

# CRIMINAL RECORD RELEASE AUTHORIZATION FORM

I, \_\_\_\_\_, birth date of \_\_\_\_\_ authorize Belknap County Restorative Justice (via the Belknap County Attorney's Office) to obtain a copy of my state criminal record at any time. The information obtained is to be used to determine compliance with my Diversion program which requires me to remain arrest free, as well as being used to evaluate program effectiveness and recidivism after my program dismissal.

By signing below you are certifying that you are the individual listed above and that you agree to the periodic release of your criminal record.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

«Case Manager»

Belknap County Restorative Justice Representative

\_\_\_\_\_  
Signature

Dismissal Date: \_\_\_\_\_

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## HANDBOOK RECEIPT

I, \_\_\_\_\_, agree that I have received the Adult Court Diversion handbook on or before the start of my program. I further understand that if accepted into the program, I will sign a contract which will lay out the specific requirements that I must fulfill in order to complete the program successfully.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# PARTICIPANT HANDBOOK



## BELKNAP COUNTY RESTORATIVE JUSTICE

*"Accountability • Victim Involvement • Community Partnerships"*

34 County Drive  
Laconia, NH 03246  
Phone (603) 527-5493 □ Fax (603) 527-5498

### Office Hours:

Monday - Friday 9:00am to 4:00pm

*Note: winter hours may vary due to weather conditions.*

### Staff

Brian Loanes, Program Director  
Mike MacFadzen, Case Manager  
Jay Apicelli, Case Manager  
Sharon Cavanaugh, Case Manager

### Programs covered by this handbook

ADULT FELONY COURT DIVERSION  
ADULT MISDEMEANOR COURT DIVERSION  
PRIME FOR LIFE EDUCATION CLASSES  
ON-LINE EDUCATION CLASSES

## WHAT IS DIVERSION?

The Belknap County Adult Court Diversion program is a voluntary pretrial program for individuals charged with a criminal offense. The program is an alternative to prosecution that offers participants an opportunity to avoid a criminal conviction and other punitive sanctions including fines, probation, and incarceration. Diversion only accepts certain types of criminal offenses and each referral must go through an assessment before being offered a Diversion Contract. The Diversion Contract lists the specific requirements and obligations for each individual and the Case Managers hold the participants accountable for past and current behaviors/actions. ***Participating in Court Diversion is a privilege, not a right!***

## TIME REQUIREMENTS

The typical process is as follows: 1. we receive the referral documents from the referring prosecutor; 2. we call you in for an intake appointment ranging between 45-90 minutes, this appointment evaluates your appropriateness for entry into the program; 3. you are then brought back in to sign your contract, officially entering you into the program, this may take 15-60 minutes; 4. your time commitment and requirements at this point are set between you and your Case Manager. The length of the felony program ranges between 12 and 18 months but extensions may be permitted if necessary. The length of the misdemeanor program ranges between 8 and 10 months. Prime for Life and On-Line course times depend on the program enrolled in.

## EXPECTATIONS/REQUIREMENTS

Participants are expected and/or required:

- To keep this agency and the court informed of any changes in your phone number and/or physical and mailing addresses
- To be truthful at all times. DO NOT LIE!! Building trust with your Case Manager is important to getting you through the program quickly.
- To reside in Belknap County (unless otherwise agreed upon with your Case Manager).
- To show up for all scheduled meetings, or if you are not able to attend, call in advance to reschedule.
- To stay in contact with your Case Manager. Any lapse in communication greater than three weeks (unless previously agreed upon) will be considered a strike against you.
- To remain drug and alcohol free. If your first drug test is positive, this will not count against you.
- To dress appropriately when doing community service or coming to the Restorative Justice office.
- To abide by instructions given to you by your mental health and/or alcohol and drug counselors.

- **NOT** to use or play with cell phones and/or iPod's during case management meetings and community service projects.

## **COMPONENT DESCRIPTIONS**

Below is a list of standard components. Additional components may be added depending on the referral, offense, background of the participant, and any other relevant factors.

1. **Program Fees** > The fee for a felony case is \$500; for a misdemeanor case, it is \$400; and for Prime for Life classes is 275.00, On-Line courses are dependent on the program. There are no scholarships or grants to help pay for the program but payments can be made in installments if necessary.
2. **Restitution** > If there is a restitution amount associated with your case, it must be paid in full prior to completion of the program.
3. **Community Partnership Talk** > This is held on the last Wednesday of every month at the Restorative Justice Office. It is an educational talk with a three person panel discussing addiction and the effects on the individual, family and the community.
4. **Prime for Life**> Participants are presented with research based content on drugs and alcohol and participate in a variety of therapeutic activities to facilitate changes in risk perception and commitment to behavior change.
5. **Life Skills** > Participants may be required to attend up to 3 life skill classes. Topics include parenting, drug and alcohol education, shoplifting, money management, conflict resolution; resume writing, interview skills, etc. Classes may have a cost associated with them and a reflection essay or apology letter may be required upon completion.
6. **Community Service** > Depending on employment and education status, felony participants may be required to complete up to 250 hours of community service, while misdemeanor participants may be required to complete up to 100 hours. Those in the ADED and TED programs may be required to complete up to 25 hours of service.
7. **Employment** > Participants must be employed full-time. The exception to this requirement includes being a full-time student or having a documented disability that prohibits employment. Not having a job does not preclude a candidate from entering the Diversion program; however, the candidate must actively seek employment at the direction of the case manager. (Not a requirement of ADED or TED)

8. **Education** > Participants without a high school diploma or a general equivalency diploma will be required to work towards obtaining this while participating in the Diversion program. (Not a requirement of ADED or TED)
9. **Substance Abuse/Drug Testing** > All participants are drug tested regardless of their referral crime. Depending on the crime, drug tests and past chemical use, participants may be required to meet with a licensed alcohol and drug counselor (LADC) for a screening and counseling at an additional cost. All recommendations of the screening will become part of the Diversion contract.
10. **Case Management Meetings** > Participants are required to meet with and stay in touch with their case manager on a regular basis while participating in the program. It is the participant's responsibility to initiate and maintain contact, not the case manager's.

## **NON-COMPLIANCE**

Participants are subject to our “three strikes” rule. After the third noncompliant action, your case will be reviewed for possible termination by a panel of three members from Restorative Justice. This review may be made solely by your Case Manager and members of the panel, or you may be included thus giving you the opportunity to make better decisions moving forward. However, your being involved in the process only gives you the opportunity to prove why you should continue in the program, not that it means you will. If you are awarded a second chance, take advantage of it because termination could come at any point for any reason. The only exception to the “three strikes” rule is another arrest which can result in termination automatically. Noncompliant actions are any actions that violate or are in contrast to the expectations outlined above and/or anything listed on your contract. Your Case Manager will keep track, so be sure to ask if you think something will count against you.

## **DRESS CODE**

Casual dress is encouraged for individuals while participating in the programs at Restorative Justice. This includes meetings with the case managers, groups and classes, community service, and other related activities. Casual dress includes jeans, tee shirts, shorts, and sneakers. However, the following forms of casual dress are **not allowed**:

- Ripped or torn jeans
- Sweatpants
- Low cut tops that expose cleavage
- Shirts that expose the midriff
- Short skirts or short shorts... hem should be below mid-thigh
- Pants worn below the waist
- Underwear exposed

- Anything see-through
- Clothing with nudity, alcohol, drug, or vulgar references

***Please remember when coming to the agency or attending Community Service projects, you should be representing yourself age-appropriately as someone who should be taken seriously, not looking like you just rolled out of bed.***

## **DRUG TESTING**

Participants may get tested for the use of illegal drugs and/or alcohol consumption. There are two instruments used for alcohol testing: one is a saliva swab, the other is a PBT machine (Portable Breath Tester). The instrument used for drug testing is a 12-panel screening device. The participant is required to urinate into a cup; the screening device is then dipped into the urine, and lines form on the device showing the positive or negative presence of drugs in the participants' urine. **Participants are required to urinate within view of a staff member.** Any attempt at substituting someone else's urine for your own, or having obviously diluted urine is seen as a positive drug test result. If a participant wants to contest the results of their drug screening, they can go to the LRGH Occupational Health building for a more in-depth urinalysis. The participant is responsible for the cost.

To avoid inaccurate testing, keep the following in mind:

- Do not use any illegal or non-prescribed drugs or alcohol while participating in the Diversion program, as per your contract agreement.
- Do not use any products designed to flush, dilute, or mask your urine.
- Make the Case Manager aware of any prescribed or over-the-counter medication you are taking.
- Do not consume more than 16 ounces of fluids within 90 minutes prior to your appointment.

Be prepared:

- Expect to be drug tested each and every visit.
- You will be provided with a reasonable time to provide a urine sample, not to exceed an hour.
- If a staff member suspects that a sample is diluted or otherwise invalid, they may require the participant to provide a second sample.
- You may be tested at random. A Case Manager may give a participant a time to report to the Diversion office within 24 hours for a drug test.
- If you refuse to provide a sample, it will be considered a positive result.

Drug Testing Guidelines:

- A staff member of the same gender will accompany you into the bathroom.
- A staff member may ask you to take off your coat or other extraneous clothing.
- You will be required to empty your front pockets prior to the test.

- The staff member may ask that you demonstrate you do not have any materials on your person for the specific purpose of manipulating the drug test.
- The staff member will remain in the bathroom until the test is complete.

## **ALCOHOL AND DRUG ASSESSMENT/EVALUATION**

For any reason at the discretion of a Case Manager, or in the event a participant's drug screen results are considered positive or diluted, the participant may be referred to meet with a Licensed Alcohol and Drug Counselor (LADC) for an assessment or evaluation. The additional cost for this is the responsibility of the participant. The client will be required to successfully complete the recommendations of the LADC, and the cost associated, as part of their Diversion contract.

## **COMMUNITY SERVICE**

- Participants are required to abstain from all drugs and alcohol at all times, per your contract, and while performing community service projects.
- Participants must be appropriately dressed for changing weather conditions and for the project itself. Shoes or sneakers must be worn at all times, sandals and other open-toed shoes are not allowed.
- Cell phones and IPOD's/MP3's are allowed only at the discretion of the Community Service Supervisor.
- Any unprivileged physical contact with any staff member or fellow client or violence could result in a non-compliance report or dismissal from the program.
- Any intimate involvement with anyone while on a community service project may result in a non-compliance report or dismissal from the program.
- Any verbally threatening or aggressive behaviors directed towards Staff or peers or to anyone else could result in a non-compliance report or dismissal from the program.
- Participants must attend all projects to which they agreed to attend (rain or shine) and be on time. If a participant shows up and a project is cancelled for any reason, credit will be given for the time allotted.
- In order to maintain confidentiality, participants will not divulge personal information or discuss the crime that landed them in the Diversion program.
- No property belonging to the site will be taken without permission of the Supervisor.
- Handle all property of the community service site with care.
- In the event a participant is unable to attend the community service project they signed up for, they must notify their Case Manager asap, and prior to the start of the project. If it's a short notice cancellation with no valid reason, or a no call/no show, it will result as a strike against the participant.

- Sites where individual community service is done, such as the Salvation Army Thrift Store, will be communicated with regularly by the participants' Case Manager for confirmation of hours completed.

### **PROGRAM FEE & RESTITUTION**

Payments are expected according to the financial arrangement and payment schedule setup with the participants' Case Manager. All money orders should be made out to "Belknap County Treasurer".

### **PROGRAM DISMISSAL AND COMPLETION**

In the event a participant is dismissed from the program whether successfully or unsuccessfully, the Diversion program will notify the prosecutor's office of the dismissal along with any other necessary information.