

Proposition 36 Intake Sheet

Name: _____ DOB: _____

Address: _____ Case #(s): _____

Phone: _____

Charges, VOPs, and enhancements plead to: _____

Date(s) of Offense: _____ Date(s) of plea: _____

Exposure (including VOPs and enhancements): _____

Other non-Prop 36 cases pending? _____

Other non-Prop 36 probation counts? _____

Restitution owed? _____

Other outstanding probation terms? _____

Comments:

Nevada County Superior Court Prop. 36 Court Program

PARTICIPANT AGREEMENT

Case No: _____

- 1) I, _____, am eligible for the Nevada County Prop. 36 Court in lieu of an actual jail commitment. I agree to successfully complete the program to satisfy my court order.
 - A. I understand I will be required to complete a substance abuse assessment with Nevada County Behavioral Health to determine what level of treatment is appropriate. I realize my treatment plan may be revised by the programs staff based on my needs. _____
 - B. I understand that I am responsible for payment of fees for treatment, and that I will be advised of the fees at the time I am admitted to the treatment program. _____
- 2) I understand that participation in Prop. 36 Court involves a minimum time commitment of twelve to eighteen months, which includes up to twelve months of treatment and up to six months of aftercare. _____
- 3) I understand that during the entire course of the Prop. 36 Court program, I will be required to attend court sessions, treatment sessions, submit to random drug testing, and remain clean and sober, and law-abiding. I agree to abide by the rules and regulations imposed by the Pro. 36 team or judge. I understand that if I do not abide by these rules and regulations, I may be sanctioned or terminated from the program. _____
- 4) I understand that sanctions may include increased treatment episodes, increased testing, community service, essays, and such other sanctions as may be deemed appropriate by the Prop. 36 judge, including jail when consistent with PC 1210.1. _____
- 5) I understand that I will be tested for the presence of drugs and alcohol in my system on a random basis according to procedures established by the Prop. 36 team, Probation Officer, and/or treatment provider. I understand that I will be given a location and time to report for my drug test. I understand that it is my responsibility to report to the assigned location at the time given for the test. I understand that if I am late for a test, or miss a test, or provide a dilute sample, it will be considered positive and I may be sanctioned. _____

- 6) I understand that substituting, altering, or trying in any way to change my body fluids for purposes of testing will be grounds for immediate termination from Prop. 36 Court. _____
- 7) I will not possess restricted dangerous drugs, illegal drugs, or narcotics of any kind (including marijuana) or alcohol, or drug or alcohol paraphernalia. I will not associate with people who use, sell, or possess drugs, nor will I be present while **drugs are being used by others.** _____
- A. I understand alcohol is prohibited in Prop. 36 Court. I am aware that some over-the-counter medications, such as cough syrup, contain alcohol, as do some herbal and natural remedies and tinctures. It is my responsibility to read labels and check ingredients before consuming any food, drink, or medication. I understand that it will not be an excuse if I accidentally consume alcohol in food, drink, or medication.

- 8) I agree to be drug/alcohol tested at any time by a law enforcement officer, probation officer, treatment provider, or at the request of the court by any agency designated by the court. _____
- 9) I will inform all treating physicians that I am a recovering addict, and may not take **narcotic or addictive medications or drugs.** If a treating physician wishes to treat me with narcotic or addictive medications or drugs, I must disclose this to my probation officer and treatment provider immediately and must sign release of information to permit my probation officer and/or Behavioral Health to confirm with my treating physician that there are not non-narcotic or non-addictive medications available for treatment of my specific condition. _____
- 10) I agree that I will not leave any treatment program without prior approval of my treatment provider or probation officer and the Prop. 36 team, and if I do leave treatment without prior approval, it may constitute a refusal of treatment making me ineligible to remain in Prop. 36. _____
- 11) For the purposes of regular Prop. 36 Court review hearings, the Deputy Public Defender assigned to the Prop. 36 Court may represent me instead of my attorney of record. **However, I may have my attorney of record appear for me at my request, and at my expense.** _____
- 12) I understand that my individual course of treatment may include residential treatment, education, and/or self-improvement courses such as anger management, parenting, or relationship counseling. _____
- 13) I understand that during the early phases of treatment and recovery, I may be precluded from working or from gaining employment. I further understand that within the time directed by the Prop. 36 Court team, I will seek employment, job

training and/or further education as approved by the Prop. 36 Court team, and that failure to do so may result in sanctions or termination. _____

- 14) I agree to keep the Prop. 36 Court team, probation officer, court, and treatment provider advised of my current address and phone number at all time and whenever changed, prior to a move or the day of a move. My place of residence is subject to the Prop. 36 Court team approval, and I will not leave Nevada County without prior approval from my probation officer. _____
- 15) As a condition of participation in this program, I agree to search of my person, property, place of residence, vehicle or personal effects at any time with or without a warrant, and with or without reasonable cause, when required by a probation officer or other law enforcement officer. _____
- 16) I agree to execute the "Consent for Release of Confidential Information" at Nevada County Behavioral Health. I understand that any information obtained from this release will be kept apart from the court file. _____
- 17) I understand that my failure to successfully complete and graduate from the Prop. 36 Court will result in my being re-sentenced on the original charges. If I am re-sentenced to probation, I will likely be required to serve jail time and satisfy additional probation terms, possibly including drug or alcohol treatment. If I am not re-sentenced to probation, I will receive jail time (if my underlying charge is a misdemeanor) or a prison commit (if my underlying charge is a felony), which may be served in county jail under PC 1170(h) or in prison, depending on my specific charges. _____
- 18) Upon my successful completion of Prop. 36 Court, the District Attorney's office will make a motion to dismiss the Prop. 36 case, or the pertinent charges as previously agreed. _____

I have read or had read to me the above Participant Agreement and I understand what my responsibilities are. I have also received and read or had read to me the Participants Handbook and understand what is expected of me in Prop. 36, as well as the consequences if I do not comply.

Participant's Signature

Date

Attorney for Participant

Date

EtG DUI/Prop. 36 Court Client Contract

URINE ABSTINENCE TESTING AND INCIDENTAL ALCOHOL EXPOSURE CONTRACT

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). In order to preserve the integrity of the DUI/Prop. 36 Court testing program, it has become necessary for us to restrict and/or advise participants regarding the use of certain alcohol-containing products.

It is **YOUR** responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is **YOUR** responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products **BEFORE** you use them. **Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don't use, consume, or apply.**

Cough syrups and other liquid medications: DUI/Prop. 36 Court participants have always been prohibited from using alcohol containing cough/cold syrups, such as Nyquil. Other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. DUI/Prop. 36 Court participants are required to read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your case manager before use. Information on the composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers (e.g. O'Douls, Sharps) do contain a residual amount of alcohol that may result in a positive test result for alcohol, if consumed. DUI/Prop. 36 Court participants are not permitted to ingest NA beer or NA wine.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Ginko Biloba), could result in a positive screen for alcohol or its breakdown products. Communion wine, food cooked with wine, and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) must be avoided. Read carefully the labels on any liquid herbal or homeopathic remedy and do not ingest without approval from your Probation Officer or Drug and Alcohol Counselor.

Mouthwash and Breath Strips: Most mouthwashes (Listerine, Cepacol, etc) and other breath cleansing products contain ethyl alcohol. The use of mouthwashes containing ethyl alcohol can produce a positive test result. DUI/Prop. 36 Court participants are required to read product labels and educate themselves as to whether a mouthwash product contains ethyl alcohol. Use of ethyl alcohol-containing mouthwashes and breath strips by DUI Court participants is not permitted. Non-alcohol mouthwashes are readily available and are an acceptable alternative. If you have questions about a particular product, bring it in to discuss with your Probation Officer or Drug and Alcohol Counselor.

Hand Sanitizers: Hand sanitizers (e.g. Purell, Germex, etc.) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary, or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

Hygiene Products: Aftershave and colognes, hair sprays and mousse, astringents, insecticides (bug sprays such as Off) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products) excessive, unnecessary or repeated use of these products could affect test results. Participants must use such products sparingly to avoid reaching detection levels. Just as the court requires DUI/Prop. 36 Court participants to regulate their fluid intake to avoid dilute urine samples; it is likewise incumbent upon each participant to limit their use of topically applied (on the skin) products containing ethyl alcohol.

Solvents and Lacquers: Many solvents, lacquers and surface preparation products used in industry, construction, and the home, contain ethyl alcohol. Both excessive inhalation of vapors, and topical exposure to such products, can potentially cause a positive test result for alcohol. As with the products noted above, DUI/Prop. 36 Court participants must educate themselves as to the ingredients in the products they are using. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. A positive result will not be excused by reference to use an alcohol-based solvent. If you are in employment where contact with such products cannot be avoided, you need to discuss this with your Probation Officer or Alcohol and Drug Counselor. Do not wait for a positive test result to do so.

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

I HAVE READ AND UNDERSTAND MY RESPONSIBILITIES:

PARTICIPANT

DATE