

DELAWARE MUNICIPAL COURT

OVI DOCKET
PARTICIPANT'S HANDBOOK

Welcome to the OVI Docket

This Participant Handbook details your rights and responsibilities in the OVI Docket. It has been written to help you successfully complete the requirements of the program. As a participant, you will be required to follow the orders and direction of the Judge, the Community Control Officer, the Docket Coordinator and others. This handbook will explain what is expected of you. Please read it carefully. If you have any questions about what is contained in it, please ask the Docket Coordinator.

What Is an OVI Docket?

The OVI Docket (Docket) is a special part of the Delaware Municipal Court. It is a court-supervised program for certain individuals who have been charged with operating a vehicle while under the influence of drugs or alcohol (OVI) or charged with physical control while under the influence of drugs or alcohol (PCI). Participation in the Docket is voluntary.

The Docket is a non-adversarial court program. A non-adversarial program means that many individuals, working together as a team, will work with and help you progress through the Docket.

Docket Team

The Docket Team (Team) consists of the Judge in charge of the Docket, Community Control Officer, Docket Coordinator, and treatment and service providers as needed or required. The role of the Team is to develop an appropriate court services plan for you, help you obtain treatment services and other resources, and make sure that you fully participate in your treatment and court plans. The Team evaluates clinical information, probation reports, and other sources of information. The information is presented in court to the Judge with recommendations that might include treatment, rewards, sanctions, graduation, or termination from the Docket. The Team meets before each Docket hearing (status review hearing) to discuss the progress of those in the docket. Typically prosecutors do not attend the Team meetings except under very unusual circumstances. You have the right to have your attorney-present at those meetings.

Briefly, Team members fulfill the following roles:

Judge

- Chairs all Team meetings prior to status review hearings.
- Presides over all status review hearings.
- Serves as the decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination.

Docket Community Control Officer

- Assists with identifying potential participants.
- Assists the participant in all phases of the Docket program, including developing court services plans and monitoring compliance with that plan.
- Meets with participants on a regular basis and assists them in obtaining transportation, housing, education, employment, medical care, family issues, training, and applying for government assistance.
- Conducts random alcohol and drug tests, reports the results of tests to the Team.

Docket Coordinator

- Assists with identifying potential participants.
- Meets with any potential participants upon referral and conducts initial screening for legal eligibility.

Licensed Treatment Providers

- Conducts diagnostic assessments, provides the clinical diagnosis, and develops individualized treatment service plan for each participant receiving treatment at that agency.
- Conducts random alcohol and drug tests, reports the results of tests to the Team.
- Give treatment updates and make recommendations regarding treatment needs during OVI Team meetings.

All Team members participate in team meetings to report progress and setbacks, and to discuss sanctions, rewards, progress, participation, termination, and graduation of each participant. All attend status review hearings.

What Is a Court Services Plan?

A court services plan contains several pieces. You will have a drug/alcohol assessment conducted by treatment professionals who will create a treatment plan for you. The court services plan will track your compliance with your treatment plan. It will also contain recovery goals developed by you and the Community Control Officer. Recovery goals are personal to you. The Community Control Officer will review and update your court services plan with you on a regular basis.

The court services plan may require some or all of the following:

- Stay clean and sober.
- Take medication as prescribed.
- Inpatient and/or outpatient alcohol and drug treatment as needed.
- Regular and random drug testing.
- Wearing a SCRAM unit.
- Using a Smart Start.
- Educational/vocational/employment program.
- Participation in self-help groups.
- Community service.
- Attendance at a Victim Impact Panel.
- Cooperation with terms of community control.
- Payment of fines, court costs, restitution, and supervision fees.

Admission Into the Docket

Following your arrest for OVI, you were offered the choice of participating in the Docket. You will need to be screened and assessed for eligibility before you can be admitted to the Docket. Not everyone who wants to participate is admitted to the program. Not everyone who is eligible to participate is admitted to the program.

How Long Will You Be in the Docket Program?

Your personal progress and commitment determines the amount of time you spend in the Docket. In most cases, that time will be no less than 12 months and no longer than 24 months.

What Are the Benefits For You?

Participating in the Docket will help you take control of your life by helping you take responsibility for your behavior, become or remain employed, rebuild family relationships, and become a productive member of the community. You may receive less jail days in exchange for participation in the Docket.

In this handbook you will find the steps involved in participating in the Docket. Remember that there are many people who make up the Team and they all want to see you succeed. If you take advantage of the assistance offered by them, you will discover many ways to make a better life for yourself.

What Are the Rules of the Docket Program?

To remain in the Docket, you are required to follow rules:

- You must submit to community control supervision and abide by the rules of that supervision.
- You must attend all scheduled treatment and provider appointments and be on time.
- You must attend all court hearings.
- You must complete all required paperwork.
- You must successfully complete all phases of the Docket program.

Ask the Docket Coordinator to explain to you anything in this handbook that you do not understand.

Regular Court Attendance

You will be required to appear in front of the Judge on a regular basis at a status review hearing. At first, you will have court every 1st and 3rd Friday at 3:45 p.m. You are required to arrive on time and stay until the Judge dismisses you. As you make progress, you will come less often. You have the right to have your attorney present at the status review hearings.

The Judge will have progress reports regarding your drug tests, sobriety, attendance, and participation in your treatment program. These reports will come from the Community Control Officer, treatment and/or mental health counselor(s), the Docket Coordinator, and any other members of support programs with whom you are working.

Regular Treatment Attendance

You are required to attend all of your scheduled treatment sessions and other provider appointments. You have to be on time for all sessions. If you are late, you may not be allowed to attend the session. You may be considered absent and that will be reported in the next court session. Your treatment schedule will vary according to your progress and it is your responsibility to schedule all needed appointments.

Required Paperwork

All members of the Team and providers must be able to communicate about your eligibility and progress. You will sign a Limited Consent for Assessment to be screened and evaluated for admission to the Docket. At the time that you are admitted to the Docket, you will sign as Participant's Agreement that spells out your rights and responsibilities, including certain rights you will waive by agreeing to enter the Docket. Your attorney will go over these documents with you in detail. Once admitted, you must sign releases as needed to arrange for additional treatment, counseling or support service referrals, and reports to the Team. If you are not willing to sign all releases, it will be treated as a refusal to participate and you will be terminated from the Docket.

Docket Phases

The Docket is a three-phase program that lasts between one and two years. There is also a preadmission and post-completion phase.

How long it takes you to finish is determined by your progress. Each phase has specific goals and requirements that you must meet before moving to the next phase. The phases are explained in detail in this handbook.

Remember: While there are certain things you must complete, your ability to make progress in the Docket and graduate will depend on your own actions. Eligible indigent participants will be able to show proof to the court. To ensure that phase advancement or program completion is not upheld due to financial indigence. If you miss appointments, ignore requirements, or fail to refrain from drugs and alcohol, your time in the Docket will be longer and you risk being terminated from the program.

Throughout the time you are involved in the Docket, it is your responsibility to review your court services plan with the Community Control Officer and follow it carefully.

Assessment and Referral

Once you enter the Docket, you will work with your treatment providers to develop a treatment plan that is individualized to your needs. You will also be assessed for other needs, such as housing and employment, by the Docket Coordinator and you and the Docket Coordinator will work together to create a Court Services plan that meets your needs and that sets out clear goals for you to accomplish. Be aware that a huge part of your participation is that there will be regular compliance checks to make sure that you are fulfilling the terms of your plan. Your compliance can be checked by the treatment agency, in the courtroom, by the community control office, or the home during evening and weekend hours.

The Phases

Preadmission Referral and Screening

The Preadmission Phase starts with your arrest on an OVI or PCI charge. Preadmission ends when you appear in court with your attorney and formally enter the Docket.

During Preadmission, you will:

- Meet with an attorney to review the Docket requirements and sign a Limited Consent for Assessment.
- Complete an intake screening with the OVI Docket Coordinator.
- Complete a drug and alcohol assessment with an area treatment provider.
- Report to the Community Control Officer as directed.
- Permit a home visit by the Community Control Officer if required.
- Submit to a random drug screen.

When you are identified as an appropriate candidate for the Docket, the Docket Coordinator will meet with you to review expectations and requirements, court contracts, and to answer any questions. You will be referred to an area treatment provider for a drug/alcohol assessment. Once that assessment is completed, you will be scheduled for your initial appearance in court within two weeks. Both you and your attorney will receive a court entry stating the date and time of that appearance.

A participant will be tested upon intake into the program. In the event that the participant tests positive, the Docket Coordinator or Probation Officer will immediately notify the Judge and the treatment team to review the participant's appropriateness for admission. The participant and defense counsel will be given notice as to the decision of admission into the docket, and defense counsel will be granted a hearing upon request. No sanction will be given for a positive test during the intake process.

The Judge makes the final decision regarding your admission into the Docket using the written eligibility criteria for Docket. Not everyone who is eligible or who wants to participate is admitted to the Docket.

Phase 1: Stabilization

Phase 1 begins with your admission into the Docket.

During Phase 1 you will:

- Enter a Guilty Plea to the OVI or PCI charges and sign the Participation Agreement.
- Serve any jail days ordered as a part of your guilty plea.
- Begin any alcohol or drug counseling/treatment as determined by your treatment provider while you are serving your jail sentence.
- Report to the Community Control Officer once a week or more, as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug screening.
- Attend a status review hearing every 1ST and 3rd Friday at 3:45 p.m. of each month at the Delaware Municipal Court.
- Wear a SCRAM or other alcohol monitoring device.
- Participate in alcohol or drug counseling/treatment as determined by your treatment provider.
- Provide verified attendance of support meetings such as AA/NA.
- Begin required community service.
- Follow all curfew requirements, including house arrest.
- Attend life skills, health, employment programs as directed.
- Complete required essays.
- Comply with your court services plan.
- Remain clean and sober.

To move to Phase 2, you must have at 90 days of clean drug screens, have at least two satisfactory home visits, and meet all other Phase 1 requirements. You must not have any unexcused absences from treatment or from status review hearings for 60 days. You must not have any pending probation violations and no new pending criminal or serious traffic offenses within the last 90 days. The Team must recommend to the Judge that you are ready to move on to Phase 2.

Phase 2: Community Reintegration

During Phase 2 you will:

- Report to the Community Control Officer as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug screening.
- Attend a status hearing at court every 1st Friday at 3:45 p.m. of each month as directed by the Community Control Officer.
- Attend a Victim Impact Panel.
- Use a Smart Start.
- Continue alcohol or drug counseling/treatment as determined by your treatment provider.
- Provide verified attendance of support meetings such as AA/NA.
- Demonstrate employment and/or participation in a higher learning program.
- Complete all required community service.
- Complete required essays.
- Comply with your court services plan.
- Remain clean and sober.

To move to Phase 3, you must have at least 90 days of clean drug testing. You must not have any pending probation violations and no new pending criminal or serious traffic offenses for 90 days. The Team must recommend to the Judge that you are ready to move on to Phase 3.

Phase 3: Maintenance

During Phase 3 you must:

- Report to the Community Control Officer as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug screening.
- Attend a status review hearing at court every 1st Friday at 3:45 p.m. as directed by the Community Control Officer.
- Complete alcohol and drug counseling/treatment as directed by your treatment provider.
- Provide verified attendance of support meetings such as AA/NA.
- Demonstrate employment and/or participation in a higher learning program.
- Comply with your court services plan.
- Complete required essays.
- Pay court costs and fines in full or show completion of community service in lieu of payment.
- Stay clean and sober.
- Make an application for graduation.

To complete Phase 3 and be ready for graduation, you must have at least 60 days of clean drug testing. You must not have any pending probation violations and no new pending criminal or serious traffic offenses for 60 days. The Team must recommend to the Judge that you are ready to move on to graduation.

Graduation

The Judge makes the final decision about your readiness to graduate. The Docket Coordinator will let you know when the Judge has decided that you are eligible for graduation.

Graduation is a time to celebrate your transition to a healthy lifestyle. You will be able to invite your family and friends to join you at your graduation. This special event is a celebration of your accomplishments and marks the beginning of your new way of life.

Post-Graduation: Continued Supervision

After you graduate from the Docket, you no longer have to attend status review hearings at court. You will remain on supervision with the Community Control Officer until supervision is completed or ended by the Judge. You must follow all remaining requirements of that supervision.

Incentives and Rewards for Positive Progress

As you progress through the Docket, you will be given rewards for your efforts. Incentives for progress include:

- Praise from the Judge for achieving sobriety milestones, advancement to a phase, and completion of an educational/vocational program.
- Reduction in supervision as a reward for completing a phase.
- Increase in personal freedoms as a reward for completing a phase.
- Certificates and mementoes in recognition of achieving sobriety milestones.
- Gift certificates or other incentives for achieving sobriety milestones and completion of the program.
- Movement to the next phase.
- Special recognition given during status review hearing.
- Placement at the beginning of the status review hearing.
- Lengthen the time between status review hearing appearances.
- Lengthen the time between home visits by the Community Control Officer.
- Reduction of a fine or conversion of fine to community service.
- Driving privileges with or without an ignition interlock device.

- Removal of electronic monitoring device.
- Decreased time on supervision.
- Graduation from the Docket.
- Supervision fees vacated after graduation.

Sanctions

If you break the rules of the Docket, you will be sanctioned. Doing any of the following will result in a sanction:

- New arrest or other police contact.
- Failure to comply with conditions of court services plan.
- Failure to comply with treatment.
- Positive urine, alcohol tests, or admission of use.
- Failure or refusal to take a drug test.
- Attempts to falsify drug tests.
- Tampering with the SCRAM unit.
- Tampering with or failing to comply with Smart Start.
- Missing or arriving late for status review hearings.
- Missing or arriving late for individual or group counseling appointments.
- Missing or arriving late for any other court appointments.
- Failure to follow the direction of the Community Control Officer.
- Demonstrating a lack of progress in the Docket or treatment.

Sanctions include, but are not limited to the following:

- Verbal reprimand.
- Additional community service hours.
- Increased reporting requirements.
- Having to attend more status review hearings.
- Curfews with or without electronic monitoring.
- Increased support group requirements.
- House Arrest.
- Jail.
- Community Control supervision fees and/or fine.
- Revocation of driving privileges.
- Being put back on Continuous Alcohol Monitoring (SCRAM).
- Having to continue to use Smart Start.
- Increased frequency of drug and alcohol testing.
- Filing of community control violation.
- Warnings and admonishment from the Judge.
- Residential placement.
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior.
- Termination from the Docket.

Failure to comply with court rules, including all orders of the Judge and the terms of both your treatment plan and your court services plan, may result in termination from the Docket.

Successful Completion

In order to successfully complete the Docket, you must:

- Complete all treatment requirements.
- Complete all terms of the court services plan and all phases of the Docket.
- Attend sober support meetings and connect with the recovery community.
- Utilize a sponsor and be active in sober support activities.
- Maintain stable housing.
- Be employed or demonstrate employability.
- Be current in paying fines or fees.
- Complete all ordered community service hours.

Termination from the OVI Docket

It is the goal of the Team that you complete the program successfully. Ultimately, you are responsible for your progress and successes in the Docket. If you repeatedly miss court hearings, pick up new charges, test positive for alcohol or drugs, and disregard the directions of the Judge or other members of the Team, the Team may recommend to the Judge that you be terminated from the Docket. The Judge may terminate you from the Docket based upon the written eligibility criteria for the Docket.

Termination has a number of negative consequences. First and most important, you lose the benefits of being in the Docket, including the support and resources of the Team. Another important consequence of termination is that the Judge could and will if necessary add other conditions and restrictions to your control and may impose up to the maximum jail sentence on the underlying OVI charge.

Additional Requirements and Expectations

Court Behavior

You are expected to conduct yourself in an appropriate and respectful manner when in the courthouse and courtroom. This includes:

- On time arrival to **all** court hearings and/or meetings.
- Appropriate dress and hygiene.
 - No clothing displaying paraphernalia or logos for alcohol or drugs.
 - No short shorts or mini-skirts.
 - No tank tops without appropriate covering.
 - No clothing displaying offensive language.
 - Midriff and chest must be covered appropriately.
- No use of profanity or offensive behavior.
- No speaking out of turn.
- No weapons.

You are expected to bring any required materials with you to each status hearing. This includes 12-step attendance slips, proof of treatment attendance, and any other assignments. It is your responsibility to keep track of these materials.

You will be given a chance to speak to the Judge during the status review hearings. You are expected to provide honest answers to any questions the Judge may ask. The Team will report on your progress during status hearings. Based upon the reports, the Judge may hand down incentives or sanctions.

Drug and Alcohol Screening

An important goal is for you to remain clean and sober. You will be tested often throughout the entire program. The Judge will have all drug results including failures or refusals to test. The Community Control Officer or your treatment provider may ask for a drug and alcohol screening at any time. Drug screens may be conducted during your appearances at court, during home visits, or at any other time. You are required to submit to drug and/or alcohol testing a minimum of 2 times per week. The Community Control Officer will call you and you will have eight (8) hours to submit to a drug and alcohol screen as directed. When you are randomly called in by the i-Samson testing system you will also have eight (8) hours to submit to a drug and alcohol screen as directed. Screening will be random, frequent, and observed by court or treatment provider staff of the same gender as you. Drug and alcohol testing plans are individualized. The Community Control Officer will randomly send drug tests to the lab for detection of alcohol. A positive test or admission of alcohol or other drug use will not automatically disqualify you from the Docket but will result in sanctions recommended by members of the Team and enforced by the Judge. The Judge has the discretion to decide the admission into or termination from the Docket in accordance with the written legal and clinical criteria. The Judge also serves as the decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination. No sanctions will be given by the court for a positive drug test for controlled substances during the Pre-Admission, however, a positive test during this phase may result in exclusion from docket admission. At the time of a positive drug test, or if a participant relapses, the Team may consider an adjustment in treatment as recommended or requested by the treatment provider and will recommend sanctions.

Any of the following will be treated as positive tests and you will be immediately reported to and sanctioned by the Judge:

- Testing positive.
- Failing to submit to drug testing within the allotted time.
- Refusing to submit to a drug test.
- Submitting the sample of another individual.
- Submitting an adulterated sample.
- Participant holding any device containing urine or synthetic urine on or in the body.
- Diluting a urine sample.

If you test positive for alcohol or controlled substance at any time, the Community Control Office will immediately notify the Judge and the participant shall receive an individualized sanction based upon the case. Sanctions include but are not limited to:

- Verbal reprimand.
- Additional community service hours.
- Additional time added to completion of a phase.
- Increased reporting requirements.
- Having to attend more status review hearings.
- Curfews with or without electronic monitoring.
- Increased support group requirements.
- House Arrest.
- Jail.
- Community Control supervision fees and/or fine.
- Revocation of driving privileges.
- Being put back on Continuous Alcohol Monitoring (SCRAM).
- Having to continue to use Smart Start.
- Increased frequency of drug and alcohol testing.

- Filing of community control violation.
- Warnings from the Judge.
- Residential placement.
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior.
- Termination from the Docket.

If you do not comply with court rules, including all orders of the Judge and the terms of both the treatment plan and the court services plan, you may be terminated from the Docket.

You will be tested upon admission and intake into the program. If you test positive, the Docket Coordinator or Probation Officer will immediately notify the Judge and the treatment team to review your appropriateness for the docket. You and your attorney will be given notice as to the decision and you will be granted a hearing upon request. No sanction will be given for a positive test during the intake process.

At any time that you fail a test and relapse, the Team will meet to discuss your situation, including whether your treatment program needs to be changed or updated. The court and treatment providers treat each participant as an individual case, not as a whole. Remember, our goal is to give you the resources to maintain a healthy sober lifestyle.

Doctor Prescribed Medication

When asked, you must agree to provide verification of any prescription from your doctor including a signed release for court staff to contact your doctor. Medications that participants are generally NOT permitted to take include Benzodiazepines (Valium, Ativan, Xanax, Librium etc.) and Opiates (Lortabs, Vicodin, Oxycontin or Oxycodone, Percocet, Darvon, Darvacet, and others). You will be given a Notice to Physician form to give to your doctor.

If your doctor believes that it is absolutely necessary to prescribe medication that will yield a positive urine drug screen, your doctor must write a letter to the Judge stating that he/she is aware of your court status and why the need for this medication outweighs the possible risks to your continued participation in the Docket and your personal recovery. It is your responsibility to ask for that letter and bring it to the Docket Coordinator.

If you test positive and do not have a letter from your doctor, you will be sanctioned immediately.

QUESTIONS?

If you do not understand or have questions about any part of this Handbook, ask the Docket Coordinator.