

IN THE STATE COURT OF FORSYTH COUNTY
STATE OF GEORGIA

ADMINISTRATIVE ORDER 20-01 *nunc pro tunc* to November 4, 2019

IN RE: FORSYTH COUNTY DUI COURT

FORSYTH COUNTY GEORGIA
FILED IN THIS OFFICE

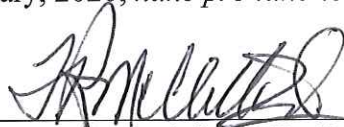
JAN 23 2020

**ORDER MAKING THE DUI COURT POLICIES
AND PROCEDURES A PART OF THE RECORD**

M. J. Allen
CLERK SUPERIOR COURT

The Forsyth County DUI Court Policies and Procedures were most recently amended by agreement of the members of the Forsyth County DUI Court Planning Group on the 4th day of November, 2019, and accepted and approved by the Court on said date. The changes reflected in the amended DUI Court Policies and Procedures were orally announced to the DUI Court participants on the 20th day of November, 2019 and written copies of the updated Participant Handbook, which contained the changes to the DUI Court Policies and Procedures, were made available to all DUI Court participants. Nevertheless, pursuant to the terms of the DUI Court contract, all DUI Court participants are on notice that they are required to comply with all past and future DUI Court policies and procedures in effect. The most current DUI Court Policies and Procedures, attached to this Order, are hereby made a part of the record. Upon filing of this Order with the Clerk of the Forsyth County Superior Court, the DUI Court Policies and Procedures shall be made available to the public for review during normal business hours.

SO ORDERED, this 13th day of January, 2020, *nunc pro tunc* to November 4, 2019.


T. Russell McClelland III, Chief Judge
Forsyth County State Court
Bell-Forsyth Judicial Circuit



FORSYTH COUNTY DUI COURT POLICIES AND PROCEDURES MANUAL

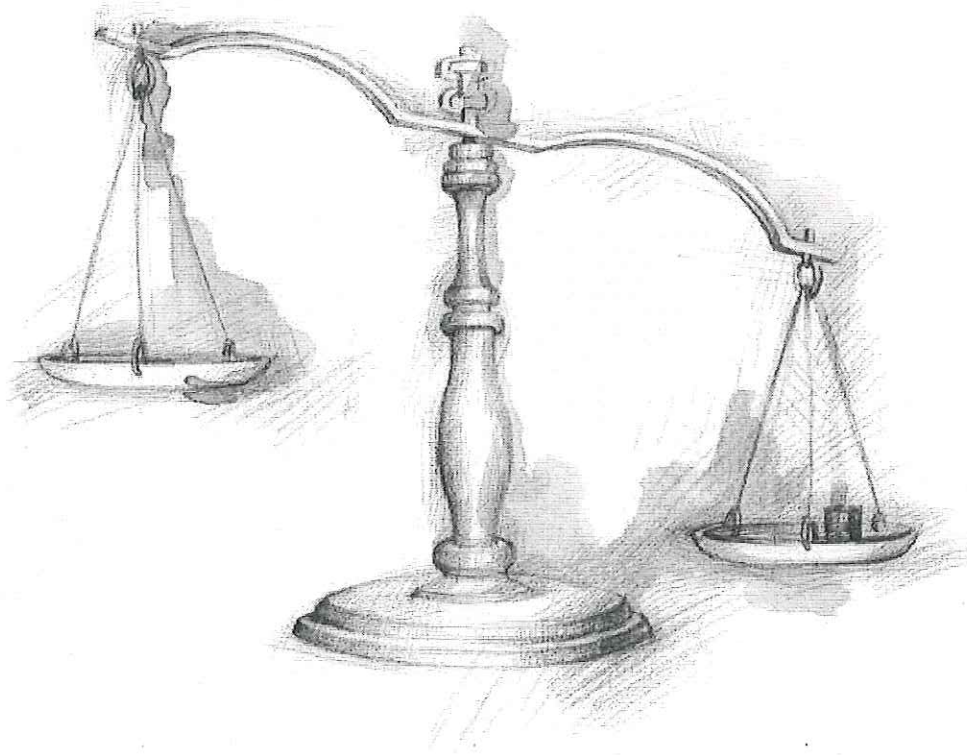


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I. DUI COURT TEAM AND PLANNING GROUP

A. Purpose:

This group is comprised of executive level personnel from each agency to facilitate the process of the DUI Court, to expeditiously resolve issues and to provide buy-in at the upper echelon, so that later groups with non-executive level personnel will be comprised of people who are confident that the head of each agency has made DUI Court a priority mission. The group has a clear purpose, roles of members are defined, and the group meets on a regular basis. The feedback from the participant surveys, the participant recovery plan, and exit interviews should be considered for policy development. Quarterly reports of performance measures are electronically submitted to State agencies as required.

B. Members:

- Honorable T. Russell McClelland, Chief State Court Judge/DUI Court Judge
- Solicitor-General
- Criminal Defense Attorney
- DUI Court/Accountability Courts Office
- Misdemeanor Probation
- Forsyth Treatment Services
- Counselor/Treatment Liaison
- Forsyth County Sheriff's Office Representative

C. Roles and Responsibilities

a. DUI Court Judge

The Judge is a vital member of the DUI Court team. The DUI Court Judge will have knowledge of the impact of substance abuse on the court system, the lives of participants, and the community. The DUI Court Judge is committed to the program's mission and goals, working as a lead partner to ensure its success. In the courtroom, the Judge will develop a personal, working relationship with each participant while monitoring participant progress.

The DUI Court Judge should also be capable in tempering judicial authority in a manner that encourages teamwork and empowers others to contribute to the team process. As team leader, the Judge's role is to create an environment where team members are encouraged to offer input, while also being able to make difficult decisions when necessary.

The DUI Court Judge will preside over all DUI Court Sessions. The DUI Court Judge also attends non-court meetings, including, but not limited to, planning groups and staffing; reviews candidates for participation; determines appropriate and effective sanctions for program violations; and, provides incentives for continued success.

b. Solicitor General's Office

The Solicitor General has many responsibilities to the DUI Court Program. The Solicitor presents each case to the Judge and makes eligibility and referral decisions for entry into the DUI Court Program. The Solicitor attends Planning Groups, staffing, and court,

assisting in the determination of appropriate sanctions and incentives for current participants. Such decisions are made using knowledge of addiction, relapse, and other factors (i.e., criminal history, gender, age, culture) that may impact a participant's success. The Solicitor also contributes to community education and acquisition of community resources to aid the program; the Solicitor educates peers, colleagues, and judiciary on the effectiveness of DUI Courts; and, the Solicitor will make recommendations of termination and probation revocations, should it become necessary.

c. Defense Counsel

The DUI Court Defense Attorney represents each referred offender and participant in the DUI Court Program who is not otherwise represented by counsel. Prior to entry into the DUI Court Program, the Defense Attorney's role is to evaluate the offender's legal situation and ensure their legal rights are protected. The Defense Attorney effectively advises offenders of their legal rights, legal options, treatment options, program conditions, and possible sentencing outcomes, while developing a relationship that promotes the offender's long-term best interests. The Defense Attorney attends Planning Groups, staffing, and court, assisting in the determination of appropriate sanctions and incentives for current participants. Such decisions are made using knowledge of addiction, relapse, and other factors (i.e., criminal history, gender, age, culture) that may impact a participant's success. Like the Solicitor, the Defense Attorney also contributes to the education of the community and assists in educating peers, colleagues, and judiciary in the effectiveness of DUI Courts.

d. Director and Assistant Director

The Director and Assistant Director review and update the program policies and procedures manual and participant handbook to ensure operations and administration comply with applicable local, state, and federal requirements. The Director and Assistant Director also apply for and manage grant funds for the DUI Court; provide staff oversight; provide community outreach and resources for the program; and, they oversee treatment and ensure fidelity to the curriculum.

e. DUI Court Case Manager

The DUI Court Case Managers are responsible for ensuring each participant is fully informed of the rules, regulations, and policies of the Program, as well as monitoring each participant's progress throughout the program. The Case Managers are the "central clearinghouse" for all information and communication for the staff, team, and participants. The Case Managers maintain participant records, including, but not limited to, residence, employment, and payments; they manage all participant files and update these files; they can administer drug and alcohol screens; and, they schedule and distribute the DUI Court calendar to the DUI Court Team.

f. Treatment Team

The Accountability Court Assistant Director and the counseling team facilitate all group counseling sessions, individual counseling sessions, and other recommended counseling. The DUI Court Program participants are provided with specialized curriculum and proven, evidence-based treatment practices. The Treatment Team reports all participant progress, or lack thereof, to the Accountability Court Office. A representative from the Treatment Team attends all Planning Group, staffing, and Court sessions. The Treatment Team does not discuss sanctions or other requirements with the DUI Court Program participants, including results of drug and alcohol screens performed.

g. Misdemeanor Probation

The Misdemeanor Probation representative will be the liaison between the Probation department and the DUI Court. This person will provide weekly, written documentation to the DUI Court Office, including, but not limited to ignition interlock reports, and attend all DUI Court Sessions and Staffing. The Probation Services liaison will be required to attend all court sessions to provide information that has been part of a sanctioning process or incentive process. The Probation department may refer potential participants for the DUI Court that meet the eligibility requirements and have at least twenty-four months left on probation. The Probation department contributes to community education and cooperation with the program and acquisition of community resources to aid the program. The Probation department will make recommendations to the Court in the event of a Revocation Hearing. Misdemeanor Probation also collects Court ordered fines and applies any credits given to participants in the program. The Probation Officer may conduct alcohol and drug screens on participants.

h. Law Enforcement

Law Enforcement provides accountability for your participation in this program through attendance at planning groups, staffing, Fourth Amendment searches, drug and alcohol screening, and other enforcement as needed. Participant honesty and cooperation with all law enforcement is essential to compliance with this program.

D. Team Training Requirements/Continuing Education

All team members are required to adhere to their discipline-specific requirements for certification or licensure. Additionally, all team members must attend a minimum of one accountability court conference/training every 2 years. New team members are required to attend the next state or national accountability court training/conference as available.

II. STEERING COMMITTEE

A committee comprised of court officials, community organizations, healthcare providers, social service agencies, education providers, and business leaders will meet quarterly to review the progress of all Accountability Courts in Forsyth County. Additionally, this committee is tasked with connecting Accountability Courts with appropriate services available in the community, assisting in educating the community on Accountability Courts, aiding Accountability Courts in securing additional funding for ancillary services for indigent participants, etc.

III. MISSION STATEMENT

The mission of the Forsyth County DUI Court is to improve community safety and reduce DUI recidivism by providing multiple DUI offenders the opportunity to change their lives using enhanced judicial accountability, treatment and increased supervision.

IV. GOALS AND OBJECTIVES

- 1) Enhance public safety
 - a) Reduce number of traffic accidents, injuries and deaths related to DUI offenses
 - b) Decrease recidivism
- 2) Promote personal responsibility and functioning of individuals

- a) Acquire/retain employment
 - b) Attain educational diplomas
 - c) Improve literacy skills
 - d) Retain/regain parental rights
 - e) Improve rates of treatment program retention and completion
 - f) Rebuild broken family relationships
 - g) Issuance of limited permits, when possible, to increase accountable driving
- 3) Improve efficient case processing
- a) Assure open access to services and due process
 - b) Boost cost effectiveness for the criminal justice system
 - c) Improve utilization of community resources

V. STRUCTURE/MODEL

The Forsyth County DUI Court is a post-plea, post-sentence model offered to eligible participants charged with multiple lifetime DUI or BUI (Boating Under The Influence) offenses. Entry into the program is voluntary for those defendants who are screened as eligible and referred. Typically, those found guilty of a second DUI/BUI in a ten year span or a third or more DUI/BUI in the lifetime of the defendant are sentenced to a minimum of two or more years to be served on probation, suspension of driver's license, fines, fees, community service, drug and/or alcohol screens, a drug and alcohol assessment and follow-up to the recommendations made in that assessment, etc. However, if an offender tests positive for alcohol or drugs or violates the conditions of probation in any other way, it is likely that he/she will be brought before the Judge for a Revocation Hearing which may involve converting the remainder of the probation sentence to jail time.

The DUI Court offers a more forgiving program for those offenders who have an alcohol or drug addiction and want help fighting it. For example, the first time a DUI Court participant tests positive for drugs or alcohol, the sanction will likely be 24 hours in jail or less. The sanctions will be progressive in severity if violations continue.

The DUI Court may be offered as an alternative to a jail time revocation for those offenders that violate their probation conditions by obtaining a new alcohol or drug related charge or testing positive for alcohol or drugs, as long as they have 18 or more months remaining and at least two DUI convictions.

VI. TARGET POPULATION

The target population for the Forsyth County DUI Court includes those charged with a second DUI/BUI in ten years or a third DUI/BUI in their lifetime who qualify clinically based on substance use severity. The DUI Court team will also consider accepting eligible defendants into the program via a probation revocation if the defendant has at least 2 DUI convictions in their criminal history. The defendant would be required to have at least 18 months left on his/her probated sentence.

VII. ELIGIBILITY CRITERIA

A. Eligible participants will meet the following criteria:

- Current 2nd in 10 years or 3rd or more in life DUI/BUI charge
- Must have no prior violent convictions (only includes felony convictions)
- At least 17 years old

- Meet clinical criteria
- No more than 2 felony arrests within the last 10 years
- Presence in United States is legally documented
- Must not be taking any opiates, benzodiazepines, amphetamines, sedatives, or any other addictive medications

B. Probation Eligibility

- Must test positive for alcohol or drugs or receive a new charge involving alcohol or drugs while on probation and have at least 2 DUI Convictions.
- Must have at least 18 months left on probation sentence
- Must have no prior violent convictions (only includes felony convictions)
- Must be at least 17 years old
- Meet clinical criteria
- No more than 2 felony arrests within the last 10 years
- Must not be taking any opiates, benzodiazepines, amphetamines, sedatives, or any other addictive medications

VIII. DISQUALIFICATION CRITERIA

The following will disqualify an offender from participation in the Forsyth County DUI Court Program:

- Violent felony convictions or history (Nolle Prosequi and FOA will be considered on a case by case basis)
- Involvement in sale or distribution of illegal drugs
- Severe and/or untreated mental/physical health problem which would impede their ability to actively participate in and complete the intensive program
- Presence in the United States is not legally documented
- Have more than 2 felony arrests within the last 10 years
- Taking any opiates, benzodiazepines, amphetamines, sedatives, or any other addictive medications
- Have participated in any Accountability Court two or more times.

IX. SENTENCE MODIFICATIONS

If a participant desires to be relieved of program responsibility, they may file a Motion to Modify Sentence, without the assistance of the DUI Court Defense Attorney. After the participant files a Motion, they must meet with treatment for treatment recommendations. After meeting with treatment, a court date will be set. The judge will make a decision about whether the sentence will be modified.

X. TERMINATION CRITERIA

The Forsyth County DUI Court has identified criteria to be used in deciding whether to terminate a participant from the program. The following are guidelines, as termination is in the prevue of the judge alone. The DUI Court Judge will use discretion regarding each individual situation.

- A new arrest/charge
- Substituting or otherwise tampering with a drug/alcohol screen, which may include multiple dilutions of drug screens

- Chronic non-compliance evidenced by, but not limited to, continued use, multiple missed groups, failure to follow program requirements or poor attitude
- Being AWOL from the program
- Threats/violence toward other participants or any DUI Court staff member or elected official

XI. GRADUATION CRITERIA

Upon completion of Phase 5, the participant will be eligible for graduation. Graduation requirements must be met and turned in at least 15 days prior to the anticipated graduation date (or as otherwise approved by the DUI Court Office).

1. Complete Giving Back Project
 - a. Minimum of 24 volunteer hours. Participants are encouraged to develop a unique project to give back, not just community service work.
 - b. Documentation must be verified by DUI Court Office
 - c. Submit a written summary of how/why project was chosen, feelings while completing project, personal reactions after project completion
2. Write your Life Story in letter form to the Judge regarding progress in the DUI Court Program. The letter must be submitted to and approved by the DUI Court Office and **MUST** include the following:
 - a. Background: Life before DUI Court
 - b. Arrest situation
 - c. Reflections on DUI Court successes
 - d. Reflections on DUI Court struggles
 - e. Plans/Goals for future: personal and recovery
3. During Phase 5, participants are required to attend a Phase 1 group. (They will receive credit for the 3 required recovery meetings for that week, but must sign in on the Phase 1 group sheet and submit their recovery log with the group information and counselor signature.) Participants will report their observations or what they learned at their next regular Phase 5 group
4. Meet with treatment for a graduation meeting
5. Complete Graduation Request and submit to DUI Court Office
6. Participants must have a minimum of 90 days of documented sobriety to be considered for Graduation.
7. All DUI Court fees, Treatment fees, Probation fees, & Court fines must be paid in full
8. Complete exit interview with the DUI Court Judge (approximately 1-2 weeks before your graduation date & will be scheduled by the DUI Court Office.)
9. Graduations will be conducted on the first Court date of the month every other month.

Please note: participants may be allowed to graduate if Phase 5 completion date falls within 7 days of the scheduled graduation. If a participant's completion date is prior to the next graduation, they will be on complete status and their only requirement will be ongoing testing. Their DUI Court fees are reduced to \$75 per month.

Unsupervised Probation may be permitted after graduation from DUI Court and will be determined by the Probation Officer and ultimately permitted by the Court. Participants who successfully graduate the program may be allowed, at the discretion of the Court, to be on unsupervised status or some other status as deemed appropriate.

XII. MAXIMUM BENEFIT CRITERIA

The participant who is participating fully in the program at date of discharge will be granted a Certificate of Maximum Benefit. This certificate will be presented to the participant on his/her last DUI Court date.

XIII. ENTRY PROCESS

After arrest, defendants are identified by jail personnel and the Solicitor's Office, or by the Probation Officer, as potentially eligible for the Forsyth County DUI Court Program. They are given a bond in the usual manner with a DUI Review Hearing date.

DUI Review Hearings are conducted as follows:

The defendants are identified as Referred, Not Referred, or Under Investigation.

Under Investigation defendants will be provided with information from the Solicitor's Office and excused from the Courtroom.

Not Referred defendants will be provided with a copy of their discovery by the Solicitor's Office and a court date from the Calendar Clerk and excused from the Courtroom.

Referred defendants will be provided with a copy of their discovery, including a DUI Court offer and a Non-DUI Court offer from the Solicitor's Office. These defendants must either decline DUI Court or schedule an assessment while present for the DUI Hearing date. Assessments are to be scheduled within 30 days of the DUI Review Hearing date. If represented by counsel, the attorney is required to appear also. Defendants who have not hired counsel will be assisted by the DUI Court Defense Attorney. It is the attorney's responsibility to explain the DUI Court program to the defendant and the legal ramifications of the DUI Court Program. Upon scheduling an assessment, the attorney is responsible for providing the defendant with the DUI Court Entry Packet and the assessment date. The assessment of the defendant is to determine whether they are clinically appropriate for the DUI Court Program. Failure to appear at the scheduled assessment results in the defendant declining the program. The defendant's case, eligibility, and referral status will be discussed at the next Staffing Meeting of the DUI Court Team. If the defendant is approved for entry into the DUI Court Program, a DUI Court plea date will be set. The attorney must ensure the DUI Court Entry Packet is completed in its entirety and is provided to the Court at the defendant's plea. No defendants will enter the DUI Court Program prior to being discussed in staffing. Ideally, if a defendant is approved in staffing, they will enter their plea at the next DUI Review date and attend court that afternoon.

If a defendant declines the DUI Court Program, they may be reconsidered for entry into the program up to the 180-day entry deadline. However, any deadlines for beneficial sentencing remain in the discretion of the Solicitor's Office.

The anticipated maximum length of time between arrest and entry into the program is 60 days. The anticipated minimum length of time between arrest and entry into the program is 14 days.

XIV. COUNTY-TO-COUNTY TRANSFER PROCESS

A. For Cases transferring out of the county:

- Same entry process as above with the addition of the defendant or defendant's attorney requesting the transfer to another county with an established DUI Court.
- Transfer eligibility must be determined before the plea is entered.
- Transfers need to be completed within 30 days of the initial referral to the other jurisdiction if the defendant has already been sentenced into DUI Court.
- DUI Court Office will prepare the transfer order and all of the required paperwork for the receiving county.

B. For Cases transferring into the county:

- The Accountability Court Office is contacted by the sending county regarding potential participant
- The ACO fills out information sheet
- The ACO sends the information to the Solicitor's Office
- The Solicitor's Office runs the defendant's history and notifies the ACO of eligibility and appropriateness for referral under Forsyth County DUI Court standards
- The ACO schedules an assessment with the defendant and said assessment is completed
- The defendant's case and transfer are discussed in staffing
- If approved, the defendant, with their attorney, completes the Forsyth County DUI Court Entry Packet
- The defendant enters the Forsyth County DUI Court Program

XV. PHASES

The Forsyth County DUI Court Program is a minimum of 18 months in duration and consists of five phases. Phase 1 is the Anchor Phase. Phase 2 is the Charting Your Course Phase. Phase 3 is the Holding Steady Phase. Phase 4 is the Setting Sail Phase. Phase 5 is the Open Seas Phase.

A. Anchor (Phase 1)

- Required to complete Intake with DUI Court Office after sentencing where copies of all paperwork and handbook will be given.
- Minimum of eight (8) weeks in duration.
- Treatment groups will occur at least 2 times a week for a total of 3 hours per week.
- Attend DUI Court sessions twice per month on designated Wednesdays (Court dates for the year will be given at Intake).
- Probation meetings monthly as scheduled with probation officer.
- Attend check-ins with the DUI Court Office as directed.
- Random, monitored drug/alcohol screens each week as determined by calling the screen line each day.
- A curfew of 12:00 a.m. to 5:00 a.m. will be imposed unless otherwise directed by the DUI Court Office.
- 28 days without jail time sanctions (28 day window begins the day after the violation) and 28 days of documented sobriety are required to move to Charting Your Course.

B. Charting Your Course (Phase 2)

- Minimum of twenty-two (22) weeks.
- Continue to attend DUI Court sessions on two designated Wednesdays per month.
- Attend probation meetings monthly as scheduled by the Probation Officer.

- Treatment group attendance will continue at least 2 times a week for a minimum of 3 hours per week.
- Random, monitored drug/alcohol screens each week as determined by calling the screen line each day.
- Attend 1 approved recovery meeting per week and submit appropriate written documentation to the DUI Court Office by 12pm each Tuesday.
- A curfew from 12:00 a.m. to 5:00 a.m. will be imposed unless otherwise directed by the DUI Court Office.
- Participants who have 2 DUIs in a 5 year period and no other license issues may be eligible for an Ignition Interlock permit and are required to complete the following: 120 days license suspension, DUI School, a multiple offender clinical evaluation, 30 days without any jail sanctions, and 90 days of documented sobriety. If you are not eligible to get your license or permit, you are not required to complete these requirements until you are eligible.
- 28 days without jail time sanctions (28 day window begins the day after the violation) and 28 days of documented sobriety are required in order to move to Holding Steady.

C. Holding Steady (Phase 3)

- Minimum of twenty-two (22) weeks.
- Attend Court sessions on 1 designated Wednesday per month (annual dates are provided).
- Attend probation meetings monthly as scheduled by the Probation Officer.
- Attend treatment groups at least once per week.
- Random, monitored drug/alcohol screens each week as determined by calling the screen line each day.
- Attend 2 approved recovery meetings per week and submit appropriate written documentation to the DUI Court Office by Tuesday at 12pm.
- A curfew from 12:00 a.m. to 5:00 a.m. will be imposed unless otherwise directed by the DUI Court Office.
- Attend the Victim Impact Panel (VIP) and submit proof of completion to the DUI Court Office.
- Must have 60 days without jail time sanctions (60 day window begins the day after the violation) and 60 days of documented sobriety to move to Phase 4.
- All program fees and probation fees are required to be paid in full prior to moving to Setting Sail.

D. Setting Sail (Phase 4)

- Minimum of 3 months.
- Treatment group attendance will be at least 2 group sessions per month.
- Random, monitored drug/alcohol screens each week as determined by calling the screen line.
- Attend 3 approved recovery meetings per week and submit appropriate written documentation to the DUI Court Office of meetings by Tuesday at 12pm.
- A curfew from 12:00 a.m. to 5:00 a.m. will be imposed unless otherwise directed by the DUI Court Office.
- Attend Court sessions on one designated Wednesday of each month (annual dates will be provided).
- Attend probation meetings monthly as scheduled by the Probation Officer.
- All probation and DUI Court fees must be paid in full.

- Must have 60 days without jail time sanctions (60 day window begins the day after the violation) and 60 days of documented sobriety to move to Open Seas.

E. Open Seas (Phase 5)

- Minimum of 3 months.
- Treatment groups will occur at least 1 time per month.
- Random, monitored drug/alcohol screens each week as determined by calling the screen line.
- Attend 3 approved recovery meetings per week and submit appropriate written documentation to the DUI Court Office of meetings by Tuesday at 12pm.
- A curfew from 12:00 a.m. to 5:00 a.m. will be imposed unless otherwise directed by the DUI Court Office.
- Attend Court sessions on one designated Wednesday of each month (annual dates will be provided).
- Attend probation meetings monthly as scheduled by the Probation Officer.
- Participants will also complete a Giving Back Project that consists of at least 24 hours volunteer time and must be approved by the DUI Court Office.
- Participants are required to complete the graduation criteria included herein. The Graduation Packet is available on the website and must be submitted 15 days prior to the graduation date.
- Must have 90 days without jail time sanctions (90 day window begins the day after violation) and 90 days of documented sobriety in order to graduate from the program.
- Attend a Phase 1 group counseling session which counts for all required recovery meetings for that week. Participants must sign the group sign in sheet and have the counselor sign the recovery meeting log with the group information in order to receive credit for the week's meetings.
- Participants must complete all graduation requirements to achieve a Maximum Benefit certificate. Maximum Benefit is if the probation time is going to expire before a participant eligible graduate. It represents being in good standing at the time of sentence expiration.
- Graduations are held every other month on the first Court date of the month. If the participant's phase-out date is within 7 days of a scheduled graduation, the participant will be allowed to graduate. If the participant's phase-out date is outside the 7-day window, you will be moved into Complete Status. As such, participants are still required to call the screen line daily and screen as required; however, that is their only DUI Court Program requirement. Their program fees are reduced to \$75.00 per month.

F. Notes for all Phases:

- If contacted by the Accountability Court Office to report for court even if it is not on a required date, participants must appear. You can expect this notice for violations which result in community service and jail time.
- Each phase-up request will be reviewed by the DUI Court Team for approval. Phase ups are considered based on progress in the program, positive attitude, sobriety, and commitment to work a program of recovery.
- Fourth Amendment Waiver home searches may occur during each phase.
- The number of meetings, etc., listed above are minimum requirements. It may be necessary for participants to submit to additional groups, court sessions, probation appointments, and/or screens based on their level of commitment, progress, etc.

- Each participant will have an individualized treatment plan which will be reviewed throughout the program and they are expected to follow the recommendations of the treatment team.

G. Residential Treatment

If you enter residential treatment as a part of your DUI Court treatment requirements, you will be required to attend court quarterly. These dates will be provided to you and the residential facility. Upon return from residential, the participant shall return to the phase they were in when they left. After 30 days in that phase, the participant shall be evaluated by treatment to determine which phase is appropriate for treatment. This can result in moving to a higher or lower phase. If residential is successfully completed, upon meeting the measures required, they may still graduate in 18 months. If residential is not successfully completed, upon reentry into the program, the earliest available graduation date shall be determined.

H. Phase Up Requests & Evaluations

Participants are required to complete a phase-up evaluation with the treatment provider for their individualized treatment plan, then meet with the DUI Court Office at the end of each phase. The DUI Court Office will schedule these meetings with the participant. Participants will not be allowed to phase up to the next phase with any pending jail and community service sanctions. All phase up requests are reviewed and granted at the discretion of the DUI Court Team. Participants are required to turn in their phase-up request with all signatures by Tuesday at 12:00 p.m. before the Court date that the participant anticipates moving to the next phase. If the team approves, the participant will be allowed to move up on the next DUI Court Wednesday. The participant may be credited time before the actual date of phase-up, if applicable. All documents must be submitted to the DUI Court Office prior to actual phase-up date to receive credit. On the next available DUI Court session, the phase-up participant will receive a certificate and recognition of accomplishment from the presiding Judge. All treatment/program fees must be paid in full by the end of Phase 4 (prior to moving into Phase 5), unless otherwise approved by the Accountability Court Office.

XVI. RECOVERY MEETING REQUIREMENTS

DUI Court participants will be required to attend recovery meetings during their time in the program. Participants may not attend more than 1 meeting per day. Participants may not attend extra meetings in 1 week to apply to a future week (banking). Participants may not have their recovery logs signed off on by fellow Accountability Court participants. Only original recovery logs will be accepted (no copies, emails, etc.). Forged documentation may lead to termination.

XVII. LEAVE REQUESTS

Leave requests must be submitted, in writing, to the Accountability Court office no later than the Tuesday at noon before the next Court session. Participants in Phase 1 will not be granted leave for any reason other than emergencies and/or documented court appearances, etc. Phase 2 participants will be granted 2 leave requests. Phase 3 participants will be granted 2 leave requests. Phase 4 participants will be granted 1 leave request. Phase 5 participants will be granted 1 leave request. Participants cannot use more than one extra leave request per phase (Phase 2 = maximum of 3; Phase

3 = maximum of 3; Phase 4 = maximum of 2; Phase 5 = maximum of 2). Participants cannot miss more than 1 group counseling session per leave request. These requests are apart from any emergency, subpoena, court appearance, etc. Participants are required to provide a urine screen on the day they return from leave. The participant must report to the screening area during the screening time frame to submit a return screen regardless of what the drug screen line requires. If there are no screens scheduled for that day, the participant is required to report to the screening area during the screening time each subsequent day until a screen is provided.

NOTES: Participants may not leave the country while in the program. No leave requests will be considered if a participant is receiving a jail or community service sanction. These requests are apart from any emergency, subpoena, court appearance, or attendance at DUI School, etc. All recovery meetings must be completed as required regardless of leave. Any questions may be directed to the DUI Court Office for clarification.

XVIII. MEDICAL

A. Doctor Visits, Dental, & Surgical Procedures

Participants who are required to have dental or surgical procedures while in the program must follow this protocol:

- Contact the DUI Court Office as soon as possible to provide information regarding the type of procedure and when it is tentatively scheduled.
- All necessary medication must be approved prior to filling a prescription; therefore, a list of medications from the doctor that he/she anticipates prescribing before, during, and after the procedure will be helpful for guidance through the process.
- A list of all medications administered directly to the participant at the treating medical office directly to the participant must be provided to the Accountability Court Office immediately following the procedure.
- If the doctor insists on a narcotic or addictive medication after surgery, extra drug/alcohol screens may be required and the expense may be passed on to the participant.
- The participant's case will not be tolled and the participant will be required to check in with the DUI Court Office and come in for pill counts (if necessary) as directed by the DUI Court Office.
- All documentation must be turned in on the doctor's letterhead.

B. Notice To Medical Professionals/Physician Form

Participants are required to have the Notice to Medical Professionals form signed off by the treating physician each time they are treated at a doctor's office, urgent care, emergency room, dentist, etc. Sanctions will be imposed for not submitting the form in a timely manner. The form is not required if no medications were prescribed or given in the office.

C. Medical Leave

Medical leave is defined as a period of time during which a medical doctor states that a participant cannot (either in hospital or on bed rest) attend/participate in DUI Court sessions of any kind outside of the hospital or home. A medical Leave Form will be completed by participant (in advance when possible) and reviewed by Treatment Team at DUI Court staffing for approval.

During weeks one (1) through six (6) of Medical Leave, the participant is responsible for following the directions of the Accountability Court office including pill counts, weekly status reports, and doctor visit updates. When a participant has been on Medical Leave for six (6) weeks, the participant's future in the program will be discussed. The participant shall be required to attend court and appear for drug screens as directed by DUI Court Staff during their medical leave from the program are still subject to the rules and regulations of the DUI Court Program and any violations can be addressed while the participant is on Medical Leave, or upon return.

D. Maternity Leave

Maternity leave will require similar documentation as Medical Leave, but the leave will be approved as follows (unless there are extenuating circumstances): a female participant will be excused from all DUI Court participation for two weeks following birth. For weeks three and four, the female participant will be required to submit to screens as normal. At the conclusion of the fourth week following birth, the participant shall return to their regular DUI Court schedule.

XIX. FEES

Participants are charged monthly fees to help repay the county for court, treatment, drug screens, and defense attorney costs. Fees are expected to be paid in a timely manner. If a participant falls behind, sanctions will be imposed until they are current. For those in residential programs, minimum payments necessary to move from one phase to the next must be made before a phase move will be considered. Unless otherwise specified herein or by the Court, all paperwork and monies from participants must be turned in to the DUI Court staff as directed in the Participant Handbook by Tuesday at noon for the week prior.

XX. EMPLOYMENT

All participants of DUI Court are required to be accountable for their time through employment or school. Participants, unless excused due to student status or disability, must work full-time, which is defined as no less than 28 hours per week. If a participant is a student, they must provide proof of student status and are required to be in classes and/or work no less than 28 hours per week. If a participant is receiving disability, they must work, but are only required to work 18 hours, or two hours less than amount allowed by disability. Participants shall not work in bars or restaurants where alcohol is served, nor shall they work in an establishment where the primary sales are alcohol, like a package store. Additionally, participants may not work where narcotics, dangerous drugs, or other mood-altering substances are available unless otherwise approved by the staff in advance. Participants are not permitted to work for family members.

Participants are not allowed to start their own business while in DUI Court. For self-employment to be considered while in the DUI Court program, the business must have been set up, active, and registered with the state at the time of entry into the program. Participants working as independent contractors are required to provide a copy of their 1099, proving they are legitimately employed.

XXI. SANCTIONS, TREATMENT RESPONSES, INCENTIVES, AND GENERAL GUIDELINES

A. Sanctions

a. Definitions

Sanctions are the imposition of consequences for prohibited activity. Sanctions will be swift and appropriate. The Forsyth County DUI Court Team will determine sanctions as related to the current violation. Sanctions may include but are not limited to: increased recovery meetings, community service work, increased drug and alcohol screens, and jail time. The DUI Court Office and/or defense attorney will try to notify participants receiving a jail sanction the morning of the Court Session or earlier, when possible.

b. Timing

Unless otherwise specified herein or by the Court, all paperwork and monies from participants must be turned in to the Drug Court staff as directed in the Participant Handbook by Monday at noon for the week prior.

c. Imposition

The Accountability Court Office Staff/DUI Court Staff will impose all sanctions that do not involve community service or jail time.

Note: Minor infractions not otherwise specified within the Sanction Matrix in 4 hours CSW.

Sanction Matrix

ATTENDANCE SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Absent from Court	1 Day Jail or warrant (if no contact in 24 hours)	2 days Jail or warrant (if no contact in 24 hours)	3 days Jail or warrant (if no contact in 24 hours)	Discuss chronic non-compliance	
Late to Court	8 hrs CSW	8 hrs CSW	8 hrs CSW	8 hrs CSW	8 hrs CSW
Failure to sign in at Screen/Graduation/Group	4 hrs CSW	4 hrs CSW	4 hrs CSW	4 hrs CSW	Discuss Chronic Non-compliance
Missed Probation Appointment	Check-in with DUI Court Office	2 hrs CSW	2 hrs CSW	2 hrs CSW	2 hrs CSW
Missed Check-in	Keep next scheduled appointment, bring calendar with all DUI Court appointments and requirements written into the calendar	8 hrs CSW	1 day jail	Team discussion re: possible termination for chronic non-compliance	
Late to Treatment Dosage	2 page paper	Work detail	4 hrs CSW	1 day jail	Discuss Chronic Non-Compliance
Missed Treatment Dosage	Overnight in Jail (6am release)	1 day Jail	3 days Jail	Discuss chronic non-compliance	
Recovery Meeting Documentation Issues	Verbal Warning from DUI Court Office	Make up meetings	Make up meetings	Make up meetings	Make up meetings
Failure to Attend Recovery Meetings	Make up meetings	Make up meetings	Make up meetings	Make up meetings	Make up meetings
Phase-Up Impact	Required days of documented sobriety and time without any jail sanctions (calculated from the day after the violation was committed) Phase 1: 28 days; Phase 2: 28 days; Phase 3: 60 days; Phase 4: 60 days; Phase 5: 90 days				
Notes:	<ul style="list-style-type: none"> • Treatment Dosage: group session; individual treatment session • Missed Voluntary Individual Session results in Mandated Individual Sessions • If permission given for being late to or missing a meeting, CSW will not be imposed • Phase-Up eligibility date extended by 2 weeks for missed phase-up meeting 				

SCREEN SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Positive Screen w/ admission @ Sign-in	8 hrs CSW	16 hrs CSW	1 day Jail	2 days Jail	Up to 30 days Jail w/ termination or residential
Positive Screen w/ admission to Staff before 5pm day following screen	16 hrs CSW	1 day Jail	2 days Jail	3 days Jail	
Positive Screen w/ denial	1 day Jail	2 days Jail	4 days Jail	6 days Jail	Up to 30 days Jail w/ termination or residential
Missed Screen	1 day Jail	2 days Jail	4 days Jail	6 days Jail	
High Creatinine 400-599.99	Meet with ACO staff and refer to doctor. Require doctor note that participant is healthy	Screen Progression as denial	Screen Progression as denial	Screen Progression as denial	Screen Progression as denial
High Creatinine 600 or higher		Possible motion to terminate, if not, screen progression	Possible motion to terminate, if not, screen progression	No sanction listed	No sanction listed
Low Creatinine 19.9-11.0	Education from ACO and presentation to group	Screen progression as denial	Screen progression as denial	Screen progression as denial	Screen progression as denial
Low Creatinine 10.9 or lower	Education from ACO and screen progression	Possible motion to terminate, if not, screen progression	Possible motion to terminate, if not, screen progression	No sanction listed	No sanction listed
Failure to circle Admit/Deny @ Sign-in	Stand and Remind (Greater sanction can be imposed if necessary)				Discuss Chronic Non-Compliance
Ignition Interlock Violations	Treat as a positive screen w/ denial + 30 days without license/permit				Discuss Chronic Non-Compliance
Behavior Plan	Phases 1, 2, 4, and 5: Therapeutic Response Phase 3: Therapeutic Evaluation Sobriety Incentive: Participants will get a screen roll-back each 6 months they go without a positive, missed, or dilute urine screen. There is no limit on how many roll-backs a participant may receive				
Phase-Up Impact	Required days of documented sobriety and time without any jail sanctions (calculated from the day after the violation was committed) Phase 1: 28 days; Phase 2: 28 days; Phase 3: 60 days; Phase 4: 90 days; Phase 5: 90 days				
ThC Policy	If participant admits to marijuana use prior to the start of the program, the participant will be required to have two consecutive, negative lab screens with at least 4 days between screens. Creatinine Ratio will be used to determine new use. A Creatinine Ratio of 1.5 or higher will be considered a positive screen with denial. In unconventional situations where the participant remains positive for longer than 30 days, seek toxicological assistance. An oral report to/from staff is adequate.				
Notes:	Positive Alcohol Screens: EtG greater than 500 is considered a positive alcohol, we do not consider Ets. Positive Alcohol Breath Test: Treat as Positive Screen with Denial Contested Screen: If a participant wishes to contest the validity of a lab confirmed screen, they will be schedule for a walk-in revocation hearing Failure to Admit/Deny w/ positive screen: treated as positive with denial Substitution: Up to 30 days Jail with a termination hearing				

BEHAVIOR SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense
Disrespect to Staff	Verbal admonishment from Judge, CSW, or 1 day jail (determine severity)	Discuss Chronic-Non-Compliance	Possible Termination
Asking Staff to Lie for You	4 days jail	Discuss Chronic-Non-Compliance	Possible Termination
Threatening Behavior or Speech	1-3 days jail and possible termination	30 days jail and possible termination	Possible Termination
Physical Violence	Immediate custody and possible termination		Termination
Failure to report contact with law enforcement	8 hrs CSW	8 hrs CSW	No Sanction Listed
New Arrest/Citation License Violations	15 days jail	Possible Termination	No Sanction Listed
New Arrest/Citation All violations other than license	Staff discretion	Possible termination	No Sanction Listed
New Arrest/Citation Failure to report to ACO	Additional 7 days Jail (to above sanction)	Possible Termination	No Sanction Listed
Being present in an establishment where the primary purpose is alcohol or drug related and/or food is no longer served	1 day jail	1 day jail	No Sanction Listed
AWOL	Warrant and Tolling Order; Possible Termination		
Phase-Up Impact	Required days of documented sobriety and time without any jail sanctions (calculated from the day after the violation was committed) Phase 1: 28 days; Phase 2: 28 days; Phase 3: 60 days; Phase 4: 90 days; Phase 5: 90 days		
Notes:	<ul style="list-style-type: none"> Case Manager to request transport of participant to next DUI Court Session if still in custody AWOL = 48 hours of no contact (screen line, group, etc.) 		

CONTACT SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	5 th Offense
Contact with person on probation and/or parole, convicted felons, known drug users, known drug dealers, people incarcerated in any institution, people being supervised by any court agency, on felony release/bond, or people participating in accountability courts in other counties without advance permission of the staff	4 hrs CSW	8 hrs CSW	1 day Jail	3 days jail	Presumed Termination
Communication between or among participants, including but not limited to, sexting, having contact of a sexual nature, distributing photographs that may be deemed inappropriate, or communications that are otherwise inappropriate for the DUI Court setting, etc. Communication and association between or among 2 or more participants is limited to DUI Court business, DUI Court Requirements, and DUI Court sanctioned events in Phases 1 and 2. In Phases 3-5, participants from any Forsyth County Accountability Court may hang out together, so long as it is not in a participants' home or in an establishment that serves alcohol. No physical relationships are allowed.	Staffs discretion, including, but not limited to, jail time and termination				
Notes:	Permission for contact – if a participant wishes to have contact with a prohibited person, they must request permission, in advance, and be given permission by the court.				

FOURTH AMENDMENT SEARCH VIOLATION SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense
Curfew Violation (Unapproved or w/o cause)	Curfew 2 hrs earlier for 30 days	Curfew 3 hrs earlier for 90 days	House arrest or GPS Monitoring
Contact with Harmful or Disreputable Character	Verbal Warning from Judge	1 day Jail	Possible Termination
Inability to be contacted by ACO or Court	4 hrs CSW	4 hrs CSW	4 hrs CSW
Search: Refusal to permit	6 days jail	Discuss Chronic Non-Compliance	No Sanction Listed
Search: Refusal and/or failure to provide all electronic devices (equated to refusal to permit search)	6 days jail	Discuss Chronic Non-Compliance	No Sanction Listed
Search: Failure to answer door	Verbal Warning from Judge	6 days jail	Discuss Chronic Non-Compliance
Search: Attempting or alerting another participant of actual or perceived investigative activity by ACO personnel or their agents (including, but not limited to law enforcement and probation)	1 day jail	1 day jail	1 day jail
Search: Cleaning app located on phone	3 days jail	3 days jail	3 days jail
Search: Clearing out social media/electronic devices remotely after they have been taken up for search	3 days jail	3 days jail	3 days jail
Change of residence w/o notifying ACO	Overnight Jail (6am release)	2 days jail	3 days jail
Contraband: Alcohol, Paraphernalia	1 day jail	2 days jail and therapeutic response	Possible termination
Contraband: Possession of marijuana or any other dangerous drug or controlled substance not legally prescribed to the participant or another person residing in the household	5 days jail	5 days jail	Possible termination
Contraband: possession of mood-altering substances, kratom, etc, whether purchased legally or illegally	5 days jail	5 days jail	Possible termination

Contraband: Taking/Possessing Unapproved Medication (Non-Mind or mood altering)	Case Management response/education	Discuss Chronic Non- Compliance	No Sanction Listed
Contraband: Firearms and/or weapons	3-6 days jail	6 days jail and possible termination	No Sanction Listed
Contraband: Ammunition	Verbal Warning from Judge	3-6 days Jail	6 days jail and possible termination
Phase-Up Impact	Required days of documented sobriety and time without any jail sanctions (calculated from the day after the violation was committed) Phase 1: 28 days; Phase 2: 28 days; Phase 3: 60 days; Phase 4: 90 days; Phase 5: 90 days		
Notes:	Curfew: 12am to 5am for all phases Harmful or disreputable character: people on probation or parole, felons, drug users, drug dealers, people in correctional institutions (jail, prison, etc.) Paraphernalia: includes vapes and vape juices; also, they are separate items and possession of both results in 2 days jail Energy Drinks: located during search, participant seen possessing or drinking is 4 hrs CSW Firearm/Weapon: Definition in policy manual		

FINANCES AND EMPLOYMENT

	1 st Court Date	2 nd Court Date	3 rd Court Date	4 th Court Date
Unemployed while in Program	5 job applications and attend Jumpstart each week	5 job applications and attend Jumpstart each week	Daily job search	4 hours community service per day and attend Jumpstart
Job Verification: Failure to turn in	8 hrs CSW	16 hrs CSW	(New Month, return to 1 st Court Date)	
Job Verification: Insufficient Documentation or late turn in Phases 1 & 2	4 hrs CSW	8 hrs CSW	(New Month, return to 1 st Court Date)	
Job Verification: Insufficient Documentation or late turn in Phases 3, 4, & 5	8 hrs CSW	One day Court Duty to be chosen and supervised by ACO	(New Month, return to 1 st Court Date)	
Working less than 112 hours per month	4 hrs CSW (1 st Month)	8 hrs CSW and new job before 1 st Wednesday of next month or sufficient hours worked (2 nd Month)	12 hrs CSW and deadline from Court; failure to meet deadline is a possible termination offense (3 rd Month)	
Program Fees over \$400	4 hrs CSW	8 hrs CSW and complete written budget	Set payment plan, if had money to pay, 16 hrs CSW	Discuss Chronic Non-Compliance
Probation Fees over \$200	4 hrs CSW	8 hrs CSW and complete written budget	Set payment plan, if had money to pay, 16 hrs CSW	Discuss Chronic Non-Compliance
Budget Violation	Failure to complete Budget: 1 day Jail Missed or Insufficient Payment: 1 day jail from Saturday 8pm to Sunday 8pm			
Notes	Jumpstart – a weekly group focused on employment assistance and life skills Daily Job Search – participant reports to ACO daily at 8:30am to complete the job search, form must be completed and returned by close of business on the same day, and attend Jumpstart weekly. Continuous Employment – participant must be continuously employed for 28 days (4 weeks) before job search requirement is reset (if quits or loses new job within 28 days, return to last spot in job search) Quitting job or losing job without a replacement – Start job search requirements at daily job search 112 Hours Per Month Requirement: This is a sanction only imposed one time per month. Each sanction listed above is for the next consecutive month. (Example: If a participant works 90 hours in January, 120 hours in February, and 90 hours in March, in March, they get the first sanction again.) Requested deviation from payment plan must be submitted in writing by Tuesday at 12pm All fees must be current to move to Phase 5 Only one type of fee violation is required for sanction, both fees must be under the respective threshold for the offenses to “reset.”			

DEADLINE AND DISHONESTY SANCTIONS

	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense
Failed to Complete CSW Sanction	CSW Doubled	Overnight Jail (6am release) (Erases CSW)	Discuss Chronic Non-Compliance	Discuss Chronic Non-Compliance
Failed to submit CSW Sanction by deadline	Redo CSW	Double CSW	Overnight Jail (6am release) (Erases CSW)	Discuss Chronic Non-Compliance
Failed to complete Court Assignment/Program Requirement	8 hrs CSW and Complete Assignment and/or Requirement	16 hrs CSW and Complete Assignment and/or Requirement	Discuss Chronic Non-Compliance	Discuss Chronic Non-Compliance
Failure to submit Court Assignment by deadline	4 hrs CSW	8 hrs CSW	Overnight Jail (6am release)	Discuss Chronic Non-Compliance
Falsifying Documents to Court	6 days Jail	Up to 30 days jail and possible termination	No Sanction Listed	No Sanction Listed
Behavior Plan	Phases 3, 4, and 5: Start at 2 nd Offense (proximal versus distal)			
Phase-Up Impact	Required days of documented sobriety and time without any jail sanctions (calculated from the day after the violation was committed) Phase 1: 28 days; Phase 2: 28 days; Phase 3: 60 days; Phase 4: 90 days; Phase 5: 90 days			
Notes	All above sanctions are assessed as consecutive DUI Court sessions. A clean slate is given after successful completion at a DUI Court session.			

IMPORTANT: No drug screen sanction will be imposed without written confirmation from the laboratory. All positive tests will be confirmed by GCMS, LCMS, or other appropriate confirmation testing, and, appropriate action will be taken as soon as possible. If a participant wishes to contest a drug screen result after this laboratory confirmation, he/she may request a Revocation Hearing, but they may wait in custody for such a hearing.

B. Firearm/Weapon Definition

Includes all firearms regardless of age/size/location.

Using modified language from Federal Firearms Definitions 18 U.S. Code § 921, the term "firearm" means

- *Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or provides an electrical charge;*
- *The frame or receiver of any such weapon;*
- *Any firearm muffler or firearm silencer; or*
- *Any destructive device.*

The term "destructive device" means:

- *Any explosive, incendiary, or poison gas*
- *Bomb*
- *Grenade*
- *Rocket having a propellant charge of more than four ounces;*
- *Missile having an explosive or incendiary charge of more than one-quarter ounce,*
- *Mine, or*
- *Device similar to any of the devices described in the preceding clauses;*
- *Any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and*
- *Any combination of parts either designed or intended for use in converting any device into any destructive device as described in the paragraphs above and from which a destructive device may be readily assembled.*

A weapon is defined as:

OCGA 16-11-127.1 (2) 'Weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, metal knuckles, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher. No blades over two inches with the exception of kitchen cutlery, utility knives, or sporting equipment which is stored in a location which it is commonly stored.

C. FEDERAL FIREARMS REPORTING:

Upon each admission of use or positive lab confirmation (for drugs), that participant's name will be submitted to the National Instant Criminal Background Check System (NICS) for entry into the NICS Index Denied Persons File for Controlled Substance Abuse as required by federal law. Report to NICS will initiate a 1 year prohibition on the possession or purchase of firearms or ammunition. Each report will restart the 1 year prohibition.

18 U.S.C. § 921 et seq., the Brady Handgun Violence Prevention Act (Pub. L. 103-159), the NICS Improvement Act of 2007 (Pub. L. 110-180), and implementing regulations as may be codified within the Code of Federal Regulations.

D. Therapeutic/Treatment Responses

a. Therapeutic Responses

"Therapeutic Responses" are treatment-oriented responses to non-compliant participant behavior. They can include, but are not limited to, therapeutic evaluations, increased group treatment, individual treatment, and any other resources available. These responses are designed to help the participant in his/her recovery.

b. Treatment Noncompliance

If a participant is noncompliant with treatment and all treatment resources have been exhausted per Accountability Court Office, they shall receive an individualized deadline from the court. Response to failure to meet deadline will be handled on a case by case basis.

c. Check-ins with Case Manager

Check-ins will be required for all Phase 1 participants as scheduled by the DUI Court Office. Other phase participants can be required to report to the DUI Court Office as directed.

d. EtG - less than 500

Participant will first meet with Accountability Court Office to discuss. Participant may be tested more frequently for 14 days at his/her own expense (or longer if deemed appropriate by the Court).

E. Incentives

Incentives are swift, positive responses to compliant participant behavior. The Forsyth County DUI Court recognizes the importance of rewarding participants for good behavior. Incentives include, but are not limited to, applause for progress, recognition of positive life events, "Tell Me Something Good" candy, Judge's praise, community service credit, reduction of court-ordered fines, program incentives (Uber gift cards through transportation grant, extra leave, fee credit), curriculum completion certificates, phase promotion certificates, freebies, graduation certificates, Accountability Court Limited Permit, and Ignition Interlock Permits.

a. Accountability Court Limited Permit

Participants are eligible for an ACLP 28 days after their first court session AND 28 days of documented sobriety. A Limited Permit form must be turned in by the participant for the defense attorney. The defense attorney will confirm with DDS Accountability Court Help Desk that the participant is eligible for an ACLP. All ACLPs will require the participant to have Ignition Interlock. Eligibility does not guarantee the granting of an ACLP, it is always at the discretion of the judge. If a participant has 3 or more triggering events in the past 5 years, their license is revoked and they are not eligible for an ACLP.

b. Ignition Interlock Driving Permit

An IIDP Affidavit may be granted by the Judge after an initial 120 day suspension. The participant must meet the DDS requirements before a permit will be considered by the Court. Participants are not eligible for the IIDPA within 30 days of a jail sanction.

c. Freebie

Participants will receive a Freebie each month sanctions are not imposed. Freebies may be used to nullify sanctions for anything other than fee sanction and jail sanctions. When a participant accumulates 6 freebies, they must turn in 5 freebies for a \$25 fee credit or extra leave request.

d. Participant of The Month

Each month, on the second court date, all participants who received a sanction free Freebie will have a ticket placed in a container for a random draw. Two names will be drawn each month to receive Sanction Free awards. These participants will receive an Uber Gift Certificate (so long as Transportation Grant funds allow), an extra leave request, or a \$25 fee credit.

The DUI Court Team may choose at least two participants each month to receive a Star Award. The Star Award is to reward a particular participant that has done exceptionally well or has made great improvements. This participant will receive recognition on the second DUI Court session of the month, and will choose one of the following: Uber Gift Certificate (so long as Transportation Grant funds allow), an extra leave request, or a \$25 fee credit; and a gift card.

e. Pro-Social Activities

Participants in Phases 3-5 may attend an approved pro-social activity in lieu of one required recovery meeting per week.

f. CSW Credits

The following credits will be given to participants as they progress through the Program:

- Phase 1 completion=50 hours csw credit
- Phase 2 completion=50 hours csw credit
- Phase 3 completion=50 hours csw credit
- Phase 4 completion=50 hours csw credit
- Victim Impact Program (VIP)=20 hours csw credit
- DUI School/ RRS=20 hours csw credit
- Total=240 hours csw credit**

g. Court Fine Credits

Up to half or all of the participants' court fine for the DUI charge (including surcharges) can be credited through completion of the program (at the Court's discretion) & the collection of the fine is delayed for 12 months. The credit will be given upon the participant phasing up to Phase 5.

h. Credit for Voluntary Individual Sessions

Participants in Phase 4 and Phase 5 will receive credit for a recovery meeting when they voluntarily engage in individual sessions.

i. Graduation With NO Sanctions

If a participant graduates the program with no sanctions of any kind, they will receive a \$100 gift card of their choice at their graduation. The gift certificate will not be from a place that serves alcohol. ion ceremony.

j. Transfer to Another County

All transfers are done as a courtesy to the participant and are at the sole discretion of the Court, and must be completed within 30 days of sentencing or otherwise at the discretion of the Court. Transfers will be requested by the participant. The Coordinator will assist as necessary in the transfer. All transfers out of Forsyth County to another county will receive the same Court fine credits & CSW credits as a Forsyth County DUI Court participant would receive. The same type memos showing the credits shall be given to the Forsyth County Clerk of Court for documentation purposes.

k. Leave Requests

Leave Requests allow participants to miss counseling sessions and drug screens. Leave Requests will be presented to the Court if the participant is eligible for a leave. The leave should be granted if participant is not receiving any community service or jail sanctions.

XXII. TREATMENT PROTOCOL

All DUI Court activities and locations may be viewed as an extension of the Forsyth County DUI Court. Participant behavior should reflect that understanding at all times. This includes treatment, community service sites, special events, and other functions associated with DUI Court activities. Violations of program rules can result in sanctions and/or new criminal charges. All staff members of the Forsyth County DUI Court are officers of the court, and participants are expected to follow their instructions.

1. No alcohol, drugs, weapons, or pocket knives will be brought to these facilities.
2. Groups will begin on time! Participants must be punctual, as tardiness will result in sanctions. Participants must attend and participate in the full session to receive credit.
3. Confidentiality is a must. What is said here stays here! There will be **severe consequences** for any violation of this rule.
4. Free expression of participant's thoughts and feelings is encouraged; however, violence, threats or intimidation will not be tolerated. Extreme use of profanity is not acceptable. Be considerate of others when using any type of profanity.
5. Leave group only in an emergency after notifying staff & the DUI Court Coordinator.
6. No visitors allowed. Participants will be notified of scheduled exceptions to this rule. This includes children and pets.

7. Pairing up with another Accountability Court participant for an intimate relationship is not permitted.
8. Smoking is permitted outside. **However, make sure cigarettes are extinguished and placed in the ash can provided.**
9. No littering in parking lot or in building. Participants must be responsible for assisting in maintaining the cleanliness of the building.
10. Destroying or defacing property will lead to sanctions.
11. Appropriate attire is required for all DUI Court related activities. No clothing with alcohol or drug related logos or accessories should be worn at any time during DUI Court functions.
12. Electronic devices must not be taken into the Treatment Facility. They will be confiscated if they are seen at any DUI Court related activity and will be returned to the participant by the Accountability Court Office at a future date.
13. **Sexual harassment of any kind will not be tolerated!**

XXIII. CURRICULUM

The evidence-based treatment curriculum focuses primarily on cognitive-behavioral therapy. Participants will receive individualized treatment throughout the program by having an individualized treatment plan that is updated periodically. All participants will receive Early Recovery Skills, Life Skills, Moral Reconciliation Therapy (MRT), Prime Solutions, Trauma Recovery Empowerment Model (TREM), and Staying Quit. Elective treatment options may include, but are not limited to, 7 Habits of Highly Effective People, Anger Management, Self-Esteem, Healthy Relationships, Untangling Relationships, Dialectical Behavioral Therapy (DBT), Grief, Parenting, and Co-Dependent No More.

XXIV. TREATMENT EXPECTATIONS

- Each participant entering into the treatment process will maintain a lifestyle of abstinence. There will be no drinking, use of mood or mind altering substances, or use of illegal drugs.
- Participants will be actively involved in treatment and strive to make personal progress while they are in the program.
- Participants will behave in a manner appropriate to the setting.
- Participants will make their treatment of primary importance. Missing treatment will be sanctioned.
- Participants will give monitored drug screens when directed to do so. Missing drug screens will be treated as a positive screen for sanctioning purposes.
- Participants will arrive on time for group meetings, or sanctions/work detail will be imposed.

XXV. TREATMENT PROVIDER REQUIREMENTS

The contracted treatment providers working with Forsyth County Accountability Court participants must be certified by the Georgia Addiction Counselors Association and/or licensed by the State of Georgia (or working towards licensure) (LPC, LCSW, LMFT, etc.) and maintain certification/licensure through required continuing education. As of 2014, licensees must have 35 hours of continuing education. Additionally, the contracted treatment provider shall adhere to the continuing education requirements of all Accountability Court staff as noted on page 2 of this manual.

XXVI. PROBATION PROTOCOL

The DUI Court Program is a special condition of probation. This consists of reporting to the probation department 1 time per month and paying a fee of \$64.00 per month in Phases 1 and 2 and \$50 a month in Phases 3, 4, and 5. Probation will run a criminal history on eligible DUI Court Graduates approximately one month before their graduation date. Participants will not be permitted to graduate if they have obtained new charges that have not been addressed through sanctions or a Revocation Hearing. All other conditions of probation must be met.

XXVII. DUI COURT OFFICE PROTOCOL

Forsyth County DUI Court participant cases will be managed by the DUI Court Case Managers. The Case Managers are responsible for maintaining participant records regarding group attendance, meeting attendance, fulfillment of community service requirements, drug screen requirements and results, sanctions and incentives, demographic information, and all other pertinent information. The information will be stored in the FivePoint Solutions case management system. The Case Managers will gather such information from necessary agencies and prepare progress notes on each participant to be used in DUI Court Team Staffing and court.

A. Case Opening Procedures

- 1) Defendant shall plead guilty or be convicted, sentenced, and placed on probation with the DUI Court as a special condition of the probation sentence.
- 2) The participant's case will be set up in FivePoint Solutions. Notes will be added regarding Court sessions, group and individual sessions, alcohol/drug testing, etc.
- 3) Defendant will be given an appointment for Intake into DUI Court in Court or directly thereafter.
- 4) All DUI Court paperwork is completed during the intake appointment, including participant agreement, releases, and any other documentation required by Court. A drug screen will also be performed at Intake into DUI Court and sent to the lab.
- 5) Participants will begin treatment as soon as possible.

B. Case File Procedures

While the DUI Court Office and probation services will each maintain separate files on participants, all data will be entered into FivePoint Solutions by the respective parties.

DUI Court Office files will contain an electronic or hard copy of the following:

- 1) Participant's sentence
- 2) Orientation information (including demographics)
- 3) Copy of assessment(s)
- 4) Releases of Confidentiality to include, but not be limited to: the referring Court, Solicitor's Office, Attorney of Record, law enforcement, and treatment provider; shall be witnessed by the DUI Court Defense Attorney, participants' own attorney, or Accountability Court Staff
- 5) All documentation included in the Entry Packet that is required at the time of plea
- 6) All reports documenting level of participation in treatment
- 7) All drug and alcohol screening
- 8) All Sanction/Incentive Records
- 9) Proof of payment of all monies to the DUI Court Office

Note: The participant's attorney, in preparation for a Revocation/Termination hearing, may come to the DUI Court office to look at the participant's file. No copies of the file are to be made. Participant files are not discoverable, outside the DUI Court setting, without a Judge's Order. (The Accountability Court Office/Director will direct the county attorney or assigned counsel to file a Motion to Quash any subpoena or Notice to Produce for any Accountability Court file.)

C. Case Tracking Procedures

Participants are tracked electronically with FivePoint. This tracking is reviewed quarterly.

D. Case Closing Procedures

When a case is closed, the closing date and disposition should be documented on the outside of the participant's file and all supporting documentation should be enclosed in the file and closed appropriately in Five Points.

a. Graduated:

A case is considered a graduated closure when treatment has been completed, all court costs, treatment fees, and other fees are paid and the participant has successfully graduated the Program.

b. Terminated:

A case is considered a terminated closure when treatment is not completed and the participant has been revoked and/or removed from the DUI Court.

c. Maximum Benefit:

A case is considered a maximum benefit closure when a participant's probation expires prior to completion of the DUI Court Program.

d. Transfer:

A case may be closed as a transfer if the case was successfully transferred to another DUI Court.

e. Discharge:

If a participant is excused from participation in the DUI Court Program for any reason other than the above-listed, for example: medical inability to complete the program, mental health issues preventing completion, etc.; the probation shall be modified and case closed.

XXVIII. TESTING PROTOCOL

While in the DUI Court Program, participants are required to check the screen line daily. However, a breath or urine specimen may be required at any time. Randomization of drug and alcohol testing is scheduled by AverHealth's call-in system.

Participants must check whether they have a screen daily by calling the screen line (678- 967-0419) or checking online (averhealth.com). If, for any reason, they cannot access this information, it is their responsibility to report to the screening facility between 6:00am-9:00am (these are the normal screening hours). Late arrivals will not be allowed to test and this failure to submit a

specimen will be considered a positive screen. Tampering with or diluting a drug screen may be grounds for termination.

Upon reporting for a drug screen:

1. Participants must sign-in at arrival for the drug screen and must indicate an admission or denial (on the sign-in sheet) of use prior to submitting the screen. Participants may have multiple opportunities for honesty and may receive a benefit for said honesty. The participant should not admit use if he/she is taking a medication that has been approved by the DUI Court Office.
2. Participants must submit a breath sample at each screening which is administered by an authorized official of the Accountability Court.
3. Only one participant is allowed in the testing area at a time. A same-sex screener must accompany the participant at all times during the drug screening process.
4. Participants must hand their specimen to the same-sex screener and watch them put the participant's label on the bottle/screen.
5. Participants will not be allowed to leave the testing facility or drink excessive fluids until a specimen is received. It is recommended that participants not drink excessive fluids 2 hours prior to screening.
6. A screener of the same sex must always witness the sample being given for it to be considered valid.
7. Participants must not carry purses, coats, bags, etc. into the testing area.
8. Shirt sleeves should be rolled up to the elbow and participants may be required to remove additional clothing to ensure validity of specimen.
9. The test cup must contain a minimum of 1/3 level to be adequate for testing.
10. Female participants are required to pour their specimen into the provided vial, prior to application of the label.

After any approved leave from DUI Court, the participant must report to screen the following day, regardless of whether they are called-in for a screen. If there are no screens on the return day but the Accountability Court Office is open, they must report to their Case Manager for a screen. If there are no screens on the return day and the Accountability Court Office is not open, they must return each subsequent day to the screening facility until they provide a sample.

All screens are confirmed using GCMS or LCMS prior to sanctioning. Screen results are typically reported via online access within 48 hours of shipping or confirmation requests. Contested results will result in a Contested Revocation Hearing.

A 2 hour window, at a minimum, is provided for all drug screens. If a screen is announced at group (not on the daily call), the 2 hours begin at the time of check-in. Participants may screen until group begins and again for 15 minutes following the conclusion of group. Failure to submit a screen during those times will result in a missed screen for sanctioning purposes. This scenario applies even if one is late for or not allowed to enter group. Missing a screen announced at group will count as a missed screen for sanctioning purposes.

It is the participant's responsibility to provide a clean, unadulterated, testable sample. All use of illegal drugs, alcohol, or any unapproved mind or mood altering drugs will be sanctioned. This is not intended as a punishment, but to encourage sobriety. Thus, the ultimate goal of drug and alcohol testing is to provide accountability and confirmation of an individual's progress towards recovery.

XXIX. MEMORANDUMS OF UNDERSTANDING

MOUs signed with treatment counselors and screeners regarding expectations are available for review through the Purchasing Department.

Community Resources

If a participant is in need of an ancillary services, they are instructed in the participant handbook to contact the DUI Court Office to initiate referral or to set up services.

Hospitals

Northside Hospital-Forsyth

1200 Northside Forsyth Dr.

Cumming, GA

(770) 844-3200

North Fulton Regional Hospital

3000 Hospital Blvd.

Roswell, GA

770-751-2500

Laurelwood – Mental Health/Substance Abuse

200 Wisteria Drive

Gainesville, Ga

(770) 531-3800

Lakewinds – Detox/Mental Health

Gainesville, Ga

(770) 535-5412

Basic Needs

Consumer Credit Counseling

(404) 527-7630

Gainesville Baptist Rescue Mission (Men)

(770) 287-9700

Forsyth Area Transit

(770) 538-2602

My Sister's Place (Women)

(770) 532-5111

United Way

(770) 781-4110

Labor Finders

(678) 513-7328

Georgia Highlands Medical Services (fees based on income)

770-887-1668

www.ghms-inc.org

Family & Children Services

(770) 781-6700

Good News at Noon

(770) 503-1366

Housing Authority

(770) 536-1294

Salvation Army

(770) 534-7589

Driver's License Renewal

(770) 205-5401

Dial-A-Ride

(770) 781-2195

Education

Lanier Tech (Adult Education/GED) 678-341-6600

www.laniertech.edu

Crisis Lines

HELPLINE

(770) 534-0617

Georgia Council on Child Abuse

(800) 532-3208

Gateway House (Domestic Violence)

(770) 536-5860

Georgia Mts. Com. Svc. (M.Health)

Emergency: (800) 347-5827

Regular Office: (770) 535-5403

Rape Response

(770) 503-7273

Substance Abuse

Alcoholics Anonymous (Georgia)

(404) 525-3178

Drug Helpline

(800) 378-4435

Laurelwood

(770) 531-3800

Cocaine Hotline

(800) 905-8666

Forsyth County Sheriff's Office-

Non-Emergency: (770) 781-3087

Narcotics Anonymous (Atlanta)

(404) 362-8484