

NEVADA COUNTY PROP. 36 COURT



PARTICIPANT HANDBOOK

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Welcome

Welcome to the Nevada County Prop. 36 Court. This handbook is designed to answer your questions and provide overall information about the Prop. 36 Court program. As a participant, you will be expected to follow the instructions given in Prop. 36 Court by the Judge and to comply with the treatment plan developed for you by the treatment provider and the Prop. 36 team.

This handbook will detail what is expected of you as a Prop. 36 participant. It will review general program information. If you are reading this handbook it means that you have been accepted into the Prop. 36 Court based on your encounter with law enforcement. We are confident that Prop. 36 Court will help you to learn how to make successful choices free of the influence of drugs or alcohol.

Overview

Prop. 36 Court is a special court given the responsibility to handle cases involving substance-abusing offenders who have pled guilty to one or more non-violent drug offenses. It is a collaborative effort between the Superior Court, District Attorney's Office, Probation Department, Public Defender's Office, Behavioral Health Department, and alcohol and drug treatment programs. By working together, they seek to provide a variety of programs and consistent supervision geared toward supporting and helping you maintain a drug-free life. Prop. 36 Court involves frequent court appearances and drug testing, as well as group and individual counseling. The Court awards incentives for compliant behavior and imposes sanctions for negative behavior. All of the staff working with Prop. 36 Court will assist you to be sure you understand what is expected of you.

The Prop. 36 Court Team

The Prop. 36 Court Judge will make all decisions regarding participation in the Prop. 36 Court program with input from the Prop. 36 Team. In addition to the judge, the Prop. 36 Team consists of the following members:

- Deputy Public Defender and/or your attorney
- Deputy District Attorney
- Deputy Probation Officer
- Behavioral Health Therapist
- Treatment Specialist
- Director of Collaborative Court Programs

Prior to the Prop. 36 Court session, the Prop. 36 Team members familiarize themselves with your progress so that they may discuss that progress with you during the Prop. 36 Court session.

Amenability Advisement

Prop. 36 Probation is designed for your benefit. First, you will undergo drug treatment overseen by the Nevada County Behavioral Health Department. The treatment advice you receive will provide you with the tools necessary to maintain sobriety. Second, if you are successful in completing treatment and you fully comply with the conditions of probation, your criminal case may be dismissed pursuant to Penal Code section 1210.1(d).

However, Penal Code section 1210.1, subdivision (b) (4), expressly disqualifies any defendant who refuses drug treatment as a condition of probation.

Therefore, although Prop. 36 is available to assist you:

- any failure to appear in court, or
- failure to comply with your treatment plan, or
- failure to abide by the directives of probation

Failure to abide by the directives of probation is conduct that may be considered by the Prop. 36 court as a refusal by you to accept drug treatment. This conduct may show that you are uninterested or unamenable to treatment. If this occurs, your probation may be terminated and you will then be subject to being sentenced to either county jail or state prison. At this time, the court will be finding that your request for Prop. 36 treatment demonstrates that you **ARE** interested in treatment. However, this finding is subject to change, depending on **YOUR** conduct while you are in the program. Therefore, depending on **YOUR** actions, the Prop. 36 judge may come to a different finding regarding your continued suitability for Prop. 36

Progress Reports

Before your Prop. 36 Court hearing, the Judge and the other members of the Prop. 36 Court team will be given a progress report presented by your treatment provider and/or Probation Officer. The progress report will discuss your drug testing results, attendance, participation, cooperation in the treatment program, employment, and other requirements that may have been imposed. The Judge may ask questions about your progress and discuss any problems you may be having. If you are doing well, you may be rewarded with reduced program requirements or other incentives. If your progress report indicates you are not doing well, the Judge will discuss this with you and determine future action, which could include a sanction, a change in your treatment program, or both in **order to help you remember your goals in the program.**

Prop. 36 Court Hearings

As a Prop. 36 Court participant, you will be required to appear in court on Mondays, promptly at 1:30p.m. in Department 1 on a regular basis. The number of times you must appear depends upon your progress in the program. Failure to appear without having a valid medical excuse or having obtained **prior** approval from your probation officer, will result in your probation being revoked, a warrant being issued for your arrest, and detention in jail until you appear before the court. If you have questions about your court appearances, you may contact your attorney or your Probation Officer.

A valid medical excuse requires:

1. Participant was actually at the doctor's office or at the hospital on the day and at the time they missed court or group, and participant brings proof at the next court appearance OR
2. Participant has a doctor's note excusing him/her from court or group on the day they miss (e.g. Joe was seen at my office on 4/2 and I want him on bed rest until 4/7) and participant brings a note to the next court date.

Courtroom Behavior/Dress Code

Participants are expected to conduct themselves appropriately in court

- No food, drink, or gum chewing
- Turn off all cell phones-**No Texting** (participants caught texting will have their phones confiscated).
- Arrive to court on time and stay in the courtroom until excused
- No talking during the court session
- Do not be under the influence of alcohol or drugs

Participants will dress appropriately for court

- No tank tops, spaghetti straps, muscle shirts, crop tops, halter tops, or shirts with obscene words or pictures
- No shirts or jackets with alcohol or drug logos, or displaying references to criminal behavior (for example, no shirts reading "hustler", "gangster", or "no snitching", and no jewelry depicting guns, metal knuckles, or other weapons).
- No sagging pants or shorts that hang below the waist
- No chains, or belts with metal studs; no jewelry depicting guns, metals knuckles, or other weapons
- No unbuttoned shirts
- No hats, caps, or bandanas
- No gang attire of any kind
- No shorts or mini-skirts, even during warm weather months
- No flip flops

Dress as if you were going to a job interview

Failure to abide by the dress code may result in a sanction.

Treatment

At your first court appearance, you will receive a referral for a substance abuse assessment from a Behavioral Health Therapist to determine the type of treatment you will enter. After completing the assessment, the drug treatment specialist will instruct you to contact the substance abuse program of your choice to immediately get enrolled and begin treatment. You are required to actively participate in your substance abuse treatment program and follow all of the rules as directed by that program. Treatment may include a residential program, group out-patient sessions, individual out-patient sessions, crisis intervention, addiction education, health education, drug testing, and self-help meetings.

Levels of Treatment

Treatment Level	Self Helps *
Residential-30 day to up to 1 year live-in program	None
Phase I - a 3 to 6 month program that meets four times per week	2
Phase II – a 3 to 6 month program that meets two times per week	2
Phase III – a 3 to 6 month program that meets one time per week	2
Aftercare- a 3 to 6 month period when you are monitored by Probation	3

Self-Help meetings are counted Monday through Sunday. You are responsible for attending all required meetings each week and providing proof of attendance to the court.

Additional services may include: Family counseling, parenting classes, anger management classes, vocational training, literacy training, transitional housing, and detox. Participants are responsible for paying for their treatment. Limited financial assistance may be available for residential treatment.

Confidentiality

State licensing requires that your identity and privacy be protected. In response to these regulations, Prop. 36 Court and the treatment providers have developed policies and procedures that guard your privacy. You will be asked to sign a "Consent for Disclosure of Confidential Substance Abuse Information". This disclosure of information is for the sole purpose of Court Hearings and reports concerning your specific Prop. 36 case.

Prop. 36 Court Rules

As a participant you will be required to abide by the rules which include, but are not limited to the following:

1. Totally abstain from the possession of, use of, or involvement with restricted dangerous drugs, illegal drugs, or narcotics of any kind. This includes abstaining from the use of medical marijuana even if you have a recommendation.
2. Totally abstain from the possession of, use of, or involvement with alcohol. You must sign an "ETG Prop. 36/DUI Court Client Contract".
3. Inform your treating physician(s) that you are a recovering addict and may not take narcotic or addictive medications or drugs. Participants must provide a list of all prescription medication(s) currently being taken as well as the reasons for taking the medication. You must provide documentation from your doctor detailing why this medication is needed.
4. Attend court hearings and treatment sessions as scheduled, submit to random alcohol and drug testing, remain clean and sober and law abiding.
5. Do not associate with people who use, sell, or possess drugs.
6. As a condition of participation in Prop. 36 court, your person, property, place of residence, vehicle, or personal effects may be searched at any time with or without a warrant, and with or without reasonable cause, when required by a Probation Officer or other law enforcement officer.
7. Do not agree to work as an "informant" with any law enforcement agency.
8. Dress appropriately for court and treatment sessions.
9. Pay court-ordered fines and fees. Community service may be used to satisfy court fines.
10. Abide by all other rules and regulations imposed by the Prop. 36 team.
11. Obey all court orders, including instructions by the judge in court.

**Compliance with Prop. 36 rules may result in rewards called “incentives”.
Failure to comply with rules may result in sanctions.**

Incentives

Upon the recommendation of the Prop. 36 Court Team, participants may be given rewards or incentives for compliant behavior. Common incentives are as follows:

- Praise by the Judge/Team
- Candy Bars
- Gift Cards, when available
- Reduction of Traffic Fines/Fees
- Reduction of Court Fines/Fees
- Dismissal of case
- Leaving court early
- Less frequent court appearances

Sanctions

Upon the recommendation of the Prop. 36 Court Team, participants may be given sanctions for non-compliant behavior. Common sanctions are as follows:

- Increased Level of Treatment
- Increased Drug Testing
- Increased Self-Help Attendance
- Community Service
- Increased Court Appearances
- Termination from Prop. 36 Court
- Essay assignment to be read out loud in court
- Spending time observing other court proceedings

Community service must be done for a non-profit organization. If a participant is required to do community service as part of their treatment, they may not use that same community service to satisfy the Prop. 36 requirements. With **prior** approval from the court or your probation officer, community service other than with a non-profit may be approved on a case by case basis.

Drug Testing

You will be drug tested randomly by the treatment provider and weekly by the Probation Officer:

- You will be observed to ensure freedom of errors and to prevent tampering.
- If you miss a test, it will count as a violation of probation and there will be a sanction.
- If you have a positive test, appropriate sanctions will be imposed.
- Specimen tampering (dilution, adulteration, and substitution) will not be tolerated. Your probation will be violated and you might possibly be terminated from Prop. 36.

Termination From Prop. 36

Warrants, new arrests, or a violation of any aspect of your treatment plan may result in your being terminated from Prop. 36 Court. Other violations which could result in termination include the following:

- Missed drug tests.
- Altered drug tests.
- Demonstrating a lack of program participation by failing to cooperate with the treatment program.
- Violence or threat of violence directed at treatment staff, other participants in Prop. 36, or other clients of the treatment providers.
- Failure to attend treatment as ordered.
- Failure to attend self-help meetings as ordered.
- Failure to attend court as ordered.

Graduation

Upon successful completion of a treatment program and satisfaction of all other court requirements, including a period of 3 to 6 months of continued sobriety, you will graduate from Prop. 36 Court and have your case dismissed. Graduation from the Prop. 36 Court is recognized as a very important event. Your loved ones are welcome to join you at a special ceremony as the Prop. 36 Team congratulates you for successfully completing the Prop. 36 program and achieving your goal to establish a drug-free life.

Conclusion

The goal of the Nevada County Prop. 36 Court program is to help you achieve a life free of dependence on mind-altering substances. The Prop. 36 Team is here to guide and assist you, but the final responsibility is yours. To succeed, you must be motivated to make this commitment to a drug-free life.

There is no chance, no destiny, no fate, that can hinder or control the firm resolve of a determined soul.

Ella Wheeler Wilcox

Prop. 36 Phone Numbers

Nevada County Superior Court	530-265-1311
Nevada County Probation Department	530-265-1200
Nevada County Public Defenders Office	530-265-1400
Nevada County Behavioral Health	530-265-1437
Community Recovery Resources (CoRR)	530-273-9541
Common Goals	530-265-2914
Progress House	530-265-9045
Hope House	530-271-1140