

FLAGLER COUNTY ADULT DRUG COURT

ORIENTATION PACKET



“RECOVERY IS THE KEY TO A SUCCESSFUL LIFE”

Seventh Judicial Circuit Court

Flagler – Putnam – St. Johns – Volusia

BUNNELL, FLORIDA

The Flagler County Adult Drug Treatment Division (drug court) is a judicially led, treatment driven, cost effective collaboration that benefits the community, non-violent drug offenders and their families by reducing the devastation associated with criminally involved substance abusers.

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THE DRUG COURT TEAM

| | | |
|-------------------------------|-----------------------|--------------------------|
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MISSION AND VISION OF THE FLORIDA JUDICIAL BRANCH

MISSION

The mission of the judicial branch is to protect the rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.

VISION

Justice in Florida will be accessible, fair, effective, responsive, and accountable.

To be accessible, the Florida justice system will be convenient, understandable, timely and affordable to everyone.

To be fair, The Florida justice system will respect the dignity of every person, regardless of race, class, gender, or other characteristic, apply the law appropriately to the circumstances of individual cases, and include judges and court staff who reflect the community's diversity.

To be effective, the Florida justice system will uphold the law and apply rules and procedures consistently and in a timely manner, resolve cases with finality and provide enforceable decisions.

To be responsive, the Florida justice system will anticipate and respond to the needs of all members of society and provide a variety of dispute resolution methods.

To be accountable, the Florida justice system will use public resources efficiently and in a way that the public can understand.

<http://flcourts.org/florida-courts/mission-and-vision.stml>

WELCOME TO THE DRUG COURT!

We are pleased that you chose to participate in the Flagler County Adult Drug Treatment Division! We began planning for your arrival years ago. Your commitment begins now. Total participation is vital. We want to assist you in your recovery, encourage you to improve your quality of life, and make Flagler County a better place to live.

We intend to assist you in completing a program of effective substance abuse treatment. We use graduated phases to encourage you to succeed. You are not alone. Other people who are in recovery will also assist you in developing a lifestyle that is free from the use of alcohol and other drugs.

This handbook is a guide that contains information that you will need to successfully complete this program. We encourage you to read it and to share it with your family and friends so that they can support you on your road to recovery.

The answers to most of your questions concerning this program are in this orientation packet. If you have any other questions, please do not hesitate to ask your probation officer, treatment counselor or any Drug Court Team Member. We wish you every success in this program. Please ask questions. We want you to succeed!

INTRODUCTION - “Drug Courts Work!”

This program works with non-violent felony offenders who have substance abuse problems. If you participate in this program, your quality of life may drastically improve. This orientation packet covers information about Drug Court. After reading it, you should have a good understanding of what we expect. As a participant, you should follow the instructions given to you by your probation officer, treatment counselor, and other team members, especially the Judge. All participants are encouraged to share this handbook with family and friends.

The leadership of the Honorable Kim C. Hammond Circuit Court Judge was instrumental in the Flagler County Adult Drug Treatment Division (Drug Court) becoming a reality. Many community members came together to develop and implement this program. The Flagler County drug court program started on December 1, 2006, which was made possible through a federal drug court grant provided by the Office of Justice Programs. That Federal Grant expired on September 30, 2009; at which time the Flagler County Board of Commissioners adopted the program into the County’s budget. On January 1, 2011, the Honorable Raul A. Zambrano, Circuit Court Judge, assumed leadership of the Drug Court Team and presided over Drug Court until December 3, 2012, when the Honorable Circuit Court J. David Walsh was assigned to preside over Drug Court until his retirement on February 29, 2016. Judge Matthew Foxman was then assigned the Drug Court docket. Judge Foxman was later transferred to Volusia County and Judge Dennis Craig took over the Drug Court Docket in Flagler County, on January 1, 2017. Judge Terence Perkins was assigned to the Drug Court Docket in June of 2018.

PROGRAM DESCRIPTION

This Flagler County drug court program is a supervised, comprehensive treatment program for non-violent, substance abusers charged with drug related felony offenses. The program combines the efforts of the Circuit Court, State Attorney’s Office, Public Defender’s Office, Court Administration, Clerk of the Court, Sheriff’s Office, Bunnell Police Dept., Flagler Beach Police Dept., SMA Healthcare, EPIC, and other treatment providers, the Department of Corrections, and multiple community members. This voluntary program involves regular court appearances before the Drug Court Judge, community supervision, substance abuse treatment counseling, random drug testing, and self-help meeting attendance. Life-skills training, vocational training, educational advancement, and job placement are available to participants. The program length, determined by each participant’s individual progress, **will be no less than fifty-seven (57) weeks**. If you are eligible and choose to participate in this program, you must be willing to commit to the entire program. Depending on your legal status, should you successfully complete the drug court requirements and conditions, your charges may be dismissed, or you could be allowed to withdraw your plea and the State could choose to not prosecute the case(s).

WHO MAY ENTER DRUG COURT?

Non-violent, adult felony offenders who reside in Flagler County are eligible to enter this program. The candidate must demonstrate that he/she has a substance abuse problem. Many program participants will be placed on felony probation with a special condition requiring completion of all drug court requirements. Those who choose to enter the program early on during the court process may be eligible to avoid probation and have their charges dismissed upon successful completion or “graduation”.

THE INTAKE PROCESS

The State Attorney's Office makes sure that all referrals meet the legal entrance requirements for the program. Your attorney fully informs you about the program so that you can decide if you would like to volunteer to become a participant. You will be encouraged to view Drug Court Hearings in progress. A substance abuse screening will be completed to determine if you have a substance abuse problem. The Drug Court Judge (with input from the Team) makes the final decision concerning program eligibility. Entry into the program occurs when the Judge signs the order. Expect to start right away!

DRUG COURT ORIENTATION

We want you to know what is expected of you while you participate in this program. Therefore, the following people will be involved in telling you about the program: your attorney, your treatment counselor, the program coordinator, the Judge, and your probation officer. **Please ask questions that will help you to understand. We want you to succeed!**

GOALS

Although your treatment counselor and probation officer will work with you to set individualized goals, these goals will apply to nearly every participant.

1. Remain free of alcohol and other drugs by living a drug free lifestyle
2. Develop a law-abiding pattern of living
3. Improve employability through vocational training and education (Obtain a GED if needed)
4. Participate in support groups such as the twelve step support groups like AA and NA or the SMART Recovery program
5. Improve social skills
6. Enhance self-esteem and personal motivation
7. Learn relapse warning signs and develop a personal relapse prevention plan
8. Accept responsibility for financial obligations and learn budgeting skills
9. Learn and apply better ways of coping with the problems that life offers
10. Develop and improve time management skills

COURT ATTENDANCE AND COURTROOM BEHAVIOR

As a Drug Court participant, you will be required to appear in Court regularly. Missing a Drug Court Hearing may result in a warrant for your arrest. At each appearance, the Judge will be given a report from the Team concerning your progress, which will include drug testing results, attendance, progress in treatment, supervision comments, etc. The Judge may ask you questions about your progress and discuss any problems you may be experiencing. If you are doing well, you will be encouraged to continue the good work. We use incentives! If there are problems, the Judge may impose sanctions – even short jail sanctions.

You must speak directly with the Drug Court Judge concerning your progress. You are responsible for your own behavior. Be on time. Everyone should remain seated and quiet while in Court unless asked to stand and speak. Address the Judge with respect. Remain in Court for the entire Hearing unless approved to leave early and dismissed by the Judge. Turn off your cell phone and pager.

SUBSTANCE ABUSE TREATMENT - CONFIDENTIALITY

Federal and Florida law protects your identity and privacy. Because of these regulations, policies and procedures have been developed to guard your confidentiality. You will be asked to sign a waiver authorizing the transfer of information among all participating team members and agencies.

SUBSTANCE ABUSE TREATMENT – INDIVIDUAL COUNSELING

You will be required to participate in individual counseling sessions with your treatment counselor. Please take advantage of this valuable opportunity to progress in the program. Additional sessions may be scheduled if necessary. **If an Individual Counseling session is missed or cancelled without at least 24-hour notice, the Participant will be charged a twenty-dollar (\$20) cancellation fee.**

SUBSTANCE ABUSE TREATMENT – GROUP COUNSELING

You will be required to attend group treatment counseling sessions and education classes that must not be missed unless properly excused in advance or in the event of a true emergency. Please avoid making excuses not to attend. Treatment groups are a major component of this program. Arrive on time, participate as appropriate and remain until the event is over. Otherwise, you may be counted as absent. Follow all of the treatment provider’s “house rules”. The following actions will not be tolerated:

1. Violence or threats of any kind to staff or other participants
2. Use and/or possession of drugs and/or alcohol
3. Belligerent behavior or acts of vandalism to property
4. Possession of any type of weapon
5. Inappropriate sexual behavior or harassment

SUBSTANCE ABUSE TREATMENT – FAMILY COUNSELING

Family counseling sessions will be conducted for participants and their families / significant others. These sessions may help your family to understand the basic principles of addiction so that they can support you in your recovery. Perhaps these sessions will encourage someone close to you to seek help also. Participants who bring a Family Member to the **Family Education Program (FEP)** will be given credit for one (1) Community Service Work Hour (CSWH) for each meeting they attend, up to a maximum of twelve (12) hours.

SUBSTANCE ABUSE TREATMENT AND SUPPORT GROUPS

Involvement in Support Groups such as the twelve-step programs groups like Narcotic Anonymous (NA) and Alcoholic Anonymous (AA) or SMART Recovery Programs are important to your recovery. The Drug Court requires you to attend and to provide written verification that you are doing so. You should get to know the people at these meetings who are recovering from addiction and living a drug-free lifestyle. Developing this support system may be critical to a long-term successful recovery. It is your responsibility to find out when and where meetings take place. Your treatment counselor and probation officer will assist you if necessary. Warning, everyone who attends these meetings is not necessarily living a drug free lifestyle. Alternatives to AA/NA/Smart Recovery attendance may be available if needed. Please address any concerns that you may have about these support groups with your counselor.

SUBSTANCE ABUSE TREATMENT – LIFE SKILLS AND MORE

As you advance in the program, life skills, anger management, parenting classes and other types of educational sessions will be made available to you. You are encouraged to take advantage of these activities, even if they are not required. **TREATMENT – MEDICATION ASSISTED TREATMENT (MAT)**

Recent studies have shown that some addicts engaged in substance abuse treatment have responded well in recovery when their treatment also included Medication Assisted Treatment (MAT). One of the medications available for MAT and used by the Flagler County Adult Drug Court is VIVITROL®.

The drug in Vivitrol® is Naltrexone. It is a non-addictive antagonist used in the treatment of opioid and alcohol dependence. Naltrexone is administered in an injectable long-acting formulation, once a month. The U.S. Food and Drug Administration (FDA) approved this medication for use in individuals with opioid or alcohol use disorders to prevent relapse.

A participant may request, or a Team Member may recommend the use of Vivitrol®. Upon agreement of the Team, the participant would be referred to the Drug Court Treatment Provider to undergo the approved, written screening process. Whether or not a participant takes part in the use of Vivitrol® as part of their substance abuse treatment regimen is completely voluntary.

If a participant decides to utilize Vivitrol®, the decision of when to take the participant off of the medication will be made after a discussion with the Doctor, the Treatment Provider, the Drug Court Coordinator and most importantly the Participant. The decision to cease administering the medication will be discussed with the Drug Court Team, prior to implementation.

TREATMENT – UNEXCUSED ABSENCE FROM TREATMENT GROUPS

Treatment is a priority in drug courts! Participants who have unexcused absences from treatment sessions will be required, within one week, to schedule and attend a make-up session as well as performing two (2) community service work hours (CSWH) for each unexcused absence. Additionally, the participant will be required to appear for the next Drug Court Hearing.

Drug court participants who do not attend the required number of support meetings will be required to attend one self-help meeting each day for seven days as well as performing one (1) CSWH for each meeting missed. Additionally, the participant will be required to appear for the next Drug Court Hearing

TREATMENT – FEES & COURT RELATED FINANCIAL OBLIGATIONS

Treatment fees are to be paid \$20 per week to EPIC, unless the Court orders otherwise. Program participants with court related financial obligations such as child support, restitution, crime victims' fund, and legal aid fees are expected to make payments on a regular schedule.

You may be required to show proof of payments to your probation officer. If you cannot make a payment, discuss your situation with your probation officer in order to make other arrangements. Failure to make scheduled payments while in this program may delay your progress and if monthly Probation fees are not made on a regular basis it could lead to a Violation of Probation. **Stay current on ALL your fees.**

TREATMENT – CALENDAR

Your counselor will provide you with a treatment calendar each month. It is advisable for you to keep a daily planner to keep track of all your commitments. Drug Court requirements and your recovery are the priority now.

PROBATION SUPERVISION

Report to probation as instructed! You must abide by all of the terms of your Court Orders. Be prepared to provide a urine sample any time you report to probation or treatment. You must notify your probation officer if you are arrested or charged with any new law violation. You must immediately notify Probation and the Court if you change your address. If you are unable to report as required, inform your probation officer concerning your problem. Unless it is a true emergency, you will not likely be excused. Working closely with your probation officer should help you to successfully complete this program.

You are required to make payments towards your **Probation Costs** at a MINIMUM rate of \$50 **EACH** month (**once employed**) in order to be considered for the A-Team. Those payments will be made at the Probation Office via Money Order or Bank Check. Cash will not be accepted.

Proof of current **LEGAL EMPLOYMENT** (copies pay stubs) must be supplied to your Probation Officer at each Probation visit.

Participants will also be required to perform a minimum of two (2) **Community Service Work Hours** (CSWH) for EACH WEEK they are in the program (excluding Phase 5).

COURT COSTS

When you are first admitted to Drug Court, you will be ordered to pay various court costs, supervision costs, Probation fees, and in some cases Restitution. It is imperative that you make a financial plan as soon as possible after entry to address these costs, in an effort to pay them off prior to your graduation. Failure to do so could require you to remain on Probation after Graduation until these fees are paid.

You could also be put on a payment plan, or the balance could be turned over to civil judgment, which carries with it a 40% interest rate, and your driver's license will be suspended until the fees are paid in full.

Payment Plans must be set up with the Clerk of Courts PRIOR to graduation!

So, set up a financial plan early, to enable you to pay off your fees prior to you completing the program.

CONSTRUCTIVE USE OF TIME, EMPLOYMENT AND EDUCATION

After advancing to Phase 2, you will be required to maintain full time employment (for a minimum of twenty hours per week) or participate in school full time. A combination of the two is acceptable also. It is important for you to use your time constructively. Idleness and boredom are not your friends.

Probation will verify your employment by visiting you on the job. Inform your employer about your participation in the Drug Court. You must inform probation right away if your employment or educational status changes.

Although we will work with your schedule as much as possible, you cannot miss court, group sessions and appointments due to conflicts in your work schedule.

If you do not have a High School Diploma or a GED prior to entering Drug Court, you shall be required to obtain a GED while in the Drug Court Program.

DRESS APPROPRIATELY

Program participants will be required to wear “appropriate” clothing while participating in the program. You may be asked to change your clothes if the staff notices that you are wearing clothing that is not appropriate. Speak with your probation officer if you have any questions concerning what clothing is appropriate to wear while participating in the program. It is important to treat yourself and the Court with respect. Men must wear pants, shirt, and shoes. Women may wear pants, skirts, or dresses of appropriate length with an appropriate blouse.

- No bathing suit tops, tank tops, halter tops, hip hugger pants, see through blouses, midriffs.
- Undergarments should not be visible at any time.
- No clothing bearing or promoting alcohol, alcohol related themes and other drug related themes.
- No gang clothing or “colors”
- Remove hats and sunglasses.

FRATERNIZATION, LIVING TOGETHER AND INTIMATE RELATIONSHIPS

Participants are encouraged to build healthy relationships with others who are living a law-abiding, drug-free lifestyle. Helping other participants in the program by listening to each other, giving wise input when requested and carpooling together to treatment sessions are often good things that are encouraged.

Residing in the same halfway house or sharing an apartment with another drug court participant may even be necessary to make ends meet financially. This type of living arrangement is acceptable; however, please be very prudent about the people with whom you spend your time, the places that you spend your time and the things that you do. Those who are within their first year or two of recovery typically experience huge changes in their life.

People early on in recovery are often vulnerable in ways they do not fully understand. For this reason, entering into new, intimate relationships, especially with others who are new to recovery such as other program participants, is strongly discouraged. Sadly, it is more common for a person who relapses to pull down their significant other than for a person who is strong in recovery to pull up their intimate partner. We cannot overstate enough the importance for you to use this opportunity in drug court to focus your efforts on making yourself the best you can be.

If a participant chooses to ignore the aforementioned advice against fraternization, and as a result violates subsequent drug court requirements, the Drug Court Team will take the disregarding of such advice into consideration when determining sanctions for violations.

DRUG TESTING – “A POSITIVE IS A POSITIVE”

We believe that the answer to most problems cannot be made better by drinking alcohol or using illicit drugs. Using alcohol and other drugs can lead to your relapse. We understand that on rare occasion you may need to take prescription and over the counter drugs.

In this program, you will be drug tested a lot! Instead of trying to “catch you” when you use alcohol and other drugs, we would prefer to assist you in remaining free of alcohol and other drugs. Even though we strive to use the best testing methods possible, no drug testing system is perfect. This program will only be successful for you if you let it. Do not sabotage yourself by trying to figure out how to “beat the test”.

You are required to bring Photo Identification to each drug test.

The primary type of Drug testing/screening used by the Flagler County Drug Court is conducted with urine samples (others may include, but not be limited to hair ETG testing). Failing to provide a urine sample upon request will be counted as a positive drug test. Tampering with a test, using adulterants, and smuggling in another person’s urine will be dealt with in a much more severe manner. Experience has taught us that making exceptions to this policy usually enables addicts to continue to use drugs. We are against that.

Your success in this program depends on you holding yourself accountable for your own actions. We want to help you to be honest. You will not likely be “kicked out” of the program because you use drugs. Instead, you will be held accountable while you continue to participate in the program. We are very interested in assisting you to live a drug-free lifestyle. That is why you must also call the random drug testing system every day to find out if you need to provide a sample for that day.

We want you to spend your time working on recovery instead of arguing about drug-testing results. Therefore, when a participant tests positive on a drug test, the program’s position is “**A Positive is a Positive.**”

DRUG TESTING – NO ALCOHOL – ALCOHOL IS A DRUG

Alcohol is a drug. Do not consume alcohol. You are not permitted to enter an establishment whose primary purpose is to sell or distribute alcohol. It is your responsibility to limit your exposure to cough syrups, food which contain alcohol, mouthwashes and breath-strip and hygiene products. The Program Coordinator will discuss this with you at length. It may be smart for you do not use tobacco or caffeine also, but they are drugs that program participants may consume legally.

DRUG TESTING – OVER THE COUNTER MEDICATION

We encourage you **not** to resolve ailments and other problems by using medications. Having said that, you may use over-the-counter medications if needed; however, do this first. Discuss it with your treatment counselor and probation officer. Do not take medications that contain ephedrine, pseudoephedrine, phenylpropanolamine, or alcohol. These medications may test “positive” on a drug test. Examples of these medications are Sudafed, Nyquil, Contac, Sine-Off and Allerest. This is not a complete list. Read the label or ask the Pharmacist for medications that do not contain these substances. Some over the counter medications that do not contain these substances are aspirin, ibuprofen, and acetaminophen. Read and follow the directions on the label.

DRUG TESTING – OTHER MOOD- OR MIND-ALTERING DRUGS

Other mood- or mind-altering substances, whether or not legal, shall not be used unless specific permission is granted by the Drug Court Team prior to taking the substance. Failure to first obtain permission will subject you to being sanctioned, up to and including a jail sanction.

Use of ANY Mood- or mind-altering substances, including but not limited to K-2, Spice, JWH-018, Meditation, Mojo, Kratom, bath salts, etc., will not be tolerated and violators will be sanctioned as those who use “illegal” substances.

DRUG TESTING – STEROID USE

Steroids use while in Drug Court is prohibited unless prescribed by a physician and then ONLY after being granted permission by a Drug Court Team member. Testing for Steroids is very expensive. If it is suspected that you may be using steroids in violation of this prohibition, you will be drug tested. If the test is positive, you will be required to pay for the testing.

DRUG TESTING – YOUR DOCTOR AND PRESCRIPTION DRUGS

You should follow the medical advice of your doctor. We encourage you to receive medical treatment from a qualified doctor. In fact, one component of recovery is to properly address medical issues and physical ailments. It is a good idea to get a physical examination by your doctor on a regular basis. We do insist that you honestly disclose your substance abuse history to your doctor.

You must register any prescription or over the counter medication, including all health supplements, with your treatment counselor before taking such medication/supplements, except in a life-threatening situation. In such a case, inform your treatment counselor as soon as possible after taking such medications. You may not be allowed to enter the program if you are using a mood-altering prescription drug or one that will test positive on a drug test. You may become eligible for the program if you stop using the medication under the supervision of your doctor, or if your doctor prescribes another medication that is not mood altering and will not test positive on a drug test. If you must briefly take a prescription medication that will test positive on a drug test, your clean day count may be suspended while you are taking the medication. You should not have to take this type of prescription very often. Maintaining sobriety can be hard if you have to take mood-altering drugs, even for a little while. Pain medication can be a big problem. Many prescription drugs are effective, not mood altering, and they will not test positive on a drug test. Most antibiotics fit into this category.

DRUG TESTING – DILUTE URINE SAMPLES

When a participant provides a dilute urine sample, it can be indicative of intentionally attempting to “beat” a drug test. Determining intent is not easy. Therefore, each participant must provide a valid urine sample when requested. In this program, urine samples with a creatinine level under 20 mg/dl are diluted. Also, it is very unusual for donors to provide urine samples with creatinine levels that vary widely from one day to the next. When a participant provides a dilute urine sample, the program will typically adhere to the following policy indicated on the next page.

DRUG TESTING – POLICY FOR DILUTE URINE SAMPLES

When the laboratory performs GCMS testing on a urine sample, it also checks for and determines creatinine levels in a person's urine. If the levels returned are low, between 5 mg/dl and 20 mg/dl, the sample is identified as a "Possible diluted urine sample." Lower than 5 mg/dl the lab considers them "not human."

The primary cause of low creatinine levels in the urine is over-hydration. Arguably to hide or mask drug or alcohol use.

All Drug Court Participants are required to call the UA (urine analysis) number between the hours of 5:00 AM and 6:00 AM each and every day. Nearly all UAs are conducted first thing in the morning between 6:30 AM. & 7:30 AM. They are repeatedly told not to have anything to drink in the morning prior to calling the UA number. If the UA message indicates a UA is NOT scheduled for that morning, then they can drink anything and as much as they want (non-alcoholic of course). However, if upon calling the UA number they find a UA is scheduled, then they should refrain from drinking anything, particularly coffee, tea, and caffeine products as they are diuretics.

When a participant has any dilutes, the above instructions are reiterated to them. In addition, they are told that a dilute WILL result in sanctions which could include incarceration and loss of all clean days.

The following is the policy for administering sanctions for diluted urine samples:

1ST Dilute

1. Warning from the Judge about sanctions for subsequent dilutes.
2. Participant is NOT eligible for A Team
3. Participants are required to write an essay on what causes dilutes & how to avoid them in the future.
4. Return to court the following week.

2ND Dilute

1. A Minimum of 48 hours in jail
2. Loss of clean days
3. Return to court the following week.

Subsequent Dilute s

1. Incarceration & Possible expulsion from Drug Court

DRUG TESTING – Random UA Call-In System Memo

The Flagler County Drug Court Program is interested in all program participants remaining drug and alcohol free. Toward that end, it has been determined that a system of random urinalysis (UA) testing is necessary. Therefore, **all program participants** are required to do the following every day without fail to include weekends and holidays:

1. Call the random urinalysis voice mail system between 5:00 AM and 6:00 AM to learn if there will be a mandatory urinalysis (UA) that day. The phone number to call is:

386-313-4511

2. Drug Court Participants are normally called by their Phase, but occasionally you may be called by the last two digits of your social security number. Whichever way you are called, you must appear in person at the location and time that is specified on the recording. This visit does not replace any scheduled supervision or treatment visit and does not eliminate the possibility of having to provide another sample on the same day.

LISTEN CLOSELY TO THE MESSAGE IN ITS ENTIRETY!

3. If when you call the above telephone number for the Random Drug Screening Message and the message announces the incorrect date, call the Coordinator's cell phone number, and advise him, leaving a message on his cell phone. (This occasionally occurs when there has been a power outage). He will then make the appropriate change to the message (if he is able to do so). In the event he is unable to change the message, he will leave the appropriate Random Drug Screening message on his cell phone. Either way, you are still responsible to call in and obtain the Random Drug Screening Message, whether on the above number or his cell phone. So, **Keep Calling!** If you are unable to get the appropriate message, you should report to the SMA Healthcare Center, Vince Carter Sanctuary, 301 Justice Lane, Bunnell, as you would for any other drug test, before 7:30 AM.
4. Failure to report for a random urinalysis will be handled **as a positive urinalysis test** and will in all likelihood result in your arrest. Therefore, it is extremely important for each participant to call in each and every single morning no matter what!
5. **You must bring Photo Identification to each and every urinalysis test, or you will not be tested. If you are not drug tested because of no Photo ID, it will be considered a refusal to provide a sample.**

A supervision officer may suspend this requirement in advance if a participant is physically unable to report in due to incarceration, hospitalization, or approved travel. Do not assume that this requirement is suspended. Speak with a supervision officer first!

Hoping you will be able to stay clean and sober!

INCENTIVES AND SANCTIONS

We use incentives and sanctions to help you to live a law-abiding, drug-free lifestyle. You may have heard of the “carrot and the stick”. The members of the Team are continually looking for ways to encourage and recognize you! We want to recognize your enthusiastic involvement in your own recovery as well as helping to facilitate the recovery and treatment of your peers in the program. Incentives are the “carrots” that encourage you to accomplish your goals.

If you follow all of the program rules, you can expect to be on “**A Team**” when you come to Court. If you go above and beyond and do extra (like going to more AA/NA meetings, lending others a hand, being “engaged” in your own recovery) you could possibly be designated as “**A Team with Incentive.**” If you are designated as such for two consecutive court appearances, you would be given an opportunity to pick from the “fishbowl” which contains gift certificates and other rewards.

We also use sanctions, if necessary, to help you to change your behavior in meaningful ways. Remember the carrot? Well, sanctions are the “stick” that might help to keep some people from going to prison. The threat of such consequences might assist you to succeed in the program. The use of incentives and sanctions, even incarceration, can motivate you to succeed. If you have any good ideas concerning a good incentive or sanction, please tell us. We may decide to use your suggestion.

If you are required to complete additional treatment requirements like extra groups or residential treatment, we understand that it might feel like a sanction to you. We want you to know that we do not intend for **treatment responses** to be considered sanctions.

TO BE ON A TEAM

- Attend all required treatment sessions for the period (MRT, FEP, group and IC sessions)
- Attend all required AA/NA meetings for the period.
- Be current with Community Service Work Hours
- Have Treatment Fee balance at Zero or paid in advance.
- Must be making regular required payments to Probation (min. \$50 each month)
- Must turn in current copies of Pay Stubs to Probation, on Mondays
- Recommendation of the Team with Final Decision by the Drug Court Judge

TO BE ON A TEAM WITH INCENTIVES

- Must have all A-Team requirements plus consideration will be given to those who:
- Attend more NA/AA meetings than those required.
- Perform more Community Service Work Hours than required.
- Have Treatment Fee balance at Zero or paid in advance.
- Give assistance to other program participants.
- Includes family members (Family Education Program and/or schedules family session with BTC)
- Are “engaged” in their own recovery.
- Recommendation of the Team with Final Decision by the Drug Court Judge

Please note, in order to be granted “Travel Privilege” participants must be on the A-Team!

PHASE ADVANCEMENT

You will be eligible to advance to the next phase of the program once you have completed all requirements of the phase that you are currently in and the Judge, based on the Team's input, approves your advancement to the next phase.

If you are required to complete a long-term residential treatment program while you are in drug court, you will be given the opportunity to advance through the phases more quickly to allow you to complete drug court in a reasonable amount of time. Please ask the Program Coordinator for details.

GRADUATION

You will be eligible to graduate from the program upon approval of the Drug Court Judge who will base his decision on your progress and the input from the Team. To graduate, you will be required to advance through the program's fourth phase and complete all the phase four requirements. Phase five of the program is for those participants who complete all the requirements of phase four, but the next scheduled graduation date is several weeks or months off. You should be able to show how Drug Court has positively influenced your life. **Graduates will be honored at a special ceremony.** Your family will be invited to join you as the Judge congratulates you on successfully completing the Drug Court Program and achieving your goals. Depending on your particular case, your charges may be dismissed, adjudication may be withheld, or you may be allowed to withdraw your original plea and the State may choose to prosecute your case(s). In **most** cases your probation will be terminated early. However, in a few cases some remain on probation until the specific criteria of their particular case is met.

EXPULSION/UNSUCCESSFUL TERMINATION FROM DRUG COURT

We would like all participants to remain in treatment until they are able to live a law abiding, drug free lifestyle. Therefore, we do not want to terminate you from the program until we have tried very hard to assist you. If you will not complete the requirements of the program, the Drug Court Judge, based on the recommendations of the Team, decides if you will be unsuccessfully terminated from drug court. Typically, expulsion from the program may occur as a result of continuous failures to participate in treatment, continuous failures to complete all program requirements, numerous positive drug tests, absconding from treatment (in excess of 45 days), tampering with a drug test or new charges such as:

- Drug sales including trafficking
- Multiple offender DUI or DUI with property damage or personal injury
- Possession of firearm
- Violent offenses (assault, domestic violence battery, robbery, sexual offenses, etc.)
- Other new charge will be considered on a case-by-case basis

Unsuccessful termination from the program will typically result in any lawfully allowed sentence for your charge, to include prison time, if the Judge deems is appropriate.

DRUG COURT – WHERE TREATMENT AND JUSTICE MEET

SUPERVISION REQUIREMENTS

Your required supervision contacts are as follows:

Phase 1

Everyday Call Random UA Number 386-313-4511 between 5 AM & 6 AM, listen closely and follow instructions.

Monday **Probation Office Visit** at 2405 E. Moody Blvd, Suite 301, Bunnell, between 8:30 & 11:30AM

Monday **Program Coordinator Office Visit**, Kim C. Hammond Justice Center, 2nd Floor, between 9 & 11 AM

Thursday **Court Hearings** at 10:00 AM in Courtroom #401, Flagler County Courthouse, Bunnell

Once a Week **Complete at least two Community Service Work Hours** and provide proof of completion to The Program Coordinator by 4 PM on the Monday before you go to court.

Phase 2

Everyday Call Random UA Number 386-313-4511 between 5 AM & 6 AM, listen closely and follow instructions.

Monday (*every 2 weeks*) **Probation Office Visit** at 2405 E. Moody Blvd, Suite 301, Bunnell, between 8:30 & 11:30AM

Monday (*court week*) **Program Coordinator Office Visit**, Kim C. Hammond Justice Center, 2nd Floor, 9 to 11 AM

Thursday (*every other week*) **Court Hearings** at 10:00 AM in Courtroom #401, Flagler County Courthouse, Bunnell

Once a Week **Complete at least two Community Service Work Hours** and provide proof of completion to The Program Coordinator by 4 PM on the Monday before you go to court.

Phase 3

Everyday Call Random UA Number 386-313-4511 between 5 AM & 6 AM, listen closely and follow instructions.

Monday (*every 3 weeks*) **Probation Office Visit** at 2405 E. Moody Blvd, Suite 301, Bunnell, between 8:30 & 11:30AM

Monday (*court week*) **Program Coordinator Office Visit**, Kim C. Hammond Justice Center, 2nd Floor, 9 to 11 AM

Thursday (*every 3 weeks*) **Court Hearings** at 10:00 AM in Courtroom #401, Flagler County Courthouse, Bunnell

Once a Week **Complete at least two Community Service Work Hours** and provide proof of completion to The Program Coordinator by 4 PM on the Monday before you go to court.

Phase 4

Everyday Call Random UA Number 386-313-4511 between 5 AM & 6 AM, listen closely and follow instructions.

Monday (*every 4 weeks*) **Probation Office Visit** at 2405 E. Moody Blvd, Suite 301, Bunnell, between 8:30 & 11:30AM

Monday (*court week*) **Program Coordinator Office Visit**, Kim C. Hammond Justice Center, 2nd Floor, 9 to 11 AM

Thursday (*every 4 week*) **Court Hearings** at 10:00 AM in Courtroom #401, Flagler County Courthouse, Bunnell

Once a Week **Complete at least two Community Service Work Hours** and provide proof of completion to The Program Coordinator by 4 PM on the Monday before you go to court.

Phase 5

Everyday Call Random UA Number 386-313-4511 between 5 AM & 6 AM, listen closely and follow instructions.

Monday (*every 4 weeks*) **Probation Office Visit** at 2405 E. Moody Blvd, Suite 301, Bunnell, between 8:30 & 11:30AM

Monday (*court week*) **Program Coordinator Office Visit**, Kim C. Hammond Justice Center, 2nd Floor, 9 to 11 AM

Thursday (*every 4 weeks*) **Court Hearings** at 10:00 AM in Courtroom #401, Flagler County Courthouse, Bunnell

Field Visits – Visits to home, work, school, etc. as necessary, by certain Drug Court Team members

AA/NA verification slips must be turned into Break the Cycle (BTC) by Monday evening of the week you are scheduled to go to court.

Probation – Proof of employment, CSWH sheets and Probation payments must be turned into Probation on Mondays, of the week you are scheduled to go to court in order to be considered for the A Team.

Travel Permits – Before leaving Flagler County you must obtain approval from your Probation Officer. Travel will not be considered unless Participant is on the A-Team

PARTICIPATION AGREEMENT

To enter the Flagler County Adult Drug Court, you must sign a Participation Application, Disclosure and Agreement agreeing to follow the rules of the drug court. The following is a sample copy of that agreement.

I have a substance abuse problem and hereby request to be considered for the Flagler County Adult Drug Treatment Division (Drug Court Program). I understand that the opportunity to participate in this program is a privilege, not a right. Understanding that accountability is an important aspect of the program, I acknowledge that if I am accepted, the following will apply to me as long as I am a participant in the program.

1) There are two ways that one may enter the Program

- a. At sentencing as a Condition of Probation: I understand that if I enter the program at sentencing as a condition of probation, that I must comply with the requirements of the program in addition to all other conditions of probation that are imposed by the sentencing judge. Failure to comply may result in violation of my probation and the issuance of an arrest warrant. If I successfully complete all the program requirements and graduate, I will be allowed to file a motion to withdraw my original plea in accordance with the Florida Rules of Criminal Procedures, with the possibility that the State will drop the charges. I further understand that any claims to monies paid for costs, fees, fines and/or restitution are waived if the court dismisses the charges after successful completion of the Drug Court Program.
 - b. Pre-Trial Intervention (P.T.I.): I understand that to participate in this program, I must plead guilty to the charges against me, but that my plea will be withdrawn and the charges against me dismissed when I successfully complete the program. After having entered a plea, failure to successfully complete the program, will result in my case being disposed of by the Judge with any lawfully allowed sentence.
- 2) I will fully cooperate in the completion of all background checks that will be conducted to determine if my participation in the Program is appropriate.
 - 3) I understand that I can expect to receive incentives when I progress in the program and sanctions if I do not. Various forms of positive reinforcement such as "A-Team" recognition, compliments from the Judge and certificates of recognition will be used by the Team to encourage me to progress in the program. Sanctions may occur for failure to attend required counseling sessions, AA/NA or SMART Recovery meetings, supervision office visits, and urinalyses tests, failure to remain drug and alcohol free or failure to participate in treatment. Sanctions may include, but are not limited to, the loss of clean days, additionally required community service work hours, written assignments, tighter supervision, incarceration, or termination from the program. Modifications to my treatment requirements such as placement in residential treatment will be based on treatment needs. Even though such modifications might seem like a sanction to me, I understand that treatment requirements are not intended to be punitive.
 - 4) I understand and agree to waive my right of Due Process regarding a decision by the Drug Court Judge and Team to impose a sanction while participating in this Program. This waiver does not apply if the sanction includes the decision for expulsion or termination from the program.
 - 5) I will appear at all Drug Court Hearings as instructed by any member of the Drug Court Team. The Drug Court Team is comprised of representatives from the State Attorney's Office, the Public Defender's Office, the Clerk of the Court, substance abuse treatment providers, the Florida Department of Corrections (D.O.C.) Probation Office, Law Enforcement, the Seventh Judicial Circuit's Court Administration, and the Drug Court Judge.
 - 6) I understand that I may be required to provide a urine sample at any time while I am in this program. Failure to provide a valid sample or missing a drug screen may result in a sanction and may be considered a positive result. Although urine testing is the primary way Drug Court tests for drug use, I acknowledge that I may also be subjected to other types of drug testing/screening. They may include, but not be limited to hair EtG testing.
 - 7) A substance abuse screening and assessment will be required to determine my treatment needs and if my participation in this program is appropriate. I will cooperate with the treatment professionals by reporting and participating at the assigned time in the near future, as instructed.

- 8) I consent to allow information concerning me to be shared among all Drug Court Team members to carry out official tasks of the Program. This includes, but is not limited to drug screening results, treatment group attendance and participation, required office visit compliance and overall program progress.
- 9) I agree to fully participate in the substance abuse treatment that will be delivered in the following five Drug Court Program phases. Advancement to a higher phase will be conditional upon recommendation of the Drug Court Team and final approval of the Drug Court Judge.

Phase 1 (Assessment, Stabilization and Orientation):

- A. Minimum Duration: Fifty-six (56) days (8 weeks) – about two (2) months
- B. Court Appearances: Once (1) a week in front of the Drug Court Judge
- C. Individual Therapy Sessions: One (1) per week
- D. Group Therapy Sessions: Two (2) or more sessions per week as indicated by treatment provider.
- E. Drug Tests: Two (2) or more random and/or scheduled screens per week
- F. Support Groups such as AA/NA, or Smart Recovery: Attend at least three (3) meetings a week.
- G. Supervisory Office Visits: Once (1) a week with a Court Services Officer (Coordinator)
- H. Probation Office Visits: Once (1) a week with DOC Probation Officer
- I. Group therapy sessions needed to advance to next phase: Sixteen (16)
- J. Complete one (2) community service work hour per week
- K. “Drug Free - Clean Days” needed to advance to next phase: Forty (40) consecutive days in Phase 1
- L. To advance to the next phase, must be current with treatment fees and pay First Step, Inc. fees (\$12.48 per case), and have a sponsor.

Phase 2 (Outpatient) Minimum Duration 8 weeks:

- A. Minimum Duration: Fifty-six (56) days (8 weeks) – about two (2) months
- B. Court Appearances: Once (1) every two weeks in front of the Drug Court Judge
- C. Individual Therapy Sessions: Once (1) every two weeks
- D. Group Therapy Sessions: One (1) or more sessions per week as indicated by treatment provider.
- E. Drug Tests: Two (2) or more random and/or scheduled screens per week
- F. Support Groups such as AA/NA, or Smart Recovery: Attend at least three (3) meetings per week.
- G. Supervisory Office Visits: Once (1) every two weeks with a Court Services Officer (Coordinator)
- H. Probation Office Visits: Once (1) every two weeks with DOC Probation Officer
- I. Complete one (2) community service work hour per week
- J. “Drug Free - Clean Days” needed to advance to next phase: Forty (40) consecutive days in Phase 2
- K. To advance to the next phase, must be current with treatment fees, and be employed.

Phase 3 (Transitional Outpatient) Minimum Duration 12 weeks:

- A. Minimum Duration: Twelve (12) weeks – about three (3) months
- B. Court Appearances: Once (1) every three weeks in front of the Drug Court Judge
- C. Individual Therapy Sessions: Once (1) every three weeks
- D. Group Therapy Sessions: One (1) or more sessions per week as indicated by treatment provider.
- E. Drug Tests: One (1) or more random and/or scheduled screens per week
- F. Support Groups such as AA/NA, or Smart Recovery: Attend at least three (3) meetings per week.
- G. Supervisory Office Visits: Once (1) every three weeks with a Court Services Officer (Coordinator)
- H. Probation Office Visits: Once (1) every three weeks with DOC Probation Officer
- I. Complete one (2) community service work hour per week
- J. “Drug Free - Clean Days” needed to advance to next phase: Ninety (90) consecutive days in Phase 3
- K. To advance to the next phase, must be current with treatment fees and be employed.

Participation Agreement 2|4.

Phase 4 (Continuing Care) Minimum Duration 20 weeks:

- A. Minimum Duration: Twenty (20) weeks – about five (5) months
- B. Court Appearances: Once (1) every four weeks in front of the Drug Court Judge
- C. Individual Therapy Sessions: Once (1) every four weeks
- D. Group Therapy Sessions: One (1) or more sessions per month as indicated by treatment provider.
- E. Drug Tests: One (1) or more random and/or scheduled screens per week
- F. Support Groups such as AA/NA, or Smart Recovery: Attend at least four (4) meetings per week.
- G. Supervisory Office Visits: Once (1) every four weeks with a Court Services Officer (Coordinator)
- H. Probation Office Visits: Once (1) every four weeks with DOC Probation Officer
- I. Complete one (2) community service work hour per week
- J. “Drug Free - Clean Days” needed to advance: Two hundred forty (240) consecutive days (may span multiple phases)
- K. To graduate, and/or advance to Phase 5, one must fully pay all program related fees. Those participants who enter the program as a condition of their probation and successfully complete the program, may be eligible for early termination and successful completion of their probation.
- L. Must present their written Aftercare Plan to the Team

Phase 5 (Preparing for life after Drug Court) Minimum Duration 9 weeks:

- A. Minimum Duration: Nine (9) weeks
 - B. Court Appearances: Court hearing once every four weeks - as scheduled.
 - C. Group Therapy Sessions: One session per month as indicated by treatment provider.
 - D. Drug Tests: Call the UA number each and every morning and report as directed.
 - E. Support Groups such as AA/NA, or Smart Recovery: Attend at least four (4) meetings per week.
 - F. Supervisory Office Visits: Once (1) every four weeks with a Court Services Officer (Coordinator)
 - G. Probation Office Visits: Once (1) a month with DOC Probation Officer (or as directed by Probation)
 - H. NO Community Service Hours required in Phase 5
 - I. Treatment fees reduced to \$20 per month.
 - J. NO Family Group (FEP) required (unless recommended by Treatment)
 - K. NO Individual Session required (unless recommended by Treatment)
 - L. “Drug Free - Clean Days” needed to graduate: 240 consecutive days (may span multiple phases)
 - M. Participate in two (2) Alumni functions per month (Support Groups, work project, or Social function)
 - N. To graduate, one must fully pay all program related fees – Those participants who enter the program as a condition of their probation and successfully complete the program, may be eligible for early termination and successful completion of their probation.
- 10) I agree to sign an individualized substance abuse treatment plan that is prepared by both my treatment counselor and me. I will fully participate in an attempt to accomplish my treatment goals and objectives. Failure to make progress may result in increased treatment. If my treatment plan ultimately requires me to enter residential treatment, I understand that I may be required to pay some, or all of the expenses related to residential treatment.
- 11) I will not use or possess alcohol, illegal drugs; medications prescribed to others, eat food containing poppy seeds or use CBD Oil (cannabinoid oil).
- 12) “High Energy” drinks (such as –but not limited to - DynaPep Energy, Red Bull, Monster, 5-Hour Energy, Full-Throttle, Rockstar, Etc) have been known to test positive for amphetamines. Therefore, you are highly discouraged from consuming these types of products and are warned against consuming high energy drinks. If you choose to consume high energy products and test positive for amphetamines, you will face sanctions for a positive drug test which may include jail time. Drinking a high energy drink will not be considered as an excuse for a positive drug test and will not be used as mitigation for a positive drug test.
- 13) Free Smoking Classes- Advent Hospital is offering Florida Tobacco Free classes if you are a smoker and need help with quitting Drug Court is willing to offer you community service hours for every hour that you attend the Tobacco Cessation Class. See the Drug Coordinator for more information about the class and a verification signup sheet.

- 14) I will not enter an establishment whose primary purpose is to sell alcoholic beverages. I must disclose to the Drug Court Team ALL over-the-counter medications and/or ANY dietary/health supplements that I take or wish to take, prior to taking ANY such medications or supplements.
- 15) I will not use prescription drugs without a valid prescription and disclosure to the Drug Court Team prior to taking the medications except in case of an emergency where disclosure may take place the next workday after using the prescription. I understand that use of a controlled prescription drug may delay my advancement in or completion of the Drug Court program, whether or not the prescription is valid. Finally, I must disclose to any doctor who intends to prescribe medication to me, that I am a participant in this program where abstinence from substance abuse is my goal.
- 16) I will not use ANY mood- or mind-altering substances, whether legal or illegal, unless permission is FIRST granted by a Drug Court Team Member.
- 17) I will not use Steroids without a valid prescription AND permission granted by a Drug Court Team Member.
- 18) I understand that officers employed by both the Florida Department of Corrections and Court Administration will conduct supervisory contacts concerning me. These contacts may occur at my home, my work, the treatment center, the courthouse, probation office or anywhere deemed necessary by the Drug Court Team.
- 19) I agree to obey all lawful directions given to me by any Drug Court Team member.
- 20) I agree to promptly and truthfully answer all questions asked by any member of the Drug Court Team and understand that I must report any contact with Law Enforcement to my Probation Officer either in person or by phone within 24 hours of the contact.
- 21) I agree to reside in Flagler County and will not change my address without the approval of the Drug Court Team.
- 22) I will not leave Flagler County without the approval of the Drug Court Team.
- 23) I agree not to change my educational/employment status without approval of the Drug Court Team.
- 24) I will not violate the law, possess weapons or associate with any person engaged in criminal activity.
- 25) Within twenty-five (25) days of entering the program, I agree to pay \$12.48 per case to the Florida Department of Corrections Probation for the purpose of funding First Step Inc., a non-profit organization that assists probationers and drug court participants in need of basic necessities.
- 26) My recovery is important to me, and I agree to pay my treatment provider \$20 per week, which only pays for some of the actual costs of my treatment.
- 27) I will perform Community Service Work Hours, Two (2) Hours per week (excluding Phase 5), at a location that is pre-approved by the Drug Court Team.
- 28) I will complete all tasks as directed by the Drug Court Judge. Examples of such tasks may include, but are not limited to paying restitution, remaining employed, staying in school, life skills education, literacy training, vocational rehabilitation, community resource referrals, and community service work.
- 29) If admitted to the program, I understand that if I fail to successfully complete the requirements of Drug Court and as a result get unsuccessfully terminated, I face incarceration of up to five (5) years in State Prison for EACH Third-Degree Felony to which I have been charged.

I understand and accept the contents of this form which I have read or have had read to me.

Name _____ Date _____

Instruction Sheet for New Flagler County Drug Court Participants

Welcome to the Flagler County Adult Drug Court Program! This program is designed to assist non-violent substance abusers that are charged with one or more specific felonies. **Drug Court Hearings are held nearly every Thursday at 10:00 AM in the Kim C. Hammond Justice Center, 1769 E. Moody Blvd. Bunnell, 4th Floor, in Courtroom 401.** Participants are required to attend court **every week without fail** until advancing to Phase 2 of the program.

By the time you are given this instruction sheet you should have already been told when and where to report to start in the Drug Court Program. Call one of the following Drug Court Supervision Officers to confirm the details of your appointment as soon as possible and do not quit making the effort to contact them until you have actually spoken to one of them. On some occasions, there may be a need to reschedule your orientation appointment.

John Dioguardi

Drug Court Coordinator

Kim C. Hammond Justice Center
1769 East Moody Blvd, Bldg. 1
Bunnell, Florida 32110
386 (313-4557)

Stephanie McKinney

Florida DOC

Probation Officer
2405 East Moody Blvd
Bunnell, FL 32110
(386) 437-7575

Dawn Millsbaugh

Epic Behavioral Health

2323 North State Street 1, Suite 57
Bunnell, Florida 32110
386-309-8083
Drug Court Clinician 386-309-8083 Ext 6206

Additional information.

Field Visits – There will be visits to home, work, school, etc. as necessary, by certain Drug Court Team members.

AA/NA verification slips must be turned into EPIC by Monday evening of the week you are scheduled to go to court.

Probation – Proof of employment, and Probation payments must be turned into Probation on Mondays of the week you are scheduled to go to court in order to be considered for the A Team.

Travel Permits – Before leaving Flagler County you must obtain approval from your Probation Officer. Travel will not be considered unless the Participant is on the A-Team.