

FELONY DUI COURT PROGRAM

EIGHTH JUDICIAL DISTRICT COURT



PARTICIPANT HANDBOOK

Eighth Judicial District Court
Specialty Courts Division
200 Lewis Avenue, 4th Floor
Las Vegas, Nevada 89155
Felony DUI Court Handbook

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I. The Eighth Judicial District Court

The Eighth Judicial District Court (EJDC) of Clark County is located in Southern Nevada and encompasses all municipalities and outlying communities of Clark County, including but not limited to the City of Las Vegas, Henderson, and Boulder City. The EJDC is the largest general jurisdiction Court in Nevada, with 52 elected Judges and 15 commissioners/hearing masters presiding over more than 90,000 criminal and civil cases filed each year.

Understanding Specialty Courts

The EJDC operates twelve (12) specialty courts in Las Vegas, including the Felony DUI Treatment Court (FDUI Program). Specialty Court programs were established with the goal of providing cost effective drug rehabilitation and mental health treatment targeted to non-violent offenders with a substance abuse problem. The Felony DUI Court enhances the Clark County community by providing treatment to defendants charged with a DUI third within seven years, who have no prior felony DUI convictions, in order to encourage individual recovery, reduce recidivism, and enhance public safety. In addition, successful treatment programs result in significant cost savings to State of Nevada and Clark County by reducing public costs associated with monitoring, detaining and prosecuting criminal activity by state and county law enforcement and prosecution agencies.

The Eighth Judicial District Court Drug Court follows the National Association of Drug Court Professionals (NADCP) standards and their ten key components. Following these guidelines and tools, the Eighth Judicial District Court Felony DUI Program strives to help multiple DUI offenders recover their health and enhance public safety. It is through a minimum of three years of intensive treatment, community supervision, education, teamwork, and therapeutic behavioral interventions that the Felony DUI Court Program enhances and changes the lives of over 400 participants each year.

II. Felony DUI Court: Mission Statement

The mission of the Clark County Felony DUI Court Program is to enhance public safety and reduce recidivism by combining effective substance abuse treatment and intensive judicial supervision in a therapeutic court setting for non-violent chronic DUI offenders, in order to assist the participant in choosing and developing a structured, disciplined, law abiding alcohol and drug free way of life.

Treatment includes a continuum of care for substance abuse and mental health treatment, including sober living, intensive outpatient services and residential treatment placement options. Participants are required to appear before the Felony DUI Court Judge on a regular basis. Court appearances are intended to provide regular monitoring of participants' compliance with program requirements and to have participants stand accountable for non-compliance.

III. Program Information

The Felony DUI Program is a minimum three year court program that allows participants to receive counseling, submit to drug testing and complete a minimum of six months on residential confinement with a minimum three years of probation supervision in lieu of a one to six year prison sentence. Successful completion of the program will result in a participant's felony DUI charge being reduced to a second offense misdemeanor DUI conviction. Felony DUI Court typically lasts three years, but it can be extended up to five years. Time that is served in custody, on bed rest, continued drug and alcohol use, suspended from treatment, or non-participation in treatment could extend the length of the program. Participants will be assigned a coordinator who makes specific recommendations to the judge about the length and requirements of your treatment. If the program is not successfully completed, the result is a felony conviction and prison sentence.

Residential Confinement requires the participant to remain at home. The only other authorized movements allowed are for employment purposes, urine analysis testing (UAs), treatment/counseling, court obligations, probation and parole office, approved support meetings and/or doctor and hospital visits with proof of attendance for visit. Any other movement not listed above will require the participant to write a proposal for movement, 72hours in advance of request.

Eligibility/Target Population

The target population for the Clark County Felony DUI Court includes those charged with three or more alcohol-involved DUI's in a seven year period and those who meet the DSM 5 diagnostic criteria for a substance abuse problem. Potential candidates who have already participated in the program or who have been previously convicted of a Felony DUI offense will not be permitted to participate in the program. Applicants are screened prior to admittance for:

- An identified alcohol/substance use disorder
- No current or previous DUI with substantial bodily harm/death, no vehicular homicide
- No chronic criminal involvement or gang affiliation that would render the Program incapable of supervising the defendant or pose a threat to the treatment milieu
- At least 18 years old
- Reside in Clark County, Nevada
- Must not be taking any Opiates, Benzodiazepines, Amphetamines, Sedatives, or any other addictive medications deemed necessary by a medical doctor or psychiatrist without court approval.

- House Arrest Eligibility- Roommates/Family members must agree to HA rules prior in order to meet eligibility criteria
- Probation Eligibility
- Stable Employment or ability to obtain stable employment if unemployed at the time of acceptance (unless suffering from a documented disability)

Candidates are assessed for eligibility based on risk-assessment tools to evaluate the formal diagnostic symptoms of a substance use disorder, or co-occurring disorder. The potential participant is also screened for:

- Mental health disorders that may require referral to mental health or psychiatric services
- Safe housing issues that may require referral to sober living or alternative housing services
- Employability that may require referral to job assistance agencies
- Violence or abuse in the home that may require referral to community resources

Felony DUI Court Program

The Felony DUI Court program consists of intensive treatment and supervision, including:

1. ***Residential Confinement:*** a minimum six months residential confinement, 182 Days.
2. ***Community supervision:*** Probation oversight for the length of program involvement.
3. ***Court Appearances:*** Regular court status checks.
4. ***Random Drug and Alcohol Testing:*** Urinalysis and Breath testing.
5. ***Breath Ignition Interlock Device/Camera Unit:*** Must be installed on ALL vehicles the participant owns, operates, or is maintained at the residence.
6. ***Driving Restrictions:*** Participants may not drive without a valid Nevada Driver's license.
7. ***Counseling Services:*** Intensive weekly substance abuse counseling, mental health counseling, support services, and aftercare support/assistance.
8. ***Increased Counseling Services As Needed:*** Participants may be recommended to Intensive Outpatient, Detoxification, Or Residential Treatment at any time during the program if criteria are met.
9. ***Case management:*** Collaborative case management services are offered, including referral to vocational services and other supportive services.
10. ***Support Groups:*** Participants are required to build healthy support systems by attending a minimum of one support groups each week for level 1&2; two support meetings for level 3&4 totaling to 234 for the duration of the program.
11. ***Victim Impact Panel:*** Participants are required to attend one Victim Impact Panel during the last 6 months of their participation in the Felony DUI Court Program; referral will come from court coordinator.

Positive reinforcement, sanctions and judicial oversight are tools used to motivate participants to make productive and healthy lifestyle changes during regular court status reviews. Programs range from three to five years in length and participants are required to have six months of perfect compliance and clean drug tests before they are eligible to graduate from the program.

IV. Felony DUI Court Information

Court Appearances

Court appearances are judicial hearings that are held to monitor participant's progress in the Felony DUI Court program. These appearances are held twice a week before the FDUI Court Judge, days and times are subject to change. Felony DUI Court is held at the Regional Justice Center, located at 200 Lewis Street, Las Vegas, Nevada 89155.

- **Court Dates:** Participants are required to attend court on an alternating week basis, until further order of the court. Return court dates are based on amount of time and progress in program. If a participant attends all treatment sessions, has negative (clean) drug tests and otherwise abides by the terms of the program, the court may allow a participant to attend court less frequently. The Clerk will state the date and the time when a participant must return to Court. A pen and paper are provided to write the date and time down in the courtroom.

1 week return: New participant and D Group

2 to 3 week return: 0-6 months

3 to 4 week return: 6-12 months

4 to 5 week return: 12-18 months

5 to 6 week return: 18-24 months

6 to 7 week return: 24-30 months

7 to 8 week return: 30-33 months

8+ weeks return: 33-36 months

- **Group Assignments:** Court calendars are arranged in groups of A, B, C, and D. These groups are defined as follows:
 - **A Group** – Compliance – No missed treatment sessions, negative drug tests, and current on fees.
 - **B group** – Compliance – No missed treatment sessions, negative drug tests, but behind in the payment of fees. If combined past due fees are a total of \$750 or more participants will have a 2 week return date. If the participant is behind on fees and has an approved payment plan return dates may be extended.
 - **C Group** – Monitoring Compliance – returning from sanction and monitoring progress
 - **D Group** – Poor Compliance: Missed treatment sessions, positive drug tests, and other serious program violations.

- **Rescheduling Court Dates:** If a Participant cannot attend a scheduled court appearance, s/he must request an alternate date from the Court, and receive permission from the Judge at a prior court appearance or contact the Felony DUI Coordinator, at least 48 hours *in advance* of the scheduled hearing. Felony DUI participants are responsible for tracking their court appearances; if a participant is in doubt about a return court date, s/he can call the Court Coordinator.

Participants are expected to respond to the Judge and other team members with respect and courtesy. “Yes, Your Honor” and “No, Your Honor” are appropriate responses to questions asked by the Judge.

The Felony DUI Court Team

FDUI utilizes a team approach to assist participants in achieving sobriety, stable mental health, and a positive and healthy lifestyle. The team consists of:

- **The Felony DUI Court Judge:** The Felony DUI Court Judge presides over the Felony DUI Court, monitors the participants, and with the input of other team members, makes the final decision on all admissions, sanctions, incentives, and program terminations.
- **Attorneys:** The District Attorney’s Office and Defense Counsel are present to promote public safety while protecting the participants’ due process rights.
- **Court Coordinators:** The Court Coordinators oversees the clinical care of participants, provides clinical consultation and diagnostic evaluations when needed, prepares the Court calendars, facilitates referrals, and makes recommendations on admissions, sanctions, and terminations
- **Treatment Providers:** The assigned treatment agency (Bridge Counseling Associates, and/or Multiculture Wellness.) provides input and clinical information about treatment needs, reports participants’ successes and failures, and make recommendations on admissions.
- **Drug Testing:** American Toxicology and Sober Testing provide the primary laboratory and drug testing services to all the Felony DUI participants.
- **Parole and Probation:** Parole and Probation provides updates on participants’ compliance and makes recommendations on admissions and terminations. Parole and probation may search residence for any alcohol or unauthorized medications which would include (but not limited to) refridgerators, drawers, medicine cabinets, purses, ext.
- **House Arrest:** House Arrest provides updates on participants’ compliance while on house arrest.
- **Court Marshal:** The Court Marshal is in charge of safety and security in the courtroom. The Marshal also checks program participants in for court, organizes their appearance, and facilitates any Judicial directives and remands.

Felony DUI Court Rules and Expectations

1. Participants are not allowed to use alcohol, illicit drugs, synthetic substances, medical marijuana, CBD oil (even if it indicates it has no THC) and certain (addictive) prescription drugs while in the Felony DUI Court program. Participants may only use prescribed medications under the direction of a licensed physician, and all over-the-counter medications should be carefully screened and used only as directed on the label. Certain narcotics, opioids, benzodiazepines and stimulants are not allowed, even with a prescription, except in emergency situations or with court approval. Felony DUI participants are also not allowed to use energy drinks, detoxification and/or colon cleansing products or any medications that contain any alcohol or stimulant. *Participants must notify the Felony DUI Court team of any and all medications they are prescribed and/or over the counter products they are taking. Medications are reviewed with the ATI lab.*
2. Participants will attend all scheduled treatment sessions, on time, including diagnostic evaluation appointments, intake appointments, orientation sessions, and recovery support groups.
3. Participants will attend any level of treatment, including detox, residential, intensive outpatient and/or outpatient treatment, as required by a diagnostic evaluation.
4. Participants will submit to all forms of drug testing as required. Missing a test, failing to provide a urine sample, providing a sample of insufficient quantity or providing a diluted sample will be considered and treated as a **positive result** for drugs and/or alcohol.
5. Participants will notify the Court coordinators, treatment provider, house arrest (if applicable), and their probation officer immediately of any change in residence or contact information (phone number). Participants must obtain approval PRIOR to any change from probation and the court coordinator.
6. Participants will pay all required fees (including, but not limited to, court fees probation fee, treatment fees, monitoring fees, etc) for their participation in Felony DUI Court. Participants will not be eligible for graduation until all fees related to case are paid in full.
7. Participants will treat all Felony DUI Court team members and Felony DUI Court participants with respect. Fraternalizing among Felony DUI Court participants is not allowed while on probation with the exception of court, treatment, probation officer or work.
8. Participants will arrive on time and dress appropriately for Court. This applies to any virtual hearings as well.

Program Fees

Please be advised that all Felony DUI Court Program clients are required to adhere to the following payments policy:

TREATMENT FEES: Program participants are encouraged to utilize Medicaid coverage and/or private insurance. (If the participant works out a different payment plan with the agency, the participant is required to follow that payment plan as promised). Participants pay their treatment fees to the treatment agency, not the court. Non-compliance with payments could result in suspension from treatment. Payment plans and sliding scale fee plans are available at the agency.

- **RESIDENTIAL CONFINEMENT FEES:** The total fee for residential confinement over 182 days is between \$1,684 (\$9 per day). Participants will be on residential confinement for at least the first six months of the program.. Participants pay residential confinement fees directly to the provider (house arrest office or SCRAM), not the court.
- **PROBATION FEES:** Probation fees total \$1080.00 for the 36 months that participants will be on probation, but it could be more depending on how long the participant is in the program. Probation fees are \$30.00 per month.
- **PROGRAM FEES:** The FDUI Court fee is \$1500 for the entire program. You must make a minimum \$41.67 payment each month to the court throughout the 3 years of the program.
- **COURT FEES:** Participants are assessed statutory court fees in addition to the \$1,500 program fee. These fees may vary but are approximately \$250.00 and may change per statute.

*All program fees are to be paid at the Clerk's Office on the 3rd floor of the RJC
or can be paid by phone at 702-671-4507.*

Court Incentives

The Eighth Judicial District Court Felony DUI Court program utilizes incentives to motivate participants and reinforce pro-social behavior. If a participant follows program rules and expectations, and continues to make progress through the program, they may merit any of the following incentives:

- Verbal praise from the Judge and court team
- Appearing first or early on the court calendar
- Longer court return dates
- Gift Cards
- Phase Advancement

Court Sanctions and Responses

The Eighth Judicial District Court Felony DUI Court program utilizes graduated sanctions for failure to comply with program requirements. Program sanctions include, but are not limited to:

- Each missed group session: 8 hours community service
- Each missed individual session: 16 hours community service and a \$35.00 fee.
- Additional sanctions or treatment responses may include, but are not limited to:
 - Verbal reprimand from the court
 - Essay on assigned topics
 - Demotion to an earlier program phase
 - Additional support group meetings
 - Travel restrictions
 - Curfew restrictions
 - Increased drug testing
 - Increased supervision or Parole and Probation House Arrest,
 - Clark County Detention Center House Arrest
 - Remand: Example- 48HR, 72HR, 96HR
- Continuous alcohol monitoring device (Scram)
- Sober living
- Residential treatment
- House arrest
- Jail
- Termination from the program

Bench Warrants

- ***Missed Court Appearance:*** If a participant missed a court appearance and is not in jail or in the hospital or otherwise medically not able to attend (with verifiable medical documentation), ***a bench warrant will be issued for the participant by the Court.***
- ***Documentation:*** Documentation is required for missed treatment appointments, missed urine analysis submissions and missed court dates. If a participant misses an appointment with a treatment provider or a Felony DUI Court appearance due to having been in jail, the hospital, or is on ordered bed rest, or the participant was in another Court hearing or at Parole and Probation, the participant MUST provide a valid written excuse verifying the reason for the absence.
- ***Termination:*** A participant with THREE undocumented bench warrants may be terminated from the program.
- ***Non-compliance:*** A bench warrant may be issued for non-compliance with the program.

Quashing Bench Warrants

- ***Bench Warrant Issued But Not Served:*** If a Felony DUI Court Bench Warrant has been issued but a participant has not yet been arrested, the participant must go to the treatment provider immediately to restart the treatment program. The participant should inform the coordinator that

s/he would like the bench warrant quashed. The participant will be placed on the next Felony DUI Court calendar and the Judge will review the request to quash the warrant.

- ***Bench Warrant Issued and Served:*** If the participant is arrested on the warrant, he/she will stay in jail until the next Felony DUI Court calendar, at which time the Judge will address the situation and determine an appropriate response.

Breath Ignition Interlock Device (BIID)

- Participants in the FDUI Court program are required to install a breath ignition interlock device in all operable vehicles at their residence for the duration of the program, and club all inoperable vehicles. Participants must use an approved Interlock provider (the coordinator will provide this information). This device is mandatory for any vehicle at a participant's residence for the duration of the program; even if participants do not have a license or believes they do not have access to the vehicle. Participants may NOT operate a vehicle that cannot be equipped with a BIID (i.e., Motorcycle, Moped, Scooter, Electric Bicycle, Boat, Any Off-Road Vehicles). Participants may not operate a vehicle that is not equipped with a BIID and shall only operate a vehicle if Participant has a current valid license. Failure to adhere to this requirement will likely result the participant's termination from the program.
- You shall not have any vehicles at your residence at any time that are not equipped with a BIID or club. Additionally, any vehicles registered to anyone residing in your residence, whether on property or not, shall be equipped with a BIID or club. Residing includes anyone that has your residential address listed on any form of identification or paperwork and anyone who spends the night at your residence.
- If there is an alcohol violation reported on the BIID device, it is the participant's responsibility to submit a urine analysis/drug test within 24 hours of the violation and contact the program coordinator. **All BIID's must have a camera device and are required to have real time reporting.** The coordinators have no way of knowing who was actually in control of the vehicle (unless the participant has a unit with a camera device).

Driving without a valid driver's license or without BIID installed in a vehicle is grounds for termination from the program.

Residential Confinement: Participants will be on residential confinement for the first 182 days (6 months) in the program. When on residential confinement, participants may leave their home for work and court obligations including court hearings, check-ins, treatment and support groups. Any other activities must be approved by the coordinator.

Victim Impact Panel

Felony DUI Court participants are required to attend one victim impact panel during the last 6 months prior to completing the program. VIP referrals are requested from the court coordinator and all VIP panels MUST be done in person. ONLINE PANELS ARE NOT ACCEPTED.

Gambling

Participants are prohibited from gambling and/or being inside casinos or gambling establishments

Termination from Felony DUI Court

Unfortunately, clients may be terminated and sentenced to a Felony conviction if they commit any of the following offenses:

- New DUI for any substance
- Arrest for drug sales, violence or any other disqualifying factor
- Committing a new crime while in the program
- Probation or House Arrest violations
- Failure to engage/thrive in treatment
- Absconding from the program
- Arrest for possession of controlled substances
- Driving without an interlock device
- Maintaining a vehicle without an interlock device at residence
- Driving without a valid driver license
- Falsifying or attempting to falsify a drug or alcohol test
- Dishonesty or forgery
- Serious violations of program rules



FDUI Graduation Criteria

To be considered for successful completion of the Felony DUI Court program and to have the participant's case reduced to a 2nd offense misdemeanor, the following must have been achieved:

- No positive alcohol/drug tests, including missed, dilute, low creatinine, and other invalid tests, for a minimum of 180 consecutive days or 6 months. Obtained gainful, consistent employment or sufficiently involved in a vocational/ educational training program as determined by the treatment team
- Maintained consistent attendance at all court appearances and treatment appointments
- Achieved stable living arrangements and healthy interpersonal relationships as determined by the treatment team

- Achieved an understanding of personal problems of addiction, criminal behavior, and relapse prevention as demonstrated through a written graduation application
- Definitive aftercare plan which may include self-help meetings, HCA outpatient counseling, group attendance at former contract residential program, or active participation in DUI Court Alumni Association
- Fulfillment of goals as stated in your individual treatment plan or positive progress toward appropriate long-term life goals
- All fee obligations are met
- Victim Impact Panel Completed

V. Treatment Information

Treatment Providers

Once accepted into the Felony DUI Court program, a treatment provider will develop a treatment plan for each participant. Participants will receive mental health treatment and substance abuse treatment/testing from one of the following providers:

- (1) **Bridge Counseling Associates** – Bridge offers outpatient treatment for our participants, they also offer Spanish speaking groups and individual sessions, case management, medical and psychiatric services.
- (2) **Vegas Stronger** – Vegas Stronger provides outpatient/intensive outpatient substance abuse and mental health treatment services to the FDUI participants.
- (3) **Crossroads**- Crossroads of Southern Nevada provides outpatient/ intensive outpatient substance abuse and mental health treatment as well as psychiatric services and housing if needed.

Through the appropriate agency, participants will be required to complete a comprehensive substance use and/or mental health assessment to determine their individual treatment needs and develop a plan of care. Depending on the recommendations of the treatment provider, participants will, at a minimum, attend counseling on a weekly basis, which will likely include group and individual counseling sessions and/or other therapeutic services. Participants may also receive psychiatric services, medication management, or medication assisted treatment. As participants progress through the program, their counseling requirements may change, increase and/or decrease, depending on their behavior, sobriety and treatment needs. Some agencies use phases/levels to describe or delineate participants' progress or status in treatment.

It is the participant's responsibility to know their treatment requirements, goals and schedule, and to stay in touch with their counseling agency regarding their appointments, individual and group sessions and substance abuse testing.

Counseling and Support Groups

Participants are referred to Felony DUI Court for services related to a substance abuse disorder, support groups are in integral part of the long term recovery process. Therefore, participants are required to attend two support groups meetings per week (unless more are ordered) during phases one and two and two meetings during phases three and four, such as AA, NA, GA, Celebrate Recovery, Smart recovery, Fit Tribe, The Phoenix or any organized recovery based group. Credit may only be given for one meeting per day. Religious gatherings can also count as one meeting if there is a weekly bulletin submitted. For a list of AA meetings, participants can check www.lvcentraloffice.org. For a list of NA meetings participants can refer to <http://na.org>. If there is another support group send information to the court coordinator for approval. Level 1-2 of treatment requires 1 support meeting per week. Level 3-4 of treatment requires 2 support meetings per week.

Drug Testing

Drug testing is an integral part of treatment and the Felony DUI Court program. It assists treatment providers with information on how participants are progressing in treatment, and helps the court monitor participant's success and respond quickly to changes that may jeopardize their recovery and the safety of the community. Since it is a critical part of the program, it is imperative participants understand the drug testing requirements and protocols. Failure to comply with court reports in this area may jeopardize participants' status in the program.

- ***Drug Test/Urine Sample Submissions:*** Participants will be required to submit random, observed urine samples (UA) following a specific submission protocol for the purpose of drug testing. Participants will be assigned a "color" or pin number and will be expected to call a drug testing phone line Monday through Sunday to see if your color or pin has been called. When participant's color or pin is called they are expected to submit a urine sample at American Toxicology or Sober Testing before the close of business that day. Participants may also be required to leave a urine sample any time they report to their treatment provider for a treatment session. Positive drug test results will not result in new criminal charges, but there will be a court administered sanction designed to motivate and help participants stop using drugs and be successful with their treatment and program goals. American Toxicology's UA line is (702) 710-1229. Sober Testing's UA line is (725) 235-3477.
- ***False Urine Samples:*** Participants should not submit a false urine sample and should not spend money on buying products to clean urine of drugs and alcohol, as the treatment provider will discover

the device or adulterant and participants engaged in such activities will be terminated from the program. *Attempts to falsify urine samples will result in termination from the program.*

- ***Diluted Urine Samples:*** If a urine sample cannot be tested for any reason, *i.e.*, the urine quantity is not a sufficient amount to test, the cup is left empty, creatinine levels are too low, or correct drug testing protocol is not followed, the test will be considered positive for drugs. Participants should discuss low creatinine levels with their counselor, including how this may occur and how to avoid them in this program.
- ***Drug Testing Compliance: Refusal to comply with a drug test may result in termination from the program.*** Participants must always leave a requested urine sample and/or comply with a Breathalyzer test as directed. Drug testing may occur as a scheduled requirement or on a random basis with either the treatment providers or in Court. Participants who are required to submit a urine sample but are not able to do so will not be allowed to leave the testing facility and return later. Participants must remain on the premises until a sufficient sample is provided.

Alcohol

Participants in the Felony DUI Court Program are not allowed to use alcohol while they are in the program, even though alcohol is legal for those who are 21 or older. A positive urine sample for alcohol and/or its metabolite or a positive breathalyzer result is treated the same as a positive result for any other classification of drugs.

Marijuana (THC)

Participants in the Felony DUI Court Program are not allowed to use marijuana while they are in the program even though it is legal in Nevada for those who are 21 or older. This includes those who may have a medical marijuana card. Participants are also prohibited from using CBD oils, even if they indicate they contain 0% THC. A positive urine sample (or other drug test) for marijuana/THC and/or its metabolite is treated the same as a positive result for any other classification of drugs.

Prescribed Medications

While in the program, except in emergency medical situations, participants must report to the Felony DUI Court Team any/all prescribed or over the counter medications **BEFORE** taking them. It is the participant's responsibility to be certain that the medicine they are taking is in accordance to the program rules and requirements. Certain narcotics, opioids, stimulants, and benzodiazepines are not allowed, even with a prescription, except in medically supervised emergency situations or with court approval. Participants should let their prescribing physician know they are involved in court supervised substance abuse treatment and explore with the physician alternatives to medications not allowed in the program.

A list of medications is provided in the appendix that participants can take to their medical appointments to assist with these consultations. This medication list is not a complete or comprehensive list of all problematic medications, but it should be adequate information to a physician so they can understand the intent of the program.

Medically Assisted Treatment

The Eighth Judicial District Court Felony DUI Court has partnered with community agencies to address the on-going opiate epidemic Clark County faces. Through collaborative efforts between the Court and community providers the FDUI program allows the use of medically assisted treatment, including but not limited to Vivitrol and Suboxone, to help serve the needs of this growing population.

Confidentiality

All client records are protected by federal and state laws regarding confidentiality. Specialty Courts cannot release written or verbal information without the participants written, signed consent. However, participants cannot participate in FDUI Court without a “Release of Information” which allows the FDUI Team to discuss their case and progress. Persons outside the FDUI Team will not be provided information about participants or their progress. There may be additional emergency or legal circumstances that may require release of information such as:

- The disclosure is allowed by a court order or for an audit.
- The disclosure is made to medical personnel in a medical emergency.
- The client commits or threatens to commit a crime.
- The client is threatening suicide or homicide.

VI. Additional Information

Living Arrangements

The Felony DUI Court Team can assist participants in finding a safe and sober place to live. A participant’s living arrangement is subject to approval of the court and/or probation department. Participants may not be allowed to reside with certain individuals, even family members, if they have a criminal background or use substances, including alcohol.

If participants live with others who are using illicit substances or alcohol, it will be very difficult for them to be successful in this program. If participants are struggling with any issue, whether it is housing,

employment, or mental/emotional issues, they should let their coordinator, treatment provider, or FDUI Court team member know and ask for help.

Employment

The Felony DUI Court Team can assist participants in obtaining employment by referrals to various programs. Employment must be approved by the probation department and/or the Court. Employment must be consistent with a participant's treatment goals and program requirements.

Timeliness

Participants are responsible for being on time to appointments with the treatment provider and Court Hearings. Participants who are late to counseling sessions or to court will be considered to be absent. Late participants will not be allowed entry to classes already in session and the Court will not accept excuses. It is the participants' responsibility to have adequate transportation and schedule to be on top of your calendars with treatment, work, school, court, etc., to prevent conflict of scheduling.

Missed treatment sessions may result in a sanction of jail time and missed court will result in a bench warrant being issued.

Housing, Employment, Travel and Other Issues

- ***Sobriety:*** Getting off drugs and becoming stable involves having stable housing and a job. Ultimately, this helps participants feel better about themselves and will improve the chance for long-term sobriety.
- ***Notification:*** If a participant is struggling with any issue, whether it is housing, employment, or mental/emotional issues, they should tell their counselor or a FDUI Court team member and ask for help.
- ***Employment:*** Contact a FDUI Court Team member for assistance and referrals if you are in need of employment assistance.
- ***Referrals:*** The FDUI Team can provide referrals to a variety of community and treatment resources, and recovery support services.
- ***Support Groups:*** During the FDUI program, participants are expected to attend a recovery support group and to obtain a Sponsor. A recovery support group provides participants a greater sense of support and fellowship during recovery.

Travel Outside of the Jurisdiction

As a general rule, travel outside of the jurisdiction of Clark County during participation in the Felony DUI Treatment Court is not encouraged. Staying consistent in treatment, including payment of fees, attendance at all group and individual counseling sessions, is imperative to success. In general, travel that will interfere with treatment and/or mandatory substance abuse testing for drugs and alcohol will not be allowed. However, the Court recognizes that there are special events that arise in which travel may be authorized.

All travel outside of the jurisdiction MUST be authorized by the Court AND Probation. The participant is required to take a breathalyzer OR an ankle monitor AND a drug monitoring patch. These will be at the expense of the participant. To request travel, participants must submit the Travel Request Form located in the Appendix 30 days prior to travel.

VIII. Appendix:

(Useful information and program forms)

Client Contract Disclosure and Information for Alcohol and Drug Testing

Ethylglucuronide (EtG) and ethylsulfate (EtS) are metabolites of alcohol that are excreted more slowly from the body than alcohol itself. They are therefore better at detecting drinking and better at documenting abstinence. When being monitored with EtG/EtS, it is important, as in any monitoring situation, to be aware of items to avoid so that inadvertent "incidental" exposure does not cause a positive test. In other words, it's important to know what items contain alcohol and to avoid them. With reasonable caution it is rare for "incidental" alcohol exposure to cause a positive test. It is YOUR responsibility to limit and avoid exposure to products and substances that contain ethyl alcohol. It is YOUR responsibility to read product labels to know what is contained in the products you use and to inspect these products BEFORE you use them. Terms used to describe alcohol in products that must be avoided include: denatured alcohol, SD alcohol, ethanol or ethyl alcohol. Use of the products detailed below or any other product containing alcohol is a violation of this contract and will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume or apply anything that might contain alcohol.

Mouthwash: Many mouthwashes (i.e. Listermint, Cepacol, etc) contain ethyl alcohol. Use of alcohol containing mouthwashes can cause positive tests for alcohol because they contain a significant amount of alcohol. Participants are required to read product labels and avoid mouthwash or anything else containing ethyl alcohol. Use of alcohol containing products while in monitoring is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative.

Over-the-counter medications: It is prohibited to use cough syrups or cold preparations (e.g. Nyquil) containing alcohol or any product containing Dextromethorphan during the program. Refrain from using medications labeled DM. Any product called "tincture" contains alcohol. Alcohol is frequently used in liquid medications as a solvent. Read labels and if the product contains alcohol, don't use it unless you first receive clearance from your case manager.

Nutritional Supplements: Supplements of any kind are prohibited in the program. Nutritional supplements, such as Ginko Biloba liquid, can contain alcohol and should be avoided. Workout or weight-loss supplements have been known to contain amphetamines, or amphetamine-like products. Products that are now, or have been in the past, sold legally as "supplements," such as K2 Spice, Bath Salts, Kratom, ect, are sold and used with the intent of causing intoxication and are strictly prohibited.

Non-alcohol Beer and Wine: These beverages (e.g. O'Douls, Sharps, etc) contain enough alcohol that they can result in a positive test. While in monitoring you are not permitted to ingest these products.

Food and Other Consumable Products: Flavoring extracts, such as vanilla extract or almond extract, if consumed in excess (e.g. to flavor coffee) can cause a positive test. Food cooked with wine or other alcoholic beverages has significant residual alcohol, even after cooking. Some desserts, especially flamed desserts, are prepared with large amounts of alcohol and can cause a positive test. Chocolates containing liquid filling can contain alcohol. Some churches use wine or fortified wine for communion and depending on how much is consumed can cause a positive test. In addition, eating excessive amounts of poppy seeds can result in a positive drug test. All of these foods should be avoided.

Breathing Alcohol Vapor Can Cause a Positive Test: Avoid breathing fumes of products containing alcohol, such as alcohol based hand sanitizing gels (e.g. Purell), perfumes or colognes, bug sprays, or other chemicals (lacquers, solvents, or gasohol). If you must use these products use them sparingly and avoid breathing the fumes. Be careful to avoid breathing anything that contains alcohol, and avoid using them in a vehicle equipped with a BIID device as it could result in a lockout. Most of these minor exposures will not result in a positive alcohol test. Strictly avoiding them prior to giving a sample will minimize the chances of a misleading positive test.

Prescription and over the counter medications: YOU MUST alert your coordinator before you take a medication you bought at the store or were prescribed by your doctor. Having a prescription for a medication that causes you to have a positive test does not excuse the positive test. YOU MUST consult with your doctor before beginning the program to discontinue prohibited medications (Propoxyphenes, Opiates (Loratab, Percocet, etc.), Tramadol, Oxycodone/contin, Benzodiazepines (Xanax, Klonopin, etc.), Carisoprodal (soma), Amphetamines (Adderall Ritalin, Vyvance, ect), Barbiturates, Ambien, - (Consult medication list for more information), and, if necessary, find non- habit forming, non-prohibited alternatives. Diabetes must be screened for and treated before entering the program- provide notice to your coordinator that you are under a doctor's care if you have a diabetic condition.

Preparing to test: You should consume protein and/or a decent sized meal at least 2 hours before submitting a urine test and limit all caffeinated drinks for about 4-6 hours prior to submitting a urine sample. Consume the amount of liquid that you normally would; drinking large amounts of water or liquid before your test could cause a low creatinine level (or dilute urine sample) which will be interpreted as you purposely trying to tamper with your test results and will result in a sanction.

Remember! When in doubt, don't use, consume or apply!

Relevant Felony DUI Court Statute:

Participants in the District Court Felony DUI Court Program have been arrested and charged with a felony DUI Per NRS 484C.110 or 484C.120 and 484C.400 (1) (c). The conviction of guilt is “stayed” during participating in this alternative to incarceration diversion program. A plea is entered and sentencing is held in abeyance for 3-5 years while the participant completes the program. Following successful completion, the participant is charged and convicted of a DUI 2nd offense, a misdemeanor 484C.110 or 484C.120 and , 484C.400 (1) (b), and the case is closed.

Any records used for employment purposes should not show a disposition of guilty or felony conviction for the entire duration of program involvement.

NRS 484C.340 Application by third-time offender to undergo program of treatment; sentencing of offender and conditional suspension of proceedings; requirements to participate in program of treatment; certain previous convictions preclude offender from participating in program of treatment. [Effective July 1, 2020.]

1. An offender who enters a plea of guilty or nolo contendere to a violation of [NRS 484C.110](#) or [484C.120](#) that is punishable pursuant to paragraph (c) of subsection 1 of [NRS 484C.400](#) may, at the time the offender enters a plea, apply to the court to undergo a program of treatment for an alcohol or other substance use disorder for at least 3 years. The court may authorize that treatment if:

(a) The offender is diagnosed as a person with an alcohol or other substance use disorder by:

(1) An alcohol and drug counselor who is licensed or certified, or a clinical alcohol and drug counselor who is licensed, pursuant to [chapter 641C](#) of NRS, to make that diagnosis;

(2) A physician who is certified to make that diagnosis by the Board of Medical Examiners;

(3) An advanced practice registered nurse who is certified to make that diagnosis by the State Board of Nursing; and

(b) The offender agrees to pay the costs of the treatment to the extent of his or her financial resources.

➔ An alcohol and drug counselor, a clinical alcohol and drug counselor, a physician or an advanced practice registered nurse who diagnoses an offender as a person with an alcohol or other substance use disorder shall make a report and recommendation to the court concerning the length and type of treatment required for the offender.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application upon the request of the prosecuting attorney or may order a hearing on its own motion.

3. At the hearing on the application for treatment, the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter and other information before the court.

4. If the court determines that an application for treatment should be granted, the court shall:

(a) Immediately, without entering a judgment of conviction and with the consent of the offender, suspend further proceedings and place the offender on probation for not more than 5 years.

(b) Order the offender to complete a program of treatment for an alcohol or other substance use disorder with a treatment provider approved by the court. If the court has a specialty court program for the supervision and monitoring of the person, the treatment provider must comply with the requirements of the specialty court, including, without limitation, any requirement to submit progress reports to the specialty court.

(c) Advise the offender that:

(1) He or she may be placed under the supervision of a treatment provider for not more than 5 years.

(2) The court may order the offender to be admitted to a residential treatment facility or to be provided with outpatient treatment in the community.

(3) The court will enter a judgment of conviction for a violation of paragraph (c) of subsection 1 of [NRS 484C.400](#) if a treatment provider fails to accept the offender for a program of treatment for an alcohol or other substance use disorder or if the offender fails to complete the program of treatment satisfactorily. Any sentence of imprisonment may be reduced by a time equal to that which the offender served before beginning treatment.

(4) If the offender completes the treatment satisfactorily, the court will enter a judgment of conviction for a violation of paragraph (b) of subsection 1 of [NRS 484C.400](#).

(5) The provisions of [NRS 483.460](#) requiring the revocation of the license, permit or privilege of the offender to drive do not apply.

5. The court shall administer the program of treatment pursuant to the procedures provided in [NRS 176A.230](#) to [176A.245](#), inclusive, except that the court:

(a) Shall not defer the sentence or set aside the conviction upon the election of treatment, except as otherwise provided in this section; and

(b) May enter a judgment of conviction and proceed as provided in paragraph (c) of subsection 1 of [NRS 484C.400](#) for a violation of a condition ordered by the court.

6. To participate in a program of treatment, the offender must:

(a) Serve not less than 6 months of residential confinement;

(b) Install, at his or her own expense, a device for not less than 12 months;

(c) Not drive any vehicle unless it is equipped with a device;

(d) Agree to be subject to periodic testing for the use of alcohol or controlled substances while participating in a program of treatment; and

(e) Agree to any other conditions that the court deems necessary.

7. An offender may not apply to the court to undergo a program of treatment for an alcohol or other substance use disorder pursuant to this section if the offender has previously applied to receive treatment pursuant to this section or if the offender has previously been convicted of:

(a) A violation of [NRS 484C.430](#);

(b) A violation of [NRS 484C.130](#);

(c) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by [NRS 484C.110](#), [484C.130](#) or [484C.430](#);

(d) A violation of paragraph (c) of subsection 1 of [NRS 484C.400](#);

(e) A violation of [NRS 484C.410](#); or

(f) A violation of law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b), (c) or (d).

8. As used in this section, "device" has the meaning ascribed to it in [NRS 484C.450](#).

Program Handbook Receipt - Disclosure of Responsibility

I understand that I am responsible for knowing the rules and regulations to participate in the District Court Felony DUI Court program. I certify that a participant hand book has been provided to me on my start date stating the policies and procedures that I must adhere to during my program. Failure to adhere to these rules and regulations may result in a sanction from the court.

I understand that by signing this agreement, I am committed to reading and knowing the policies and procedures of the District Court Felony DUI Court program and that my treatment agency will receive a copy of this signed agreement as well.

I agree to comply with the policies and procedures of the District Court Felony DUI Court program and that I have read and understand my responsibilities detailed in this participant handbook.

_____ Signature of Defendant	_____ Date	_____ Signature of Coordinator	_____ Date
_____ Print Name		_____ Signature of Interpreter if present	_____ Date

