

# **28<sup>th</sup> JUDICIAL DISTRICT BUNCOMBE COUNTY ADULT DRUG TREATMENT COURT**



**BUNCOMBE COUNTY DRUG TREATMENT COURT**  
Where Treatment and Justice Partner

# **PARTICIPANT HANDBOOK**

Updated April 2021

# **28<sup>th</sup> Judicial District Buncombe County Adult Drug Treatment Court**

## **Participant Handbook**

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**The Honorable Alan Z. Thornburg  
Resident Superior Court Judge  
60 Court Plaza  
Asheville, NC 28801**

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## **MISSION STATEMENT**

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The Buncombe County Adult Drug Treatment Court (DTC) seeks to reduce drug/prison recidivism. It provides guidance, treatment, and discipline to those in recovery from addiction. The DTC Team is made up of probation, law enforcement, treatment providers and court officials. The Program offers individuals the tools necessary to help maintain sobriety years after program completion.

## WELCOME

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**Welcome** to the **Buncombe County Adult Drug Treatment Court**. This is a recovery program for people on supervised felony probation. Your handbook will answer any questions you might have, let you know what is expected of you, and what you can expect to happen during your time in Drug Court.

While in Drug Court, you will have requirements and rules, which you must fulfill. In return, the Drug Court Team will help you in the treatment process by providing structure and support. You will be expected to follow the directions given by the presiding Judge and the Drug Court Team. You will also be responsible for following the case plan developed by you, the court team and your treatment provider and comply with your probation requirements. This handbook will give you general details and information to help you move through the steps toward graduation. We encourage you to share this handbook with your family and close friends, so they will know the work you are doing to stay clean and sober and support your efforts.

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The goal of the Program is to help you abstain from alcohol and other drugs. Neither positive drug screens nor setbacks in treatment result in automatic termination from the program, but sanctions will be given for each offense. If you are struggling to abstain from drugs or alcohol, the Team may make changes in your case plan for additional treatment/meetings and/or more drug screens. The Team will make all decisions about termination from Drug Court after a thorough review. The Judge will make the final decision.

## **PROGRAM DESCRIPTION**

The DTC Program is a voluntary intensive treatment program. The Team includes the presiding Judge, coordinator, public defender, district attorney, probation officer, law enforcement and treatment providers.

Treatment includes group and individual counseling, community self-help group meetings, and weekly drug testing, which may include random tests. The coordinator will help you stay on track with your requirements throughout your program participation. The coordinator will also supervise your overall treatment as well as helping with referrals to other agencies for vocational training, employment assistance, housing, and education.

Each step requires you to be in good standing with the Team, attend all treatment meetings/groups, community support groups and support services (MRT...), attend probation meetings as directed, make payments toward cases and attend all Drug Court sessions and graduations. Failure to do so may result in a sanction that may include but is not limited to additional community service hours, jail time, a delay in moving to the next step, increased treatment, electronic monitoring with curfew, writing papers, etc.

## **WHAT DRUG COURT EXPECTS OF YOU**

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When you become a Drug Court participant, you must appear in court every two weeks or as required by the phase you are in. The court sessions involve a judge, coordinator, public defender, district attorney, treatment providers, and probation officers.

The Team meets prior to court to discuss your progress report between drug court sessions to determine possible responses, sanctions or rewards.

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Requirements include:

1. **Treatment:** attendance at all sessions according to your treatment plan. You are required to take all approved prescribed medication as directed.
  2. **Coordinator & Probation meetings:** scheduled by the Coordinator or at your request; office visits as directed by your probation officer.
  3. **Drug Screens:** Abide by our call to test system, including calling in every morning between the hours of midnight and 8am. You must report to the location noted on the voice message, no later than 8:30am.
  4. **Community support activities:** The number of community meetings that you are required to attend is described below. Meetings or activities must be attended on separate days. For instance, if you are required to complete two community support activities each week, you cannot attend an NA meeting on Tuesday morning and Celebrate Recovery on Tuesday evening of that same day to meet your two community support activities.
    - *You are required to bring your community self-help meeting sheets to Drug Court.*
    - *You will be required to attend and participate in the required amount of prosocial community activities for Steps 3-5. A list of prosocial activities will be provided to you.*
  5. **Court:** Every two weeks or as directed to review your progress. You will be expected to stay the entire session. Failure to appear in court will result in an order for your arrest being issued. Once you move to step 4, you will be called first and will be allowed to leave.
  6. You will be required to make regular payment towards your probation fees and restitution. *If you are struggling to make payments, please talk to your probation officer or coordinator to come up with a payment plan.*
  7. You will be required to keep a job (at least part-time) and/or enroll in and attend school in the later program steps unless you can produce documentation of a disability.
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While relapse may occur, repeated return to use may result in a more intensive level of treatment. **It is better to be honest and self-report than to have a positive test with no admission or avoid a test altogether.**

## **ADULT DRUG TREATMENT COURT RULES**

As a Drug Treatment Court Program participant, you will be required to abide by the following rules:

1. It is the responsibility of the participant to disclose any violation of the terms of probation to their Clinician, Probation Officer, and the Drug Court Coordinator. Honesty is a core component of Drug Court. We understand that honesty can often be difficult in early recovery, however dishonesty will impede your recovery and hold back progression through the phases. Dishonesty of any form such as lying, tampering with or adulterating drug screens, presenting fraudulent documents, etc. will subject a participant to substantial sanctions. Defrauding or lying may lead to dismissal from Drug Court. Honesty is essential to successful participation in the Drug Court.
2. The Program does not allow the use of alcohol, narcotics/opiates, or Marijuana. The Program also does not allow the use of any synthetic substances. You are not allowed to use, possess or sell the substance Kratom. All prescribed medications need to be reported to your probation officer and coordinator, must be in original container with prescription number. You will be subject to pill counts by P.O and/or coordinator. A list of approved over the counter medications will be provided to you. In addition, diluted drug screens will be addressed accordingly in that they are treated as a positive screen. If you have questions about this, please talk to the coordinator or your probation officer.
3. Attend all Drug Treatment, Coordinator, Probation, self-help meetings, and court sessions. This includes any sessions required by your treatment provider, coordinator, probation officer, community support meetings/prosocial activities, and drug tests.
4. Abide by a 9:00 p.m. curfew through Step 1 and/or as directed by the Judge and keep your ankle monitor charged at all times.
5. Turn in your community support meeting verification sheets at each court session and be able to produce sheets when asked by coordinator, probation officer and/or treatment providers. Treatment groups DO NOT count toward your community support recovery meetings.
6. Do not forge yours or any other participant's community self-help meeting verification sheets. This is cheating and will not be tolerated. If you fail to have your meeting sheet signed at the meeting (i.e., having the chairperson sign for your meeting on a separate sheet of paper) you will not get credit for those meeting(s).
7. **Be on time.** You are required to be on time to each scheduled treatment meeting, coordinator meeting, probation appointments, court sessions and drug screens. You are also required to remain for the entire drug court session (until you progress to step 4 and are in full compliance). If you are late or do not call before these sessions to notify someone of your tardiness or absence, it will be considered "unexcused". Late or missed drug screens are considered positive and will result in a sanction and therapeutic response.
8. Do not make threats toward other participants or staff, behave in a violent manner, or disrupt treatment. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This may result in termination from the DTC Program.
9. Do not bring drugs, alcohol or weapons into any treatment, case management or probation officer meeting, court, appointment or event.
10. Dating or any other type of intimate relationship with another drug court participant is PROHIBITED. Dating any member of your treatment group is prohibited.
11. Borrowing money from or loaning money to another drug court participant is PROHIBITED.
12. Dress appropriately for court, probation appointments and treatment sessions (no ripped or tattered clothing, no halter or tank tops, no mini-skirts or shorts, no hats, bandanas or visors, and no clothing with offensive language or pictures). A collared shirt is preferred.
13. You will not be eligible for graduation if you have pending charges that occurred while in DTC.



## **WHAT YOU CAN EXPECT**

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### **CASE PLAN**

Your treatment provider and probation officer will develop a case plan to fit your specific needs and identify your **strengths**. This plan will be a guide during your participation in the Program and assist you in using your strengths to stay in recovery and succeed in the program. **Your case plan may change depending on your needs and/or your participation in the program.**

### **DRUG COURT SESSIONS**

Drug Court is held every other Friday at 10:30 A.M. in the 9<sup>th</sup> Floor Courtroom of the Buncombe County Courthouse. If the floor/courtroom location for a court session must be changed, it will be posted by the entrance elevators and/or a message will be left on call2test. **Drug Court schedules may change due to certain issues as weather, Judge's schedule, or other reasons.** The team will do its best to inform you of any changes, however, if you are in question of court, it is up to you to find out about scheduling and make the needed arrangements.

### **CONFIDENTIALITY**

Confidentiality means that information about you is carefully guarded and given to only the people who must see it. State and Federal laws require strict confidentiality regarding issues related to substance abuse and treatment. The Program has developed policies and procedures regarding your confidentiality. You will sign a release of information form for the Team members to discuss your addiction, treatment needs and progress. A signed release of information form will also be necessary for any other agency or person requesting information about your participation in the program. **If you have questions about your confidentiality issues, ask the Program Coordinator, your attorney or the Judge.**

### **TREATMENT PROCESS**

During treatment, you will be educated about the disease of drug dependency and how to live your life alcohol and drug free. The important thing is that the DTC Program will always be working with you to find the treatment that will best meet your needs while in the program. There are several levels of treatment to include intensive outpatient, intermediate outpatient, inpatient, halfway houses, jail treatment, relapse prevention and/or aftercare.

### **COMMUNITY SUPPORT MEETINGS/PROSOCIAL ACTIVITIES**

Approved **community support meetings or prosocial activities** are required. A.A., N.A., Real Recovery and Celebrate Recovery are some examples. A list of prosocial activities will be provided to you. The more support and treatment you receive, the better your chances of staying alcohol/drug free. You will be responsible for having the **chairperson or leader** of the meeting sign your meeting verification sheet. **Your meeting sheets will be collected and checked at each court session.** Frequent attendance in an approved community self-help program or prosocial activity is important to your recovery. Al-Anon meetings are available for your family members to help them understand you, what you are trying to accomplish, and how they can help themselves while you are in treatment and/or in this program.

## **DRUG SCREENING**

You will be screened throughout your entire participation in the DTC Program. You will be subject to weekly screens through your treatment provider and as directed by your probation officer. You will be subject to random drug screens aside from our call to test system. The Team will see and discuss all drug screen results including failure to screen, which is counted as a positive screen, and the Judge may order you to have a drug test at any time. **The goal of the Program is to help you remain substance free**, and the Team will be reviewing your overall performance as you progress in the treatment process. A diluted drug screen is considered as positive and you will be sanctioned.

**\*\*Drug Screen Schedule is random, location of screening depending on the probation office. You must call in on time to the call to test system or risk going to jail for a missed screen. Please also note that if you miss a test, it's positive, even if you are able to get a drug test from an alternative source.**

### **Defrauding Drug Screens**

In line with best practice standards, “Drug and alcohol testing provides an accurate, timely, and comprehensive assessment of unauthorized substance use throughout participants’ enrollment” in problem-solving courts (Standard VII, Adult Drug Court Best Practice Standards Volume II). It provides the framework for accountability that is the key building block of the program. In line with North Carolina General Statute § 14-401.20, no participant shall:

- Possess, sell, give away or market for sell urine or transport urine (including synthetic urine) into the state for the purpose of defrauding a drug or alcohol screening test,
- Attempt to defraud a drug or alcohol screening test by the substitution or spiking of a sample,
- Use, possess or sell an adulterant that are intended to be used to adulterate a urine or other bodily fluid sample for the purpose of defrauding a drug or alcohol screening test.

## **RECOVERY, VOCATION AND EMPLOYMENT**

Recovery from addiction is more than simply “**not using**.” It also means learning new and different ways to think and behave along with becoming a responsible member of the community. Your coordinator will help to refer you to the proper agencies for vocational training, education and/or employment. The coordinator will also provide you with a monthly bus pass if needed.

## **INCENTIVES AND SANCTIONS**

The purpose of **incentives** is to **reward** you for your effort, progress and success. You are rewarded in various ways. At each court session, your progress will be recognized. **Sanctions** provide **consequences** and are designed to help motivate you towards positive behaviors and recovery. Sanctions are given in court for non-compliance, infractions and violations. Incentives and sanctions are given to assist you in achieving and maintaining self-discipline. **You will be required to finish all sanctions issued.**

## **TERMINATION**

The Buncombe County Drug Court is committed to providing each participant an opportunity to maintain a sober and drug free lifestyle in an environment conducive to achieving this goal. Drug Court wants each participant to succeed, and considers dismissal only as a last resort. The goal is to help participants to help themselves. Continued inclusion in this Court is contingent on compliance with the guidelines and regulations. Nevertheless, not everyone who enters Drug Court will be committed to maintaining recovery and compliance with Court conditions. The Team may determine that dismissal of a participant for non-compliance is the most appropriate action for the success of all other participants. Serious violations or continuous violations will subject a participant to dismissal from the Court.

Following are a few examples of non-compliance that could result in dismissal:

- Threats of, or violence towards, peers, Probation Officers, Clinicians or Drug Court Team
- Committing a new criminal offense
- Altering or tampering with a drug screen
- An accumulation of violations and continuance of non-compliance with Court guidelines
- An inability or unwillingness to remain substance free
- Victimizing other participants in the program

## CURRENT STEP REQUIREMENTS

The Adult Drug Treatment Court updated their Step Requirements in January 2020 based upon training from the National Association of Drug Court Professionals. All step moves will occur during court sessions by the Judge.

### **Step 1 – Acute Stabilization (Minimum of 60 days)**

- Court bi-weekly
- Comply with treatment requirements
- Comply with supervision requirements
- Weekly office visits with Coordinator
- Monthly home visits with Probation
- Office visits with Probation as directed
- Random drug testing (minimum of 2 per week)
- Comply with electronic monitoring
- Submit application for a physical assessment
- Curfew by 9:00 p.m.
- Obtain approved housing
- Change people, places, and things
- Complete Prime for Life

In order to advance to Step 2, participants must: (1) be in compliance with all conditions above for a minimum of 14 days, (2) have negative urinalysis screens for a minimum of 14 consecutive days, AND (3) complete a phase up application for Step 2.

### **Step 2 – Clinical Stabilization (Minimum of 90 days)**

- Court bi-weekly
- Comply with treatment requirements
- Comply with supervision requirements
- Weekly office visits with Coordinator
- Monthly home visits with Probation
- Office visits with Probation as directed
- Random drug testing (minimum of 2 per week)
- Maintain approved housing
- Continue changing people, places, and things
- Complete 10 hours of community service before end of Step 2
- Before moving to Step 3, participant must attend a minimum of three community support activities (ex: Celebrate Recovery, NA/AA, church, yoga, etc.).

In order to advance to Step 3, participants must: (1) be in compliance with all conditions above for a minimum of 30 days, (2) have negative urinalysis screens for a minimum of 30 consecutive days, AND (3) complete a phase up application for Step 3. As part of the phase up application clients will be asked to explain how the community support activities helps them in their recovery.

### **Step 3 – Prosocial Habilitation (Minimum of 90 days)**

- Court monthly (1<sup>st</sup> court date of the month)
- Comply with treatment requirements
- Comply with supervision requirements
- Bi-weekly office visits with Coordinator
- Monthly home visits with Probation
- Office visits with Probation as directed
- Random drug testing (minimum of 2 per week)
- Maintain approved housing
- Continue changing people, places, and things

- Begin Moral Reconciliation Therapy
- Participant must attend a minimum of two community support activities per week (ex: Celebrate Recovery, NA/AA, church, yoga, etc.)
- Establish prosocial activity and complete Prosocial Activity Carey Guide
- Complete 15 hours of community service before end of Step 3
- Begin employment, schooling, or other vocational activities
- Begin addressing financial issues (ex: budget assessment, *On Track* financial group)

In order to advance to Step 4, participants must: (1) be in compliance with all conditions above for a minimum of 45 days, (2) have negative urinalysis screens for a minimum of 45 consecutive days, AND (3) complete a phase up application for Step 4. As part of the phase up application, clients will be asked to identify and explain who is a part of their recovery network (i.e., caseworker, sponsor, pastor, etc.).

**Step 4 – Adaptive Habilitation (Minimum of 90 days)**

- Court monthly (1<sup>st</sup> court date of the month)
- Comply with treatment requirements
- Comply with supervision requirements
- Monthly office visits with Coordinator
- Monthly home visits with Probation
- Office visits with Probation as directed
- Random drug testing (minimum of 2 per week)
- Maintain approved housing
- Continue changing people, places, and things
- Continue Moral Reconciliation Therapy
- Maintain recovery network
- Participant must attend a minimum of two community support activities per week (ex: Celebrate Recovery, NA/AA, church, yoga, etc.)
- Complete 15 hours of community service before end of Step 4
- Continue employment, schooling, or other vocational activities
- Begin consistent payments on court costs and restitution based upon budget

In order to advance to Step 5, participants must: (1) be in compliance with all conditions above for a minimum of 60 days, (2) have negative urinalysis screens for a minimum of 60 consecutive days, AND (3) complete a phase up application for Step 5.

**Step 5 – Continuing Care (Minimum of 90 days)**

- Court monthly (1<sup>st</sup> court date of the month)
- Comply with treatment requirements
- Comply with supervision requirements
- Monthly office visits with Coordinator
- Monthly home visits with Probation
- Office visits with Probation as directed
- Random drug testing
- Maintain approved housing
- Continue addressing medical needs
- Continue changing people, places, and things
- Continue Moral Reconciliation Therapy
- Maintain recovery network
- Participant must attend a minimum of two community support activities per week (ex: Celebrate Recovery, NA/AA, church, yoga, etc.)
- Complete 10 hours of community service before end of Step 5
- Continue employment, schooling, or other vocational activities
- Continue consistent payments on court costs and restitution based upon budget
- Development of continuing care plan

In order to advance to graduate, participants must: (1) be in compliance with all conditions above for a minimum of 90 days, (2) have negative urinalysis screens for a minimum of 90 consecutive days, AND (3) complete graduation application. As part of the graduation application clients will be asked to provide a detailed list of their recovery network through either their WRAP case plan, a Carey Guide, or other treatment-oriented assignment.



## **GRADUATION FROM THE DRUG TREATMENT COURT PROGRAM**

Graduations are often held quarterly and all participants must be present. You must apply for graduation in writing. You will be required to write in your own words a plan about how you intend to continue your recovery, including your relapse prevention plan, goals for the future, your support system, substance free activities, and post- graduation goals for your future. You will be required to do a sufficient amount of writing and will be asked to read parts of your report at graduation. The coordinator will assist you as needed. You will likely begin working on your report/essay once your graduation date has been scheduled.

Upon successful completion of program requirements, you will be eligible to graduate from Drug Court.

## **CONCLUSION**

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Our mission is to support a drug/alcohol free lifestyle for people who struggle with substance use and to reduce recidivism as participants gain long-term recovery and wellness in order to have an improved quality of life. If you are able to complete this program, this will give you an opportunity to have your charges dismissed and/or later expunged if you are able to maintain your recovery and avoid getting new charges for at least three months-one year following graduation, depending on your plea arrangement at the time of entering DTC.

If you have any additional questions or concerns about this program, please talk to us. Finally, do not forget your family, and those who are close to you! Make them a part of what you are trying to accomplish and let them share in your success.

**DRUG TREATMENT COURT  
TELEPHONE NUMBERS OF TEAM MEMBERS**

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**COORDINATOR**

Amanda Murphy 250-6408

**ASST DISTRICT ATTORNEY**

Jeremy Ingle 259-3410

**ASHEVILLE POLICE DEPT.**

Lt. Brandon Moore 251-4091

**PROBATION OFFICER**

Crystal Booth 255-6432/772-7385 (Cell)

Chief Missy Whitson 255-6464/772-7433 (Cell)

Nick Fowler 255-6427/772-7405 (Cell)

**PUBLIC DEFENDER**

Courtney Booth 259-6492

**CLINICAL SOCIAL WORKER – PUBLIC DEFENDERS OFFICE**

Taylor Walker 259-6480

**BEHAVIORAL HEALTH**

Kerri Thompson 250-6404

Michael Roberts 551-1971

**PEER SUPPORT**

Samantha Brawley 250-4073

**CALL 2 TEST**

1-800-348-6510

PIN# \_\_\_\_\_



BUNCOMBE COUNTY DRUG TREATMENT COURT  
Where Treatment and Justice Partner

### **DRUG COURT AGREEMENT**

I, \_\_\_\_\_ understand that I have been offered participation in the Buncombe County Drug Court as a part of a negotiation between my attorney \_\_\_\_\_ and the State of North Carolina, and that I must fully comply with all Court imposed conditions and all counseling recommendations. I have read the terms of this agreement carefully, initialed each term of the agreement, dated and signed the agreement.

\_\_\_\_\_ I understand the main purpose of Drug Court is treatment, and that any statements made by me while participating in this program will not be used against me in further related criminal matters. These statements include statements made to Drug Court Team members or treatment providers. However, voluntary statements made by me in open court, which refer to unrelated felony criminal acts and which are not related to my participation in Drug Court, could be used in other criminal hearings. Such use shall be determined at a special hearing.

\_\_\_\_\_ I understand that if I violate the law or have any contact with law enforcement, I must report that violation/contact immediately to my probation Officer and my Court Coordinator, including, but not limited to, all citations, ordinance violations and traffic tickets.

\_\_\_\_\_ I agree to abstain from the use of all illegal drugs, alcohol and controlled substances unless approved by the Treatment Team. I understand that I must submit any prescription to the Drug Court Coordinator for verification and approval prior to filling such prescription. Further, I understand that certain over-the-counter medications may be prohibited.

\_\_\_\_\_ I agree to give a urine sample, as required, for drug testing.

\_\_\_\_\_ Failure to produce a valid sample is a violation. I must provide a testable sample. Samples that are dilute or tampered with will result in a sanction.

\_\_\_\_\_ I agree to call the Reconnect system daily as required and report for drug screens as required.

\_\_\_\_\_ I agree to complete all inpatient or outpatient counseling and treatment as may be recommended by the Drug Court Team.

\_\_\_\_\_ I agree to obey all instructions of the Judge, the Drug Court Coordinator, treatment providers, and probation officer.

\_\_\_\_\_ I shall inform the Drug Court Coordinator, my treatment provider and my probation officer of any change of address, telephone number and employment status within 24 hours of change. Further, I understand I am not to leave the jurisdiction of the Court for any reason without first obtaining permission from the Drug Court Team.

\_\_\_\_\_ I agree to allow the probation officer or any other Drug Court team to visit me in my home or elsewhere.



