus \$70 installation) and \$100.00 start up fee for home detention then \$35.00/week thereafter (for OVWI cases). Pagers are a \$32.00 refundable deposit at time of completion with a \$5.00 monthly service charge. Note prices are subject to change.

OFFICE HOURS

Monday, Tuesday, Thursday – 7:00 a.m. to 4:00 p.m.

Wednesday – 7:00 a.m. to 7:00 p.m.

Friday – 7:00 a.m. to 12:00 p.m.

Weekends and Holidays – 8:00 a.m. to 9:45 a.m. (breath tests, Antabuse, and payments only)

AGENCY LISTING**Hamilton Center, Inc.**

66 Wabash Court, TH, IN
812-231-8171

Recovery Associates, Inc.

605 Ohio Blvd., Suite 204, TH, IN 47807
812-478-5454

Vigo County Drug Court

124 S. 1st Street, TH, IN
812-462-3291
812- 241-6366 Field Officer

Vigo Superior Court, Division 5

33 S. 3rd Street, TH, IN
812-462-3266

Vigo County Community Corrections

104 S. 1st Street, TH, IN
812-462-3381

St. Ann's Clinic

1436 Locust, TH, IN 47804
812-232-7447

Indiana Workforce Development

30 N. 8th Street, TH, IN 47807
812-234-6602

Indigent Care

812-232-1264

Lifeline

812-235-8333