



## Coconino County Recovery Court

### Participant Handbook

#### MISSION STATEMENT

To promote recovery, abstinence and accountability through a court-supervised treatment program which reduces crime, improves community safety and leads to a healthier, more productive lifestyle.

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## **I. WELCOME**

Welcome to Coconino County Recovery Court. This handbook is designed to answer questions, address concerns, and provide information about Recovery Court. As a participant, you will be expected to follow the instructions given by the judge in Recovery Court and to comply with the treatment plan developed by your counselor. This handbook will detail what is expected of you as a participant and review general program information. Participants are encouraged to share this handbook with family and friends.

## **II. PROGRAM DESCRIPTION**

Coconino County Recovery Court is a court-supervised substance use disorder treatment program for persons charged with criminal offenses in Coconino County. Recovery Court is a voluntary program that includes probation supervision, frequent court appearances before the Recovery Court judge, substance use disorder treatment (including individual and group counseling), random drug testing, meetings with your probation officer and support group attendance. The program length is at least fifteen months. Successful completion and graduation from the program may result in early termination of probation and/or dismissal of certain charges. Failure to complete the program will result in imposition of the sentence set forth in your plea agreement. The Recovery Court judge will oversee your progress and will have full jurisdiction over the entire process.

## **III. ELIGIBILITY FOR RECOVERY COURT**

As soon as possible after arrest or charging, potential participants should be identified by the arresting officer, the defense attorney, the prosecutor, the pretrial services officer, probation officer or the judge as possible candidates for Recovery Court. Upon agreement of the Recovery Court prosecutor and defense attorney, potential participants are referred for a screening to determine if the potential participant is eligible for Recovery Court. If a potential participant is already on probation in Coconino County, their probation officer may also refer them for a Recovery Court screening.

The Recovery Court screening evaluates the following:

1. **To be eligible for Recovery Court you must either be charged with a criminal offense, or on adult probation for a felony in Coconino County.**
2. **To be eligible for Recovery Court, you must be determined** through an evidence-based instrument to be **“High Risk”** of failing traditional supervised probation and **“High Need”** for substance use disorder treatment.
3. **To be eligible for Recovery Court, you must demonstrate that you had a significant connection to Coconino County at the time of the offense** (i.e. residency or employment in Coconino County), and **you must live within a 35-mile radius of Flagstaff during the program.**
4. You **may be eligible** even if you are charged with an offense under A.R.S. § 13-901.01.
5. You **may be eligible** even if you are currently on standard or intensive probation in Coconino County.
6. You **may be ineligible** if determined by the Recovery Court prosecutor to be a danger to the general public or to the Recovery Court participants.
7. You **may be ineligible** if you are currently on federal probation or felony probation in any other jurisdiction; misdemeanor probation is allowable.
8. You **may be ineligible** if you currently have charges pending against you in any other jurisdiction.
9. You **may be ineligible** if you currently have active warrants for your arrest.
10. You **may be ineligible** if you have completed or previously been terminated from a drug court program other than a juvenile drug court program.
11. You are **not eligible** if you have been convicted of a “serious offense” as defined in A.R.S. § 13-706(F)(1).
12. You are **not eligible** if you have been convicted of a sexual offense under title 13, chapter 14.
13. You are **not eligible** if you have been convicted of a dangerous offense as defined under A.R.S. § 13-105(13).
14. You are **not eligible** if you are currently incarcerated in the Department of Corrections or on community supervision (parole).

If during the screening process a potential participant is determined to be an undocumented person, the Recovery Court coordinator will notify the referring defense attorney that if the participant is offered a Recovery Court plea and placed on probation, the Adult Probation Department will report the participant's status to the appropriate federal authorities as required by law.

If a potential participant is determined through the Recovery Court screening to be eligible for Recovery Court, the County Attorney's Office may extend a plea offer with a stipulation to probation and Recovery Court as a required term. If a potential participant is already on probation and is determined through the Recovery Court screening to be eligible for Recovery Court, the potential participant may voluntarily accept Recovery Court either as a term of reinstatement to probation resolving a Petition for Revocation of Probation or instead of such a petition being filed.

If you receive an opportunity to participate in Recovery Court, your defense attorney will discuss Recovery Court and the plea offer with you and will advise you of your options. If you choose to accept the Recovery Court plea, an appointed attorney from the Public Defender's Office will continue to assist you throughout Recovery Court.

#### **IV. RECOVERY COURT ADVISORY BOARD AND TEAM**

Recovery Court is the collaborative effort of criminal justice stakeholders including Coconino County Superior Court, Flagstaff Justice Court, Page Justice Court, Fredonia Justice Court, Williams Justice Court, Coconino County Attorney's Office, Coconino County Public Defender's Office, Coconino County Legal Defender's Office, Coconino County Adult Probation Department, Flagstaff Police Department and Coconino County Sheriff's Office. Each of these agencies is represented on an Advisory Board which meets several times per year to review Recovery Court operations, policies and procedures. The Advisory Board does not influence decisions in individual cases. The Recovery Court Team manages individual cases and includes these members:

**Judge Ted S. Reed**, Coconino County Superior Court, Division 1; **(928) 679-7551**

**Sixto Valdivia**, Recovery Court Coordinator; **(928) 679-7520**

**Jessica Lurkins**, Adult Probation Officer; **(928) 853-2597 or (928) 814-9642**

**Mark Huston**, Deputy Coconino County Attorney; **(928) 679-8200**

**Jon Kircher**, Deputy Coconino County Public Defender; **(928)-266-6331**

**Michelle Martin**, Treatment Liaison from Flagstaff Medical Center; **(928)-213-6415**

Each Recovery Court Team member also leads their own separate staff. **Treat all Team members and their staff with the same respect you would give the judge.**

## **V. YOUR FIRST DAY IN RECOVERY COURT**

Your first day of Recovery Court will be your Change of Plea and Sentencing<sup>1</sup> on the Recovery Court calendar. Beginning this first day in Recovery Court, **you must live within a 35-mile radius of Flagstaff during the entire program.**

After your Change of Plea and Sentencing, you will meet with your probation officer to complete implementation of your probation terms. Your probation officer is **Jessica Lurkins**. The Coconino County Adult Probation Office is located at **222 E. Birch Ave.** and their phone number is **(928) 679-8400**. Carefully read the terms of your probation and this Recovery Court Handbook and ask any questions you may have. Once you understand the terms of your probation and this Handbook, sign for a copy of the terms of your probation and this Handbook and keep them for your records. Please refer to the terms of your probation and this Handbook regularly as you proceed through Recovery Court.

After meeting with your probation officer, you will meet with your treatment provider at the scheduled time at **Flagstaff Medical Center Behavioral Health Services**. They are located at **1215 N. Beaver St., 2<sup>nd</sup> floor, West Campus**, and their phone number is **(928)-213-6415**. Once you have completed your Intake at FMC, you must begin the treatment program as directed.

You will also meet with your attorney, **Jon Kircher**, from the Public Defender's Office at the scheduled time. His office is located at **110 E. Cherry Ave.** His office number is **(928)-679-7700** and his cell phone is **(928)-266-6331**.

## **VI. RECOVERY COURT RULES**

As a Recovery Court participant, you must abide by the following rules in addition to the terms of your probation:

1. **Attend and participate appropriately at all court sessions as directed.** If you fail to appear in court as directed, a warrant may be issued for your arrest. Failure to appear in court as directed may result in termination from Recovery Court.
2. **Attend and participate appropriately in all treatment sessions.** This includes but is not limited to residential treatment, individual counseling, group counseling, educational sessions, recovery support group meetings and activities. If you are unable to attend a

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<sup>1</sup>Your first hearing will be referred to as an Admission and Disposition if you are resolving a Petition for Revocation of Probation, or a Probation Modification Hearing if you are agreeing to modify existing terms of probation.

scheduled treatment session, you must contact your counselor at FMC as soon as possible to ask permission to be absent. Also, be on time. If you are late, you may not be allowed to attend, and you will be considered non-compliant with your treatment and probation requirements. Contact your counselor and probation officer if there is a possibility you may be late.

3. **Do not attend treatment or court under the influence of any mind-altering substances, prescribed or otherwise.** If you attend under the influence, you will be considered non-compliant with your treatment and probation requirements.
4. **Do not talk about what fellow group members say during the group treatment process.** Confidentiality between group members is of the utmost importance. It is what provides safety to you and your peers. Your group counselor has a responsibility to report statements that are made regarding harm to self or others as well as reports of child abuse or neglect. Understand that your counselors work together as a team and will share information about you with other treatment team members and the Recovery Court Team to maximize your treatment experience.
5. **Do not threaten other participants, staff or otherwise behave in a violent manner.** Violent or inappropriate behavior will not be tolerated and will be reported to the court. This may result in termination from Recovery Court.
6. **Do not possess any marijuana, alcohol, illegal drugs or weapons.** Also, do not bring any marijuana, alcohol, illegal drugs or weapons to court, the probation department, or into the treatment center.
7. **Do not enter any smoke shops or “head shops,” or purchase any items sold at these shops either directly, online, or through a third party.** Items sold at smoke shops include, but are not limited to drug paraphernalia (i.e., pipes, bongs, etc.), dilution items, spice, kratom, bath salts, etc. **Do not purchase or consume any mind-altering substances or any substances not meant for human consumption.** You must obtain permission from your probation officer prior to purchasing or consuming any over the counter medications, including but not limited to herbal substances, synthetic substances, or dietary supplements.
8. **Always show respect for the dignity of the courthouse and treatment center.** Be considerate of others; serious and life-altering events are occurring daily in these places.
9. **The judge, judicial assistant, probation/surveillance officers, Recovery Court coordinator, courthouse staff and counselors cannot give legal advice.** Ask your attorney any legal questions you may have.

10. **Dress appropriately in the courthouse and in the treatment center.** Do not wear shorts, tank tops, midriff blouses, pajamas, flip flops, slippers, sunglasses, or hats in the courthouse or treatment center. Do not wear items depicting drug, alcohol or gang propaganda in the courthouse or treatment center.
11. **Everyone in the courtroom, unless physically challenged, should stand when the judge enters and remain standing until the judge invites everyone to be seated.** When court adjourns, everyone should stand in place until the judge exits.
12. **Participants may address the judge only when invited to do so.** Stand at the podium to address the judge. In the courtroom, address the judge as "your honor."
13. **Use appropriate language in the courthouse and treatment center.** Matters of life and death are addressed daily in the courthouse and treatment center. Treat the judge, attorneys, probation and surveillance officers, Recovery Court coordinator, bailiffs, counselors, court and treatment support staff, other participants and members of the public and spectators with courtesy and respect.
14. **Sit quietly while court is in session.** Talking out of turn or whispering to others is prohibited. Persons in the courtroom shall not make inappropriate hand gestures, expressions, and shall not engage in public displays of affection.
15. **All mobile devices must be turned off or put on silent mode in the courtroom and treatment center.** In court and treatment sessions, participants and spectators may not use mobile devices in the courtroom.
16. **Use of the following items is prohibited in the courtroom and treatment center,** unless specifically allowed by the judge or counselor:
  - a. **Recording or broadcasting devices.**
  - b. **Cameras,** including those contained in computers and electronic devices.
  - c. **Chewing gum or chewing tobacco.**
  - d. **Vaporizers or e-cigarettes.**
17. **Food and drink are prohibited in the courtroom, except for water.**
18. **Avoid repeated entrances to and departures from the courtroom and treatment center.**
19. **Keep doorways and passageways clear for emergencies.**
20. **Do not bring children to the courthouse or treatment center unless you have specific permission.** Ask the Recovery Court Coordinator for permission to bring children to the courthouse. Ask your counselor for permission to bring children to the treatment center.



## **VII. CONFIDENTIALITY**

You will be required to sign a statement releasing appropriate information to the Recovery Court Team as necessary to promote your journey to becoming a well person. You may consult your attorney before signing the release of information. You can revoke consent for release of information at any time. However, such consent is required for you to continue participating in Recovery Court. Under your signed consent form, the information disclosed remains protected by federal law and any further disclosure must be made in accordance with 42 CFR, Part 2. Disclosures that are permitted pursuant to a valid consent form include information that can be used for a probation revocation, including alcohol and other drug-use admissions. Such disclosures may also include a participant's diagnosis, urine analysis results, treatment attendance or non-attendance, cooperation with treatment, progress in treatment, and treatment prognosis. This treatment information is the minimum necessary to carry out the purpose of the disclosure. Whereas counseling sessions are confidential, the courtroom is open to the public and information you share in open court is not confidential.

Certain records regarding Recovery Court participants are maintained by the Recovery Court Coordinator in a confidential and locked file. If these records are used for statistical evaluations of Recovery Court, participant names are redacted and replaced by an identification number to safeguard participant identity.

## **VIII. PROBATION SUPERVISION**

As a Recovery Court participant, you will be on standard adult probation. You will be required to live in a residence approved by your probation officer. Probation supervision includes random, unannounced visits to your home, place of employment, treatment facility, or any other place deemed necessary to monitor compliance with Recovery Court requirements. Probation visits can be at any time day or night and you will be required to submit to a breath, oral swab and/or urine analysis test as requested.

### **A. RANDOM SUBSTANCE USE TESTING**

The goal of Recovery Court is to help you achieve total abstinence from illegal drugs and alcohol. You will be randomly tested for the presence of drugs and alcohol in your system throughout your term of probation by urine analysis, oral swabs, breath tests, continuous alcohol monitoring, continuous drug monitoring, GPS, hair follicle, and

fingernail testing. All substance testing will be made under direct observation unless special circumstances warrant. The Recovery Court judge will have access to all test results, including any failures to provide a test sample. The judge or probation officer may order a drug/alcohol test at any time. Missed or diluted samples will be treated as positive. Any positive, missed, or diluted samples may result in a violation.

#### **B. EDUCATION, VOCATION AND EMPLOYMENT**

Recovery from substance use disorder includes developing self-reliance and becoming a productive, responsible member of society. Recovery Court requires full-time employment, education, community service, or any combination thereof. You will be required to disclose to your employer that you are a participant in Recovery Court. You will be required to explain the requirements and benefits of Recovery Court and return a Letter of Understanding signed by your supervisor.

#### **C. SOCIAL SERVICES**

During your time in Recovery Court, your Team will continually assess your housing, transportation, family, medical and general living needs and when appropriate, will refer you to appropriate agencies for assistance. The Team will assist you with obtaining necessary assessments for educational and skill-related needs and will provide referrals for vocational training, education and/or job placement services as needed.

#### **D. TRAVEL**

While in Recovery Court, travel is a privilege and not a right. In Phase 1, no overnight travel is allowed unless a serious emergency arises. In all phases, day travel passes may be requested and either approved or denied by your probation officer. In Phases 2 through 5 you may request permission for overnight travel by turning in a written request to probation by 5:00 PM on the Tuesday before court. The Team will discuss your travel request at the Wednesday staffing. If you are given permission to travel, you must call probation before you leave and when you return. You will be required to submit random urine analysis tests while on travel. Travel is often used as an incentive for sustained sobriety and progress in Phases 2 through 5. You will only be allowed to travel if you are in good standing with the program.

#### **E. COURT ASSESSMENTS AND TREATMENT FEES**

As a Recovery Court participant, you will pay court-ordered assessments through the Clerk of Superior Court. All participants must pay a \$25 per week treatment reimbursement. These fees directly help pay for your substance abuse treatment. Other assessments include \$90 each month as a Cost of Supervision, a Cost of Defense and any fines or restitution ordered. Payment records will be reported to the judge as part of your regular progress report. Your monthly payment toward your fines and fees will be considered for phasing and graduation. You may be delayed from phasing in the program and travel requests may be denied if you do not make appropriate effort to pay your financial obligations.

#### **F. MANDATORY JAIL TIME**

Some offenses and/or plea agreements require mandatory jail sentences. All mandatory jail sentences must be completed before you can graduate. While serving jail time, you may be eligible for work furlough. You may be required to use some of your furlough hours to attend treatment.

#### **G. PRESCRIPTION MEDICATION POLICY**

Certain prescription medications are well known to be habit forming and have a high potential for abuse. For this reason, the use by participants in Recovery Court of prescription medications classified as controlled substances is closely monitored. This policy is intended to facilitate effective substance use disorder treatment while allowing for appropriate medical care. Recovery Court's policy regarding the use of a controlled substance as prescribed or authorized by a licensed physician shall in no way be construed to limit or absolve a participant's potential criminal liability under the laws of the United States or any other State for use or possession of a controlled substance. However, the court will not sanction a participant for the use of a controlled substance which has been prescribed or authorized by a licensed physician so long as the participant is in strict compliance with the guidelines and procedures set forth herein. For purposes of this policy, "controlled substances" expressly includes but is not limited to all opiates, narcotics, barbiturates, benzodiazepines, amphetamines, marijuana, marijuana concentrate and its derivatives.

**Participants in Coconino County Recovery Court seeking to use controlled substances must comply with the following requirements:**

1. All participants are implemented to a term of probation which prohibits possession or use of alcohol, illegal drugs and controlled substances including marijuana.
2. If you obtain a prescription for a controlled substance or intend to resume taking a prior prescription for a controlled substance, you must immediately provide your probation officer proof of that prescription/certification. You are encouraged to discuss alternatives and/or options to prescription medication therapy with your probation officer, counselor, and physician. Using prescription medication without a prescription will result in a violation and may result in new criminal charges. The ingestion of such controlled substance will be monitored by your probation officer for the duration of the prescription/condition.
3. At the time the prescription or certification is written or renewed, you must advise your physician of your status as a participant in Recovery Court, that you are on probation, and that you have a substance use disorder. You must provide written proof to your probation officer that you have complied with these requirements.

**H. SICKNESS POLICY**

If you become sick with an infectious illness, **immediately (1) stay home** except for necessary medical care, **(2) call your probation officer** and treatment team, and **(3) wait for direction** from your probation officer. Until your probation officer gives you permission, **do not come to the probation office, do not come to the collection site for urine analysis tests, do not attend support groups, and do not attend treatment or court.**

**IX. TREATMENT FOR SUBSTANCE USE DISORDER AND OTHER ISSUES**

Flagstaff Medical Center Behavioral Health Services (FMC) provides substance use disorder treatment for Recovery Court participants. All participants are required to complete treatment at FMC. The Recovery Court treatment program includes assessment, a treatment plan, outpatient group and individual treatment sessions, treatment plan updates and support groups. Your treatment provider determines when treatment has been successfully completed.

## **A. ASSESSMENT AND TREATMENT PLANS**

An initial assessment and treatment plan will be developed by you and your counselor following an overall assessment of your needs. The plan will act as a guide throughout your Recovery Court treatment. The treatment plan will identify issues that need to be addressed in treatment, help you set goals, identify ways to attain your goals, and develop target dates for achieving them. The plan will be kept in your treatment file for regular review and necessary updates as you progress through the program. Any revisions to your treatment plan will be made and signed by you and your counselor. Treatment requirements will not be the same for all participants. Do not compare your treatment program to those of other participants.

The Treatment Liaison will update the Recovery Court Team on your progress towards accomplishing treatment goals. The Team will use this information to decide whether you are ready to phase advance.

## **B. COUNSELING**

Substance use disorder treatment requires both individual counseling sessions and group therapy sessions. The treatment utilizes Cognitive-Behavioral Therapy, Acceptance and Commitment Therapy and Mindfulness Therapy to change actions by changing the way you think. The treatment program is designed to give you skills to avoid alcohol and drug use and maintain long-term sobriety. Nutrition and wellness will also be addressed during treatment. Successful recovery can decrease or eliminate your legal problems, health problems, and social problems. The individual and group counseling sessions will help you address problems and create solutions. Your attendance and participation in counseling sessions will be reported to the judge as part of your progress report. If you are unable or unwilling to engage in such therapy, the treatment provider has discretion to remove you from treatment sessions and to cease providing further services. Failure to complete the treatment component of Recovery Court would result in termination from the program.

## **C. TREATMENT REFERRALS**

Your treatment plan may be modified to address additional needs and your progress in the program, which may include but is not limited to: residential treatment, Exodus, Re-Entry, placement in a sober living residence, individual therapy, trauma

specific therapy, relapse prevention groups, Moral Reconciliation Therapy, domestic violence counseling, and/or increased frequency of support group meetings.

#### **D. RECOVERY SUPPORT GROUPS**

Your treatment plan may require that you attend recovery support group meetings. Support groups and support group activities are intended to help you build relationships with clean and sober people who support your recovery. Your counselor will also direct you to special interest and recovery events in the community. Support group attendance must be verified by obtaining signatures from those conducting the meetings or recovery events. Your verification of attendance must be provided to the Team every time you appear in court. Failure to attend support groups as required and provide proof to the court may result in a violation.

#### **E. PROSOCIAL ACTIVITY**

An important part of your recovery includes creating new, positive ways to relieve tension, relax, and reward yourself. These are essential coping skills for a happy life. Tension and the inability to relax are common causes of relapse. Relaxation is not an optional part of recovery; it is essential to recovery. There are many ways to relax. They range from simple techniques like going for a walk, to more structured techniques like meditation. As a Recovery Court participant, you will work with your counselor to find an activity to do regularly to help you relax, escape, and reward yourself.

#### **F. MEDICATION ASSISTED TREATMENT**

Recovery Court is invested in helping you to become a well person. Medication Assisted Treatment (MAT) involves the use of prescribed medications—in combination with counseling and behavioral therapies—to provide a whole-patient approach to the treatment of substance use disorder. MAT stabilizes brain chemistry, blocks the euphoric effects of some substances (the “high”), relieves psychological cravings, and normalizes body functions. Numerous studies have shown that MAT reduces illicit drug use and alcohol abuse, disease rates, overdose, mortality and criminal behavior. MAT is available as an optional supplemental treatment for substance use disorder involving opioids and alcohol. Participants are encouraged to discuss their MAT options with the treatment team and the Recovery Court Coordinator, who will make referrals to available MAT providers.

## **G. 10 SUGGESTED COPING SKILLS FOR RECOVERY**

**Your recovery must become the most important thing in your life.** Recovery is not easy, but there are things you can do to make it easier and more successful. Here are 10 suggested coping skills to help you in your recovery process:

1. **Be honest with yourself and others.** Being rigorously honest with yourself and others is one of the most powerful skills to be successful in recovery.
2. **Learn to relax in any situation.** Learning new skills to relieve tension is an essential part of recovery. It will be the simple things that work, like learning to stop and just breathe.
3. **Keep a daily journal and gratitude list.** Seeing your thoughts and emotions on paper can help you to deal with them quicker and more efficiently. This is also a way to take your daily inventory and see where you can continue to improve, and a gratitude list can help you to relax and stay positive. Keeping a journal has no limits. It is a private place for you to express yourself through writing, drawing, listing, etc.
4. **Develop a strong support network with others in recovery.** Peer support is an essential aspect of recovery. Having a strong network of sober friends will be the net to catch you when you fall and will also help you stay on track with your recovery.
5. **Avoid high-risk situations where you are likely to relapse.** Recovery is all about building a new life and making new habits. Change the people, places and things in your life that create a high risk of relapse. Pay attention to your intuition. If it feels risky, it probably is.
6. **Help others on their recovery journey.** Helping others helps you. It will make you feel good about yourself, which is a first line of defense against a relapse. It will also help you develop a bigger and stronger network of people you can call if you need help in your recovery. Just remember to maintain boundaries and know your limits.
7. **Exercise regularly, eat well and get enough sleep.** Exercise, good nutrition and sufficient sleep help you to become healthier, happier, and more relaxed. Good health is an important aspect of substance use disorder treatment.
8. **Work with a sponsor and attend support group meetings.** A sponsor is someone you can confide in and turn to for guidance, honesty and compassion. Working with a good sponsor is a highly effective way of making progress in your recovery.
9. **Beware of the H.A.L.T. warning signs.** Being **h**ungry, **a**ngry, **l**onely and/or **t**ired can be a swift gateway to relapse. All of these feelings are a normal part of life and recovery. It simply means you must be in relapse prevention mode and you have work to do. Tension and stress builds when you don't take care of yourself, and that is a dangerous place for someone in recovery.

10. **Practice meditation.** Meditation relaxes your mind and body. Meditation, when practiced properly, can bring you into the present moment and away from painful memories that often fuel relapse. It is a very simple skill that you can do anywhere. There are also many free “apps” to help your meditation practice.

## **X. COURT**

As a Recovery Court participant, you will be required to appear in Recovery Court on a regular basis. Routine court hearings known as Status Conferences are held in Coconino County Superior Court on Wednesdays, beginning at 12:00 PM and generally ending by 3:00 PM. All participants appearing for a Status Conference must be seated in the courtroom by 11:55 AM and must remain in the courtroom until excused by the judge. Your name will be called by the judge and you will step to the podium to speak with the judge and Team members. If you are doing well, you will be encouraged to continue with the program and work with your Team toward successful completion. If you are not doing well, the judge will discuss this with you in court and determine further action. When your hearing is finished, you will be given the date of your next court hearing and will be excused.

**Failure to appear in court on a date and time you are scheduled may result in a warrant being issued for your arrest.** If you cannot appear in court as scheduled, you must notify your probation officer as soon as possible to explain why you cannot appear. If you are not excused by your probation officer, you must appear in court.

The Recovery Court Team meets for Staffing from 9:00 AM to 12:00 PM every Wednesday before Status Conferences to discuss the progress of each participant on the calendar for that day. Staffing is a closed meeting; you may not attend but are represented by your attorney. The Team shares updates regarding your compliance with the terms of probation, drug/alcohol test results, attendance and participation in treatment, employment, support groups, family relations, positive activities, accomplishments, sobriety, and many other indications of success. The Team also shares updates regarding difficulties and successes you may be experiencing in your recovery journey. The judge may ask your probation officer or your Treatment Liaison questions about your progress and the Team will discuss any specific problems that arise. The Team makes recommendations to the judge regarding incentives, consequences for violations, and treatment needs.



## **A. INCENTIVES AND CONSEQUENCES**

**The Recovery Court judge will give you incentives for engaging in desired behaviors that lead to recovery**, such as abstaining from substance use, attending and participating actively in treatment and court, obtaining employment, completing an education program, building a recovery support network, avoiding high-risk situations, improving health and being honest. Incentives can include:

- Praise
- Applause
- Courtroom recognition for accomplishments
- Fishbowl ticket for monthly prize drawing
- Tootsie Pops
- Candy bars
- "All Star Team"
- A-Team
- Less frequent court appearances
- Gift certificates to restaurants, movie theatre, stores
- Grocery and household items
- Recovery-related inspirational books
- Recovery Court wrist band
- Recovery Court t-shirt
- Recovery Court ball cap
- Recovery Court sobriety coins
- Reduced restrictions/curfews/community service requirements
- Travel pass
- Waiver of fines
- Waiver of community service
- Phase advancement
- Certificates of Achievement
- Letter of Commendation
- Certificate of Graduation
- Dismissal of deferred charges
- Early termination of probation

**The Recovery Court judge will impose consequences if you violate the law, your probation terms, the Recovery Court Handbook, requirements of your treatment plan, directives from your probation and surveillance officer, and orders from the judge.**

Consequences may include:

- Verbal admonishment
- Community service
- Sit in Jury Box during court proceedings and write a report
- Attend Law and Motion calendar and write a report
- Hearing delayed to the end of court calendar
- Homework assignments
- Research project and presentation
- Apology letter
- Daily activity logs
- Loss of travel privileges
- More frequent court appearances
- More frequent substance testing
- Continuous alcohol-monitoring anklet
- GPS-monitor anklet
- Participant required to pay cost for services
- Study Hall
- Daily reporting to probation
- Completion of a workbook
- Restricted curfew
- House Arrest
- 20 hours community service per week plus 20 hours Job Search per week
- Work Incentive Program: 40 documented hours per week of any combination of work, community service and school
- Jail; which may be immediate from court or by self-report, depending on honesty and circumstances

**If you violate the requirements of Recovery Court, you must report for a Status Conference on the next Wednesday at noon.** Non-compliance includes, but is not limited to: positive or diluted urinalyses, failure to take urinalyses as specified, unexcused

absences from probation meetings or counseling sessions, failure to actively participate in treatment programming, violations of the law (including driving on a suspended license), curfew violations, violent or threatening or intimidating behavior, inappropriate behavior at treatment or probation or in the courthouse, failure to work or look for work or be enrolled in school, changing residences without permission from probation, absconding from probation supervision and leaving the 35-mile radius of Flagstaff without permission from probation. Arrests for new crimes may result in termination from Recovery Court. The Recovery Court will impose orders in response to violations to achieve the most effective behavior modification.

#### **B. TERMINATION FROM RECOVERY COURT**

**The Recovery Court judge may terminate a participant from Recovery Court for not obeying the rules or if the participant's actions are detrimental to the program or endanger the safety of the community.** After input from the Recovery Court Team, all decisions regarding termination from the program will be made by the Recovery Court judge. Terminations will be considered on a case-by-case basis. Circumstances for termination include, but are not limited to:

- You ask the court to terminate your probation;
- You engage in criminal conduct while participating in Recovery Court;
- You engage in threatening, violent, disruptive or inappropriate behavior;
- You continue to refuse to satisfactorily participate in program requirements;
- You repeatedly violate program rules;
- You abscond from the program;
- You demonstrate lack of capacity or willingness to participate in treatment; or
- You refuse to comply with conditions of probation or Recovery Court rules.

#### **C. DUE PROCESS POLICY FOR JAIL CONSEQUENCES AND TERMINATION**

If you receive a consequence for a violation that involves serving jail time or termination from Recovery Court and you disagree that there is a factual basis for the violation or termination decision, the following Due Process Policy applies:

1. You may request an evidentiary hearing called a Sanctions/Termination Hearing, which will be held at the end of the Recovery Court calendar on the day your consequence is imposed, unless you ask for a continuance of the hearing;

2. You have the right to be present in person at the Sanctions/Termination Hearing;
3. You will be provided with written notice of the alleged facts;
4. You will be represented by your attorney;
5. Both you and the State may present evidence and each side will have the opportunity to cross-examine any witness who testifies;
6. The Court may receive any reliable evidence, including hearsay, that is not legally privileged;
7. You will have the right to speak on your own behalf and also the right to remain silent regarding the alleged facts;
8. If you remain silent regarding the alleged facts, your silence will not be held against you; and
9. The judge will decide whether the alleged facts have been proven by a preponderance of the evidence.

If the judge finds that the alleged facts have been proven by a preponderance of the evidence, then the previously imposed consequence will be affirmed. If the judge does not find that the alleged facts have been proven by a preponderance of the evidence, then no consequence will be imposed. You may not challenge the nature of the consequence. You are not entitled to have the issue decided by a different judge. *State v. Tatlow*, 231 Ariz. 34, 40, ¶20, 290 P.3d 228, 234 (Ariz. App. 2012).

If the consequence of violation is termination from Recovery Court, then the Adult Probation Department will promptly file a Petition for Revocation of Probation alleging that you have been terminated from Recovery Court, pursuant to Rule 27.6 of the Arizona Rules of Criminal Procedure. You will have an Initial Appearance in Superior Court pursuant to Rule 27.7 of the Arizona Rules of Criminal Procedure. At that Initial Appearance, the judge will affirm the appointment of the Coconino County Public Defender's Office, set the matter for a Probation Arraignment not later than seven days after the Initial Appearance on the Recovery Court calendar, and make a release determination.

At the Revocation Arraignment, pursuant to Rule 27.8(a) of the Arizona Rules of Criminal Procedure, the judge will inform you of each alleged violation (such as termination from Recovery Court) and you may admit or deny each such allegation. If no admission is made or if an admission is not accepted, the judge will set a Probation

Revocation Hearing between seven and twenty days later. You are not entitled to have the Revocation Hearing conducted by a different judge. *Tatlow*, 231 Ariz. at 40, ¶120, 290 P.3d at 234. The judge will conduct the Probation Revocation Hearing pursuant to Rule 27.8(b) of the Arizona Rules of Criminal Procedure. The judge may take judicial notice of your termination from Recovery Court. *Id.*, 231 Ariz. at 39, ¶14, 290 P.3d at 233. If the judge finds a probation violation, the Court will set a Disposition Hearing where you will be sentenced according to the terms of your plea agreement.

#### **XI. RECOVERY COURT PHASES**

The goal of Recovery Court is for you to achieve total abstinence from illegal drugs and alcohol; and in doing so, for you to develop and learn the tools and motivation to maintain long-term recovery; and for you to thereby avoid future interaction with the criminal justice system, thus improving the quality of your life. Recovery Court includes a five-phase, highly structured program lasting a minimum of fifteen months. Each phase consists of specified treatment objectives as well as therapeutic and rehabilitative activities designed to achieve and maintain long-term recovery. Recovery Court phases and requirements are separate from your treatment plan and levels of care. To phase-advance in court, you must show appropriate progress in treatment as evaluated by your treatment team.

## **PHASE 1 – ACUTE STABILIZATION**

Length: **90 days**

1. Attend and participate in weekly court hearings while in Getting on Track (GOT)
2. Attend and participate in court hearings every two weeks after completing GOT
3. Engage with treatment team
4. Develop treatment plan
5. Attend and engage in treatment sessions
6. Consider Medication Assisted Treatment services
7. Attend and engage with support groups per individual treatment plan
8. Comply with probation supervision
9. Meet with probation officer as directed
10. Submit to random drug/alcohol testing
11. Address housing needs
12. Enroll in AHCCCS if eligible
13. Obtain medical assessment
14. Change people, places and things
15. Curfew: 9:30 PM – 5:00 AM

### **In order to advance to Phase 2:**

1. You completed at least 90 days in Phase 1
2. You met the requirements of Phase 1 (as set forth above)
3. You have been **clean and sober with no missed or dilute urine analysis tests for 14 consecutive days** prior to phase advancement
4. You have no violations between your previous court date and the date of phase advancement
5. You are progressing appropriately in treatment

## **PHASE 2 – CLINICAL STABILIZATION**

Length: **90 days**

1. Attend and participate in court hearings every two weeks
2. Engage with treatment team
3. Review treatment plan
4. Attend and engage in treatment sessions
5. Attend and engage with support groups per individual treatment plan
6. Comply with probation supervision
7. Meet with probation officer as directed
8. Submit to random drug/alcohol testing
9. Maintain clean and sober housing
10. Continue addressing medical needs
11. Address financial needs by completing a budget assessment
12. Begin 20 hours per week of employment, education or community service
13. Demonstrate appropriate effort to pay required financial obligations
14. Continue changing people, places and things
15. Curfew: 10:00 PM – 5:00 AM

### **In order to advance to Phase 3:**

1. You completed at least 90 days in Phase 2
2. You met the requirements of Phase 2 (as set forth above)
3. You have been **clean and sober with no missed or dilute urine analysis tests for 30 consecutive days** prior to phase advancement
4. You have no violations between your previous court date and the date of phase advancement
5. You are progressing appropriately in treatment

### **PHASE 3 – PROSOCIAL HABILITATION**

Length: **90 days**

1. Attend and participate in court hearings every two weeks
2. Engage with treatment team
3. Review treatment plan
4. Attend and engage in treatment sessions
5. Attend and engage with support groups per individual treatment plan
6. Begin a weekly prosocial activity identified through individual treatment plan
7. Comply with probation supervision
8. Meet with probation officer as directed
9. Submit to random drug/alcohol testing
10. Maintain clean and sober housing
11. Continue addressing medical needs
12. Begin 30 hours per week of employment, education or community service
13. Demonstrate appropriate effort to pay required financial obligations
14. Identify additional mental health care needs
15. Begin additional services such as Domestic Violence Counseling or Moral Reconciliation Treatment
16. Demonstrate changing people, places and things
17. Begin establishing a recovery network
18. Curfew: 10:30 PM – 5:00 AM

#### **In order to advance to Phase 4:**

1. You completed at least 90 days in Phase 3
2. You met the requirements of Phase 3 (as set forth above)
3. You have been **clean and sober with no missed or dilute urine analysis tests for 45 consecutive days** prior to phase advancement
4. You have no violations between your previous court date and the date of phase advancement
5. You are progressing appropriately in treatment



## **PHASE 4 – ADAPTIVE HABILITATION**

Length: **90 days**

1. Attend and participate in court hearings every two weeks
2. Engage with treatment team
3. Review treatment plan
4. Attend and engage in treatment sessions
5. Attend and engage with support groups per individual treatment plan
6. Maintain weekly prosocial activity
7. Comply with probation supervision
8. Meet with probation officer as directed
9. Submit to random drug/alcohol testing
10. Maintain clean and sober housing
11. Continue addressing medical needs
12. Establish services for additional mental health care needs
13. Begin 40 hours per week of employment, education or community service
14. Demonstrate appropriate effort to pay required financial obligations
15. Continue additional services such as Domestic Violence Counseling or Moral Reconciliation Treatment
16. Begin Trauma Counseling per individual treatment plan
17. Continue changing people, places and things
18. Engage with recovery network
19. Curfew: 11:00 PM – 5:00 AM

### **In order to advance to Phase 5:**

1. You completed at least 90 days in Phase 4
2. You met the requirements of Phase 4 (as set forth above)
3. You have been **clean and sober with no missed or dilute urine analysis tests for 60 consecutive days** prior to phase advancement
4. You have no violations between your previous court date and the date of phase advancement
5. You are progressing appropriately in treatment

## PHASE 5 – CONTINUING CARE

Length: **90 days**

1. Attend and participate in court hearings once per month
2. Engage with treatment team
3. Review treatment plan
4. Attend and engage in treatment sessions
5. Attend and engage with support groups per individual treatment plan
6. Maintain weekly prosocial activity
7. Comply with probation supervision
8. Meet with probation officer as directed
9. Submit to random drug/alcohol testing
10. Maintain clean and sober housing
11. Continue addressing medical needs
12. Continue services for additional mental health care needs
13. Maintain 40 hours per week of employment, education or community service
14. Complete additional services such as Domestic Violence Counseling or Moral Reconciliation Treatment
15. Maintain Trauma Counseling per individual treatment plan
16. Continue changing people, places and things
17. Maintain recovery network
18. Curfew: 11:30 PM – 5:00 AM

### **In order to Graduate:**

1. You completed at least 90 days in Phase 5
2. You met the requirements of Phase 5 (as set forth above)
3. You have been **clean and sober with no missed or dilute urine analysis tests for 90 consecutive days** prior to Graduation
4. You have no violations between your previous court date and Graduation
5. You achieved your treatment goals and have a strong Relapse Prevention Plan
6. You demonstrated appropriate effort to pay required financial obligations
7. You served any mandatory jail time
8. You completed all requirements of your plea agreement and probation terms
9. You completed Exit Interviews with FMC and the Recovery Court Coordinator

## **GRADUATION**

**Recovery Court graduations are held the first Wednesday of every month at 12:00 PM; all are welcome and encouraged to attend.** When you have successfully completed the requirements above, you will graduate from Recovery Court. Graduation from the program will be determined by the Recovery Court Team. If you still owe restitution at the time of your graduation, your probation may continue without Recovery Court terms. Graduation attendees will often include Advisory Board members, community leaders and Recovery Court stakeholders. At graduation, your family and supportive friends are invited to join you in court as the Team congratulates you for successfully completing Recovery Court and achieving your goal to establish a substance-free life. Your family and friends will be invited to speak on your behalf.

You will be invited to speak to the Recovery Court Team, the participants, and the community regarding your experiences. **You are encouraged to share your thoughts on these questions:**

- 1. What have you done to promote your recovery?**
- 2. What have you accomplished?**
- 3. What do you still want to work on?**

## **XII. CONCLUSION**

Recovery Court has been developed to help you achieve total abstinence and long-term recovery from drugs and alcohol. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and it is your personal choice to participate. The judge, coordinator, the court staff, the prosecuting and defense attorneys, your treatment counselor, and probation officer are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and to commit to a life in recovery, free of substances.

**“We get sick alone. We get well together.”**

Words of Advice from a Recovery Court graduate:

*Recovery Court taught me what not to do.*

*Don't do drugs.*

*I guess that should go without saying.*

*But I broke that rule right off the bat.*

*Don't lie to Sixto.*

*He investigates better than a scorned woman.*

*Don't run from Jessica.*

*She will assemble a posse to find you.*

*Don't break the rules.*

*Judge Reed will slap you down with a Sanction.*

*Don't forget to call for your UA.*

*They miss you when you don't show up.*

*Don't disrespect the facilitators.*

*Their memories are long.*

*Don't take Jon for granted.*

*He kept your ass out of the clink.*

*Don't suppress your feelings.*

*Michelle will drill the well to your tears.*

*Don't think you aren't heard.*

*Veronica will ask you how you resolved  
a situation from a month or two ago.*

*Don't forget to breathe.*

*Mark will remind you how.*

*Recovery Court taught me what to do.*

*Pay your fines.*

*You are rewarded with Tootsie Pops and Payday bars.*

*Get a job.*

*Then everyone can see your progress.*

*Admit your mistakes.*

*Ownership equals less punishment.*

*Show up for class.*

*Not only will you learn something,  
you can feed Sean cupcakes against his sugarless diet.  
Complete your homework thoughtfully,  
or you'll have to do it again.  
Be home by curfew.  
You never know when Seann and Jesse may show up.  
Go to meetings.  
Get connected and make friends.  
Get a Sponsor.  
They help you save your own life.  
Be proud of your achievements.  
The Team certainly is.  
Stay the course.  
Change is hard.  
Pat yourself on the back.  
You made it this far.  
And just think,  
you're not far from being right here.  
Graduating with Honors,  
watching the prosecutor nod his head in agreement  
when your charges are dropped.  
Because I was a hopeless case.  
And now I'm clean.  
And actually happy.*

- Jen S., Recovery Court Graduate