

# **SYLVANIA MUNICIPAL COURT SPECIALIZED DRUG DOCKET**



## **PARTICIPANT HANDBOOK**

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## **WELCOME AND INTRODUCTION**

This handbook provides an overview of the Sylvania Municipal Court Specialized Drug Docket (SDD) program and details the rights and responsibilities of the participant in the program. This handbook also provides the criteria for graduation from the program and an explanation of the range of sanctions that may be imposed for program noncompliance.

The SDD program is a voluntary program, individualized to the specific needs of each participant. The program is designed to be completed in a twelve-month period. The length of a participant's program may be extended in response either to treatment needs or violations of rules and conditions.

## **WHAT ARE THE BENEFITS OF THE PROGRAM?**

The benefits of SDD program participation are:

- Learning how to obtain and maintain a sober lifestyle
- Improved life skills
- Improved personal relationships
- Improved stability in personal life
- Reduction of contacts with the criminal justice system

## **WHO IS THE PROGRAM DESIGNED TO HELP?**

The SDD program is designed to target nonviolent, moderate to high-risk, offenders with substance use disorders. The risk level is based on risk relative to core criminogenic needs and the likelihood of recidivism as identified through the Ohio Risk Assessment System (ORAS) screening and assessment process. To assess an applicant's risk of re-offending, a certified ORAS officer will conduct an interview, and during this interview will focus on several topics:

- Criminal and supervision history
- Educational, employment, and finances
- Family and social support
- Neighborhood challenges
- Substance abuse disorders
- Peer associations
- Criminal attitudes and behaviors

The SDD program objectives and goals will be individualized based on the issues and needs identified as a result of the screening process.

## **WHAT MAKES A PERSON ELIGIBLE FOR THE SPECIALIZED DRUG DOCKET PROGRAM?**

A person who is interested in the SDD program is assessed by the Special Docket Probation Officer (SDPO) to determine if he/she meets the criteria for admission to the program. The SDPO looks at both legal and clinical factors to determine eligibility, including the person's current criminal charge(s), circumstances of the offense(s), criminal history, family history, health condition, and motivation and willingness to participate in the program. Admission to the program is without regard to the race, national origin, age, gender, or sexual orientation of the applicant.

If a person satisfies the eligibility requirement the Judge will then decide whether that person will be granted admission into the SDD program. Meeting eligibility requirements does not guarantee admission into the program.

### **LEGAL AND CLINICAL ELIGIBILITY CRITERIA**

#### **Clinical Eligibility Criteria:**

Participants are required to complete a diagnostic assessment by an approved court provider to determine eligibility for the program. To be considered for the program, participants must provide a substance abuse disorder diagnosis by an approved provider.

#### **Clinical Assessment:**

A formal diagnostic assessment, and any recommended treatment, will be conducted by a professional who possesses the appropriate licenses and credentials and who is court-approved. The clinical assessment and the ORAS assessment are designed to identify individual challenges, needs, and beliefs, and to ensure that all subsequent interventions and interactions are gender responsive and culturally appropriate. Collateral information is provided to individuals completing the clinical assessment and the ORAS assessment to ensure the accuracy of the assessments.

#### **Legal Eligibility Criteria:**

*The following criteria will be considered for the SDD program:*

- Current charges are misdemeanor offenses, otherwise eligible for sealing;
- Current charges are drug-related offenses;
- Offender has a moderate to high ORAS score;
- Offender has a diagnosed substance abuse disorder;
- Offender would benefit from substance abuse treatment;
- Offender is capable of participating in and completing the program.

*An offender is not eligible for the SDD program if:*

- The current charges carry mandatory jail days;
- The current charges are related to the use of a firearm or deadly weapon;
- The current charges are related to drug trafficking;

- The current charges are offenses of violence or sexually oriented offenses;
- The offender has a history of failures to appear, non-compliance issues, failed treatment experiences, or a poor history of supervision;
- The offender has pending cases in this court or other courts that would exclude participation.

**Please note these are only guidelines. A potential candidate does not need to meet all criteria to be determined eligible for the program.**

**Non-Discriminatory Practices:**

If the participant meets the written clinical and legal eligibility criteria, the participant will not be denied admission to the SDD program based upon race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran status, disability or indigency status.

**Program Capacity:**

The general capacity of the SDD program is twenty active participants. Not all who meet the legal and clinical eligibility criteria will be approved for the program. Admission into the program is subject to Judge approval.

**HOW DOES A PERSON APPLY FOR THE PROGRAM?**

The person must be recommended by the Sylvania Municipal Court Prosecutor's Office for participation in the SDD program. If a person is recommended by the Prosecutor to participate in the program, the person will be scheduled to meet with the program Special Docket Probation Officer (SDPO) for an overview of the program and he or she will be asked to sign a release of confidential information form. The SDPO will refer the person for a diagnostic assessment with a court-approved treatment provider and an ORAS score determination.

The SDPO will review the person's assessment results and ORAS score to determine whether the person meets the minimum eligibility requirements of the program. If the person is determined to be eligible, the SDPO will request approval from the Judge to admit the person into the program. The person will be notified in writing by the SDPO if approved or denied for program participation.

**Please note, the determination of eligibility by the SDPO does NOT mean the participant will be admitted to the program. The participant must still be approved for admission by the Judge.**

## **WHAT HAPPENS IF I HAVE BEEN ACCEPTED INTO THE PROGRAM?**

*If a person is eligible for the SDD program and has been approved by the Judge to participate in the program:*

- The person will enter a guilty plea on all charges.
- The Judge will impose the maximum number of jail days.
- The Judge will suspend all of the jail days for completion of the SDD program.
- Upon the person's successful completion of the SDD program the suspended jail days will be vacated and the case(s) will be ordered sealed upon payment of costs. (Inability to pay costs in full does not necessarily prevent successful completion of the program).

## **HOW DO I SUCCESSFULLY COMPLETE THE PROGRAM?**

- You will successfully complete the program if you are compliant with all the rules and conditions of the program and complete all tasks and terms assigned to you by your SDPO. You will meet with your SDPO at the start of the program and will be provided with a written list of program rules, conditions, and terms that you will be required to complete. Program participants generally complete the program within twelve-months.

## **WHAT HAPPENS IF I DON'T COMPLETE THE PROGRAM?**

*If a person does not successfully complete the SDD program:*

- If you do not successfully complete the program, or are terminated from the program, a hearing will be scheduled for the imposition of the suspended jail days. At the hearing, the Judge may order you to serve the suspended jail days or may order that the sentence be modified.

\*Prior to any hearing to impose suspended days, the participant will be given notice of the sentencing hearing and is entitled to representation by an attorney. A participant may waive the right to be represented by an attorney as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

## **WHAT ARE THE TERMS AND CONDITIONS OF THE PROGRAM?**

*The minimum terms and conditions of SDD program are:*

- Signed participation agreement
- Diagnostic assessment
- Follow all treatment recommendations
- Inpatient and/or outpatient drug treatment program with court approved treatment provider
- No use of drugs or alcohol

- Weekly support meetings
- Attend weekly in-person or virtual SDPO meetings
- Attend in-person court check-in meetings, for 12 consecutive months
- Obtain employment upon agreement from the provider, if applicable
- Maintain stable housing
- Provide weekly negative drug screens
- Parenting course, if applicable
- Remain law-abiding

*\*A person's inability to pay for drug screens or treatment will not prevent the participant from being admitted into, or participating in the program.*

***What other terms and conditions may be imposed:***

- Obtain GED, if applicable
- Thinking for Change behavior modification program
- Obtain a valid license, if applicable
- Carey Guides
- Any other conditions deemed appropriate by SDPO

**WHAT SANCTIONS MAY BE IMPOSED FOR THE VIOLATION OF PROGRAM TERMS AND CONDITIONS?**

*If a person violates the terms and conditions of the SDD program, the potential sanctions include:*

- Admonishment from the Judge
- Book reports on topic
- Watch YouTube/Ted Talk on topic and write a book report
- Increased frequency of SDPO meetings and supervision
- Increased frequency of court check-in meetings
- Increased frequency of drug screens
- Imposition of random drug screens
- Community service
- Electronic monitoring
- Jail days
- Extension of the program term
- Termination from the program

## **HOW ARE SANCTIONS IMPOSED?**

Sanctions are graduated and will be imposed consistent with the severity of the infraction. See the example below:

Infraction	Level of Severity	Sanction
First missed SDPO meeting	Low	Verbal warning
Second missed SDPO meeting	Moderate	Community service hours
Third missed SDPO meeting	High	Termination from program

All participants are afforded due process including notice, and a hearing, and are entitled to legal representation before termination from the program, and imposition of jail sanctions.

### Termination Hearings:

Participants shall not be terminated from the program unless the participant is provided notice of intent to terminate, a hearing, and representation by an attorney. Participants have a commensurate level of rights as those required for community-control-revocation hearings. A participant may waive the right to a hearing, as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

### Imposition of Jail Sanctions:

A participant will not receive a jail sanction for non-compliance without notice, a hearing, and representation by an attorney. A participant may waive the right to a hearing, as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

Participants do not have the right to contest the imposition of sanctions that do not impact liberty interests. Adjustments in treatment activities are not sanctions.

### Therapeutic Adjustments:

A participant will not receive a punitive sanction if they are otherwise compliant with their treatment and supervision requirements, but are not responding to treatment interventions. In that circumstance, the participant will be reassessed and the participant's treatment plan may be adjusted based on the recommendations of trained treatment professionals.

## **WHAT INCENTIVES ARE USED IN THIS PROGRAM?**

*If a person is compliant with all terms and conditions of the SDD program, the SDPO may recommend:*

- Reduced frequency of SDPO meetings
- Reduced frequency of court check-in meetings
- Reduced frequency of drug screens



- Early successful termination from the program

**WHAT ARE COMMON INFRACTIONS THAT MAY BE CONSIDERED NON-COMPLIANCE AND MAY RESULT IN IMMEDIATE SANCTIONS:**

- Failure to attend SPDO meeting
- Failure to attend court check-in meetings
- Failure to keep appointments with treatment providers
- Failure to comply with recommendations of treatment providers
- Failure to submit negative drug screens
- Failure to be honest with SDPO
- Failure to be responsive to contacts from SPDO

**WHAT ARE TREATMENT TEAM MEETINGS?**

The treatment team is composed of the Judge, SDPO, Chief Probation Officer (CPO), Special Docket Coordinator, prosecutor, participant’s attorney, representatives from court-approved special docket treatment providers, and the participant’s court-approved treatment providers. The treatment team monitors the progress and performance of each participant to assist the participant in the successful completion of the program. The treatment team meetings are conducted as needed and before the participant’s court check-in meetings. If a participant is not in compliance with program terms and conditions, the treatment team member, or the treatment team collectively, may make a recommendation to the Judge for the imposition of sanctions, or termination from the program. If a participant is compliant with all program terms and conditions and demonstrates excellent performance, the treatment team may recommend incentives, early termination, or successful termination from the program.

Each treatment team member plays a specific and equally key role in the administration of the program. Listed below are each member’s roles and responsibilities:

Judge	<ul style="list-style-type: none"> <li>-The Specialized Docket Judge has the discretion to determine admission into the program based on legal and clinical criteria set forth for the Specialized Docket program;</li> <li>-The Judge is the chair of the treatment team and attends treatment team meetings;</li> <li>-The Judge is the decision maker concerning incentives, sanctions, phase advancement, and successful completion or termination;</li> <li>-The Judge meets with each participant at court check-in meetings to discuss a participant’s progress and phase in the program.</li> </ul>
Special Docket Coordinator	<ul style="list-style-type: none"> <li>-Facilitates the specialized docket program in accordance with the written specialized docket program description;</li> <li>-Assists with identifying potential participants;</li> <li>-Conducts eligibility screening;</li> </ul>

	<ul style="list-style-type: none"> <li>-Coordinates and manages the daily operations of the specialized docket;</li> <li>-Coordinates specialized docket education for team members;</li> <li>-Facilitates and coordinates the treatment team meetings and status review hearings;</li> <li>-Monitors compliance with the supervision plan and monitors sanctions;</li> <li>-Informs the treatment team whether treatment plan, supervision plan, and court orders are followed;</li> <li>-Monitors service provider agreements and contracts;</li> <li>-Monitors services and programming provided to participants;</li> <li>-Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and program termination of participants;</li> <li>-Oversees and manages Specialized Docket Probation Officers;</li> <li>-Collects and maintains statistical data;</li> <li>-Notifies the Judge of participant non-compliance with the treatment plan, case plan, court orders, or positive drug screen.</li> </ul>
<p>Specialized Docket Probation Officer/ Chief Probation Officer</p>	<ul style="list-style-type: none"> <li>-Assists with identifying potential participants;</li> <li>-Conducts eligibility screening;</li> <li>-Assists the participant in the development, utilization, and coordination of the individualized case plan;</li> <li>-Assists and monitors the participant through each phase of the program;</li> <li>-Monitors the participant's compliance with the case plan;</li> <li>-During treatment team meetings, provides progress reports and recommendations;</li> <li>-Meets regularly with the participant to discuss program goals and participant progress;</li> <li>-Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination from the program;</li> <li>-Monitors participant sanctions;</li> <li>-Informs the treatment team whether the case plan, treatment plan, and court orders are followed;</li> <li>-Advises the Judge and Specialized Docket Coordinator of any case plan, treatment plan, or court order violations;</li> <li>-conducts random alcohol and drug tests and reports the results of the tests to the treatment team.</li> <li>-Notifies the Special Docket Coordinator of participant non-compliance with the case plan, treatment plan, Court orders, or positive drug screen.</li> </ul>
<p>Prosecutor</p>	<p>The Sylvania Municipal Court incorporates a non-adversarial approach while recognizing the distinct role of the Prosecutor in pursuing justice and protecting the safety of the public and victims.</p> <ul style="list-style-type: none"> <li>-Identifies potential participants for the program in accordance with the written specialized docket criteria;</li> <li>-Recommends participants for admission into the program;</li> </ul>

	-Attends treatment team meetings and court check-in meetings.
Defense Counsel	<p>The Sylvania Municipal Court incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the specialized docket participant.</p> <ul style="list-style-type: none"> <li>-Attends treatment team meetings and court check-in meetings;</li> <li>-Assists the participant with decision-making regarding participation in the specialized docket program;</li> <li>-Explains to the participant what rights he or she is waiving by entering the program;</li> <li>-Explains the possible sanctions that may be imposed;</li> <li>-Explains the circumstances that may lead to termination from the program;</li> <li>-Explains the effect that termination from the specialized docket may have on the participant’s case and possible disposition outcomes;</li> <li>-Attends the initial hearing admitting participants into the program;</li> <li>-Attends all hearings, treatment team meetings, and court check-in meetings at the request of the participant.</li> </ul>
Treatment Providers	<ul style="list-style-type: none"> <li>-A treatment provider is anyone providing treatment for the specialized docket.</li> <li>-All treatment providers are licensed and trained to provide services in accordance with the written criteria in the specialized docket program description;</li> <li>-Coordinates diagnostic assessments, and clinical diagnosis, develops a treatment plan;</li> <li>-Provides documentation of a participant’s progress and compliance with treatment recommendations;</li> <li>-Attends treatment team meetings and court check-in meetings;</li> <li>-Provides updates on participant progress and makes treatment recommendations regarding the individual needs of the participant;</li> <li>-Participates in discussions regarding sanctions, incentives, phase advancement, and successful completion and termination;</li> <li>-Notifies the Special Docket Coordinator of participant non-compliance with treatment plan protocols, or positive drug screens.</li> </ul>

**WHAT ARE COURT CHECK-IN MEETINGS?**

The court check-in meeting (or status review hearing) is an in-person meeting held at the court. The meeting includes the participant, SDPO, Judge, prosecutor, participant’s attorney, treatment provider, spouse of the participant, and, or support person (at the request of the participant). At the court check-in meeting, participant progress is reviewed and the participant’s program goals and objectives may be reinforced with sanctions, incentives, and/or admonishments.

Court check-in meetings provide consistent, ongoing judicial interaction with each participant. The frequency and context of these interactions are based on the participant’s case plan, phase of the

participant, and the participant's program compliance. The participant's plan is developed, tailored, and adjusted based on the participant's individual needs and progress. All services provided incorporate evidence-based strategies, services that are gender-responsive, culturally appropriate, and based on the risk level of the individual.

Court check-in meetings are scheduled by the Court on designated days and times in accordance with the participant's risk level as determined by the participant's ORAS score.

## **WHAT ARE THE PHASES OF THE PROGRAM?**

The SDD program has three phases to successful completion:

### **Phase 1**

Phase 1 is an engagement and stabilization phase focusing strongly on a participant's substance abuse issues. Drug testing will occur in this phase no less than twice per week during the first several months of an individual's enrollment. The frequency thereafter will vary depending on participant progress.

Phase 1 will focus intensely on obtaining sobriety and engaging in treatment recommendations as prescribed by a court-approved treatment provider. A participant will also be required to meet weekly with their SDPO, and attend a minimum of two court check-in meetings each month with the Specialized Docket Judge. The following is a minimum expectation for Phase 1. The participant should:

- Accept and agree to program goals, objectives, and terms as assigned by the SPDO;
- Engage and follow treatment provider recommendations;
- Engage and actively participate in treatment provider meetings and counseling sessions;
- Engage and actively participate in SDPO meetings;
- Actively engage in tasks as assigned by the SDPO;
- Be compliant with program rules and conditions.

### **Phase 2**

In Phase 2 the participant will continue to work on sobriety, but will also focus on treatment services that more broadly address their individual identified criminogenic needs. Participants will work toward re-establishing relationships, obtaining sober support networks, and obtaining employment or educational and vocational skills. The following is a minimum expectation for Phase 2. The participant should:

- Demonstrate progress on assigned tasks;
- Demonstrate progress in treatment and show compliance with recommendations of the treatment provider;
- Actively participate in court check-in meetings;
- Demonstrate compliant attitude and change in behavior;

- Be providing negative drug screens;
- Be compliant with program rules and conditions.

### **Phase 3**

In Phase 3 the participant will be near completion of assigned tasks and will have demonstrated consistent compliant behavior with all program rules and conditions. Participants will have completed required education courses and life skill objectives. The following is a minimum expectation for Phase 3. The participant should be working toward the following:

- Completion of all assigned program tasks as assigned by the SDPO;
- Completion of the treatment program and compliance with follow-up recommendations;
- Submission of the required number of clean drug screens;
- Obtain GED, valid license, stable housing, and/or employment, if applicable;
- Payment of program and treatment provider costs;
- Full compliance with program rules and conditions.

Movement through the Phases in the program will be determined by the effort and compliance of the individual participant. The goal for program participants is to complete all three Phases within a twelve-month period. Phases may be shortened or extended based on participant progress or treatment needs.

**A participant may be terminated from the program at the discretion of the Judge at any time for non-compliant behavior and/or ANY violation of the terms and conditions of the program. If a participant is recommended for termination the participant, and the participant’s legal counsel, will be given notice of the intent to terminate, and the matter will be scheduled for a hearing.**

If a participant develops a serious or terminal medical condition, is diagnosed with a serious mental condition, or is physically or medically unable to complete the SDD program, his or her termination will be considered a “neutral” termination and he or she will not be penalized at disposition.

### **GRADUATION FROM SDD PROGRAM:**

Participants who successfully complete the program will receive a graduation ceremony held in their honor, at which time they will receive a certificate of recognition from the Judge. The participant may invite family, friends, and supporters to celebrate his/her achievement.

### **HOW WILL I BE MONITORED FOR SUBSTANCE ABUSE?**

You will be monitored by random, frequent, observed alcohol and drug testing protocols established by the Sylvania Municipal Court Probation Department. (See *Sylvania Municipal*

*Court Probation Department Substance Abuse Monitoring Policy for Specialized Drug Docket, page 16*). If you test positive, refuse to submit to testing, submit an adulterated sample, submit a sample of another, or dilute the sample, you will be considered non-compliant and may incur sanctions or termination from the program.

### **HOW WILL I BE NOTIFIED OF POSITIVE TEST RESULTS OR NONCOMPLIANCE WITH THE TESTING PROTOCOL?**

You will be notified in writing by the SDPO of any positive test or noncompliance with the testing protocol. The SDPO will also provide immediate email notification to the Judge of any positive test result or of any non-compliance with the testing protocol (failure to report, alteration of the sample, attempts to dilute or alter a sample, or submitting a sample of another individual).

### **WHAT IF I TAKE DOCTOR PRESCRIBED MEDICATION?**

You will be required to inform your SDPO of all prescribed medications you are taking or are prescribed while participating in the program. You are also required to notify your SDPO of any over-the-counter medications you are using. Abuse of prescription medication or over-the-counter medication could result in termination from the program.

### **ARE THE SDD PROGRAM FILES CONFIDENTIAL?**

The files of the SDD program participants are confidential and are secured in the Sylvania Municipal Court Probation Department. No person, other than treatment team members and the Judge/Magistrate has access to the files.

### **CAN I POSSESS A FIREARM WHILE I AM IN THE SDD PROGRAM?**

No. You are not permitted to possess or use a firearm while you are in the SDD program.

### **CONCLUSION**

The goals of the Sylvania Municipal Court Specialized Drug Docket program are to support you in obtaining sobriety and living a healthy lifestyle and to prevent further involvement in the criminal justice system. Your SDPO and the treatment team will guide and support you through this program. It is your choice to participate, and success is in your control. You must be committed to the program, including treatment and sobriety, and you must have a sincere desire to improve your life.

**SYLVANIA MUNICIPAL COURT  
PROBATION DEPARTMENT  
SUBSTANCE ABUSE MONITORING POLICY FOR  
SPECIALIZED DRUG DOCKET**

A participant must submit to random, frequent, and observed drug and alcohol testing while participating in the Sylvania Municipal Court Specialized Docket (SDD) program.

Substance abuse monitoring and alcohol and drug testing plans are individualized to meet the needs of the participant. The participant understands that they are required to comply with all random, frequent, and observed drug and alcohol testing per Drug Court discretion and Drug Court Probation/Pretrial Supervision Officer. A positive test at intake will not result in a sanction and the participant will be allowed an acceptable amount of time to produce a negative drug screen.

The Judge or Magistrate will sanction a participant who relapses or returns to use; which may include but is not limited to an increase in the frequency of testing, electronic monitoring, jail days, and/or termination from the SDD Program. Additionally, their treatment provider will be notified immediately to allow for updating or changes to their treatment plan.

At intake, the participant shall submit a urine sample for testing to establish a baseline for the presence of drug metabolites in his or her system, and will not be sanctioned based upon the results of the initial urinalysis.

If a participant desires to leave the area for any length of time, they must obtain permission from their Special Docket Probation Officer (SDPO), and they may be expected to make arrangements for ongoing substance abuse testing in whatever location to which they are traveling.

A participant may be required to wear a drug-testing patch or a TAD Unit device to further monitor their alcohol and drug use, and they are responsible for any costs associated with those devices. However, their ability to pay will be taken into consideration on a case-by-case basis.

Participants understand that tampering with either device constitutes a positive test result and sanctions will be imposed accordingly.

All participants must submit random urinalysis based on request at any time when requested by an authorized representative of the specialized docket treatment team and or their SDPO. All urinalysis screens could be shared with internal and external agencies. A participant could also be sanctioned to increase urinalysis test, due to response of behaviors.

**Random Drug Testing Monitoring**

- The participant is required to provide and maintain a valid cell phone number with the SDPO to receive drug testing notifications. The text message will generate at 8:00 AM on

the day of testing and the client must submit a sample before the expiration of the Centralized Drug Testing's hours of operation that day. The dates of testing will be random and determined by the SDPO at a frequency that adheres to the guidelines of the SDD.

- The following acts will be treated as a positive test, and immediately sanctioned:
  - Failing to submit to testing
  - Submitting an adulterated sample
  - Submitting the sample of another individual; or
  - Diluting samples.

### **Drug Testing Location**

**The Centralized Drug Testing Unit is located:** at 1302 Washington Street, Toledo, Ohio 43604 (behind the Source).

**Important reminders:** Do not park in the Source parking lot, your vehicle will be towed. The participant understands that upon their arrival at CDTU, all participants, and items are searched by security. The participant understands that they are required to make themselves available during CDTU testing hours. The participant understands that they are responsible for traveling to the CDTU testing location and arriving promptly.

All participants will be required to comply with the Centralized Drug Testing Unit (CDTU) policy and procedures for sample collection which include:

- The participant understands and agrees that they are responsible for all costs associated with drug and alcohol testing conducted at CDTU.
- The participant understands and agrees to produce a valid picture ID and follow proper sign-in procedures at CDTU. If the participant does not have a valid picture ID, they are to immediately notify their Drug Court Probation Officer, to obtain a Regional picture ID (RID).
- The participant understands that they are required to test during the specific lab hours at CDTU which are the following for both females and males:

**Monday & Thursday 8:30a.m.-6:00p.m.**

**Tuesday & Wednesday 8:30a.m.-4:30p.m**

**Friday-8:00a.m-4:00p.m**

- The participant understands that specimens can only be collected by same-gender staff. The participant understands and agrees that if there is a question regarding the participant's gender, CDTU staff will inquire discreetly about what the participant's gender is.
- Female and/or Male participants are called in order that they enter the facility. The participant understands and agrees that each participant will be accompanied into the restroom by the appropriate officer.
- The participant understands and agrees that during sample collection they are observed by an officer to ensure that they do not attempt to adulterate the sample.



- Female participants understand and agree that they may be required to squat and cough prior to submitting the sample collection.
- The participant understands and agrees that they cannot leave the facility until the sample collection is checked for appropriate temperature, if the sample collection is not the appropriate temperature or does not register, the participant is required and instructed that they must submit another collection sample.
- The participant understands that both collection samples are tested and an incident report with the results are to be forwarded to the drug court team immediately.
- The participant understands that all sample collections are kept for at least 14 business days, and allows the participant the opportunity to contest the accuracy of the test performed by the CDTU.

### **Challenging a Positive Screen**

You have the right to contest any drug test that you feel resulted in a false positive. The cost to re-test the sample is \$50.00 and will be your responsibility. Should the result come back negative, you are refunded the amount of the re-test.

However, the SDPO will take a participant's ability to pay this fee and shall make reasonable accommodations based upon each participant's financial ability. A re-test will NOT be denied to a participant based on the inability to pay this fee. All positive tests are held for 30-days after confirmation to ensure a timely manner for the participant to exercise their right to contest. Contested drug test results through CDTU will be sent to an independent lab\_pursuant to the Centralized Drug Testing policy.

While waiting for the laboratory test results, sanctions are not issued. However, if the test returns as positive, then a more severe sanction may be issued for deception plus the use.

All substance abuse testing results are shared with the SDD Treatment Team, SPDO, Judge, and Magistrate. A participant who tests positive fails to submit to testing, submits an adulterated sample, submits the sample of another individual, or dilutes samples will receive a sanction(s) or possible termination from the SDD program.

### **INFORMATION REGARDING OTHER CONSTITUTIONAL AND STATUTORY CONCERNS:**

SDD complies with all constitutional and statutory rights of our participants. Any such rights that are permitted to be waived by the participant will be done in a manner that ensures the substantive due process rights of the participant.

