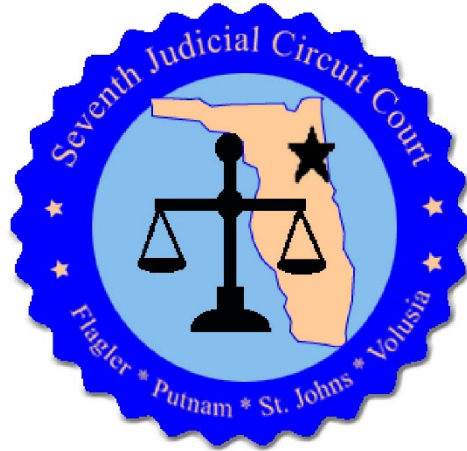


VOLUSIA COUNTY DUI COURT PARTICIPANT HANDBOOK



Seventh Judicial Circuit Court
Flagler – Putnam – St. Johns – Volusia

**VOLUSIA COUNTY DUI COURT
DAYTONA BEACH, FLORIDA**

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MISSION AND VISION OF THE FLORIDA JUDICIAL BRANCH

MISSION

The mission of the judicial branch is to protect 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>

PROGRAM OVERVIEW

WELCOME TO DUI COURT

Congratulations on your decision to enter the Volusia County DUI Court! Your commitment begins now and your total participation is vital to your success. We want to assist you in your recovery and encourage you to improve your quality of life. In DUI Court, you will complete an effective program of substance abuse treatment. We use graduated phases to encourage you to succeed.

You are not alone. Other people who are in recovery will help you in developing a lifestyle that is free from the use of alcohol and drugs.

PROGRAM DESCRIPTION

The Volusia County DUI Court is a supervised, comprehensive treatment program for substance abusers charged with misdemeanor driving under the influence. The program combines the efforts of the Volusia County Court, State Attorney's Office, Public Defender's Office, Court Administration, SMA Healthcare, Daytona Beach Police Department, Volusia County Sheriff's Office, Clerk of Court, and other community members. This voluntary program involves regular court appearances before the DUI Court Judge, community supervision, substance abuse treatment counseling, random drug and alcohol testing, and support group meeting attendance. Participants may also be offered life skills training and vocational training. Although the program length will be determined by each participant's individual progress, participants should expect to spend a minimum of nine months in the program.

GOAL

The goal of the DUI Court is to assist each participant in becoming a sober, law-abiding member of the community, thereby improving the lives of each participant and making our community a safer place.

DUI COURT RULES

You must attend all treatment sessions, meetings, and court dates.

You must be on time for all treatment sessions, meetings and court appearances.

You may not use or possess any alcohol or other drugs.

You may not enter establishments whose primary function is the sale of alcohol, including bars, liquor stores, etc.

You may not threaten staff members or your fellow participants. Violence and threatening behavior will not be tolerated.

You may not leave the county without prior permission.

You should turn in all documents one day prior to court appearance. You may not receive credit for community service hours or attendance at meetings if your proof is turned in late.

The fraternization with fellow DUI Court participants is discouraged. Entering into a new intimate relationship within your first year of recovery often results in relapse.

ALWAYS TELL THE TRUTH

SUBSTANCE ABUSE TREATMENT

CONFIDENTIALITY

Federal and state laws protect your privacy. You will be required to sign a waiver authorizing the transfer of information among all participating team members and agencies.

GROUP COUNSELING

You will attend group treatment counseling sessions and educational classes. Treatment groups are a major component of the DUI Court treatment program. These sessions and classes may not be missed except in the event of a genuine emergency or unless you are properly excused in advance. Arrive on time, participate as appropriate, and remain until the event is over. Otherwise, you will be counted as absent. Follow the treatment provider's "house rules." The following actions will not be tolerated:

- Violence or threats of any kind against staff or other participants;
- Use or possession of drugs or alcohol;
- Belligerent behavior or acts of vandalism to property;
- Possession of any type of weapon; and
- Inappropriate sexual behavior or harassment.

INDIVIDUAL COUNSELING

You will be required to participate in individual counseling sessions with your treatment counselor, affording you a valuable opportunity for one-on-one treatment. Additional sessions may be scheduled as necessary.

FAMILY COUNSELING

Family counseling sessions may be conducted for participants and their families or significant others. These sessions will help your loved ones understand the basic principles of addiction so that they can support you in your recovery.

MEDICATION ASSISTED TREATMENT (MAT)

SMA Healthcare currently provides medicated assisted treatment (MAT) to participants in this program on an as needed basis. Many believe this form of treatment can significantly increase the chances of success for those who are addicted to alcohol or opiates. Please consult with your treatment counselor if you think you might benefit from this form of treatment. It involves a medically based screening process. You will not be required to receive medicated assisted treatment (MAT) against your will. If you are screened and approved to participate in this type of treatment, it is 100% voluntary.

SUBSTANCE ABUSE TREATMENT

SUPPORT GROUPS

Involvement in support groups such as Smart Recovery, Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) is important to your recovery. The DUI Court treatment program requires you to attend meetings and to provide written verification of your attendance. You should get to know the people at these meetings who are recovering from addiction and living a lifestyle that is free of alcohol and other drugs. Developing a system of support can be critical to achieving long-term recovery.

It is your responsibility to find out where and when these meetings are being held.

Your treatment counselor will assist you if necessary. Please understand that not everyone who attends these meetings is living a lifestyle that is free of alcohol and other drugs. Please advise your counselor of any concerns you may have about these support groups. Alternatives to twelve step meetings such as AA/NA are available.

LIFE SKILLS

As you advance in the program, you will have the opportunity to participate in classes focusing on life skills, anger management, parenting, vocational training, and other issues. You are encouraged to take advantage of these activities, even if they are not required.

TREATMENT COSTS

Participants in this DUI Court program receive treatment services valued at many times the treatment costs actually paid. If you are serious about living a law-abiding lifestyle that is free of alcohol and other drugs, DUI Court is the right place for you – and it is also a good value. Participants in DUI Court are required to pay for treatment services to SMA Healthcare (SMA). Financial accountability is an important part of recovery. Delinquent fees can delay your advancement in the program.

TESTING FOR ALCOHOL AND OTHER DRUGS

Most problems are made worse by drinking alcohol or using illicit drugs. Using alcohol and other drugs can lead to a relapse. In this program you will be tested frequently for the use of alcohol and other drugs. Drug testing is a tool to encourage you to live a drug free lifestyle. Do not sabotage yourself by trying to figure out how to beat the test.

Failing to provide a valid urine sample upon request is counted as a positive test. Tampering with a test, using adulterants or masking agents, or smuggling in someone else's urine will be dealt with more severely. To succeed in this program, you must hold yourself accountable for your own actions.

RANDOM TESTING

The purpose of testing for alcohol and other drugs is not to “catch you” when you use, but rather to encourage you to remain drug free.

You must call (386) 239-7770 option 7 every day (including weekends and holidays) between 5:00 a.m. and 7:30 a.m. to see if you are required to be tested that day.

Failing to call in is a violation of the DUI Court rules. Customarily urine samples will be collected at the Court Administration Courthouse Lab on 251 North Ridgewood Ave, 1st floor, room 177, in Daytona Beach or at the Court Administration Courthouse Lab on 101 N. Alabama Ave, 1st floor, in DeLand between 8:00 a.m. and 4:30 p.m. that day. However, it is also important to note that samples may be collected at other locations and during a different timeframe during weekends and holidays. The UA line message recording will instruct you accordingly. Alcohol breath testing may be used in place of – or in addition to – urine testing. The participant may be required to give a urine or breath sample by any team member at any time and possibly multiples times during the same day (e.g. during court, before or after treatment sessions, etc.).

ALCOHOL OR DRUGS

Do not possess or consume alcohol or illegal drugs. This includes food or fermented beverage items including but not limited to bananas flambé, rum cake, near beer (non-alcoholic beer), kombucha tea or cannabis edibles. Alcohol is a drug. You are not permitted to enter an establishment whose primary purpose is to sell or distribute alcohol. You are also not permitted to have alcohol in your residence. Do not consume mind-altering substances, including but not limited to inhalants, bath salts, K-2, kratom, flakka, CBD oil, products containing poppy seeds or cannabinoids, etc.

PRESCRIBED DRUGS

You should follow the medical advice of your doctor. One component of recovery is to properly address any medical issues or physical ailments. We do insist that you honestly disclose your substance abuse history to your doctor.

- 1) You must register with your treatment counselor any prescription medication **before** you begin taking the medication. In the event you must take medication due to a life-threatening emergency, inform your counselor as soon as possible.
- 2) You may not be eligible for this program if you are taking prescription medication that is mood-altering, has a potential for abuse or one which will test positive on a drug test. Gabapentin (Neurontin®) and quetiapine (Seroquel®) are examples of prescriptions that have been abused by participants in the past and may not be acceptable while in the program. This is not a complete list of examples. Because of these addictive qualities, the program prefers for participants not to take these prescriptions. However, if the participant's doctor cannot find a suitable alternative and determines the prescription is medically necessary, the participant may progress in the program while taking the medication as prescribed. You may also become eligible for the program if you cease taking the medication.
- 3) If you *must* briefly take a mood-altering medication that will test positive on your drug test, your clean day count may be suspended while you are taking the medication and you will not be eligible for A Team. You should not have to take this medication very often or for an extended period of time. Maintaining your sobriety can be hard if you have to take mood-altering drugs, even for a short time. Pain medication can be a big problem for people with substance abuse issues.

OVER-THE-COUNTER MEDICATIONS

We encourage you not to treat ailments or other problems with over-the-counter (OTC) medications. Although you may be permitted to use OTC medications while in the DUI Court program, you must first discuss them with your treatment counselor and probation officer. Do not take medications that contain ephedrine, pseudoephedrine, phenylpropanolamine, dextromethorphan, or alcohol. These medications may cause you to test positive on a drug test. Examples of OTC medications that may contain these ingredients include Nyquil®, Actifed®, and Sudafed®. This is not a complete list. Read the label or ask the pharmacist for medications that do not contain these substances (such as aspirin, ibuprofen, acetaminophen, and naproxen). Read and follow the directions on the label.

OVER-THE-COUNTER SUPPLEMENTS

Any vitamins, minerals, herbal supplements, energy supplements, body-building supplements, and similar products must be brought in for approval by the DUI Court counselor *before you take them*. Some of these will not be approved, including all supplements containing *creatine*.

VERBAL HONESTY

You should truthfully report all forbidden drugs including alcohol that you have taken since your last test *before providing your urine sample*. Your honesty will be taken into consideration in determining whether to impose a sanction.

VALID URINE SAMPLE

A valid urine sample must be provided when requested by a DUI Court Team member. Direct observation, dilution, quantity (30 ml), and temperature are all factors used to determine if a urine sample is valid.

FAILED ATTEMPTS

You must provide a valid urine sample by the assigned cutoff time. If you fail to provide a valid urine sample, it is considered a positive test and will be sanctioned accordingly.

A POSITIVE IS A POSITIVE

If you test positive for alcohol or other drugs, the sample will automatically be retested. If the positive result is confirmed, you will receive sanctions from the Judge. (See page 15 for possible sanctions). We believe that your time is better spent working on your recovery than arguing about test results.

Therefore, the DUI Court's position is that "a positive is a positive."

STATE OF FLORIDA
SEVENTH JUDICIAL CIRCUIT
FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES
S. JAMES FOXMAN JUSTICE CENTER
251 N RIDGEWOOD AVE, SUITE 110
DAYTONA BEACH, FL 32114

DUI Court Program
Court Administration

TEL: (386) 239-7770
FAX: (386) 239-7783
rcalderon@circuit7.org

Volusia County DUI Court Dilute Urine Sample Policy

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 the United States an average creatinine level is about 130 mg/dl. In this program, urine samples with a creatinine level under 20 mg/dl are dilute if the specific gravity indicates likewise. Also, it is very unusual for donors to provide urine samples with creatinine levels that vary widely from one day to the next. If a participant has unusually low (under 20), or high (over 400) or wild variations of creatinine levels in their urine, at least one team member should discuss with the participant the importance of consulting a physician in an effort to rule out the possibility of a medical issue. When a participant provides a dilute urine sample, the program will typically adhere to the following policy:

First Dilute Sample

Warning from the Judge about sanctions for subsequent dilutes
NOT eligible for A Team
Return to Court the following week, regardless of phase
Watch a teaching video about dilute urine samples
Write an essay about dilute urine samples and how to avoid them

Second Dilute Sample

Loss of clean days
Provide a urine sample every day the lab is open until further notice of the Court
Return to Court the following week, regardless of phase

Subsequent Dilutes Samples

Loss of clean days
Graduated jail sanctions

Tips that Should Help a Donor to Avoid Providing a Dilute Urine Sample

Provide your first urine of the day at the lab as early in the day as possible
Avoid consuming caffeine or other diuretics until after providing a urine sample
Stay hydrated but do not consume more than 24 ounces of fluid within two hours of providing a sample
Eat some solid food within the two hours prior to providing a urine sample.

CONSTRUCTIVE USE OF TIME, EMPLOYMENT, AND EDUCATION

After adjusting to program requirements, you will be expected to maintain legitimate employment of at least twenty hours per week or participate in school full time. A combination of the two is acceptable also. We will assist you as much as possible in your efforts to find employment.

It is important to use your time constructively.

Idleness and boredom are not your friends.

When employed, you should inform your employer about your participation in DUI Court as team typically verifies employment. You should inform the Program Coordinator right away if your employment or educational status changes.

Although we will work with your schedule as much as possible, you cannot miss court, case manager appointments, or sessions with SMA and other DUI Court appointments due to conflicts in your work schedule. If you have an alternate plan that you would like the team to consider, feel free to make such a request.

Participants that refuse to find a job or engage in other approved constructive uses of time may be subject to a sanction.

SUPERVISION

The Program Coordinator or any other DUI Court team member may visit or call on you at home, work, the treatment center, the courthouse, or anywhere he/she deems necessary. When you enter this program, you consent to the search of your person or any vehicle, residence, item or container over which you have the standing to give consent to search, by any member of the DUI Court Team or any other person or entity (including a law enforcement officer) directed by a member of the DUI Court Team to conduct a search. Such a search may be conducted at any time while you are a DUI Court participant.

PHASES

There are up to five phases of DUI Court. After you have completed all the requirements for a phase, the team will review your progress, and the Judge will determine whether you are eligible to progress to the next phase. Your individual progress will determine how fast you are able to advance through the program.

Phase 1 (Minimum duration of four weeks)

Weekly court appearances

Weekly meetings with Program Coordinator

Two group therapy sessions per week; must complete at least eight (8) groups and Truthought questionnaire before advancing to next phase

Individual therapy once a week

Random home visits as deemed appropriate by the DUI Court Team

Attend three approved support groups per week such as Alcoholic Anonymous (AA) or Smart Recovery

Frequent random screens for alcohol and other drugs

Develop a plan to pay restitution, court costs, and pay \$100 towards program fees before advancing to next phase

At least twenty consecutive “clean” days are needed to advance to the next phase

Phase 2 (Minimum duration of twelve weeks)

Biweekly (every other week) court appearances

Biweekly (every other week) meetings with Program Coordinator

Two group therapy sessions per week; must complete at least twenty-four (24) groups before advancing to next phase

Individual therapy once a week

Random home visits as deemed appropriate by the DUI Court Team

Attend three approved support groups per week such as Alcoholic Anonymous (AA) or Smart Recovery

Frequent random screens for alcohol and other drugs

Enroll in DUI School

Maintain employment, continue education, or seek job skills

Pay \$300 towards program fees before advancing to next phase

At least forty consecutive “clean” days are needed to advance to the next phase

Phase 3 (Minimum duration twelve weeks)

Court appearances every three weeks
Meetings with Program Coordinator every three weeks
Two group therapy sessions per week; must complete at least twenty-four (24) groups before advancing to next phase
Individual therapy every two weeks
Random home visits as deemed appropriate by the DUI Court Team
Attend three approved support groups per week such as Alcoholic Anonymous (AA) or Smart Recovery
Frequent random screens for alcohol and other drugs
Complete DUI School and Victim Awareness Program before advancing to next phase
Maintain employment, continue education, or seek job skills
Pay \$400 towards program fees before advancing to next phase
At least sixty consecutive “clean” days are needed to advance to the next phase

Phase 4 (Minimum duration eight weeks)

Court appearances every four weeks
Meetings with Program Coordinator every four weeks
One substance abuse counseling group therapy session, must complete one group every four weeks until graduation
Individual therapy every four weeks
Random home visits as deemed appropriate by the DUI Court Team
Attend three approved support groups per week such as Alcoholic Anonymous (AA) or Smart Recovery
Frequent random screens for alcohol and other drugs
Develop relapse prevention plan and complete group presentation “What I Have Learned While in DUI Court”
Maintain employment, continue education, or seek job skills
Pay restitution, court costs, and \$200 towards program fees no later than one week before graduating
At least one hundred twenty consecutive “clean” days are needed to graduate (may include sixty-four clean days from Phase 3)

Graduation Phase (Maximum duration eight weeks)

When you enter the Graduation phase, you are waiting for your special day! Your requirements such as Court appearances, meetings with the Program Coordinator, therapy and support groups, home visits, random screenings, and employment or continue education remain the same as in phase 4. However, you are no longer required to pay any additional treatment fees!

INCENTIVES AND SANCTIONS

The DUI Court program uses incentives and sanctions to help you live a law-abiding, drug- and alcohol-free lifestyle. The DUI Court team will look for reasons to encourage you. If you follow the rules and do all that is required of you (or especially if you do more than is required), you will be rewarded. However, if you fail to meet your requirements, or if you exhibit behavior which needs to be changed, you will receive a sanction.

Examples of **incentives** include:

Praise from Judge - Move to the top of the docket - Gift certificates
Pick from the “Fishbowl!” - Decreased court appearances
Progress to the next phase
Graduation from the program

Examples of **sanctions** include:

Warning from Judge - Move to the end of the docket
More frequent drug and alcohol testing - Home detention - Curfew
Additional community service hours - Increased court appearances
Increased reporting to your counselor or case manager - Move back to previous phase
Jail - Termination from DUI Court

If you have a suggestion for an incentive or sanction, let us know. We are open to suggestions and will always look for ways to improve the program.

COMMENCEMENT

You will be eligible to graduate from the program upon approval of the DUI Court Judge, based on your progress in the program and the input from the DUI Court team. To graduate, you will be required to complete the requirements of the program’s fourth and final phase. You should be able to show the ways in which DUI 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 achieving your goals and successfully completing the DUI Court program.

FINANCIAL OBLIGATIONS

Treatment fees are to be paid to SMA Healthcare (SMA) unless the Court orders otherwise. You will be required to show proof of payments to the DUI Court Coordinator. If you cannot make a payment, discuss your situation with the DUI Court Coordinator in order to make other arrangements. You have the option to pay these fees by completing community service work hours at an approved site at the rate of ten (\$10) dollars per hour. Failure to make scheduled payments while in this program may delay your progress and your graduation.

You will be required to pay a \$1000 DUI Court fee at SMA to cover the costs of your treatment and drug testing. Any additional fines and court costs will depend on the charge against you and must be paid to the Clerk of the Court. Any restitution ordered by the Court must be paid to the State Attorney's Office.

You are required to pay:

- \$100 towards program fees before advancing to Phase 2,
- \$300 before advancing to Phase 3,
- \$400 before advancing to Phase 4,
- and \$200 no later than one week before graduating.

Any restitution ordered and court costs imposed by the Court must be paid no later than one week before graduating. If your sentencing was deferred, court costs may be imposed by the Court once you complete the program. It would be wise to pay weekly or monthly as soon as you can so you may advance through the program. Remember to keep your receipts!

UNSUCCESSFUL TERMINATION FROM DUI COURT

We would like to see all of the participants remain in treatment until they are able to live a law-abiding, drug- and alcohol-free lifestyle. We do not want to terminate you from the program unless we have first tried very hard to assist you. However, if you will not complete the requirements of the program, the DUI Court Judge may decide to terminate you from the program. Unsuccessful termination may result from failure to participate in treatment, failure to complete program requirements, violation of DUI Court rules, multiple positive drug or alcohol tests, tampering with a drug or alcohol test, or new criminal charges. If you are terminated, the Judge may impose any lawfully allowed sentence for your charge, including jail time and driver's license revocation.

SIGNIFICANT LOCATIONS

DUI Court Hearings

Volusia County Courthouse Annex
Courtroom 5, Second Floor
125 E. Orange Ave.
Daytona Beach, FL 32114

DUI Court Administration

S. James Foxman Justice Center
251 N. Ridgewood Ave.
Room 110, First Floor
Daytona Beach, FL 32114

Court Admin. Courthouse Lab Daytona Location

251 N. Ridgewood Ave.
Room 177, First Floor
Daytona Beach, FL 32114

Court Admin. Courthouse Lab DeLand Location

101 N. Alabama Ave.
Room B123, First Floor
DeLand, FL 32724

THE DUI COURT TEAM

DUI Court Judge

The Hon. Wesley Heidt
Volusia County Courthouse Annex
125 E Orange Ave, Suite 305
Daytona Beach, FL 32114

Program Coordinator/Case Manager

Ricardo Calderón
S. James Foxman Justice Center
251 N Ridgewood Ave. First Floor, Room 110
Daytona Beach, FL 32114
(386) 239-7770, ext. # 5

State Attorney's Office

Spencer Hathaway
Assistant State Attorney
251 N. Ridgewood Ave.
Daytona Beach, FL 32114
(386) 239-7710

Public Defender's Office

Stephanie Park
Assistant Public Defender
251 N. Ridgewood Ave.
Daytona Beach, FL 32114
(386) 239-7730

Clerk of Court

Volusia County Courthouse Annex
125 E. Orange Ave., Rm. 109
Daytona Beach, FL 32114
(386) 257-6084

Treatment Counselor

Jessica DeLucas, SMA Healthcare
702 S. Ridgewood Avenue
Daytona Beach, FL 32114
(386) 236-3190

Treatment Supervisor

Anna Mahoney, SMA Healthcare
702 S. Ridgewood Avenue
Daytona Beach, FL 32114
(386) 254-1137

Law Enforcement- Volusia County Sheriff's Office

Sargent Steven Bryan

Sunshine Safety Council, Inc.

Bill Buckhannon
119 S. Palmetto Ave, Suite 150
Daytona Beach, FL 32114
(386) 253-6400

Seventh Circuit Drug Court Managers

Brian Brittain
Gail Herrington
Volusia County Courthouse
101 N. Alabama Ave.
DeLand, FL 32724
386-822-5706

Instruction Sheet for New Volusia County DUI Court Participants

Welcome to the Volusia County DUI Court Program!

Your success in this program will be good for you, your family and the entire community. Please take the time to read over this handbook and share it with your family. It may seem a little overwhelming, but we are here to help you succeed!

If you have questions, please ask a team member!

Expectations in Phase One

Your schedule now that you are in DUI Court is as follows:

For Supervision:

Every Day (5 a.m. to 7:30 a.m.) – Call the Random UA message at (386) 239-7770 ext 7.

Samples are collected between 8:00 a.m. & 4:30 p.m. on the same day. Collections occur at the Court Administration UA Lab:

251 N. Ridgewood Ave, 1st Floor Daytona Beach or 101 N. Alabama Ave, 1st Floor DeLand.

Weekly Supervision Office Visit at the DUI Administration Office by appointment

(Circle one) Monday or Tuesday Time: _____

For Treatment:

Attend 3 self-help meetings (AA/NA/SMART Recovery, Celebrate Recovery, church) each week and turn your meeting slips in to your treatment counselor. They are due by Tuesday at 5 p.m.

Attend assigned group treatment sessions each week.

Life Skills Group *(circle one)* Monday 5 p.m. Tuesday 8 a.m.

Truthought Group *(circle one)* Thursday 4:30 p.m. Friday 8 a.m.

Attend assigned individual treatment session each week.

Individual Session: _____

For Court:

Every **Wednesday attend the DUI Court hearing** in Courtroom #5 at 2:30 p.m.

The Courthouse is located at the Volusia County Courthouse Annex.

Participants are required to attend court **every week without fail** until they advance to Phase 2 of the program.