

**STATE OF MICHIGAN**  
**86th Judicial District Court**  
ANTRIM - GRAND TRAVERSE - LEELANAU COUNTIES

**Sobriety Court Handbook**  
**For Delayed Sentences**







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Welcome to the 86th District Court Sobriety Court. This is a team approach to a very serious personal and social problem. The Probation Officer, Prosecutor, Defense Lawyer, Treatment Provider, even the Court Recorder and Bailiff, as well as myself, are all here to do our jobs so that you can maintain your sobriety.

You can do this if you follow some simple rules:

**Be Honest.** We can work through almost any problem together if you are truthful with us.

**Accountability.** This program is about accountability and personal responsibility. Sobriety does not come easily for anyone. Anything in life worth having requires some personal sacrifice.

**Show up on time** for appointments and hearings. Ultimately, this program is about self-respect and respect for others.

**Work the Program** with a 12-step sponsor. Be able to demonstrate that you are working the program and how.

**Follow all Rules.** Read and follow all of the rules throughout this handbook.

There are a lot of people supporting you – the Sobriety Court team, as well as other participants in the program. We look forward to working with you toward your successful completion of this program and a clean and sober life.

Michael S. Stepka  
District Court Judge

Revised August, 2018

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## • INTRODUCTION •

The 86th District Sobriety Court is designed primarily for people with multiple drunk driving convictions. You enter the program by pleading guilty and being sentenced to sobriety court. You will receive a minimum of 30 days in jail in accordance to the OWI 3<sup>rd</sup> statute. License sanctions are imposed by the secretary of state.

As a person whose problems stem from substance abuse, this program is especially designed for you. As you enter this voluntary, intensively supervised treatment program, you will need to be motivated to work toward changing your lifestyle and becoming free from alcohol and drugs. This program is accessible regardless of race, religion, sex, ethnic origin, sexual orientation, marital status, age, or physical and/or mental disability.

*You are expected to follow all the guidelines in this handbook.*

## • COURTROOM ETIQUETTE •

The courtroom is a place that requires a personal demonstration of respect and courtesy to the judge, court staff, participants and guests in attendance

You must abide by the following rules:

- √ DO arrive to review hearings on time.
- √ DO turn off all cell phones, pagers and other electronic devices.
- √ DO address the Judge with the utmost respect.
- √ DO bring your homework or any other paperwork as ordered by the Judge or Probation Officer.
- \* DO NOT have conversations with co-participants or guests while court is in session. Pay attention!
- \* DO NOT talk when the Judge is speaking.
- \* DO NOT swear or use profane language in the courtroom.
- \* DO NOT bring food or beverages into the courtroom.
- \* DO NOT sleep in the courtroom.



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- \* DO NOT wear clothing with obscene or inappropriate language, pictures or references to drugs/alcohol.
  - \* DO NOT wear risqué clothing (i.e. revealing shirts, blouses, excessively short shorts), tank tops or unbuttoned shirts.
  - \* DO NOT wear hats, bandanas or sunglasses.

• **MEDICATIONS: PRESCRIPTION AND OVER THE COUNTER** •

Before you enter into the sobriety court, you will need to tell the coordinator about any medications you are taking. This includes both prescription and over the counter medications. In order to participate in Sobriety Court, you cannot take any medication that is not approved first by the Probation Officer. Use of narcotics, as well as any medication that is potentially addictive, can be abused, or will trigger a positive drug test result may not be approved.

You will be agreeing to the following:

- I understand that I must have permission from the sobriety court Probation Officer before consuming any medications.
- I will keep the Probation Officer fully advised of all medications I am taking even if they are “over the counter”.
- I will not consume any herbal products, vitamins, over-the-counter substances or diet products without prior approval from the Probation Officer.
- I will not consume any product that may contain poppy seeds.
- I will not possess or consume the controlled substance marijuana under any circumstances even if possessing a valid Michigan Medical Marijuana Program card.
- When seeking medical or dental treatment that results in or may result in receiving a prescription for medication, I will advise my doctor, dentist or medical personnel of my addiction and the need to take only non-narcotic medication.
- I understand that if I fail to get permission from the Probation Officer before consuming any medication, I will be sanctioned by the Court.



If you receive emergency treatment and through the course of this treatment are administered an unapproved medication, you must provide proof and report the medication immediately to your Probation Officer.

IT IS YOUR RESPONSIBILITY TO INFORM ANY HEALTH CARE PROVIDER YOU SEE THAT YOU ARE A SOBRIETY COURT PARTICIPANT AND ARE NOT ALLOWED TO BE PRESCRIBED OR CONSUME ANY NARCOTIC MEDICATION UNLESS ABSOLUTELY MEDICALLY NECESSARY.

**• ZERO TOLERANCE OF ALCOHOL OR DRUGS •**

- You may not consume or possess any alcohol or illegal drugs including medical marijuana while Participating in Sobriety Court.
- You may not be around other persons, who are using or possessing alcohol or illegal drugs, including having such at your residence. Alcohol or illegal drugs may not be present in your residence, vehicle or workplace. If such substances are found, you will be held responsible.
- You may not go to any bars, casinos, or any place that serves alcohol by the glass.
- You may not be in any establishment where illegal drugs are used, kept or sold.
- You may not enter any “adult entertainment establishments”.
- The consumption of alcohol is prohibited in the sobriety court program. It is YOUR responsibility to avoid products containing alcohol, read labels and know what is in a product before you purchase or use them.
- Once you have completed Phase 1, you may be allowed to enter an establishment, where alcohol is incidental to food service with prior approval from your Probation Officer. You may not be in an establishment that has brewery, bar or pub, spirits, distillery or vineyard in its name. You must also get prior approval to be in an



establishment that serves alcohol; however, there may not be any alcoholic beverages at your table, which includes anyone with you.

**• OUT OF TOWN TRAVEL OR OVERNIGHT VISITS •**

- You may not stay at any location *but your place of residence* during Phase 1.
- After Phase 1, you may have overnight and some travel if approved by the Sobriety Court Team. You must obtain permission prior to travel, and travel may not be for more than 5 days. You will be required to test during the travel time, and you may have to continue with self-help meetings.

**• CURFEW •**

During Phase 1, there is a mandatory 10 p.m. curfew. You must be in your residence prior to 10 p.m., unless this conflicts with your work schedule. Otherwise, you must inform your Probation Officer when you are finished with work and be home within one-half hour after finishing work.

**• POLICE CONTACT •**

Participants must report any contact with the police on the next business day following the occurrence. This includes all direct and indirect contact.

**• COUNSELING/TREATMENT •**

Sobriety Court Participants must have a substance abuse assessment before entering the Program. The assessment determines the required treatment. If you do not believe you need treatment, you do not belong in the Sobriety Court. The Court will be communicating on a regular



basis with your counselor to discuss progress and attendance. The Sobriety Court team reserves the right to alter your treatment based on your needs.

\*Participants will fully participate in treatment with no unexcused absences and to all other programs to which you are referred to maintain sobriety. **A Sobriety Court Probation Officer must excuse any absences.** If counseling falls on a holiday and the group is rescheduled, you must attend (it is not optional). Counseling does not count as a 12-step meeting, unless authorized by the Probation Officer. You agree to obey all the rules of counseling and pay all fees. You agree to attend all meetings, be on time, and participate.

### • COST OF THE PROGRAM •

A payment plan can be established with the Court until all fines, costs and restitution are paid in full. There will be some upfront costs on the delayed portion (costs and court appointed attorney fees if applicable). These must be paid in full within the first year (in the delayed portion of the sentence). Some additional costs will be added upon the sentence reduction such as fines, law enforcement reimbursement, etc. All fines and costs must be paid in full prior to graduation.

You will be expected to pay for preliminary breath tests (PBT) and drug tests/urine screens at the time of testing. Treatment cost will vary depending on your income and the agency providing your treatment.

Remember, the offense you committed would have resulted in some significant jail time and you would have been billed for the cost of your incarceration in addition to the fine, costs, restitution and cost of counseling/treatment.





## • CONFIDENTIALITY •

You will agree to sign a consent form waiving confidentiality of any medical, treatment or social service records. If you withdraw your consent, you will be terminated from Sobriety Court.

The purpose of, and need for, a consent form release is to inform the court and all other named parties of eligibility, acceptability, treatment, attendance, compliance, and prognosis in substance abuse treatment. Such records are protected under the Federal regulations governing Confidentiality of Alcohol and Drug Patient Records, 42 C.F.R. Part 2, and any information identifying you as a patient in an alcohol or other drug abuse program cannot be disclosed without written consent, except in limited circumstances as provided for in these regulations. Recipients of this information may redisclose it only in connection with their official duties.

## • THE SOBRIETY TREATMENT COURT TEAM •

The key to your success is the TEAM approach. The Sobriety Court team consists of the Judge, Prosecutor, Defense Counsel, Probation Officer, Treatment Providers, Sobriety Court Graduates, Drug Testing Facilitators, and YOU. You are the main player. The rest of us are here to support you. Each case is reviewed on a regular basis by the team members prior to review hearings.

## • REVIEW HEARINGS •

Participants in the Sobriety Court are required to attend Review Hearings every two to four weeks. The Judge, Prosecutor, Attorneys, Probation Officers, Treatment Providers, other sobriety court participants, family members and friends are invited to attend these hearings. The Judge will review your progress with you, the treatment provider and Probation Officer, and will determine what rewards, sanctions or adjustments may be appropriate.



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You are encouraged to ask the Judge any questions and voice any concerns you may have about your treatment program. You will be given written notice of your next report day and the next review hearing. It is your responsibility to keep track of your court dates. You will not receive additional notices in the mail. You also waive the right to legal representation at review hearings. MCL 600.1068 (1) (c)

### • REPORT DAYS •

Participants in the Sobriety Court are expected to report to their Probation Officer on their assigned report day and on time. You should come prepared with proof of 12 step meeting attendance, your check in form, and any other verification that is requested. If you have changes in your life such as address, roommates, employment, etc., you need to inform your Probation Officer on report day.

### • EDUCATION, EMPLOYMENT AND COMMUNITY SERVICE •

While in sobriety court you will need to maintain or find employment or enroll in higher education. If you are not working or attending school you will be required to complete regular community service.

If you do not have a High School Diploma or GED, attaining this will be required before commencement.

If you are not working or attending school you will need to complete regular community service and job search activities. Each week you will be required to complete a minimum of:

\* 15-30 hours of community service (verification provided to your case manager).



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## • DRUG & ALCOHOL TESTING •

Participants in Sobriety Court are expected to take twice daily to random 8 x per month PBT's and four to eight times per month random drug screenings as ordered. Testing may change depending on your phase and performance in the program.

If you miss a PBT or urine screen it is mandatory that you call your Probation Officer immediately. \*Note, a late test is considered a missed test.

You agree that the court may rely on a PBT and drug test. Should you test positive or miss tests, a sanction(s) will be imposed, which may include incarceration or re-sentencing.

**Urine Screens** – In order to participate in Sobriety Court you must be able to provide a urine screen on a random basis. NO exceptions. Urine screens must be taken in the a.m. unless you receive prior approval. All urine screens will be witnessed. A variety of drugs can be detected by the lab.

Dilute urine screens...any attempts to dilute your urine with fluids or other products will be detected and will be treated as a positive (dirty) urine screen.

You understand that any attempt to falsify a urine test or a PBT is grounds for revocation of Sobriety Court status. You understand that a missed and diluted test will be considered a positive test and will be subject to sanctions. You understand that you may be tested by the Probation Officer or a Police Officer at any time.

**HINT: If you think you may test positive, contact your Probation Officer BEFORE you test.**



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• **12 STEP MEETINGS** •

You agree to attend 12 step groups as ordered by the court. Any attempt to forge or falsify any 12 step meeting on the verification form may result in termination from Sobriety Court. The 12 step meeting week begins on Sunday and ends on Saturday. If you attend more than one meeting in a day, only one meeting will count towards your weekly count.

• **HOME VISITS** •

You are waiving your rights to privacy and will allow the Probation Officer and/or any Police Officer the right to make random home visits. You understand that this may include a search of your person and your home and that a search of your home may be requested of others that live at your residence.

You understand that if you do not answer your door, after the time of your curfew, a violation may occur.

• **AUTOMOBILE INTERLOCK DEVICE** •

If you receive permission to have the interlock device installed on your vehicle, you must have a device that includes a camera and GPS. You must download the device once per week or obtain the cellular unit. You may not operate the automobile outside of the restrictions set forth by the Secretary of State. You may be violated and your restricted license taken away if you: obstruct the camera in any way, including but not limited to wearing a hat, having another person blow into the unit, not being in range of the camera, distorting the photo, failing to provide a rolling retest, any angry gestures towards the camera, testing positive and/or failing to continue testing until a clean test is obtained. You may not operate any vehicle that is not equipped with an interlock device installed for you. Also, you may not allow anyone else to operate the vehicle(s) that contain(s) your interlock device(s).



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### • YOUR SAFETY PLAN •

After being sentenced into Sobriety Court the Judge will instruct you to complete something called a “Safety Plan.” The Safety Plan is a written document you will carry with you at all times. Your plan will include a list of people you can trust and count on if you need help. Your sponsor is usually on this list along with other people you know who will be committed to supporting your sobriety. You will use your plan when you find yourself in a situation where you question whether or not you will be able to stay sober. Your Safety Plan will change and grow as you progress through sobriety court.

### • DISCHARGE •

You may be terminated from this program for a variety of reasons including:

- Petition the court for voluntary termination
- Exhibit violent behavior or threats of violent behavior toward self or others
- Display inappropriate, disruptive or non-compliant behavior
- Refusal to satisfactorily participate in program requirements
- Charged with another criminal offense (case by case basis)
- Failure to show for review hearings or report days
- Violation of program rules
- Dilute, missed or positive urine screens/PBT’s
- Lack of engagement in a recovery program
- Absconding



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### • RESIDENCE •

You need to be a resident of one of the three counties in the 86th District. If you change your physical address or phone number, you must notify probation immediately. You may not leave the three county area without obtaining permission from the court.

You may not stay overnight at any place but your residence in Phase 1 and only with permission during the other two phases.

### • INCENTIVES AND SANCTIONS •

You will be rewarded for having done well in the program with various incentives, including but not limited to phase advancements, gift cards, and/or a reduction in testing.

During the sobriety court review hearing, the court may impose immediate sanctions for non-compliance with conditions of the program, including but not limited to community service work, increased testing, writing assignments, and/or jail time. You are waiving the requirement of filing of an Order to Show Cause or Bench Warrant, before imposing such sanction.

### • COMMENCEMENT •

You are eligible for commencement when each one of the following conditions have been met.

- You complete your 1 year on a delayed status and then another 18-24 months after the sentence has been reduced.
- You have demonstrated sobriety for at least 90 consecutive days prior to the end of your probation with the team to have discretion over minor violations where a sanction may be given. The final decision to be made by the court.
- You have completed all program requirements and the team has determined you are suitable for commencement.



## **Phone Numbers**

Addiction Treatment Service (ATS) - (231) 922-4880

Catholic Human Services (CHS) - (231) 947-8110

Munson Alcohol and Drug Treatment Center - (231) 935-6382

Alcoholics Anonymous (AA) - (231) 946-8823

Narcotics Anonymous (NA) - (231) 941-9062

Pinerest - (231) 947-2255

Traverse Health Clinic - (231) 935-0799

Northern Lakes Community

Mental Health (231) 922-4850 or (800) 337-8595

## **86th District Court Probation Office:**

Antrim County - (231) 533-6822

Grand Traverse/Leelanau County - (231) 922-6899 / (231) 922-4686

Leelanau County - (231) 256-8250

## **• PARTICIPANT RESPONSIBILITIES •**

During your time in sobriety court you will progress through three different phases. Each phase has specific requirements you must comply with in order to progress to the new phase and ultimately to commencement. Phase requirements are tailored to each participant's addiction and recovery needs, but in general are as follows:



	<b>Phase I</b>	<b>Phase II</b>	<b>Phase III</b>
<b>Urine Screens</b>	Random minimum of 4x/month	Random minimum of 4x/month	Random minimum of 4x/month
<b>Alcohol Testing</b>	2-4x/day	minimum Daily a.m.	Daily to minimum 8 times per month random
<b>Home Checks</b>	Random 24/7	Random	Random
<b>Review Hearings</b>	At least 2 times per month	Monthly	Monthly
<b>Report to Probation Officer</b>	At least 2 times per month	2 Scheduled per month	1 Scheduled per month
<b>Curfew</b>	Daily 10:00 p.m.	N/A	N/A
<b>12 Step Meetings</b>	90/90 followed by 4 per week	At least 4 per week	At least 3 per week
<b>Sponsor</b>	On or before 90 days	Maintain	Maintain
<b>Employment and/ or Education</b>	Seek or maintain employment, higher education or community service work	Continue employment, education or community service work	Continue employment, education or community service work
<b>GED (if applicable)</b>		Continue GED classes	Continue GED
<b>Community Service</b>	15-30 hours per week if unemployed	15-30 hours per week if unemployed	15-30 hours per week if unemployed
<b>Healthy Living Plan</b>	N/A	Develop a plan	Implement the Healthy Living Plan
<b>Treatment</b>	Enroll in counseling and attend with no unexcused absences	Continue with counseling with no unexcused absences	Reconnect with counselor for a check-up
<b>Minimum # of days in each phase</b>	225 days for felony delayed cases; 30 days sanction free to move to Phase II	225 days for felony delayed cases; 30 days sanction free to move to Phase III	Remaining of the 3 year timeframe for a felony case:
<b>Additional Support Group</b>	N/A	Step up group	Step up group
<b>Payments</b>	Must begin to make regular payments on fines & costs	Continue with payment schedule; A minimum of half of fines & costs must be paid to move to Phase III	Fines & costs must be paid in full

These requirements are described in more detail on the following pages





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## **SOBRIETY COURT PROGRAM DESCRIPTION**

### **• TREATMENT •**

#### **Phase I**

Minimum of twice daily PBT's

Random urine screens, minimum 4x/month

Contact with Probation Officer of a minimum of 2 times per month.

Attendance at Sobriety Court review hearing 2 times per month.

Attendance at (90) 12 step meetings within 90 days (one per day) followed by a minimum of 4 per week with verification.

Obtain 12 step sponsor with verification and actively work a 12 step program.

Meet with Treatment provider, enroll in counseling as ordered by the court, with verification, no unexcused absences.

Random home visits by Probation/Police Officer.

Begin to make regular payments toward fines and costs and be paid in full by the end of the first year.

Must have a minimum of 225 days in the program and at least 30 days sanction-free to move to Phase II.



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• **HEALTHY LIVING PLAN** •

**Phase II**

Minimum of daily a.m. PBT's

Random urine screens, minimum 4x/month

Contact with Probation Officer at a minimum of 2 times per month.

A minimum of once monthly attendance at Sobriety Court review hearing.

Attendance at minimum of (4) 12 step meetings per week with verification.

Maintain relationship with sponsor with verification and continue to work a recovery program.

Develop a Healthy Living Plan\* with Probation Officer.

Random home visits by Probation/Police Officer.

Participation in the Step Up Group

Continued compliance with payment schedule. A minimum of half of the fines and costs must be paid prior to moving into Phase 3.

Must have a minimum of 225 days in the program and at least 30 days sanction-free to move into Phase 3.

\* A Healthy Living Plan may include a health/fitness plan, volunteer work, and building supportive relationships.



### **Phase III**

Daily to minimum 8x/month random PBT's.

Random urine screens, minimum 4x/month.

Contact with Probation Officer at a minimum of once per month.

A minimum of monthly attendance at Sobriety Court review hearing.

Continued participation at 12 step meetings with verification (a minimum of 3 times per week), and continue to work the steps with your sponsor.

Random home visits by Police Officer or Probation.

Implement Healthy Living Plan.

Fines and costs are paid in full.

Participation in a "Reconnect Group" or reconnect with counseling.

Testing and 12 step attendance will increase during the last 90 days of your probation.

Written narrative describing your lifestyle changes.

Note: You may be tested at any time by the Probation Officer, a Police Officer or a drug testing facility. Testing may include a drug test, a breathalyzer, an ETG or any other form of testing deemed appropriate.

I HAVE DISCUSSED THIS CONTRACT WITH MY ATTORNEY AND ACKNOWLEDGE THAT I UNDERSTAND THE CONDITIONS OF THIS CONTRACT, AND FREELY AND VOLUNTARILY AGREE TO THE TERMS WITHIN

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Signature of Participant Date

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Witness Signature Date







