

**VALENCIA COUNTY DWI DRUG COURT  
PROCEDURES MANUAL  
(With Forms)**

**EFFECTIVE DATE:** June 1<sup>st</sup>, 2011

**APPROVAL:** \_\_\_\_\_  
Danny H. Hawkes  
Belen Magistrate DWI Drug Court Judge

**APPROVAL:** \_\_\_\_\_  
Arthur Pepin, Director  
Administrative Office of the Courts

**DWI DRUG COURT  
VALENCIA COUNTY, NEW MEXICO**

## TABLE OF CONTENTS

SECTION	TOPIC	PAGE
<b>SECTION 1</b>	<b>INTRODUCTION</b>	
	Introduction.....	3-4
	Mission, Vision, Philosophy, Problem, Purpose, Eligibility	
<b>SECTION 2</b>	<b>DWI Drug Court Structure</b>	
	VCDWIDC Policy 100.....	5-8
<b>SECTION 3</b>	<b>Referrals to DWI Drug Court</b>	
	VCDWIDC Policy 101.....	9-10
<b>SECTION 4</b>	<b>Screening and Eligibility</b>	
	VCDWIDC Policy 102.....	11-13
<b>SECTION 5</b>	<b>Acceptance into DWI Drug Court</b>	
	VCDWIDC Policy 103.....	14-15
<b>SECTION 6</b>	<b>Conditions of Supervision</b>	
	VCDWIDC Policy 104.....	16-17
<b>SECTION 7</b>	<b>Intake into DWI Drug Court Program</b>	
	VCDWIDC Policy 105.....	18
<b>SECTION 8</b>	<b>DWI Drug Court Team Staffing</b>	
	VCDWIDC Policy 106.....	19
<b>SECTION 9</b>	<b>DWI Drug Court Hearings</b>	
	VCDWIDC Policy 107.....	20
<b>SECTION 10</b>	<b>Drug Testing</b>	
	VCDWIDC Policy 108.....	21
<b>SECTION 11</b>	<b>DWI Drug Court Phases</b>	
	VCDWIDC Policy 109.....	22-23
<b>SECTION 12</b>	<b>Examples of Violations</b>	
	VCDWIDC Policy 110.....	24
<b>SECTION 13</b>	<b>Sanctions and Incentives</b>	
	VCDWIDC Policy 111.....	25-26
<b>SECTION 14</b>	<b>DWI Drug Court Program Evaluation</b>	
	VCDWIDC Policy 112.....	27
<b>SECTION 15</b>	<b>Confidentiality</b>	
	VCDWIDC Policy 113.....	28
<b>SECTION 16</b>	<b>Sustainability</b>	
	VCDWIDC Policy 114.....	29
<b>SECTION 17</b>	<b>Appendix</b>	
1	Referral Request Form.....	30
2	Eligibility Form.....	31
3	Substance Use Screening Form.....	32
4	Screening Interview Form.....	33
5	Intake Recommendation Form.....	34
6	Consent Form.....	35
7	Participation Agreement Form.....	36
8	Phase I Contract.....	37
9	Request for Advancement Phase II Form.....	38
10	Phase II Contract.....	39
11	Request for Advancement Phase III Form.....	40
12	Phase III Contract.....	41
13	Request for Graduation Form.....	42
14	Client Handbook.....	43

**MISSION STATEMENT**

The Valencia County DWI Drug Court is a coalition of public, private and non-profit agencies, which provides intensive treatment, supervision and comprehensive judicial monitoring adult offenders whose offenses involve more than 1 but less than 5 DWI's. The Valencia County DWI Drug Court intentions are to provide opportunities for these individuals to address the underlying issues of substance abuse that has caused them to commit this type of crime that puts the public in great danger; this will be accomplished through a collaborative, structured and individualized program.

**VISION STATEMENT**

In collaboration with the private sector, non-profit organizations, local, state, and federal agencies, the Valencia County Magistrate DWI / Drug Court Program's primary focus is to promote public safety and reduce recidivism rates for individuals convicted of subsequent DWI offenses. The results of addressing these problems include a reduction in drug and alcohol related crimes as well as expensive incarceration costs while returning a productive individual to the community.

**PHILOSOPHY STATEMENT**

It is the philosophy of the Valencia County DWI Drug Court that there is a place where treatment and justice can meet. Society demands justice for those who drive under the influence of alcohol and or drugs. True justice results in changed lives and productive citizens. Through intense supervision, substance abuse treatment, education, and support sincere participants can overcome their challenges, improve the quality of their lives and become productive law abiding citizens.

**PROBLEM STATEMENT**

New Mexico has suffered a negative reputation due to the high fatality rates attributed to drunk / drugged persons driving on our highways and streets. Valencia County is not immune to this problem. According to Valencia County Detention Records, there is at least 1 person booked on DWI charges every single day.

**Below is the number of DWI Cases filed in Valencia County for the last four years.**

<b>Year 2007</b>	<b>Year 2008</b>	<b>Year 2009</b>	<b>Year 2010</b>
326	350	397	432

### **Purpose**

The purpose of these procedures is to establish guidelines for the enrollment and participation of defendants into the DWI Drug Court program. The eligibility guidelines are established to meet the goals and objectives of the program, define the target population, address public safety issues, and maximize the utilization of program funds.

### **Eligibility Criteria**

Defendants shall meet the following criteria:

1. Current case has resulted in a plea or conviction.
2. Must have been convicted of at least two (2) DWI offenses, but not more than 3 convictions, including the current case.
3. The current offense must be classified as non-violent.
4. If the current offense is a DWI involving a crash, there must have been no injury to any victim, no exceptions.
5. Defendant is not eligible if defendant has participated in another Drug Court in the past.
6. No history of any violent felony convictions.
7. Defendant may be asked to participate in the Court To School Program and make a presentation to the court and audience at sentencing if deemed appropriate by the Presiding Judge. Participation in the Court to School is voluntary but does come with incentives as determined by the team.

\*\* All potential DWI Drug Court cases will be screened by the DWI Drug Court Coordinator.

**VCDWIDC Policy:** 100

**Reference:** NMDCS - L.2  
AOC - 5  
10-Key Components - #1, #9, #10  
Guiding Principles - #3, #5

## **100. DWI Drug Court Structure**

The DWI Drug Court Structure consists of a DWI Drug Court team made up of several professionals in the Criminal Justice Field to include but not limited to the Judge, Alternate Judge, Prosecuting Attorney, Defense Counsel, Treatment Provider, Law Enforcement, Probation Parole, and County Compliance.

### **A. Judge and Alternate Judge Duties and Responsibilities**

1. Must be a current sitting Valencia County Magistrate Judge
2. Presiding over frequent DWI DC court sessions, which allows the judge to motivate and monitor participants, and insures that all participants benefit by observation of others as they progress or fail to progress in treatment, with the judge taking appropriate action.
3. Approving participant admission. As recommended by the DWI Drug Court Team.
4. Maintaining a therapeutic relationship and fostering a non-adversarial atmosphere with the participants in the program and team members.
5. Being available for quick action on each DWI Drug Court case.
6. Participating in DWI Drug Court team meetings.
7. Serving as the Team Leader
8. Oversight of treatment requirements, procedural and operational matters of the DWI Drug Court Program.
9. Is the final authority on all sanctions, incentives, who enters, and who is discharged from the DWI Drug Court Program.
10. Alternate Judge assumes duties of Primary Judge in their absence.

### **B. Prosecuting Attorney Duties and Responsibilities**

1. A NM Licensed Practicing Attorney with the 13<sup>th</sup> Judicial District Attorney's Office.
2. Reviews the case and determines if the defendant is eligible for the DWI Drug Court Program.
3. Files all necessary legal documents.
4. Participates in a coordinated strategy for responding to positive drug tests and other instances of noncompliance.
5. Agrees that a positive drug test or open court admission of drug possession or use will not result in filing of additional drug charges based on that admission.
6. Makes decisions regarding the participant's continued enrollment in the program based on the performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

7. Participates in all team meetings, hearings, and staffings.

**C. Defense Counsel Duties and Responsibilities**

1. A NM Licensed Practicing Attorney or public defender.
2. Reviews the arrest warrant, affidavits, charging documents, and other relevant information, and reviews all program documents (e.g. waivers, written agreements).
3. Advises defendant as to the nature and purpose of the DWI Drug Court, the rules governing and participating, the consequences of abiding or failing to abide by the rules, and how participating or not participating in the DWI Drug Court will affect his or her interests.
4. Explains all of the rights that the defendant will temporarily or permanently relinquish while participating in the DWI DC program.
5. Gives advice on alternative course of action, including legal and treatment alternatives available outside the DWI Drug Court program, and discusses with the defendant the long term benefits of sobriety and a drug-free life.
6. Explains that because criminal prosecution for admitting to Alcohol and other Drug (AOD) use in open court will not be invoked, the defendant is encouraged to be truthful with the judge and with treatment staff, and informs the participant that he or she will be expected to speak directly to the judge, not through an attorney.
7. Participates in all team meetings, drug court hearings, and staffings.

**D. Program Coordinator Duties and Responsibilities**

Is an employee of the Administrative Office of the Courts and responsible to the Administrative Office of the Courts, and the Magistrate Court in regards to the DWI Drug court Program.

1. Reports Directly to the Magistrate DWI Drug Court Program Supervisor at the Administrative Office of the Courts and the DWI Drug Court Judge on all DWI Drug court programs and participant matters.
2. Provides training to court staff on components of the DWI Drug Court Programs.
3. Participates in all team meetings, staffings, and hearings.
4. Plans program components.
5. Provides case management services as needed.
6. Responsible for overall supervision and monitoring of participants.
7. Conducts in person visits with participants in the office and in the field.
8. Administers Urinalysis, Saliva, and breath alcohol tests for the detection of alcohol and illegal substances to the DWI Drug Court participants.
9. Community outreach and education.

#### **D. Probation Officer / Compliance Officer**

The Adult Probation Parole Officer are employee's of the NM Corrections Department.

1. Prepares and presents sentencing recommendations to the court.
2. Assist in the supervision and compliance monitoring of participants.
3. Participates in all team meetings, staffings, and hearings.

#### **E. Law Enforcement Duties and Responsibilities**

The Law Enforcement Officer is a NM sworn and certified Deputy of the Valencia County Sheriffs Department.

1. Provides law enforcement services to the DWI Drug Court program.
2. Assist in the supervision of the participants
3. Provides law enforcement assistance on field visits of participants.
4. Participates in all team meetings, staffings, and hearings.

#### **F. Treatment Provider Duties and Responsibilities**

The treatment provider consists of 1 or more NM licensed professionals in the field of substance abuse and mental health treatment.

1. Ensuring that a standardized validated assessment is conducted as needed on each participant to establish appropriateness for the program prior to or no later than fifteen working days after placement into the program.
2. Provides for assessment for participant for level of placement in treatment.
3. Provides treatment services along a continuum of care as determined through the development of an individual treatment plan for participants of the DWI Drug Court program such as individual, and group, therapies.
4. Participates in all team meetings, staffings, and hearings.
5. Maintaining for each participant confidential case management documentation including, but not limited to initial assessment and treatment plan, progress notes, services provided, attendance records, and drug test results.
6. Provide information to the DWI Drug Court Team as to the progress of treatment for individual participants through the regular submission of written progress reports.
7. Make recommendations for additional services as necessary
8. Identifying time frames (minimally at phase changes) for assessment and reassessment of individual participant treatment plans.
9. Providing training or information for DWI Drug Court team members on the assessment basis of substance use, the impact of treatment on the participant, and the potential for relapse.
10. Addressing therapeutic responses in DWI Drug Court team meetings but not in open court.
11. Maintaining agency licensure and individual counselor certification by the State of New Mexico.

**G. Village of Los Lunas County of Valencia Local DWI Program**

The Village of Los Lunas County of Valencia Local DWI Program (VCDWI) provides electronic monitoring for the detection of alcohol consumption as well as GPS locating.

3. A representative of VCDWI will attend the bi-monthly sessions of the DWI Drug Court program and provide oral progress reports on the electronic monitoring status to the Program's DWI Drug Court Team.
4. VCDWI will allow and provide full access to the monitoring and tracking software within its control to the DWI Drug Court program for the purpose of monitoring and tracking program participants.
5. VCDWI is responsible for maintaining the electronic monitoring equipment and collecting payments from the clients.
6. Will report to the team on those participants who are delinquent on payment.



**VCDWIDC POLICY: 101**

**Reference:** NMDCS - B  
AOC - 6  
10 Key Component – 2, 3  
Guiding Principle - 6

**101. Referrals to the Valencia County DWI Drug Court**

The primary target population for DWI Drug Court is the repeat offenders charged with DWI / DUI. Offenders who might have difficulty serving a traditional probated sentence because of their level of substance dependence may also be identified during the pre-trial phase by magistrates, prosecutors, defense attorneys, judges, and probation officers and referred to the DWI Drug Court Team to determine eligibility for the program.

**A. District Attorney's Office**

1. Law Enforcement files DWI Charges with the District Attorney's (DA's) Office.
2. DA's Office reviews case and finds it may be suitable for DWI Drug Court.
3. DA forwards file to DWI Drug Court Coordinator for pre-screening.
4. DWI Drug Court Coordinator enters defendant's demographics and criminal history into Drug Court Data Base.
5. DWI Drug Court Coordinator conducts a criminal history check through NCIC provided by DA, NM Justice Network, and Adult Probation and Parole to rule out any Sex crimes or Serious Violent Criminal History, which may disqualify the defendant.
6. If the Coordinator discovers disqualifying factors in the offenders criminal history an oral report as to the reason for denial is given to the DA. Denial is entered into data base, and case proceeds in the traditional court process.
7. If defendant is found to meet the basic eligibility for the DWI Drug program an oral report is given to the DA stating that they meet the basic eligibility requirements
8. DA prepares a plea offer for Defendant and defense counsel which includes a referral to DWI Drug Court.
9. Defense Counsel discusses plea offer with defendant if the defendant rejects the offer it goes back to DA and the traditional court process.
10. If the defendant accepts the plea offer a screening interview is completed by the DWI Drug Court Coordinator to insure defendants understanding willingness and ability to participate in the program, . If unable or unwilling to participate then the defendant is denied and an oral report of denial is given to the DA. Case proceeds in the traditional court process. Denial is entered into data base.

11. If defendant is willing and able to participate in the program they are paneled by the DWI Drug Court Team for final acceptance / denial into the program.
  - a. If for whatever reason the team does not feel the defendant is appropriate for the DWI Drug Court program a denial letter is sent to the District Attorney explaining the reason for denial and once again the case proceeds in the traditional court process. Denial is entered into the data base.
  - b. If the Team does feel that the defendant is appropriate for the DWI Drug Court program an acceptance letter is sent to DA's office. Acceptance is entered into data base.
12. A sentencing hearing is set by the Magistrate Court DWI Clerk.
13. A Judgment and Sentence Order is prepared by the appropriate party, signed by the Judge and filed with the court.
14. Initial appointment is scheduled with the DWI Drug Court Coordinator.
15. Initial DWI Drug Court Hearing, formal induction into the Valencia County DWI Drug Court is scheduled.

#### **B. Belen Magistrate Court**

The Belen Magistrate Court can at anytime on its own motion refer defendants not otherwise referred to the program for screening. The same screening process is followed except reports from the Coordinator are given directly to the Court.

#### **C. Other Courts**

Referrals are accepted from District and Magistrate Courts in Valencia County and will follow the same screening process.

1. District Court cases must plea down to a misdemeanor DWI.
2. Once a defendant is accepted to the DWI Drug Court program from another court it must state in the Judgment and Sentence that as a condition of defendants probation they must attend and complete the Valencia County Magistrate DWI Drug Court program.
3. The sentencing judge must relinquish jurisdiction for the purpose of sanctions for non-compliance in the DWI Drug Court program.
4. At any time the defendant is terminated from the program for non-compliance the case will return to the sentencing Judge for final disposition.
5. Referrals from Courts outside of Valencia County are handled on a case by case basis and must follow NM Supreme Court Rules.

**VCDWIDC Policy: 102**

**Reference:** NMJDCS – A  
AOC – 6  
Key Component – 3  
Guiding Principle - 2

**102. Screening for Eligibility**

**A. Legal or Offense criteria that qualify offenders for DWI / Drug Court**

1. Must be at least 18 years of age;
2. Must reside in Valencia County;
3. Should not have holds or warrants from other jurisdictions or have other pending cases, although these offenders may be considered for placement in the program on a case-by-case basis;
4. Must be physically and mentally capable of participating in the program and meeting its requirements. This requirement will not preclude participation by most dually-diagnosed offenders; rather, those conditions will be accommodated as long as the participant can participate in program requirements;
5. Must have a minimum of one year probation, upon acceptance into the DWI Drug Court program.
6. Must have at least 1 prior DWI Conviction.

**B. Legal or offense criteria that disqualify offenders from DWI Drug Court**

1. Violent offenders. Violent offenders are defined as individuals who are:
  - a. Charged with or convicted of an offense during the course of which the person carried, possessed, or used a firearm or another dangerous weapon, there occurred the use of force against the person of another, or there occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described above is an element of the offense or conduct of which or for which the person is charged or convicted; and / or.
  - b. Have one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.
  - c. In addition, offenders committing sexually-based offenses, whether overtly violent or not will not be considered for DWI Drug Court.
2. Offenders with a prior history of stalking or violation of a protective order charge, although exceptions may be made on case-by-case basis.
3. Offenders with a significant history of drug dealing.
4. Offenders who are considered to have poor potential to complete the DWI Drug Court program due to contributing factors that make them a

high risk to re-offend or relapse, such as proximity to gang activity, ongoing criminal behavior by family members, or suspected drug trafficking; and

5. Offenders with a hold from the Immigration and Naturalization Service.

### **C. Substance Dependency Criteria**

This program is designed to focus on offenders who have been assessed as having a substance dependence disorder; the primary substance must be alcohol with the dependency identified as the driving force in the individual's criminal activity. A substance dependence disorder, as defined by the Diagnostic and Statistical manual of Mental Disorders (Fourth Edition) or as revised, is

“A maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following, occurs at any time in the same 12 month period.”

1. Tolerance, as defined by either of the following:
  - a. A need for markedly increased amounts of the substance to achieve intoxication or desired effect, or
  - b. Markedly diminished effect with continued use of the same amount of the substance.
2. Withdrawal, as manifested by either of the following:
  - a. The characteristic withdrawal syndrome of a specific substance
  - b. The same (or closely related) substance is taken to relieve or avoid withdrawal symptoms.
3. The substance is taken in larger amounts or over longer period than was intended.
4. There is a persistent desire or unsuccessful effort to cut down or control substance abuse.
5. A great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects.
6. Important social, occupational, or recreational activities are given up or reduced because of substance use.
7. The substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem is likely to have been caused or exacerbated by the substance.

### **D. Other Considerations**

If an offender is considered eligible by the legal criteria for this program, their history will be reviewed to determine if a substance dependency diagnosis exists

1. If so, the substance dependency requirement for DWI Drug Court participation will have been met.
2. If not, the offender will undergo a substance dependency screening utilizing a validated screening instrument.

3. If this initial screening does not indicate substance dependency, the offender will be considered ineligible for placement in the DWI Drug Court program.
4. If the initial screening detects potential substance dependency, or if a screening is not done but it is apparent from records that a severe problem exists, an appointment for more comprehensive substance abuse assessment will be scheduled.
5. A NM licensed chemical dependency counselor (LPCC, LMHC, LADAC, LSAA) conducts an assessment, which consists of an in-depth face-to-face interview with the counselor, utilizing a comprehensive assessment instrument.
6. The assessment will include alcohol and drug use history, a psychosocial evaluation, and referral for a medical exam if necessary.
7. The results of the substance dependency screening and / or assessment, along with the offender's criminal history screening by the coordinator, will determine appropriateness for placement in the DWI Drug Court Program.

**VCDWIDC Policy: 103**

**Reference:** NMJDCS – C  
NMAOC Court to School Program Guidelines

**103. Acceptance into DWI Drug Court**

Once an offender has been screened for legal and substance dependency criteria and is determined eligible for the program, the DWI Drug Court Team, in a regularly scheduled team meeting, determines whether to accept the potential candidate, based on space availability and a final review of the criteria for placement. If rejected, the Coordinator notifies the referral source. If accepted and the person is currently on supervised probation an amended order of probation is prepared for consideration by the judge of the court of original jurisdiction. If the potential candidate is to be sentenced to supervised probation, the assigned prosecutor or probation officer, makes a recommendation at sentencing that the DWI Drug Court program be made a condition of probation along with any other conditions needed for the participant's rehabilitation.

**A. Traditional Sentencing**

The majority of offenders are sentenced to the DWI Drug Court Program in the standard sentencing manner at the Court House in front of the Judge, Prosecutor, Defense Counsel, Probation Officer, Law Enforcement and others who might be in the Galley.

1. Judge calls the case.
2. DA makes recommendation and argument as to sentencing.
3. Defense counsel makes argument as to sentencing.
4. Defendant is given the opportunity to speak on their own behalf.
5. Sentence is imposed.
6. Defendant is directed immediately to the program coordinators office to schedule an intake interview.

**B. Courts to School Program**

In a more non-traditional manner of sentencing the Valencia County DWI Drug Court has incorporated the Court to School Program in order to educate the youth in the community to the dangers and consequences of DWI.

1. Twice a year typically in the spring and fall during Homecoming, Prom and Graduation a DWI Sentencing Hearing is held at a local high school where the high school auditorium is transformed into an actual courtroom.
2. Participation in Court to Schools is strictly voluntary.
3. Participants that choose to participate in this must also address the students as to the effect DWI has had on their lives.
4. Participant must also agree to, and sign a media waiver allowing media coverage and publication of the event.

5. A minimum of 25 hours community service credit is given for those who participate in the Court to School program.
6. The DWI Drug Court team selects 3 to 5 individuals that have already been found guilty of a repeat DWI offense and have been accepted into DWI Drug Court.
7. The Defendants appear before the Judge in an actual Court setting in the high school auditorium before the student body of juniors and seniors.
8. The DA reads the charges they have been convicted of and gives a brief synopsis of the incident leading up to the arrest and conviction.
9. The Probation Officer makes a recommendation as to sentencing.
10. Defense counsel argues on behalf of defendant.
11. Defendant has the opportunity to address the Court and the student body.
12. Judge imposes sentence and the defendant now becomes a DWI Drug Court Participant.
13. Law Enforcement places the participant in custody, they are handcuffed, shackled and transported to the County Jail to serve their mandatory time.
14. Upon release from custody the participant must report immediately to the DWI Drug Court Coordinator.

**VCDWIDC Policy: 104**

**Reference:** NMJDCS - C  
NMAOC – C  
Key Component - 4, 7  
Guiding Principle - 4

**104. Conditions of Probation and Condition Requiring DWI Drug court**

The standard conditions of probation are imposed upon DWI Drug Court participants, as well as the condition that orders the participant into DWI Drug Court program.

**A. Standard Conditions of Probation**

1. Conduct – Participants must not violate any of the laws or ordinances of the State of New Mexico or of any other jurisdiction, and I will not endanger the person or property of another.
2. Reporting – Participants agree to report to DWI Drug Court Coordinator as often as requested.
3. Permission – Participant will get permission from the DWI Drug Court Coordinator and the Judge when applicable before:
  - a. Leaving the county
  - b. Changing jobs
  - c. Changing residence
3. Participant will not associate with any person having a criminal record. (This condition may be changed in writing by the DWI Drug Court Coordinator for any necessary reason that the DWI Drug Court Coordinator considers appropriate.)
4. Participants will follow all orders and instructions of the DWI Drug Court Coordinator, and will promptly reply to any correspondence that is received from the DWI / Drug Court Office.
5. Participant will not possess any firearms or deadly weapons.
6. Participant will report any arrest or charge to the DWI Drug Court Coordinator, within 72 hours of the incident. Report any contacts made with law enforcement for any reason.
7. Participant will not use any substances that will cause a positive drug screen, including but not limited to narcotic prescriptions and/or over-the-counter drugs.
8. Participant will not possess or consume any alcoholic beverages enter any liquor establishments.



**B. DWI Drug Court Conditions**

1. Effective immediately and for a period not to exceed the term of probation Participants are ordered to participate in and successfully complete the Valencia County DWI Drug Court Program;
2. To include electronic monitoring any screening, evaluation, treatment, supervision meetings, court appearances, and any other program considered essential by the DWI Drug Court Team for rehabilitation.
3. Conditions or program requirements may include but not be limited to daily substance dependency treatment, weekly meeting with DWI Drug Court Coordinator in their office, participants home, place of employment and/or other collateral sites, or more frequently if necessary.

**VCDWIDC Policy: 105**

**Reference:** NMJDCS – C.5  
NMAOC – 5  
Key Component - 4, 7  
Guiding Principle – 4

**105. Intake into the DWI Drug Court Program**

- A. Once the conditions have been modified or the initial DWI Drug Court condition imposed, the following occurs:
1. The amended order or initial conditions of probation are read and explained to the participant by the DWI Drug Court Coordinator.
  2. Participant initials and signs the DWI Drug Court program agreement.
  3. Participant is advised of the first DWI Drug Court date; the Phase I contract is explained to and signed by the participant.
  4. Participant is given the participant handbook. Confidentiality waiver is signed. The substance abuse / mental health assessment referral is generated.
  5. The participant appears at the next available DWI Drug Court hearing.
  6. The DWI Drug Court Judge reviews the participant's progress during the first week in the program.
  7. The DWI Drug Court Coordinator provides information on subsequent court dates to the participant.

**VCDWDC Policy: 106**

**Reference:** NMAOC – 5.c  
Key Component – 6  
Guiding Principle - 7

**106. DWI Drug Court Team Staffing Meetings**

1. The DWI Drug Court Team meets bi-weekly 1 hour prior to DWI Drug Court hearing, to staff the progress of each participant enrolled in the program.
2. The DWI Drug Court Coordinator ensures that a progress report spreadsheet is prepared. The spreadsheet lists participant by phase and includes information on each participant such as phase entry date, last UA date and results, employment, and comments and recommendations. This document is distributed to each team member at the beginning of the meeting, and is used by the team to discuss the status and progress of each participant.
3. The DWI Drug Court Coordinator also provides insight on compliance issues as well as family / home life, employment, and participant' personal issues.
4. The treatment provider provides insight on each participant's progress in counseling with emphasis on how the participant is responding to treatment and any issues that may have surfaced during the preceding week.
5. The Judge chairs the non-adversarial meeting, but all team members contribute input. In addition to providing input, the prosecutor and defense attorney endorse or object to sanctions or rewards. Relapses or other compliance problems result in the discussion of judicial action, and possible sanctions are proposed for the upcoming hearing. Special recognition for participants who successfully achieve program milestones or other accomplishments are also discussed, with appropriate positive reinforcement tools suggested for dispensation at the next hearing.
6. The judge uses the notes from this meeting as the reference source for praise, admonishment, modification of the conditions of probation, and other comments for participants when they appear individually in court.

**VCDWIDC Policy: 107**

**Reference:** NMJDCS – D-1  
NMJDCS – K  
NMAOC – 5.b  
NMAOC – 5.c  
Key Component – 7  
Guiding Principle - 6

**107. DWI Drug Court Hearings**

1. DWI Drug Court Hearings are held bi-weekly immediately following the team staffing. Participants attend 1 – 2 times per month, depending upon phase and progress. The participants are required to stay for the entire court hearing. No observers are permitted without express permission of the court.
2. DWI Drug Court Team members are also present to provide corroborative testimony if necessary, but the Judge engages in the dispensation of sanctions and rewards.
3. The Law Enforcement Officer team member is generally present to keep order and to make any arrests if necessary.
4. Each participant is called before the bench, where the Judge makes brief comments regarding the participant's progress in the program, offers praise or admonishment, asks pertinent questions about relevant issues, and if necessary orders immediate sanctions as discussed at the team staffing. The other participants must remain seated and listen to each conversation at the bench between the Judge and the summoned participant.
5. When the hearing is adjourned, the participants leave the courtroom and meet with the Coordinator for an alcohol and drug test.
6. Although the dignity befitting any court hearing is maintained, the DWI Drug Court atmosphere is somewhat more relaxed than a regular hearing, and the Judge may encourage applause from those seated as positive reinforcement, when appropriate.

**VCDWIDC Policy: 108**

**Reference:** NMJDCS – D.2  
NMAOC – 6.ix  
Key Component – 5  
Guiding Principle – 4

**108. Drug Testing**

1. All participants are placed on Electronic Monitoring via ankle bracelet immediately upon placement in the program. The Electronic Monitoring Device detects alcohol in the body as well as location of the participant through a Global Positioning System (GPS). Participants are expected to have the electronic monitoring for the duration of the program. However, it may be removed earlier as an incentive if approved by the team and ordered by the court. The cost of the monitoring is split between the DWI Drug Court and the participant.
2. The DWI Drug Court Coordinator, Treatment Provider, Probation Officer, or Surveillance Officer will randomly test participants in the program for alcohol/drug use throughout the term of the program, with the frequency of testing related to the participants program phase.
3. Urinalysis and or Saliva tests will be used to test for alcohol, marijuana, cocaine, opiates, benzodiazepines, and amphetamines, as well as other drugs such as LSD and Ecstasy on an as-needed basis.
4. Due to the frequency of alcohol use among the targeted population an intoxilyzer device will also be used to detect alcohol along with the electronic monitoring, urine and saliva tests.
5. Should a participant contest a drug test result, the participant will be required to pay for the confirmation test, and if the test confirms use of the drug alleged, sanctions will be increased.

**VCDWIDC Policy: 109**

**Reference:** NMAOC – 5.C  
Key Component – 6  
Guiding Principle – 7, 8

**109. DWI Drug Court Phases**

The DWI program consists of 3 phases with each phase lasting up to 4 months.

**A. Phase I**

The goals of Phase I are to develop a treatment plan, begin treatment, complete Intensive Outpatient Treatment, achieve sobriety, introduce 12-step or similar programs, and begin to lay ground work for relapse prevention. Program length is three to four months. Participants generally attend court hearings bi-weekly during this phase. Upon completion of a minimum of three months and the accumulation of 70 points participant is eligible for advancement to phase II. The DWI Court Team determines whether the advancement is granted.

**Court Expectations**

1. Orientation during phase I Program Coordinator, signing required release and participation forms.
2. Compliance with conditions of probation.
3. No drug and / or alcohol use;
4. Report to DWI Drug Court Coordinator in person at least twice per week and / or as directed.
5. Attend substance abuse counseling and/or group sessions as directed by treatment provider.
6. Submit to random urinalysis and / or breath alcohol content (BAC) tests at least twice weekly as directed by Probation Officer or treatment provider.
7. Attend DWI/Drug Court every two weeks.
8. Attend at least two Community based support group meetings per week and provide written verification as directed by DWI Drug Court Coordinator.
9. Must have an ignition interlock installed on any vehicles authorized to drive and provide appropriate documentation to the Court.

**B. Phase II**

The goals of Phase II are to re-evaluate the treatment plan, complete a supportive outpatient or cognitive skills program, maintain sobriety, focus on stabilizing family / relationships and employment and educational pursuits, and continue relapse prevention work. Phase length is three to four months. Upon completion of a minimum of three months and the accumulation of 65 points participant is eligible for advancement to phase III.

### **Court Expectations**

1. Compliance with the conditions of probation.
2. No drug/alcohol use.
3. Report to DWI Drug Court Coordinator in person at least once each week and/or as directed by Probation / Surveillance Officer.
4. Attend substance abuse counseling and/or group sessions as directed by the treatment provider.
5. Submit to random urinalysis and/or breath alcohol content (BAC) tests at least once weekly as directed by DWI Drug Court Coordinator or treatment provider.
6. Attend DWI/Drug Court every four weeks.
7. Attend at least one Community based support group meeting per week and provide written verification as directed by DWI Drug Court Coordinator.
8. Attend the VICTIM IMPACT PANEL (VIP).
9. Must have an ignition interlock installed on any vehicles you are authorized to drive.

### **C. Phase III**

Phase III is the transition component of treatment when the treatment plan is again re-evaluated, sobriety is maintained, 12-step or equivalent meetings are continued, there is continued focus on stabilizing family / relationships and employment and educational pursuits, and relapse prevention work continues with development of a discharge plan or relapse prevention plan, as the participant transitions to regular community supervision or discharge from supervision. Phase length is three to four months. Upon completion of a minimum of three months and the accumulation of 60 points participant is eligible for graduation. After review of the participant's progress and the recommendation from the treatment provider The DWI Drug court team determines if graduation will occur.

### **Court Expectations**

1. Compliance with the conditions of probation;
2. No drug and / or alcohol use;
3. Report to DWI Drug Court Coordinator in person at least twice monthly or as directed.
4. Attend substance abuse counseling and/or group sessions as directed by the treatment provider.
5. Submit to random urinalysis and/or breath alcohol content (BAC) tests as directed by the DWI Drug Court Coordinator or treatment provider.
6. Attend DWI/Drug Court every four weeks.
7. Attend at least one Community based support Group meeting per week and provide written verification as directed by Probation Surveillance Officer.
8. Must have an ignition interlock installed on any vehicles you are authorized to drive.

**VCDWIDC Policy: 110**

**Reference:** NMJDCS – 8  
NMAOC – 6.x  
Key Component – 6

**110. Example of Violations**

1. Unexcused absences. All expected absences from appointments, classes, and treatment require notification to the DWI Drug Court coordinator prior to absence. Absences from treatment are all noted, but are considered unexcused until staffed by the DWI/Drug Court Team, which may deem them excused or unexcused.
2. Behavior not conducive to recovery.
3. Dishonesty.
4. Positive, missed, delayed, substituted, and /or diluted alcohol / drug screens.
5. Non-compliance with treatment and / or community based support groups.
6. Non-compliance with community service and / or other class attendance;
7. Failure to obtain / maintain employment and / or pursue educational or vocational goals;
8. Absconding and,
9. Commission of new offenses.
10. Non payment of Court fines and fees, or Electronic Monitoring fees.



**VCDWIDC Policy: 111**

**Reference:** NMJDCS – 8  
NMAOC – 6.x  
Key Component – 6

**111. Sanctions and Incentives**

**A. Sanctions**

Sanctions will be imposed for negative behavior and may include but not limited to the following:

1. Admonishment by the Judge
2. Explanation of behavior to group and plan of action to correct behavior;
3. Pay for confirmation of disputed urinalysis results;
4. Increased treatment requirements
5. Increased 12 step or similar program requirements
6. Increased supervision / reporting
7. Increased alcohol / drug screening
8. Written assignments
9. Jail time in appropriate increments
10. Loss of points in phase
11. Program termination

**B. Incentives**

Incentives shall be awarded for positive behavior. Incentives may include but are not limited to the following:

1. Praise by the DWI Drug Court Coordinator
2. Praise by the Treatment Provider
3. Praise from the Bench by the Judge
4. Praise in court by other team members
5. Applause in court
6. Reduction in alcohol / drug testing and / or reporting requirements
7. For phase completion (graduation), rewards may include a certificate, a small reward as donated by a local business (gift certificates), removal of electronic monitoring device, and recommendation for early graduation for those who have paid all court-ordered obligations, are current on fees, and whose recommendation for discharge is deemed appropriate by the District Attorney.

**Valencia County DWI Drug Court  
SANCTIONS**

<b>Program Violation</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
Positive Drug Test any Alcohol, Controlled Substance or illegal use of Prescription Meds Missing, Altering Refusing a UA	48 hours jail Community Service Point reduction Phase demotion Written assignment Increased supervision Increased treatment groups Increased drug / alcohol testing	3 days Jail mandatory Hearing Discharge from program	7 days Jail Mandatory Hearing Termination from program
Unexcused absence from Drug court, Probation, Treatment Community Service or AA meeting	Community Service Increased court appearances Increased supervision Increased drug / alcohol testing Increased treatment groups Written assignment	1-3 days in jail Phase Demotion Written assignment	Review hearing 15 days Jail Possible removal from program.
Failure to comply with court directives	Increased supervision Point reduction Phase demotion Written report to Court 1 – 3 days Jail	3 – 5 days jail Possible termination depending on seriousness of non-compliance	5-10 days jail termination depending on seriousness of non- compliance
Failure to complete treatment program. Forging documents required for proof of compliance	Review Hearing Referral to Inpatient Removal from program 3 – 5 days Jail	Termination from program	
Violence or threats of violence directed at any court staff, treatment staff or other clients	Automatic Termination from program		
Driving on a Suspended/Revoked	Increased supervision Repeat Phase 1 – 3 days Jail	5 – 10 days Jail Possible termination	Automatic termination from program
Convicted of a new crime (Non-DWI)	Felony – Automatic Termination Misdemeanor Hearing	Automatic termination from program	
New DWI Offense	Automatic Discharge from the Program		

- Although the team will attempt to strictly adhere to these guidelines there may be times when the team has to deviate from them for the best interest all concerned.
- The sanctions are not all inclusive the team may impose any or all listed for that offense.
- The Court has the final authority over any sanction and may step outside the grid at its discretion.
- No sanction will be imposed without clear and convincing evidence that a violation has taken place.

**VCDWIDC Policy; 112**

**Reference:** NMJDCS – H  
NMAOC – 8  
Key Component – 8  
Guiding Principle – 9

**112. DWI Drug Court Program Evaluation**

- A.** The Valencia County DWI Drug Court will maintain records on data collected during the program regarding violations, unsuccessful and successful completions, participant demographics and characteristics recidivism rates and any other areas that are deemed important in determining the success of the program and any needs the program may have.
  
- B.** Data collected will be analyzed on a regular basis to evaluate the DWI Drug Court process and outcomes at the participant and program levels. Informal feedback will be provided at team meetings, with more formal feedback provided in the form of quarterly performance measure reports.
  
- C.** Participant Surveys

**VCDWIDC Policy: 113**

**Reference:** NMJDCS – G  
Key Component – 4

**113. Confidentiality**

Confidentiality in the Drug Court Program is handled in accordance with Federal Regulations at 42C, FR. Section 2.65 and New Mexico State Law 1978 Comp. 32A-2-32 enacted by Laws 1993, Ch. 77, 61,.

Each Drug Court team member is required to fill out a statement of confidentiality and then sign a list of attendance that affirms compliance with the confidentiality rules.

**VCDWIDC Policy: 114**

**Reference:** Key Component – 10  
Guiding Principle – 10

**Effective:** June 1, 2011

**Revised:**

**114. Sustainability**

- A.** In an effort to initiate a collaboration of support from private and nonprofit organizations, and the creation of community partnerships; the DWI Drug Court will strive to increase services for program participants; broaden support and understanding from agencies and organizations that might oppose a DWI Drug Court; and seek opportunities to secure additional resources to include financial support for the operations of the DWI Drug Court Program.
  
- B.** In an effort to promote program effectiveness, whenever possible the DWI Drug Court Coordinator will participate on local boards and committees to include but not limited to the following organizations.
  - 1. New Mexico Men’s Recovery Academy Community Corrections Selection Panel (NMRA).
  - 2. Village of Los Lunas Valencia County Local DWI Planning Council.
  - 3. Partners in Wellness (PIW) Advisory Board;

The DWI Drug Court Program will continue to meet with other organizations which will benefit program participants.

- C.** The DWI Drug Court Program will enter into Memorandum’s of Understanding (MOU) with existing team members such as; Department of Corrections, Adult Probation and Parole, Law Enforcement, 13<sup>th</sup> Judicial District Attorney’s Office, Public Defenders Office, Valencia County DWI Compliance, and any other organizations or agencies which will continue to promote and enhance services for program participants.

Appendix 1

Valencia County DWI Drug Court  
Referral Request Form.

Defendant: \_\_\_\_\_ Dob: \_\_\_\_\_ Ssn: \_\_\_\_\_

Offense: \_\_\_\_\_(Circle one) Misdemeanor / Felony

Arrest Date: \_\_\_\_\_ Release Date: \_\_\_\_\_ Arresting Agency \_\_\_\_\_

1. Does the defendant admit to or appear to have an alcohol problem or dependency, or is the defendant known to have an alcohol abuse problem or addiction? Yes \_\_\_ No \_\_\_  
List diagnosis if any: \_\_\_\_\_.
2. Did the DWI involve an accident with death or serious injury? Yes \_\_\_ No \_\_\_
3. Does the arrest or charge involve the commission of a felony? Yes \_\_\_ No \_\_\_
4. Does the arrest or charge involve a crime of violence ? Yes \_\_\_ No \_\_\_
5. Does the defendant have a violent criminal history in New Mexico or any other state?  
Yes \_\_\_ No \_\_\_
6. Does the defendant have any other pending cases, charges, or holds (including ICE)?  
Yes \_\_\_ No \_\_\_ Unknown \_\_\_ List charge and jurisdiction: \_\_\_\_\_  
\_\_\_\_\_
7. Does the defendant live and work in Valencia County? Yes \_\_\_ No \_\_\_
8. Does the defendant live in an outlying area of the county? Yes \_\_\_ No \_\_\_
9. Is the defendant on supervised probation in Valencia County? Yes \_\_\_ No \_\_\_  
Unknown \_\_\_\_\_.
10. Does the defendant consent to screening for alcohol and or drug dependency? Yes \_\_\_  
No \_\_\_
11. Is the defendant capable of understanding the requirements of DWI Drug Court?  
Yes \_\_\_ No \_\_\_

Referred by:

Name: \_\_\_\_\_ Signature \_\_\_\_\_

Title: \_\_\_\_\_ Agency: \_\_\_\_\_

Date: \_\_\_\_\_

**Appendix 2**

**DWI Drug Court Eligibility Form**

**Defendant:** \_\_\_\_\_ **DOB:** \_\_\_\_\_ **SSN:** \_\_\_\_\_

**DWI Offense** \_\_\_\_\_ **Misdemeanor** \_\_\_\_\_ **Felony** \_\_\_\_\_

**Check all that apply:**      \_\_\_\_\_ Currently on supervision  
  \_\_\_\_\_ Released on bond  
  \_\_\_\_\_ In jail

1. Does NCIC / JISC criminal history indicate any of the following offenses?

- |  |                                   |
|--|-----------------------------------|
| _____ Assault arrests / convictions                          | _____ Terroristic threat          |
| _____ Stalking   | _____ Prohibited weapons offenses |
| _____ Violation of Protective Order                          | _____ 2 or more DWI convictions   |
| _____ Any 1 <sup>st</sup> or 2 <sup>nd</sup> Degree Felonies | _____ Murder, Rape, Kidnapping    |
| _____ Domestic Violence                                      | _____ Registered Sex Offender     |

2. Is the use of alcohol suspected to have contributed to the commission of this or any prior offense? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Was there a death, serious injury, or serious property damage to anyone other than the defendant? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes explain: \_\_\_\_\_  
\_\_\_\_\_.

**CASE DOES / DOES NOT MEET CRITERIA FOR DWI DRUG COURT REFERRAL**

Reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DWI Drug Court Coordinator

\_\_\_\_\_  
Date

**Appendix 3**

**Valencia County DWI Drug Court  
Substance Use Screening Form**

**Defendant:** \_\_\_\_\_ **DOB:** \_\_\_\_\_ **SSN:** \_\_\_\_\_

**Offense:** \_\_\_\_\_ **Misdemeanor** \_\_\_\_\_ **Felony** \_\_\_\_\_

Currently on supervision? \_\_\_\_ Yes \_\_\_\_ No    **Officer Name:** \_\_\_\_\_

**Substance Abuse History**

Type of Drug (Circle drug or drugs of choice)	Used (X if yes- blank if no)	Method of Use	Frequency / Amount	Age of 1 <sup>st</sup> Use	Date of Last Use
Alcohol		Oral			
Marijuana		Oral / Smoke			
Cocaine		Oral/Smoke/Snort/Inj			
Crack Cocaine		Oral/Smoke/Snort/Inj			
Methamphetamine		Oral/Smoke/Snort/Inj			
Heroin		Oral/Smoke/Snort/Inj			
LSD		Oral/Smoke/Snort/Inj			
Opiates		Oral/Smoke/Snort/Inj			
PCP		Oral/Smoke/Snort/Inj			
Benzodiazepines		Oral/Smoke/Snort/Inj			
Oxycodone		Oral/Smoke/Snort/Inj			
Methadone		Oral/Inj			
Barbiturates		Oral/Smoke/Snort/Inj			
Buprenorphine		Oral/Smoke/Snort/Inj			

Family history of substance abuse / addiction? \_\_\_\_ Yes \_\_\_\_ No If yes, relationship? \_\_\_\_\_

Number of alcohol related arrests. \_\_\_\_\_

Prior alcohol abuse education / counseling / treatment recieved. \_\_\_\_\_

Diagnosed with or received counseling for any psychological / psychiatric problems? \_\_\_\_ Yes \_\_\_\_ No  
If yes describe problem and from whom and when counseling / treatment was received.

\_\_\_\_\_

Additional Information: \_\_\_\_\_

Recommended / not recommended for follow-up evaluation on \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_

\_\_\_\_\_  
DWI Drug Court Coordinator

\_\_\_\_\_  
Date



Appendix 4

**VALENCIA COUNTY MAGISTRATE COURT  
DWI DRUG COURT PROGRAM**

Screening Interview

**COORDINATOR NOTES**

**DATE:** \_\_\_\_\_  
**CLIENT NAME:** \_\_\_\_\_  
**DOB:** \_\_\_\_\_  
**Participant ID:** \_\_\_\_\_  
**CASE NUMBER:** \_\_\_\_\_

<b>General:</b>	
<b>Employment/Education:</b>	
<b>Criminal Justice:</b>	
<b>Substance Abuse:</b>	
<b>Health:</b>	
<b>Emotional:</b>	
<b>Impressions:</b>	
<b>Attire</b>	
<b>Complexion</b>	
<b>Conversation</b>	
<b>Cooperation</b>	
<b>Economic Status</b>	
<b>Education</b>	
<b>Employment</b>	
<b>Family Status</b>	
<b>Family Support</b>	
<b>General Attitude</b>	
<b>Hair Condition</b>	
<b>Hygiene</b>	
<b>Living Situation</b>	
<b>Make up</b>	
<b>Marital Status</b>	
<b>Mental Health</b>	
<b>Fingernails</b>	
<b>Physical Health</b>	
<b>Social Status</b>	

\_\_\_\_\_  
Gilbert J. Romero, DWI Drug Court Coordinator

\_\_\_\_\_  
Date

**Appendix 5**

**Valencia County DWI Drug Court  
Intake Evaluation and Recommendation**

Defendant: \_\_\_\_\_

Case #: \_\_\_\_\_

Referral Date: \_\_\_\_\_

**Current Charges**

--	--	--	--

**Criminal History**

--	--	--	--

**Substance Abuse History**

--

**DWI Drug Court Coordinators Recommendation**

Accept \_\_\_\_\_ Deny \_\_\_\_\_ Reason for Denial \_\_\_\_\_

**Team Recommendation**

Accept \_\_\_\_\_ Deny \_\_\_\_\_ Reason for Denial \_\_\_\_\_

**Court Recommendation**

Accept \_\_\_\_\_ Deny \_\_\_\_\_ Reason for Denial \_\_\_\_\_

**Appendix 6**

**Valencia County DWI Drug Court  
Consent Form for Disclosure, Communication, and Release of Information**

I, \_\_\_\_\_

Hereby consent to communication between the listed treatment provider(s) \_\_\_\_\_

\_\_\_\_\_ the Judge,  
prosecutors from the Valencia County District Attorney's Office, the DWI Drug Court Defense Attorney, the Valencia County DWI Drug Court Coordinator, Corrections Department, Local Law Enforcement, DWI Drug Court Program evaluators, which may require information regarding my treatment for substance abuse while enrolled in the Valencia County DWI Drug Court Program. Additional persons or agencies: \_\_\_\_\_

The purpose of, and need for this disclosure is to inform the Court and other above-named parties of my eligibility and / or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the Valencia County DWI Drug Court monitoring criteria. I understand that this information will be shared in open court in reference to my case, and that anyone present in the courtroom will be able to hear this information.

I further understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Valencia County DWI Drug Court Program, such as the discontinuation of all DWI Drug Court and relevant supervision requirements upon my successful completion of community supervision or upon sentencing for violation of the terms of my conditions of supervision.

I also understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient (or participant) records, and that the recipients of this information may disclose it only in connection with their official duties.

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness  
**Appendix 7**

\_\_\_\_\_  
Date

**Valencia County DWI Drug Court  
Participation Agreement**

**NAME:** \_\_\_\_\_ **DOB:** \_\_\_\_\_ **SSN:** \_\_\_\_\_

If accepted for enrollment into the Valencia County DWI Drug Court Program, I hereby agree to the following stipulations.

1. **Honesty.** I agree to be honest with the DWI Drug Court Team, and understand that information I disclose about the offense I am under supervision for and / or information about my current use will be dealt with in DWI Drug Court and will not be used against me in future prosecutions or motions to revoke or proceed with adjudication. I understand that this program lasts from 9 to 12 months, and consists of three phases that must be completed before I am successfully discharged and graduated from the program.
2. **Substance Abuse Treatment and Counseling.** I will attend, participate in, and complete the substance abuse treatment and counseling required by the DWI Drug Court Team, to include but not be limited to detoxification, residential, inpatient, intensive outpatient, supportive out patient, and relapse prevention counseling, twelve step program attendance, cognitive behavioral classes, and any supplementary treatment, counseling, or education considered essential as part of my rehabilitation process. I understand that depending upon my income, I may be responsible for some or all treatment costs.
3. **Abstinence from Alcohol and Drugs.** I will not possess and / or use alcohol and illegal drugs, and will use prescription medication only as prescribed for me by a physician. I further agree to inform any treating physician or dentist of my substance dependency, and that I 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 supervision / probation officer and get specific permission from the DWI Drug Court Team to take such medication. 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 list any and all over the counter and prescription medication names to my treatment provider or community supervision officer prior to submitting to any drug or alcohol screens. I further agree to submit to frequent and random testing for the presence of alcohol and drugs as directed by my supervision / probation officer, and to pay any required fee for testing.
4. **Disputing positive test results.** I understand that I may dispute positive test results, but that I will be responsible for payment in advance of confirmation costs, and that if the drug / alcohol use is confirmed, the sanction will be more stringent than if I was honest about having used.
5. **Commit No New Offenses.** I will not violate laws, and understand that any violation or arrest must be reported to my supervision / probation officer within 48 hours.
6. **Make All Scheduled Appearances.** I will appear or report as scheduled to DWI Drug Court hearings, treatment and counseling sessions, and meetings with my supervision / probation officer. I will arrange for my own transportation, and understand that lack of transportation is not an excuse for missing any scheduled event.
7. **Maintain Employment and / or Education.** I will maintain appropriate full time employment or full time status as a student, or will attend any education or job training programs to which I am referred. I will report any change of status to my supervision / probation officer with in 48 hours.
8. **Housing.** I will maintain stable housing considered appropriate by the DWI Drug Court Team for my recovery.
9. **Payment of Fees.** I agree to pay Court-Ordered financial obligations.

10. **Field Visits.** I understand that DWI Drug Court Team members will conduct field visits to my residence, place of employment, and other areas I may inhabit or frequent.
11. **Appropriate Behavior.** I agree to respect the opinions and feelings of other program participants, and understand that verbal or physical threats or abuse will not be tolerated. I agree not to engage in any romantic or sexual relationships with other program participants while actively involved in the program.
12. **Respect for the Court.** I will use appropriate language in court, such as addressing the judge by saying “Yes, your Honor,” and “No, your Honor,” not leaning on the bench or using inappropriate language or slang in court. I will not bring food, drinks, gum, tobacco, or recording devices to court.
13. **Cellular Telephones and Pagers.** I agree not to bring cellular telephones or pagers to court or to any meetings required by the program.
14. **Dress Code.** I agree to dress appropriately for court and for any meetings required for the program. I understand that appropriate apparel does not include torn or dirty clothing, tank tops or halter-tops, “short” shorts or dresses, flip-flops, hats, and any clothing considered drug-related, sexually explicit or gang-related.
15. **Disclosure of Program Information for Review or Analysis.** I understand that, for purposes of study or review of this program, some otherwise confidential information may be disclosed to third parties, but that this statistical data will not include my name, address, or other personal identifying information.
16. **Confidentiality of DWI Drug Court Participation.** I understand that the DWI Drug Court Team and possibly other treatment providers will make reports to the Judge concerning my progress in treatment and that the counselor-patient / psychologist-patient privileges shall not apply. I agree to release information and permit communication with outside agencies to assist in fulfilling my requirements of this program. I understand that by attending DWI Drug Court and treatment sessions, I will learn information about other participants. I agree to maintain their confidentiality, and I will not disclose information regarding any DWI Drug Court and / or treatment participant.

I understand that I must abide by the conditions of supervision and the DWI Drug Court, including my individual treatment plan, and failure to do so may result in sanctions including, but not limited to, admonishment, verbal reports, written reports, increased drug / alcohol testing, increased treatment requirements, movement back into previous phases, increased community service, jail time, or involuntary termination from the program.

\_\_\_\_\_  
Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_

**Appendix 8**

**VALENCIA COUNTY MAGISTRATE DWI / DRUG COURT  
PHASE I CONTRACT**

**NAME:**

**CASE # (s):**

In addition to the “General Conditions of Probation,” you will also be required to:

1. Report to probation officer in person at least twice per week and/or as directed.
2. Attend substance abuse counseling and/or group sessions as directed by treatment provider.
3. Submit to random urinalysis and/or breath alcohol content (BAC) tests at least twice weekly as directed by Probation Officer or treatment provider.
4. Attend DWI/Drug Court every two weeks.
5. Attend at least two Community base support group meeting per week and provide written verification as directed by Probation Officer.
6. Must have an ignition interlock installed on any vehicles your are authorized to drive.

**Total number of points required to complete Phase I: 70**

I understand and agree to abide by all the conditions of the Phase I contract. Any violation of these conditions may result in possible incarceration, reduction of points or expulsion from the program.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Phone Number:

\_\_\_\_\_  
Date

\_\_\_\_\_  
DWI Drug Court Judge

*SANCTIONS FOR NON-COMPLIANCE*

**Any positive test, failure to submit to a urine drug screen, breath test or admittance to the use of drugs or alcohol may result in:**

1. Mandatory appearance before the DWI/Drug Court Judge.
2. Incarceration
3. A reduction in points.
4. Additional sanctions may be imposed as deemed appropriate by the DWI/Drug Court Judge.

I understand the consequences of the above.

\_\_\_\_\_

Defendant

\_\_\_\_\_

Program Coordinator

Date:\_\_\_\_\_

**Appendix 9**

**Valencia County DWI Drug Court  
Request for Advancement to Phase II**

\_\_\_\_\_  
**Participant**

\_\_\_\_\_  
**Case Number**

1. Has submitted clean drug / alcohol screens for four consecutive weeks;
2. Has submitted to screening for drug / alcohol use as required;
3. Provided input and agree to treatment plan;
4. Treatment requirements were met;
5. Cooperated with efforts to address issues regarding health, housing, employment, and related problem areas;
6. Attend court as required;
7. Attend 12-step meetings per the treatment plan and or phase agreement;
8. Has made all appointments with supervision / probation officer as required.

Specific progress:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The participant has completed the above requirements, and it is respectfully recommend that advancement to Phase II be granted.

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_ Approved

\_\_\_\_\_ Denied

\_\_\_\_\_  
DWI Drug Court Judge

\_\_\_\_\_  
Date



**Appendix 10**

**VALENCIA COUNTY MAGISTRATE DWI/DRUG COURT  
PHASE II CONTRACT**

**NAME:**

**CASE# (S):**

1. In addition to the “General Conditions of Probation,” you will also be required to
2. Report to probation officer in person at least once each week and/or as directed by Probation / Surveillance Officer.
3. Attend substance abuse counseling and/or group sessions as directed by the treatment provider.
4. Submit to random urinalysis and/or breath alcohol content (BAC) tests at least once weekly as directed by Probation / Surveillance Officer or treatment provider.
5. Attend DWI/Drug Court every four weeks.
6. Attend at least one Community based support group meeting per week and provide written verification as directed by Probation / Surveillance Officer.
7. Attend the VICTIM IMPACT PANEL (VIP)
8. Must have an ignition interlock installed on any vehicles you are authorized to drive.

Other:

---

**Total number of points required to complete Phase II: 62**

I understand and agree to abide by all the conditions of the Phase II contract. Any violation of these conditions may result in possible incarceration, reduction of points, being returned to Phase I, or expulsion from the program.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

**Appendix 11**

**Valencia County DWI Drug Court  
Request for Advancement to Phase III**

\_\_\_\_\_  
**Participant**

\_\_\_\_\_  
**Case Number**

1. Has submitted clean drug / alcohol screens for four consecutive weeks;
2. Has submitted to screening for drug / alcohol use as required;
3. Provided input and agree to treatment plan;
4. Treatment requirements were met;
5. Cooperated with efforts to address issues regarding health, housing, employment, and related problem areas;
6. Attend court as required;
7. Attend 12-step meetings per the treatment plan and or phase agreement and has obtained a sponsor;
8. Worked to stabilize family / other relationships;
9. Stabilized employment and / or set goals for vocational / educational pursuits;
10. Made regular payments on court-ordered obligations;
11. Has made all appointments with supervision / probation officer as required.

Specific progress:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The participant has completed the above requirements, and it is respectfully recommend that advancement to Phase III be granted.

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_ Approved

\_\_\_\_\_ Denied

\_\_\_\_\_  
DWI Drug Court Judge

\_\_\_\_\_  
Date

**Appendix 12**

**VALENCIA COUNTY DWI/DRUG COURT  
PHASE III CONTRACT**

**NAME:**

**CASE # (S):**

In addition to the "General Conditions of Release," you will also be required to:

1. Report to probation / surveillance officer in person at least twice monthly or as directed.
2. Attend substance abuse counseling and/or group sessions as directed by the treatment provider.
3. Submit to random urinalysis and/or breath alcohol content (BAC) tests as directed by Probation / Surveillance Officer or treatment provider.
4. Attend DWI/Drug Court every four weeks.
5. Attend at least one Community based support Group meeting per week and provide written verification as directed by Probation Surveillance Officer.
6. Continue to contact sponsor at least once per week and provide written verification as directed by Probation Surveillance Officer.
7. Complete 24 hours community service.
8. Must have an ignition interlock installed on any vehicles you are authorized to drive.
9. Other: \_\_\_\_\_

**Total number of points required to complete Phase III: 57**

**Total points required to advance to the Aftercare Program: 189**

I understand and agree to abide by all the conditions of the Phase III contract. Any violation of these conditions may result in possible incarceration, reduction of points, being returned to Phase II, or expulsion from the program.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

**Appendix 13**

**Valencia County DWI Drug Court  
Request for Graduation**

\_\_\_\_\_  
**Participant**

\_\_\_\_\_  
**Case Number**

1. Has submitted clean drug / alcohol screens as required;
2. Provided input and agree to revised treatment plan;
3. Treatment requirements were met;
4. Is connected with the appropriate service providers and /or has stabilized health, housing, employment, and related problem areas;
5. Attend court as required;
6. Attend 12-step meetings per the treatment plan and or phase agreement and continued work with a sponsor;
7. Continued to stabilize family / other relationships;
8. Continued with stabilized employment and / or continued with vocational / educational pursuits;
9. Made regular payments on court-ordered obligations; and,
10. Has made all appointments with supervision / probation officer as required.

Specific progress:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The participant has completed the above requirements, and it is respectfully recommend that graduation occur.

\_\_\_\_\_  
Program Coordinator

\_\_\_\_\_  
Date

\_\_\_\_\_ Approved

\_\_\_\_\_ Denied

\_\_\_\_\_  
DWI Drug Court Judge

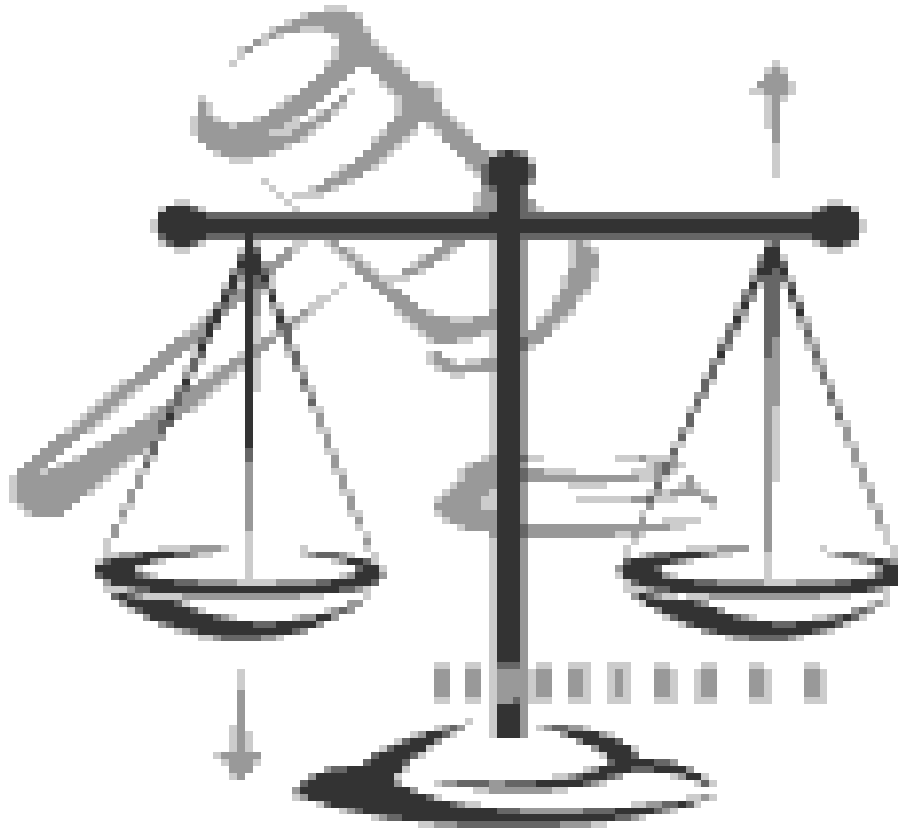
\_\_\_\_\_  
Date

Appendix 14

# Valencia County

## MAGISTRATE

### DWI DRUG COURT



CLIENT HANDBOOK

## TABLE OF CONTENTS

1. Table of Contents
2. Introduction
3. Program Description
4. Treatment
5. Program Phases and Advancement
6. Program Rules
8. Dress Code
9. Incentives and Sanctions
10. UA Violations and Relapse Sanctions
12. Acceptable and Non-Acceptable Medication list
14. Confidentiality, Client Rights, Closing
15. Important Numbers
16. Acknowledgement

## **INTRODUCTION**

Welcome to Valencia County Magistrate DWI Drug Court. This handbook is designed to answer questions and give you information about this (your) program. The information contained in this handbook is designed to be shared with your family and friends as a means to understand and support your sobriety.

Your treatment team will monitor your participation in this program. This team will provide you feedback during your participation. The people involved in this team include: DWI Drug Court Judge, Program Coordinator, Assistant District Attorney, Defense Counsel, Treatment Provider, County Compliance Officer, Probation / Parole Officer, Law Enforcement and the DWI Clerk.

This program is designed to provide you with tools and information regarding your sobriety and how to maintain your sobriety once you have completed the program. Your treatment team will work together in an effort to provide you with the most appropriate resources available to you in this community.

Remember that the ultimate responsibility will be yours and yours alone to complete this program. The choices you will make from this point forward will determine if you will succeed or fail. Your program will do everything in its power to assist you in succeeding while you are an active participant.

This is a long-term commitment that will entail you adjusting your personal life to fit into the program requirements. You will be required to attend counseling sessions; both one-on-one, and group, sessions. You will have to provide urinalysis, saliva, and breathe analysis samples throughout the term of your program. There will also be other requirements that you must fulfill in order to be successful in this program.

Once you have fulfilled your requirements, you may be eligible to graduate. Your graduation is not a celebration of completion from the program. Rather, it is a celebration of a new, sober life that you are entitled to because you have worked very hard for it.

## **PROGRAM DESCRIPTION**

The Valencia County DWI Drug Court Program is court-centered, and recognizes that each participant is an individual and attempts to address his or her needs accordingly. The program requires therapeutic treatment, regular court appearances, drug testing, regular office check-ins with the program coordinator and compliance monitor and field surveillance.

You will be required to attend 12-step meetings as part of your program. You will be provided with a “sign in” form that must be signed by the designated person where you attend your 12-step support group.



## **TREATMENT**

The treatment component of your program is comprehensive. As progress is made in your treatment, you will be eligible for phase advancements, which will provide you with more skills that will serve you well throughout your life.

As part of your treatment plan, you will be required to attend and successfully complete a therapeutic program that may include but is not limited to: individual, group and family counseling sessions, attendance in 12-step programming and participation in drug court review sessions.

The treatment is designed to develop self-awareness, realize self-worth, and practice self-discipline. The individual and group counseling sessions will include problem identification and alternative solutions. Your participation and attendance will be part of the monthly progress reports that are provided to the treatment team and the judge.

While you actively participate in this program, you will be required to comply with the conditions of your Judgment and Sentence. This is a vital part of your treatment because it will help you along on the road to a successful recovery.

**PROGRAM PHASES and ADVANCEMENT**

<p align="center"><b><u>Phase I</u></b></p> <ul style="list-style-type: none"> <li>▪ Report to probation / surveillance officer at least 2 times per week and / or as directed.</li> <li>▪ Attend counseling as directed by TP</li> <li>▪ Submit UA's and BAC's as directed by PO or TP at least twice a week.</li> <li>▪ Attend DWI Court every 2 weeks</li> <li>▪ Attend AA or other approved support group a minimum of 1 per week provide written verification</li> <li>▪ Participate in EM for Alcohol</li> <li>▪ Must have ignition interlock installed on any vehicle you are authorized to drive.</li> </ul> <p><b>Total number of points required to complete Phase I: 70</b></p>	<p align="center"><b><u>Phase II-UA</u></b></p> <ul style="list-style-type: none"> <li>▪ Report to probation / Surveillance officer at least 1 time per week or as directed.</li> <li>▪ Attend counseling as directed by TP</li> <li>▪ Submit UA's and BAC's as directed by PO or TP at once a week.</li> <li>▪ Attend DWI Court every 4 weeks</li> <li>▪ Attend AA or other approved support group a minimum of 1 per week provide written verification</li> <li>▪ Continue contact with Sponsor</li> <li>▪ Continue EM</li> <li>▪ Complete 24 hours CS</li> <li>▪ Complete VIP</li> <li>▪ Continue interlock</li> </ul> <p><b>Total number of points required to complete Phase II: 62</b></p>
<p align="center"><b><u>Phase III</u></b></p> <ul style="list-style-type: none"> <li>▪ Report to probation / surveillance officer at least 2 times per month and / or as directed.</li> <li>▪ Attend counseling as directed by TP</li> <li>▪ Submit UA's and BAC's as directed by PO or TP</li> <li>▪ Attend AA or other approved support group a minimum of 1 per week provide written verification</li> <li>▪ Continue contact with Sponsor</li> <li>▪ Complete 24 hours CS</li> <li>▪ EM may be removed by Court as incentive</li> <li>▪ Continue interlock</li> </ul> <p><b>Total number of points required to complete Phase III: 57</b>  <b>Total Points to Graduate: 189</b></p>	<p align="center"><b><u>Definitions</u></b></p> <ul style="list-style-type: none"> <li>▪ 1 point is earned for every activity attended i.e., probation contacts, clean UAs, Counseling, AA meetings etc.</li> <li>▪ AA – Alcoholics Anonymous</li> <li>▪ BAC – Breath Alcohol Content</li> <li>▪ CS – Community Service</li> <li>▪ EM – Electronic Monitoring</li> <li>▪ PO – Probation Officer</li> <li>▪ TP – Treatment Provider</li> <li>▪ UA – Urinalysis</li> <li>▪ VIP – Victims Impact Panel</li> </ul>

## PROGRAM RULES

It is very important that you take full responsibility and accountability for your behaviors, actions and attitudes *without* placing blame on others or certain situations. It is equally important to keep in mind that you will be held fully accountable by the VCDC Team and you will receive an appropriate sanction for failure to comply with the rules of the program and/or directives of the judge.

You must respect your peers, treatment team and court officials, as well as county and facility property at all times. Remember the “golden rule” **TREAT OTHERS AS YOU WISH TO BE TREATED**. Harassment, discrimination, verbal and physical threats will not be tolerated. Inappropriate activity may result in receiving a sanction by the treatment team, which may include immediate incarceration.

Notify your therapist, program coordinator and/or compliance monitor and attain approval *prior* to missing your appointment/session if you are unable to attend treatment, give a UA, or if you will be tardy. An incident report will be submitted to the team and judge and you may face sanctioning if you fail to attend programs as required and prior notice is not given. *Excusable absences are acceptable in the event of a family emergency, serious illness, or court appearance. Missed sessions can be made up within the same week.*

Failure to produce a drug test or providing a diluted or adulterated urine sample will lead to an incident report being made and will be considered “dirty” (positive). However, if you do provide a drug sample which *does* come back positive, a confirmation may be done on the sample submitted at your expense. All confirmed drug and alcohol testing is documented and reported to the judge and VCDC Team in your review before court. UA violations will result in an emergency review drug court session being scheduled for sanctioning, generally within 24-48 hours of the confirmed violation.

Once in the program, you will be required to report any medications you may be taking to your compliance monitor, program coordinator and your therapist. This is important because some prescription medications that you may be taking can cause you to produce a false positive UA result.

Keep your Compliance Monitor, program coordinator and treatment provider(s) aware of any change in address, phone number and who you are living with. Also, if you are arrested, detained in jail, or have a hearing in another court, you must notify your compliance monitor, the program coordinator and counselor within 24 hours.

For *any* court appearance, dress appropriately, (see attached dress code), cover all tattoos, and take out any eye, lip, nose or eyebrow rings/studs.

Remove your hat and/or sunglasses and dispose of your chewing gum before entering the courtroom. Upon entering, make sure to take a seat in the first two rows. Do not talk with others during the court session and do not leave until everyone has finished presenting unless you are excused by the judge.

Always address the judge as Your Honor or Sir.

In the best interest of your treatment, the judge may direct you not to associate with, or have any contact with a friend or person that conflicts with your efforts in recovery or safety. If you are found to be in contact or association with this person, it will constitute a violation of the program rules and you will be sanctioned. Be honest about any relapses or drug use in your recovery. This will better facilitate the efforts to provide you with the necessary treatment.

## **DRESS CODE**

**A formal DRESS CODE will be in effect during each court session as follows:**

Tee shirts, muscle shirts, sandals, flip-flops, shorts, bare shoulder blouses, mini-skirts, and/or baggy jeans are NOT allowed in court. All jeans or dress slacks require a belt, and shirts must be tucked in.

- *Your work uniform or outfit is permissible only if you are coming to court directly from your job.*

If you have any doubts as to what you should wear to court, ask your counselor Program Coordinator.

## **INCENTIVES AND SANCTIONS**

Once you are engaged in treatment, you will be required to meet certain criteria in order to advance phases. Phase advancements are a positive, reinforcing way to document and see your progress. Phase advancements and/or graduation will not occur before 90 days from last program violation.

When you are actively participating, your treatment team may recommend to the judge that you may be given an incentive, which can include: movie passes, restaurant vouchers, group excusals, etc.

If you are not meeting the criteria for your program this may be brought to your attention by sanctions recommended by the team. Sanctions may include, but are not limited to: community service, additional 12-step meetings, possible incarceration and/or unsuccessful discharge from the program.

Some examples of infractions that may result in sanctions include, but are not limited to: positive urinalysis, positive breathalyzers, missed appointments, missed 12-step support meetings, missed drug court reviews, driving without an interlock, driving on a suspended license, without an interlock etc.

**Valencia County DWI Drug Court  
SANCTIONS**

<b>Program Violation</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>3<sup>rd</sup> Offense</b>
Positive Drug Test any Alcohol, Controlled Substance or illegal use of Prescription Meds Missing, Altering Refusing a UA	48 hours jail Community Service Point reduction Phase demotion Written assignment Increased supervision Increased treatment groups Increased drug / alcohol testing	3 days Jail mandatory Hearing Discharge from program	7 days Jail Mandatory Hearing Termination from program
Unexcused absence from Drug court, Probation, Treatment Community Service or AA meeting	Community Service Increased court appearances Increased supervision Increased drug / alcohol testing Increased treatment groups Written assignment	1-3 days in jail Phase Demotion Written assignment	Review hearing 15 days Jail Possible removal from program.
Failure to comply with court directives	Increased supervision Point reduction Phase demotion Written report to Court 1 – 3 days Jail	3 – 5 days jail Possible termination depending on seriousness of non-compliance	5-10 days jail termination depending on seriousness of non- compliance
Failure to complete treatment program. Forging documents required for proof of compliance	Review Hearing Referral to Inpatient Removal from program 3 – 5 days Jail	Termination from program	
Violence or threats of violence directed at any court staff, treatment staff or other clients	Automatic Termination from program		
Driving on a Suspended/Revoked	Increased supervision Repeat Phase 1 – 3 days Jail	5 – 10 days Jail Possible termination	Automatic termination from program
Convicted of a new crime (Non-DWI)	Felony – Automatic Termination Misdemeanor Hearing	Automatic termination from program	
New DWI Offense	Automatic Discharge from the Program		

- Although the team will attempt to strictly adhere to these guidelines there may be times when the team has to deviate from them for the best interest all concerned.
- The sanctions are not all inclusive the team may impose any or all listed for that offense.
- The Court has the final authority over any sanction and may step outside the grid at its discretion.
- No sanction will be imposed without clear and convincing evidence that a violation has taken place.

Below you will find a list of drugs that you can and cannot take safely. Please pay close attention to the medications you receive to ensure long-term health and recovery from addiction.

**DRUGS THAT CAN BE TAKEN**

*\*Do not use any amount beyond what is recommended.*

Advil Aleve Aspirin Ecotrin  
Tylenol Ibuprofen Toradol Sudafed  
Clinoril Feldene Meclomen Medipren  
Motrin Nalfon Naprosen  
Robitussin DM (5 cc every 4 hours for cough.)  
Tessalon Perles for cough

**Antihistamines:** (Theses are old types and are more dangerous)  
***USE WITH DOCTOR APPROVAL ONLY AND BE CAREFUL!***

Actifed Afrin Ornade  
Alka-Seltzer Plus Allerest Polarmine  
Benadryl Comhist Teldrin  
Comtrex Contac Pyribenzamine  
Coricidin Dimetane Triaminicin  
Dimetapp Histadyl PBZ  
Dristan

***The following are new antihistamines and are safer:***

Seldane Hismonal  
Zyrtec Claritin

**DRUGS THAT ARE NOT TO BE TAKEN**

**Sleeping Aids and Tranquilizers:**

Ambien Ativan Centrax Compazine  
Dalmane Deprol Equanil Meprobrate  
Xanax Halcion Limbitrol Miltown  
Milpath Restoril Serax Valium Vistaril Atarax

**Analgesics:**

Darvon Equagesic Fiorinal Norflex  
Norgesic Parafon Forte Robaxin Robaxisal  
Soma Talwin Wygesic Ultram  
Darvocet N 100

**Barbituates:**

Amytal Na. Brevital Butabarbital Butisol Na.  
Donnatal Eskobarb Mebaral Pentothal  
Phenobarbital Surital Seconal (Red Devils)



Tuinal (Xmas Trees, Rainbows)  
Nembutal (Yellow Jackets)

**Alcohol:**

Hair tonics Medical alcohol Mouthwash  
Perfumes Sterno Wood alcohol  
After shave lotion

**Over The Counter (OTC):**

Caffeine preparations, Nodoz, Vivarin, etc.  
Diet Aids- Dexatrim, etc.  
Antihistamines- Dristan, Contac, etc.  
Sominex, Nytol, Nyquil, etc.

**Anticholinergics/Antispasmodics:**

Atropine Donnatal Hyosoine Kinesed  
Librax Pathibarnate Pro-banthine Scopolamine  
Valpin Belladonna & derivatives Levsin with Pb.

**Minor Tranquilizers:**

Librax Libritabs Librium Pathibamate  
Paxipam Serax Trancopal Tranxene  
Valium Versed Vesprin Xanax  
Ativan Equinal (Meprobarbarnate, Miltown, Milpath.)

**Non- Amphetamine Stimulants:**

Adipex- P Appedrine Bontril Control  
Dexatrim Efed 11 Fastin IonaminMazanor Melfat No-doz Plegine  
Pondamin Prela-2 Preludin Prolamine  
Ritalin Sanorex Tenuate

**Sedatives:**

Amytal Carbital Doriden Methaqualone  
Nembutal Noludar Parest Placidyl  
Veronal Quaalude Seconal Sopor  
Sodium Phenobarbital Sodium Luminal  
Noctec or Chloral Hydrate

**Stimulants:**

Cylert Desoxyn Dexadrine Dexamyl  
Dexaspan Didrex Eskatrol Fastin  
Ionamine Preludin Prelu-2 Dexies (hearts)  
Benzadrine (Bennies, whites) Desbutal (greens)  
Methamphetamine (Speed, Meth, Desoxyn, Methadrine)

**Narcotics/Opiates/Opioids:**

B & O Supp. Bancap HC Cocaine Codeine  
Damason-P Dolene Hy-Phen Hycodan  
Hydrocodone Tussionex Vicoden Leritine

Lomotil Lorcet Lortab Mepergan- Forte  
Methadone Morphine Nubain Numorphan  
Oxycodon Percodan Tylox Pantopan  
Paregoric Pentazocine Perco barbs Percocet-Darvon  
Percodan Phenzocine Propoxyphene Darvocet  
Dolene Ultram Roxicet Roxicodone Synalgos D  
Talacin C Talwin Tic. Opium Tylenol 1,2,3,4  
Tylox Vicodin Zydone APC with Demerol  
Demerol Dilaudid Dolophine (Methadone) Empirin 1,2,3,4 with codeine  
Empracet with codeine Fentanyl-Sublimaze

**Narcotics/Opiates/Opioids Continued:**

Fiorinal # 1m 2,3,4 w/codeine Levo-Dromaran  
Soma Compound w/codeine Stadol  
Heroin (E., Horse, Dope, Smack, Junk) Innovar Inj. (Fentanyl w/codeine  
Sublimaze (Fentanyl)

**Bromides:**

Bromo-quinine Miles Nervine

**Cough Syrups:**

Codeine Hycodan Hydrocodone Oxycodone  
Tussionex

**Hypnotic/Sedatives:**

Alurate Ativan B.A.C. Butalbital  
Butisol Carbital Dalmane Doridan  
Halcion Nembutal Noludar Nytol (OTC)  
Quaalude Restoril Seco Barbitol Sleepeze (OTC)  
Chloral Hydrate Compoz (OTC) Phenobarbital Paraldehyde

**Hallucinogens:**

“68” DMT Hashies Hashish  
Mescaline Pailocybin Peyote Psilocin  
LSD (Lysergic Acid, Diethylamide, Acid)  
“STP” or “DOM” (4 methyl-2, 5, Demethoxyamphetamine)  
Butotenine (Dimethylserotonin) Marijuana (Pot, THC)  
DET (Diethyltryptamine) Ibogaine  
Grass (Roach, Joint, Mary Jane)

**Volatile Substances/Anesthetics, Inhalants:**

Anesthetics Amyl/butyl Nitrate Banana Oil Freon  
Fluothane Gasoline Glue Surital  
Nitrous Oxide Paint Thinners Panthrane Trilene

*Should you continue taking addictive MEDICATION; a hearing will be scheduled to allow you to present evidence of the need for these medications. If you elect to continue use without*

*authorization from the Drug Court Team, positive drug screens will be considered sanctionable and termination a potential end result.*

## **CONFIDENTIALITY**

Because your treatment information is sensitive in nature, your confidentiality is protected. No member of the treatment team shall provide information regarding your participation in the program to anyone outside of Valencia County Drug Court Team, unless otherwise authorized by you.

You will be required to sign a release of information. This release is so that we may communicate your needs with the treatment team as it is compiled by different community entities.

## **CLIENT RIGHTS**

The Valencia County Drug Court Program recognizes that many people have individual needs which may include: physical disabilities; mental illness; diverse lifestyles; learning disabilities; and cultural and ethnic differences. The Valencia County DWI Drug Court Program is based on “community” and “teamwork”. This means that everyone works together, accepts one another for who they are and helps each other within the program. Drug Court participants have the right to be treated with dignity and respect as well as receive quality services.

## **CLOSING**

The treatment team hopes that this manual answers any questions you may have. If there are any questions that are not answered, please do not hesitate to ask. Remember one thing, this is YOUR program. Your progress or lack thereof, is a result of your choices. If you choose to let this program work for you, and you are successful, you can expect to become healthier and maintain sobriety. Welcome to the program and good luck!

## **IMPORTANT NUMBERS**

- **Valencia County DWI Drug Court Program**  
901 West Castillo, Belen, NM 87031  
Gilbert Romero, Program Coordinator (505) 864-7509 cell: (505) 660-3369
  
- **Defense Attorney**  
550 Cortez SW, Los Lunas, NM 87031  
Greg Gaudette, Attorney (505) 865-3180
  
- **Partners in Wellness**  
750 Morris Road, Los Lunas, NM 87031  
(505) 866-2300
  
- **Los Lunas Wellness Center**  
3445 Lambros Loop, Los Lunas, NM, 87031  
Herman Lucero, Electronic Monitoring (505) 352-7727

**Valencia County DWI Drug Court Program**

**ACKNOWLEDGEMENT OF RECEIPT OF PARTICIPANT HANDBOOK FOR  
THE DONA ANA COUNTY DWI DRUG COURT PROGRAM**

I have received and read a copy of the participant handbook for participation in  
The Valencia County DWI Drug Court Program

\_\_\_\_\_  
Signature

\_\_\_\_\_  
date

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
date

**THIS ACKNOWLEDGEMENT MUST BE PLACED IN THE PARTICIPANT'S  
FILE**

