



Superior Court of New Hampshire
Drug Offender Program

New Hampshire
Adult Drug Court
Participant Handbook

Office of the NH Drug Offender Program
45 Chenell Drive
Concord, NH 03301
NHDrugCourts@courts.state.nh.us

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Introduction

Dear Prospective Participant,

You are being considered as a potential participant or have already been accepted into the Drug Treatment Court program. The team is committed to working with you and others who choose to participate in the program and who are willing to work toward making healthy lifestyle changes in support of their recovery.

This Handbook is designed to answer your questions and provide overall information about the Drug Court Program. It will detail what is expected of you as a Drug Treatment Court participant and review general program information.

As a participant, you will be expected to follow the instructions given in Drug Court by the Judges and to comply with the treatment plan developed for you by the treatment team and case manager. The Drug Court Team is confident that this program can help you learn how to make successful choices free of the influence of drugs and alcohol.

Reading and understanding the expectations of the program should help you decide if participating in Drug Court is right for you. The program is challenging but if you are willing to make the commitment, we think you will find it will give you the tools you need for a fulfilling and rewarding life.

If you have not already been accepted into the program and you have any specific questions or concerns, please direct those questions to your lawyer. If you have already been accepted into the program, please direct questions to the assigned probation officer, case manager or a treatment counselor. We look forward to your participation and success.

Sincerely,

Presiding Justice

Overview

Drug Treatment Court is a multi-phase intervention program designed for adults who have pled guilty and who are having difficulty staying sober.

It is a collaborative effort by several agencies that work together to seek to provide substance abuse treatment, psycho-educational programs and consistent supervision geared toward supporting and helping you maintain a drug-free life style.

Drug Treatment Court involves frequent court appearances, random drug testing, as well as group and individual counseling and community supervision. There is also a fee schedule/ restitution that you will need to comply with during your program.

The Drug Court awards incentives for healthy, appropriate behavior and imposes sanctions for negative behavior. Participants who do not comply with the rules may be subjected to sanctions (some of which are outlined in this handbook), up to and including, termination from the program.

All members of the Drug Treatment Court Team will assist you to be sure you understand what is expected of you.

Mission

The mission of Drug Treatment Court is to reduce recidivism and enhance community safety by providing participants whose chemical dependence has resulted in criminal behavior with treatment and community supervision. As an alternative to incarceration, this judicially supervised program will provide participants with the opportunity to promote their recovery to reduce crime, restore families, and successfully reintegrate participants into the community.

The Drug Court Team

The Drug Treatment Court Judge will make all decisions regarding your participation in the program, with input from the team. In addition to the Judges, the team includes the following members:

- Drug Treatment Court Coordinator
- Case Manager(s)
- Representative(s) from treatment agency
- Representative(s) from state probation & parole and other community supervision officers
- Representative(s) from county prosecutor office
- Representative(s) from public defender
- Representative(s) from law enforcement and / or House of Corrections

Additional team members may be added from time to time depending on need and availability.

Representative(s) from Transitional housing or shelter
Representative(s) from the medical community
Court Clerk
Program evaluator(s)

Prior to the Drug Court session, the Drug Court Team members meet to familiarize themselves with your progress and/or any stumbling blocks, so that they may discuss these issues with you during the Drug Court session.

Progress Reports

Before your Drug Court session, the Judge is given a progress report with information provided by the case managers, treatment providers and probation/parole officers. The progress report will include information about your drug test results, fee schedule compliance, attendance, participation and cooperation in the treatment program. The report will also review employment and other requirements that may have been imposed in previous sessions. If your progress reports indicate that you are doing well, you may be rewarded with reduced program requirements or other incentives. If your progress reports indicate that you are not doing well, the Judges will discuss the challenges with you and determine future action, which could include a sanction in order to help you remember your goals in the program. Sanctions range from increased program requirements to program termination.

Drug Treatment Court Hearings

As a Drug Treatment Court participant you will be required to appear in court on a regular basis. The number of times you must appear depends upon the phase of Drug Court you are currently in. Failure to appear at any court hearing can result in a warrant being issued for your arrest and detention in jail until you can appear before the court. If you have questions about your court appearances, you may contact the case managers for reminders.

Background Checks

As a drug court participant your criminal background can and will be run on a regular basis to ensure there are no pending warrants in our system. If the team finds a warrant you may be subject to arrest or be required create, or maybe assisted in creating, an action plan on how to resolve the warrant. The drug court will not supply a record check upon your request but can review it with your case manager. The drug court may run your record after completion of the program or termination from the program for statistical purposes.

Phases of Drug Treatment Court

Drug Court is an 18-24-month intervention program divided into multiple phases.

**After successful completion of the Intensive Outpatient Program component a participant transitions through a Rite of Passage ceremony / graduation into the second year called the Continuing Care Phase or higher level. A participant must successfully complete each phase before transitioning to the next phase. Each phase has a key concept or focus.

Phase I

Key Concept: *Recovery and Self-Assessment*

Length of Phase: Approximately 2-4 months

Requirements: Weekly Drug Court sessions; call in nightly for random drug testing and report into the office accordingly; attend and document at least 3 self-help meetings per week once oriented, attend IOP substance abuse treatment program and also adhere to the curfew.

Phase II

Key Concept: *Evaluate/Formulate Long-term Recovery and Substance-free Life Goals*

Length of Phase: Approximately 4-6 months

Requirements: Drug Court sessions every other week, call in nightly for random drug testing and report into the office accordingly; attend and document at least 3 self-help meetings per week, attend the IOP substance abuse treatment program, obtain employment or enroll in educational training program. Begin a restitution payment plan, and/or attorney's fees.

Phase III

Key Concept: *Reinforce a Sober and Legal Lifestyle.*

Length of Phase: Approximately 4-6 months

Requirements: Drug Court sessions once per month; call in nightly for random drug testing and report into the office accordingly and follow the rules of probation / parole; continued attendance at substance abuse treatment as outlined by treatment provider; attend and document self-help meetings each week; and maintain employment or participation in educational training program. Continue to make restitution payments, attorney's fees, and any other fees.

Continuing Care / Phase IV

Key Concept: *Ensure maintenance of a sober and legal lifestyle.*

Length of time: Approximately 4-6 months

Requirements: Attend treatment as directed; submit to random drug testing, follow the rules of probation, and case management. Maintain employment or participation in educational training program. Continue to make restitution payments, attorney's fees, and any other fees.

Continuing Care / Phase V

Key Concept: *Ensure maintenance of a sober and legal lifestyle.*

Length of time: Approximately 4-6 months

Requirements: Attend treatment as directed; submit to random drug testing, follow the rules of probation, case management. Maintain employment or participation in educational training program. Continue to make restitution payments, attorney's fees, and any other fees.

Confidentiality

State licensing requires that your identity and privacy be protected. In response to these regulations, The Drug Court staff, its case managers and treatment providers have developed policies and procedures that guard your privacy. In accordance with the HIPPA Laws, you will be asked to sign two Consents for Disclosure of Confidential Substance Abuse Information, one for the treatment provider and one for the case managers. This disclosure of information is for the sole purpose of hearings and reports concerning your specific drug court case and is a mandatory requirement of Drug Court. Anonymous information regarding your case will also be given to Evaluators to aid in Program Evaluation.

Drug Treatment Court Program Rules

As a participant you will be required to abide by the following rules, including, but not limited to;

1. Totally abstaining from the use of illegal drugs, alcohol, mind altering substances, supplements or synthetic drugs (e.g.: K2, bath salts, molly, inhalants, and flakka, kratom, or workout supplements). You are prohibited from selling, possessing, distributing, transporting or being in the presence of any controlled drugs, including synthetic substances.
2. Reporting directly to the closest Probation Parole office upon pleading into Drug Treatment Court.
3. Verbally informing your treating physicians (doctor, dentist, etc.) that you are in recovery and may not take narcotic addictive medications or drugs. **BEFORE** taking **ANY** medications that are prescribed or over the counter you must confirm with your case manager that you are allowed to do so. You must bring in any and all documentation from doctors' visits to your Case Manager.
4. Attending drug court sessions and treatment sessions as scheduled, submitting to random alcohol and drug testing, remaining sober and law abiding.
5. Refraining from associating with people who use or possess drugs. Refraining from associating with people who are on probation/parole, unless authorized by the Drug Court Team.
6. If you are going to be late for treatment, you must contact your counselor and case manager. If you need to reschedule an individual treatment or case management session (only if a drug test is not scheduled) a twenty-four (24) hour advanced notice is required. Failure to provide a 24 hour notice (except in cases of emergency), will result in a missed IOP, individual treatment session, or case management session for that week, and could result in a sanction. What constitutes an emergency will be at the discretion of the team and you are encouraged to ask your case manager what constitutes an emergency. Group sessions cannot be rescheduled; therefore if a participant misses a group session, this could result in a sanction.
7. Refraining from possessing any weapons while in the Drug Court program.
8. Participants are also expected to pay restitution, fees and fines as ordered by the court.
9. Keeping the Drug Court Team, case managers, treatment provider, and PPO informed of your current address

and phone number at all times. You must also obtain permission from your Probation officer and Case Manager to change addresses/residences.

10. As a condition of participation in the Drug Treatment Court program, your person, property, place of residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without probable cause, when required by a probation officer.
11. Participants are not permitted to travel outside of New Hampshire without permission from the assigned Probation/Parole Officer and case manager.
12. If you have police contact of any kind you are to report the contact immediately by phone to your Case Manager and PPO.
13. Dressing appropriately for court and treatment sessions.
14. Abiding by all other rules and regulations imposed by the Drug Court Team.

Fraternization

1. You are prohibited from associating with other Drug Court participants outside of drug court events (i.e. court or group) unless you have obtained prior permission from the team.
2. Participants are not allowed to live or stay with each other while in the Drug Court. Participants temporarily residing in emergency shelters and sober living facilities are the only exception, when prior authorization has been given by the team.
3. Participants who are related or have a history together should inform the team.
4. Participants may not rely on other group members for transportation, without permission. You are expected to develop a transportation plan with your case manager. At the discretion of the assigned PPO and Case Manager, participants may be able to ride together to program requirements including court, probation/parole, treatment, self-help meetings, or work.
5. Participants are advised to not be involved in any business transaction with other participants.

Overnight / Furlough and out of state travel

1. You are not permitted to spend any overnights outside your residence unless you have obtained prior authorization from your PPO and Case Manager after you have submitted the name and address of the person you will be staying with.
2. You are not permitted to travel outside of New Hampshire without permission from your PPO and Case Manager. They will bring the request to the team for approval. Make sure you give advanced enough notice for all the team member to weigh in on the decision.

Restitution / Fine / Fees

1. Once employed you will be asked to make a restitution payment plan with your PPO. This plan is to be paid monthly.
2. If you owe OCC, treatment, banks, license or other institutions money your case manager can help you develop a financial plan.
3. If at any time your employment status changes and you are unable to meet your financial obligations you are required to update your payment plans so there is no lapse in payment.

Sanctions, Incentives, and Therapeutic adjustments

Incentives

Upon the recommendation of the Drug Court Team, you may be given rewards or incentives for healthy and appropriate behavior. Common behaviors and incentives include but are not limited to:

Behaviors	Incentives
<ul style="list-style-type: none"> • Honesty • Starting employment/schooling • Participating positively in IOP • Getting a self-help sponsor or recovery coach • Effective communication with the team • Paying fines/restitution • Stable housing 	<ul style="list-style-type: none"> • Judicial praise/congratulations • Reduction of court appearances • Early advancement between phases • Called at the beginning of the docket • Selection from the “fishbowl” or candy • Bus passes • Curfew extension • Reduction of fees • Gift card

Sanctions

Sanctions will be imposed by the Drug Treatment Court Judges, upon the recommendation of the team, when / if you violate any of the Drug Treatment Court rules. Sanctions are imposed as immediately as possible, are sufficiently intensive to disrupt the negative behavior and are individualized to the participant and the behavior.

The response to the participant’s non-compliant behavior may include any of the following sanctions by the Drug Treatment Court:

Behaviors	Sanctions
<ul style="list-style-type: none"> • Positive drug/alcohol test/tampering with urine sample • IOP/court/drug testing no shows or tardiness (unexcused) • Disruptive behavior in group/lack of participation • Failure to comply with curfew/maintain appropriate residence • Failure to comply with (if applicable) restitution/fines or fees • Re-arrest • Failure to make court appearances/disruptive behavior in court 	<ul style="list-style-type: none"> • Increased court appearances • Anger management • Imposition of community service • Apology letter • Increased self-help requirements • Extension/reduction of phase • Imposition of electronic monitoring equipment • Unemployment classes • Employment search forms • Incarceration at the House of Corrections • Arrive early to IOP and or drug testing

****Participants who are dishonest may receive a more significant sanction than participants who are honest.**

TERMINATION FROM DRUG TREATMENT COURT

Warrants, new arrests or a significant violation of any aspect of a treatment plan may result in termination from the Drug Court Program. Other violations, which could result in termination, include the following:

- You can be subject to termination from Drug Treatment Court if you refuse substance abuse treatment or fail to give consent to release of information. Part of the treatment plan may require inpatient treatment. Failure to comply with the requirements of the recommended level of treatment may result in termination.
- Noncompliance with one’s individualized treatment plan may be grounds for termination.
- Lying or dishonesty can be grounds for termination.
- Failure to comply with the drug testing policy, housing policy, or other court order can be grounds for termination.
- Failure to remain arrest free.
- You can be subject to termination if you commit a new criminal or violation-level offense or engage in illegal activity for which you have not been arrested.
- You can be subject to termination if you use violence or threats of violence directed at anyone.

The final decision to terminate you from Drug Treatment Court will be at the discretion of a Judge after an evidentiary hearing on whether you should be terminated. You will have the right to legal representation at this hearing.

Termination Procedure

You will be informed by the judge during a court session of a recommendation for termination. A hearing will be scheduled and counsel will be re-appointed. At the time of the recommendation the state will ask for release or incarceration pending a bail hearing and / or the termination hearing. You will receive a written notice of the conduct triggering the recommendation for termination. The hearing should be held within 30 days whereby you and your lawyer will have the opportunity to be present, heard, and given the opportunity to cross examine witnesses. You can elect to waive your right to a hearing; however, we encourage you to do so only after an opportunity to discuss options with a lawyer.

The written notice will include the following information

1. What Drug Court(s) rule has been violated (for example).
 - Failure to comply with treatment and or treatment plan.
 - Failure to comply with the drug testing policy.
 - Failure to comply with housing policy.
 - Failure to comply with court order.
 - Failure to remain arrest free.
 - Failure to refrain from criminal activity.
 - Failure to appear.
 - Failure to be honest.
2. A Summary of the violation
 - An explanation of each of the violations.
 - The date of the violation.
 - The facts supporting the filing of the violation and the court's response to the violation.
3. Recommendation
 - Typically a recommendation will be provided to the court at the time of the hearing.
4. Pretrial credit that will apply to any sentence, modification or agreement.

SEARCH AND ARREST REQUIREMENTS

As a participant in Drug Treatment Court and while on probation parole you may have your person, vehicle, place of residence or personal effects searched. Search and seizure of narcotics, drugs or other contraband at any time of the day or night, with or without a search warrant, without prior notice and without probable cause can be made by any probation officer. Any Probation/Parole Officer who observes a current participant of Drug Court in any of the following circumstances is authorized to immediately arrest that individual:

- In violation of any criminal law.
- Ingesting/under the influence of a controlled substance or alcohol.
- Being in the presence of drug paraphernalia.
- Being in the presence of a person in possession of a controlled substance or alcohol.
- If a reasonable person in a like position, would conclude that drugs are present.

***Participants detained in jail after arrest will be discussed by the team either in staffing or electronically and may be released according to the sanction policy or transported to the next drug court session.*

CHEMICAL TESTING

You will be drug tested randomly throughout your entire Drug Court program by case management, PPO, and counselors, and other staff. This will be done randomly and consistently throughout the entire program.

1. You will be observed to ensure freedom from errors.
2. You will rinse off hands, select your own testing cup, emit the sample in the cup, secure the lid and hand

the cup back to the observer / monitor.

3. If you miss a test, it will count as a positive test.
4. Diluted urines count as a positive test.
5. Do not consume products that contain poppy seeds.
6. Refusal to report for a urine test or inability to produce in an allotted amount of time will result in a positive.
7. Specimen substitution and or adulteration will result in a positive.

HONESTY

The most important part of your recovery is to be honest with yourself and the team. In the event of a relapse, we have a tiered system of responses that depend on your accumulated time in the program but most importantly YOUR level of honesty.

1. Honesty - Admission within 24-48 hours of use to any team member or next time you encounter staff.
2. Partial honesty – Admission before urine sample is given but after 24-48 hours.
3. Dishonesty – Admitting only after confronted.
4. Dishonesty and lying – Denial during and after being confronted with a positive test result.

GRADUATION / RITE OF PASSAGE

Upon your successful completion of the IOP or other approved treatment program and satisfaction of all other Drug Court requirements, including continued sobriety, you will transition from the Intensive Outpatient Program component of Drug Treatment Court and transition to the Continuing Care Phase. Transitioning from the Intensive Outpatient component of Drug Treatment Court is recognized as a very important event. Your loved ones will be invited to join you at a special ceremony as the team congratulates you for successfully completing this component and transitioning to the Continuing Care Phase of Drug Court.

In order to provide you with a continuing support system and to ensure that you can maintain your valuable sobriety, you will be required to continue probation and participate in 12 months of sobriety monitoring administered through the Department of Corrections, Division of Probation/Parole. Also during this time you will continue to check in with the Drug Court Judge, call in for your color and meet with case management. This contact is the least restive portion of the program and is designed to monitor your sobriety and recovery plan.

Please take advantage of this opportunity to prove to the Drug Court Team and to our community that you are ready to start your new life as a productive, law-abiding member of society.

CONCLUSION

The goal of the Adult Drug Treatment Court is to help you achieve a life free from dependence on mind-altering substances. The Judges, and the Drug Court Treatment Team are here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make a commitment to a drug free life style.

Best Wishes,

The Drug Court Treatment Team

By signing this I acknowledge and agree to follow the rules contained in the Drug Court Handbook.
If I have any questions I will contact my case manager.

Signature

Date

Case Manager/Drug Court Staff

Date

=====

(Copy)
By signing this I acknowledge and agree to follow the rules contained in the Drug Court Handbook.
If I have any questions I will contact my case manager

Signature

Date

Case Manager/ Drug Court Staff

Date

**NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS, DIVISION OF FIELD SERVICES
TERMS AND CONDITIONS OF ADULT PROBATION**

The terms and conditions of probation, unless otherwise prescribed, shall be as follows:

1. I will report to the Probation/Parole Officer at such times and places as directed. I will comply with the Probation/Parole Officer's instructions and respond truthfully to all inquiries from the Probation/Parole Officer.
2. I will comply with all orders of the Court, Board of Parole or Probation/Parole Officer, including any order for the payment of money.
3. I will obtain the probation/Parole officer's permission before changing residence or employment or traveling out of state.
4. I will notify the Probation/Parole Officer immediately of any arrest, summons or questioning by a law enforcement officer.
5. I will diligently seek and maintain lawful employment, notify my employer of my legal status, and support dependents to the best of my ability.
6. I will not receive, possess, control or transport any weapon, explosive or firearm, or simulated weapon, explosive, or firearm.
7. I will be of good conduct, obey all laws, and be arrest-free.
8. I will submit to reasonable searches of my person, property and possessions as requested by the Probation/Parole Officer and permit the Probation/Parole Officer to visit my residence at reasonable times for the purpose of examination and inspection in the enforcement of the conditions of probation and parole.
9. I will not associate with persons having a criminal record or other individuals as directed by the Probation/Parole Officer unless Specifically authorized to do so by the Probation/Parole Officer.
10. I will not indulge in the illegal use, sale, possession, distribution, transportation or be in the presence of controlled drugs, or use alcoholic beverages to excess.
11. I waive extradition to the State of New Hampshire from any state in the United States or any other place and I agree to return to New Hampshire if directed by the Probation/Parole officer.
12. The following special conditions are imposed by the Court, the Parole Board or Probation/Parole Officer.

- A. I will participate regularly in Alcoholics Anonymous to the satisfaction of the Probation/Parole Officer.
- B. I will secure written permission from the Probation/Parole Officer prior to purchasing and/or operating a motor vehicle.
- C. I will participate and satisfactorily complete the following program:
- D. I will enroll and participate in mental health counseling on a regular basis to the satisfaction of the Probation/Parole Officer.
- E. I will not be in the unsupervised company of (female/male) minors at any time.
- F. I will not leave the county without permission of the Probation/Parole Officer.
- G. I will refrain totally from the use of alcoholic beverages.
- H. I will submit to breath, blood or urinalysis testing for abuse substances at the direction of the Probation/Parole officer.
- I. I will comply with the house arrest provisions hereto attached.
- J. Other:

I understand that if I violate any of the conditions of my probation/parole I will be subject to arrest with the court revoking my probation and imposing a sentence of confinement, within the legal limits for the underlying offense no matter what sentence was originally imposed by the Court. I hereby certify that I have this date received a copy of the rules and regulations of probation/parole. I have read and had read to me the rules and I fully understand and agree to comply with them.

Signed: _____
Probationer/Parolee

Witnessed this _____ day of _____, 20

Witness and Title: _____ Probation/Parole Officer