

Kane County Adult Felony Drug Court
PARTICIPANT PERFORMANCE CONTRACT

I, _____, have entered guilty pleas in Case No. _____.

In return for the opportunity to participate in the Kane County Felony Adult Drug Court Treatment Program, I have consented to enter the Kane County Felony Adult Drug Court. I understand and agree to the following:

I. DRUG COURT ACCEPTANCE, PARTICIPATION AND REMOVAL

___ 1) I understand that by entering into this Contract, I am bound by its terms. I understand that if I am accepted into the Kane County Adult Felony Drug Court and Treatment Program (“Drug Court”), it will be as a result of a Plea In Abeyance, as a Condition of Probation, or as a term of Parole. I understand that in addition to the terms of this agreement, I am bound by the terms and conditions of the Plea Agreement, Plea In Abeyance Agreement, and/or Probation/Parole Agreement.

___ 2) I understand that the goals of Drug Court are to stop the abuse of alcohol and other drugs/substances and the criminal activity related to that abuse.

___ 3) I understand that I may not participate in Drug Court if I am an affiliated gang member.

___ 4) I understand that I may not work as a confidential informant with any law enforcement agency while I am in Drug Court, nor may I be made or encouraged to work as a confidential informant as a condition of my full participation in Drug Court.

___ 5) I understand that the Drug Court is controlled and handled by the Drug Court Team which consists of the Drug Court Judge, the Prosecutor (Kane County Attorney), the Public Defender, the Treatment Specialist (Southwest Mental Health), the Drug Court Tracker (Kane County Sheriff), Drug Court Case Manager (Sixth District Court Clerk), and Drug Court Coordinator (Kane County Attorney’s Office). I understand that a representative from Adult Probation and Parole will also be involved with the Drug Court.

___ 6) I understand that if I fail to satisfactorily complete Drug Court, the Court will remove me from the program, revoke my Plea In Abeyance Agreement or probation and impose sentence in accordance with the provisions of the law.

___ 7) I understand that the validity of this contract is conditioned upon my eligibility for the Drug Court Program. If at any time after the execution of this agreement and in any phase of the

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 Drug Court admission, or upon Constitutional grounds.

___ 8) I understand that my failure to successfully complete and graduate from the Drug Court program will result in re-instatement of criminal proceedings against me. I understand that my failure to complete Drug Court cannot be a basis for withdrawing my previously entered guilty plea.

___ 9) I understand that if I enter Drug Court and fail to complete it, in addition to the potential of serving time in the Utah State Prison, I may be barred from future participation.

___ 10) I understand that during the entire course of Drug Court, I will be required to attend court sessions, treatment and education sessions, submit to random drug testing, remain clean and sober, and law-abiding, and abide by other conditions imposed by the Drug Court. I agree to abide by the rules and regulations imposed by the 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.

___ 11) I understand that participation in Drug Court involves a minimum time commitment of twelve (12) months. I understand and agree that satisfactory completion of the Drug Court Program is likely to take eighteen (18) months. I understand that the program completion time may be extended in order for completion of all of the requirements of the respective phases.

___ 12) I understand that I will be required to pay a weekly fee for the cost of the Drug Court Treatment Program and I will complete a financial declaration if necessary. I agree to pay a fee based on a sliding fee scale with a minimum of twenty (20) dollars. I will pay all fines, court costs, treatment fees, restitution costs, victim compensation, attorney fees, mental health assessment fee, and laboratory fees as ordered by the Drug Court. All such payments are to be made by cash, cashier's check or money order as directed, to the Court Clerk.

___ 13) Upon my successful completion of the Drug Court program and payment of all fines, fees and restitution, the Kane County Attorney's office will move to dismiss or reduce the charges of my Drug Court case as previously agreed, unless there is objection from the court.

___ 14) I understand that I may graduate from Drug Court but that I must still pay all fines, fees and restitution before my case is dismissed or my charges reduced.

II. DRUG AND ALCOHOL USE AND TESTING

___ 15) In order to achieve long term sobriety/recovery, I understand that I must abstain from ingesting any substance capable of causing a condition of intoxication, inebriation, or stupefaction, or the dulling of the brain or nervous system as a result of the ingestion whether or not that substance is legal or illegal.

___ 16) I understand that participating in 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. I will not enter any bars, liquor stores, taverns, or any place where alcohol is the main item for sale or consumption.

___ 17) I understand that I cannot use or possess any herbal substance containing substances capable of causing euphoria, nor use or possess any substance identified as "Spice", "K2", "glass cleaner," or any other synthetic marijuana or cannabinoid constituents.

___ 18) I understand that I may not possess or consume any energy drinks or other beverage where the first or second ingredient is caffeine.

___ 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 a pharmacist or other qualified individual 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 Specialist and Tracker. Before taking any prescribed medication I will get specific permission from the Drug Court Judge.

___ 20) I agree and consent to be tested for the presence of drugs and/or alcohol in my system on a random basis according to procedures established by the Drug Court Team. I understand that I will be given a location and time to report for my drug testing. 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 will be sanctioned.

___ 21) I understand that a substituted, altered, or diluted sample will be considered "dirty" and sanctioned. I shall not attempt to change my bodily fluids in any way to alter a drug test sample.

___ 22) I further agree to be drug/alcohol tested at any time by the Drug Court Tracker, any police officer, probation officer, Treatment Specialist, or at the request of the Court or any agency designated by the court.

____ 23) I understand that the regular drug testing is a presumptive test and that I may dispute positive test results by having the test results confirmed. I further understand that confirmation tests or re-testing at my request will be at my expense and include more severe sanctions, if the positive result is confirmed. If I do not contest the results of a test I understand that I agree that the results are accurate.

III. TREATMENT

____ 24) I agree to cooperate in an assessment/evaluation for planning an individualized drug treatment plan adequate to my needs. I understand that my treatment plan may be modified by the Treatment Specialist as circumstances arise and I agree to comply with any modifications.

____ 25) I understand that my individual treatment plan may include education and/or self-improvement courses, anger management, parenting or relationship counseling, and other life skills training.

____ 26) I shall make satisfactory progress in treatment as measured by the Treatment Specialist.

____ 27) I agree that I will not leave any treatment program without prior approval of my Treatment Specialist and the Drug Court Team.

____ 28) I will inform all doctors, dentist or pharmacists that I use, 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 Specialist, provide the disclosure to the Drug Court Team, and get specific permission from the Drug Court Team to take such medication.

____ 29) I agree to sign all authorizations for release of information requested by the Drug Court and/or Treatment Specialist and other resource providers, including but not limited to releases necessary for medical or mental health information. I realize that this condition is necessary to allow cross-reporting of my compliance with program conditions. I further understand that the release of information cannot be revoked until completion of or revocation from the Drug Court. I understand that failure to sign any authorization for release may make me ineligible for the Drug Court. I understand that any information obtained from this release will be kept apart from the Court file and will not be shared with any individual or agency outside of the Drug Court Team.

IV. TRACKING AND CASE MANAGEMENT

____ 30) I understand that the Drug Court Tracker will conduct planned and random home visits

and/or work visits to ensure my compliance with the rules and regulations of Drug Court and to ensure that I am abstaining from drugs and alcohol. I agree to allow the Drug Court Tracker to search my person, place of residence, vehicle and other property under my control without the need of a warrant, probable cause, or reasonable suspicion.

___31) As a condition of participation in this program, I consent 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 requested by a peace officer or probation officer.

___32) I agree to keep the Drug Court Team, Treatment Specialist and Tracker advised of my current address and phone number at all times and whenever changed. My place of residence is subject to Drug Court approval. I shall not leave Kane County without prior approval from the Drug Court Judge and complying with the Drug Court travel permit procedure.

___33) I agree to inform any law enforcement officer who contacts me or that I make contact with that I am in Drug Court. I agree to inform my Drug Court Tracker of any law enforcement contact within twenty four hours of the contact.

___34) I agree to meet weekly or as directed with the Drug Court Case Manager to pay my fees and restitution, show proof of attendance at treatment sessions and other meetings, and to show proof of completion of other Drug Court requirements.

V. SANCTIONS AND WAIVER OF CERTAIN RIGHTS

___35) I understand that Drug Court requires reliance on drug testing, home or work visits, and recommendations of treatment personnel in imposing treatment conditions and/or sanctions for violating Drug Court rules, policies, or requirements.

___36) I understand that in the event there is a claim that I failed a drug test or I am otherwise not in compliance with the policies, rules or requirements of the Drug Court, the Court may impose sanctions, other than removal from Drug Court, without conducting a hearing and without providing me with counsel.

___37) I understand that sanctions may include but are not limited to: time in custody, repetition of program phases, increased testing, community service, fines, administrative sanctions, and such other sanctions as may be deemed appropriate by the Drug Court Team.

___38) In the event that there is a claim that I have failed to comply with the policies, rules, or requirements of Drug Court, I hereby waive my right to the formal procedures and issuance of an order to show cause including formal written allegations, a hearing, or counsel and agree to

proceed without counsel on a hearing for the imposition of any sanction other than removal from Drug Court.

___39) For the purposes of regular 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 or myself present.

___40) I hereby waive extradition to the State of Utah from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Utah if I am found outside the State without prior approval.

___41) I agree that, in the event I fail to keep any program appointment (in the absence of an explanation satisfactory to my Treatment Provider or a member of the Drug Court Team), fail to comply with any reasonable requests or requirements of my Treatment Provider or a member of the Drug Court Team, or fail a drug test, my Treatment Provider, Tracker, or other member of the Drug Court Team may immediately make necessary recommendations prior to staffing with the Drug Court.

___42) I agree that I will comply with immediate impositions that are within the Kane County Adult Drug Court Program guidelines until reviewed by the Drug Court as directed by the Treatment Provider, Tracker, or other member of the Drug Court Team, at the next earliest court docket date.

___43) If I do not agree that I committed the alleged breach of this agreement, I shall continue on the program until the next Drug Court docket and shall continue to obey all lawful orders of my Treatment Provider, Tracker, or other member of the Drug Court Team.

___44) I have the right to be heard at the next Drug Court Docket, but I am aware that the Drug Court can support and in some cases impose additional sanctions in the event of a finding that this agreement has been violated.

___45) I will comply with all lawful directives issued by the Judge, agent or agency of the Drug Court.

VI. PERSONAL CONDUCT

___46) I shall be honest and truthful in all matters. I shall promptly and truthfully answer any inquiry directed at me by any member of the Drug Court Team.

___47) I shall remain drug and alcohol free.

___48) I shall not consume or purchase alcoholic beverages or illegal drugs, nor visit places where alcohol or illegal drugs are sold, dispensed, or used. I shall not enter bars, liquor stores, taverns, clubs, parties or places where alcohol is the main item for sale or consumption.

___49) I shall maintain a crime-free lifestyle, obey all laws, and not engage or participate in any criminal activity. I will not associate with any known criminals or substance abusers. I understand that if I engage in any criminal act, I may be revoked from the Drug Court Program and prosecuted for any new charges(s).

___50) I shall not, in any way, communicate with persons on probation, parole, or who are ex-convicts or inmates, nor will I associate with persons having a criminal record UNLESS, said person is attending the Drug Court Program or such association is approved by the Drug Court prior to the contact taking place.

___51) I shall not commit acts of violence or threats of violence.

___52) I shall not possess any weapons while I am in Drug Court. I shall 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 Drug Court and possible prosecution for any illegal possession of any weapon.

___53) I shall attend all Drug Court appearances as ordered and I shall be on time.

___54) I shall attend all treatment sessions and other meetings as directed and be on time.

___55) I shall actively participate in all treatment sessions and other meetings as appropriate and I shall complete all assignments given to me.

___56) I shall not attend any program requirement under the influence of alcohol or any illicit drug. I shall not attend any program requirement while in possession of an illegal drug or weapon of any form, including firearms and knives.

___57) I shall contact my Treatment Provider, Tracker, Case Manager or other personnel as directed.

___58) I shall submit to any rehabilitative, medical, psychological, psychiatric, educational, vocational, or alcohol or other drug treatment program as directed by the Drug Court, including aftercare.

___59) I shall submit to urinalysis for testing upon request of the Drug Court even if it is not my designated testing date; a refusal, altered, or failure to provide a urinalysis, at time of request, missed test, or a diluted or tampered sample will be viewed by the Drug Court as a positive test

result and sanctions will be imposed. I understand that all tests that are not a valid negative sample provided as directed will be considered positive tests.

___ 60) I shall be productive and comply with the requirements of each Drug Court Phase for productive hours by being employed, completing community service, or receiving accredited education.

___ 61) I shall obey all Courtroom Behavior Rules including but not limited to the following: a) I shall not talk in the Courtroom during Drug Court proceedings or disrupt the proceedings in any way; b) I shall dress appropriately and not wear any shorts, tank tops, muscle shirts, hats, sagging pants, gang attire, obscene words or pictures, or drug related themes; c) I shall turn off any cell phone or other electronic device; d) When addressing the Court I will speak clearly and stand up straight; e) I shall not bring food or drink into the court room; f) I shall remain in the Courtroom until dismissed; g) I shall not use any profanity; h) I shall be on time and immediately be seated in the Courtroom.

I have read the above contract and I understand what I have read. I am willing to enter into this agreement with the Kane County Adult Felony Drug Court and Treatment Program.

PARTICIPANT

DATE

DRUG COURT JUDGE

DATE

COUNTY ATTORNEY

DATE

ATTORNEY FOR THE DEFENDANT

DATE