



Monroe County Drug Treatment Court

Participant Handbook

Revised 11/19 tn

Monroe County Drug Treatment Court Policies and Procedures



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Welcome to the Monroe County Drug Treatment Court program! This participant handbook is designed to inform you about the general Drug Court program information and what is expected of you as a participant. This program is constantly evolving and improving, so there may be changes to this handbook and to the rules of Drug Court over time. When these changes occur they apply to everyone participating in the program at the time of the change. Participants will be informed of any changes by the Treatment Court Judge in court and will be notified by the Drug Court Case Manager. This handbook does not constitute a contract or legal rights.

Mission Statement:

By providing intensive monitoring, individualized treatment, and comprehensive services to substance dependent offenders, the Monroe County Drug Court will enhance public health and safety, reduce recidivism, and enable participants to break the cycle of addiction.

The Drug Court Team:

The Drug Court Team consists of the following:

- Circuit Court Judge
- Drug Court Coordinator
- Drug Court Case Manager
- Prosecutor—District Attorney's Office
- Public Defender
- Probation and Parole Agent
- Sheriff's Department representative
- Treatment Personnel
- Others (as determined by the team)

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Eligibility Requirements:

- Monroe County Resident
- Adult Criminal Case
- Charged/convicted of a felony level offense in adult criminal court
- Out of County convictions may be eligible on a case to case basis
- Meet diagnostic criteria for substance dependency
- Meet high risk criteria on Risk/Needs assessment
- Agree to be supervised by Department of Corrections
- Agree to abide by Drug Court Program rules

Additional team considerations

- Prior criminal offenses—including violent charges and drug distribution cases.
- Present offense factors (including victim's interests)
- Offenses including homicide will have an automatic bar to admission
- Additional factors may also be taken into consideration in making exclusionary determinations.

Referral Process

- Referrals to the Monroe County Drug Court Program should be made as soon as possible after arrest or identification of a potential treatment court candidate. Referrals can be made from the following sources:
 1. The Defense Attorney
 2. The District Attorney's Office
 3. Department of Corrections—typically for an alternative to revocation (ATR).
- District Attorney's Office will complete the DA Consent form for potential referrals.
- A referral form is completed and submitted to the Monroe County Drug Court Coordinator. The Coordinator will review the document and if the form is completed will forward it to the Case Manager to begin the intake process.
- The Drug Court Case Manager will contact the participant to schedule an appointment to complete the Risk Assessment—COMPAS. They will also schedule an appointment for an AODA assessment with either Department of Human Services or other AODA provider.

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- Once both the Risk Assessment and AODA assessment have been completed, the information will be forwarded to the Drug Court Coordinator who will prepare the information for the Drug Court Team and present.
- Team discusses and either approves or denies application based on assessment outcomes and eligibility criteria. The candidate and attorney will be notified of the Drug Court Team decision.

Release of Information and Confidentiality:

- In order to participate in the Drug Court program, the Drug Court team must be able to communicate about your progress in the program and in treatment. Due to this need for open communication, you must sign Releases of Information for both the team and relevant treatment providers, counseling, or other support services.
- Additionally, you will need to sign an agreement to Ex Parte Communication and for the CORE case management and data tracking system. These will be updated as necessary with the Drug Court Case Manager.
- Drug Court files are separate and distinct from Circuit Court files and District Attorney files.
- Drug Court files are confidential and are not open to the general public. The Drug Court file is under the control of the Drug Court Coordinator or his/her designee.

Drug Court Sessions:

Treatment Court is a specialized court operating on a bi-weekly basis. Prior to court, the Drug Court Team will meet for a closed staffing to discuss client progress and/or any violations. The Judge will then discuss each case with each Treatment Court Participant during court.

Treatment Court is held every other Wednesday at 3:15pm in the Branch III Courtroom with Judge Rick Radcliffe presiding. All Treatment Court participants must be in attendance at their required court sessions, unless excused by the Treatment Court Judge. Participants will be required to stay for the entirety of the court session to support their fellow participants, unless given prior approval by the Judge to leave early. Court is open for family members or other members of your support network to attend. The Judge will discuss your progress with you during your court session and incentives, sanctions, and therapeutic adjustments will be given as appropriate.

During court sessions and while participating in Drug Court activities, such as treatment, Case Manager appointments, Probation appointments, etc. you are expected to display appropriate behaviors at all times showing respect to the team, yourself and those around you.

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Courtroom Etiquette

A typical Drug Court session will be a unique experience for both the participants and the staff participating. They run in a non-adversarial way which means no one is there to argue a side, we are all there to help you succeed in your recovery goals. This means that your interactions with the Judge might feel more like a conversation. We hope that you feel relaxed and comfortable communicating however, want to remind you that this is a court room and therefore court room etiquette is still expected. You should always address the Drug Court Judge and team with respect. If you're unsure what is appropriate don't be afraid to ask. Maintaining appropriate behavior is a sign of progress in your recovery.

Drug Court Phases

Phase 1: The minimum requirements for successful completion of Phase 1 include:

- Minimum of 60 days in Phase 1
- Bi-weekly Drug Court appearances
- Engaged with Treatment
- Comply with DOC Supervision
- Develop Case Plan
- Weekly office visits
- Monthly home visits
- Random drug tests (at least 2x week)
- Address housing
- Obtain medical and/or mental health assessment
- Start changing people, places, and things

In order to apply for phase advancement to Phase 2: Regular attendance at treatment, office visits, being honest with court and treatment, minimum of 7 days of sobriety, compliance with supervision. Complete Phasing Application and present to the Drug Court team.

Phase 2: The minimum requirements for successful completion of Phase 2 include:

- Minimum of 90 days in Phase 2
- Bi-weekly Drug Court appearances
- Engaged with Treatment
- Comply with DOC Supervision
- Review Case Plan
- Weekly office visits
- Monthly home visits
- Random drug tests (at least 2x week)
- Maintain housing.
- Address financial issues (budget assessment)
- Begin to focus on Peer Support Groups (examples: NA/AA, SMART Recovery, other Recovery Groups)
- Address medical

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- Demonstrate changing people, places, and things
- Curfew 10:00pm - – 7:00am

In order to apply for phase advancement to Phase 3: Regular attendance at treatment and office visits, being honest with court and treatment, engaged in treatment, compliance with supervision, and minimum of 14 days of sobriety. Complete Phasing Application and present to the Drug Court team.

Phase 3: The minimum requirements for successful completion of Phase 3 include:

- Minimum of 90 days in Phase 3
- Monthly Drug Court appearances
- Engaged with Treatment
- Comply with DOC Supervision
- Review Case Plan
- Bi-monthly office visits
- Monthly home visits
- Random drug tests (at least 2x week)
- Address life skills
- Begin Criminal Thinking Program
- Maintain peer recovery groups
- Establish recovery network
- Establish pro-social activity
- Maintain housing.
- Addressing financial issues
- Address medical
- Demonstrate changing people, places, and things

In order to apply for phase advancement to Phase 4: Engaged in treatment, compliant with supervision, establish pro-social activities, establish recovery network, maintain peer recovery groups, begin criminal thinking program, and minimum of 30 days of sobriety. Complete Phasing Application and present to the Drug Court team.

Phase 4: The minimum requirements for successful completion of Phase 4 include:

- Minimum of 90 days in Phase 4
- Monthly Drug Court appearances
- Engaged with Treatment
- Comply with DOC Supervision
- Review Case Plan
- Bi-monthly office visits
- Monthly home visits
- Random drug tests (at least 2x week)
- Continue criminal thinking program
- Maintain peer recovery groups
- Maintain pro-social activity
- Maintain housing
- Addressing financial issues
- Maintain recovery network
- Address medical
- Begin job or vocational training, job search, or school
- Address ancillary services (example: parenting, family support)
- Demonstrate changing people, places, and things

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In order to apply for phase advancement to Phase 5: Engaged in treatment, compliant with supervision, establish in pro-social activities and recovery network, addressing/engaging in employment, job training, etc, continue in criminal thinking program and begin to address ancillary services (parenting, family support, etc. Maintain a minimum of 60 days of sobriety. Complete Phasing Application and present to the Drug Court team.

Phase 5: The minimum requirements for successful completion of Phase 5 include:

- Minimum of 90 days in Phase 5
- Monthly Drug Court appearances
- Engaged with Treatment
- Comply with DOC Supervision
- Review Case Plan
- Monthly office visits
- Monthly home visits
- Random drug tests
- Complete criminal thinking program
- Develop continuing care plan
- Maintain peer recovery groups
- Maintain pro-social activity
- Maintain housing
- Addressing financial issues
- Maintain recovery network
- Address medical
- Maintain employment, vocational training, or school
- Address ancillary services (example: parenting, family support)
- Demonstrate changing people, places, and things

In order to apply for Graduation: Engaged in treatment, compliant with supervision, maintain pro-social activities and recovery network, maintain employment, vocational training or school, address ancillary services (i.e: parenting, family support), articulate continue care plan, and have a minimum of 90 days of sobriety. Complete Graduation assignment and present to the Drug Court team

Termination

A participant may be terminated from the Drug Treatment Court Program for the following:

1. Commission of a violent crime.
2. Failure to attend scheduled Drug Treatment Court hearings as a result of incarceration.
3. Abandonment of the Drug Treatment Court Program.
 - a. Abandonment refers to any length of time a participant is determined to have absconded, and the Team decides that the participant should be terminated from the Drug Treatment Court Program.
4. A participant who has absconded can be terminated from the Drug Treatment Court Program at any time.

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5. Evidence indicating that the Drug Treatment Court participant is involved with drug use, drug dealing, assaultive behavior, or driving while under the influence of an intoxicant.
6. Any other grounds that the Drug Treatment Court finds sufficient for expulsion.

Process for Termination

Any member of the Team may make a Motion for Termination. The participant will be served with a notice of termination, to include the date and time for the initial termination hearing and the right to be represented by an attorney.

1. Treatment court team and with the participant present. The participant may have the representation of an attorney for this hearing. Upon a majority vote by the Team, a recommendation for termination will be made by the Judge.
2. If the Team recommends termination, the participant will be notified at the next Drug Treatment Court Session and the matter will be set for a termination hearing before the Judge as soon as practical during a future Drug Treatment Court session. The termination hearing will be on the record, in open Drug Treatment Court, and in front of the other participants. An attorney may again represent the participant.
3. If the Judge agrees that there is a basis to grant the Motion for Termination, findings and conclusions will be made on the record, and the participant will be terminated from the program and referred to a Sentencing Judge for imposition of sentence on the charges that had been referred to the Drug Treatment Court Program.
4. The Treatment Court Judge has been assigned the case for the underlying charges, and will be the Sentencing Judge, unless the Participant requests recusal. If the Participant requests recusal, the Treatment Court Judge shall grant the request and a new sentencing Judge will be assigned

Drug Testing Requirements

Frequent, random testing and intensive supervision are critical components of successful Program participation. Drug Court Standards indicate that drug testing should be frequent, random, and credible. Participants are to comply with any and all testing directives from any member of the Drug Court Team.

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Participants are informed of drug testing policies and procedures during intake to the program by the Case Manager. A Release of Information is signed by the participant during intake that allows communication of Drug Test results. Additionally, Participants sign an agreement to comply with testing requirements, including the requirement that testing is observed and that all results are reported to the team.

Participants are expected to report to the Monroe County Justice Department during the designated times to provide their sample. Failure to report for drug testing may result in a sanction. Participants should be prepared to give an adequate urine sample and may only be allowed three opportunities to provide a sample. If the participant cannot provide a urine sample after three attempts, there may be a sanction imposed. Additionally, participants should not provide dilute samples. If a sample is confirmed as dilute the participant may be sanctioned. Any participant who has tampered with or attempted to tamper with their drug test (use of synthetic urine, bringing urine in a container, Whizzinators, masking agents, etc.) will be sanctioned, up to and including termination from the program.

Below is a summary of the observed drug testing procedure:

- **Procedure:**

- **Females:**

1. Required to empty pockets and take off any outer jackets or sweatshirts.
2. Required to rinse hands with just water in front of same gender staff member.
3. Required to lift shirt to reveal abdomen and back to same gender staff member to ensure no tubes, wires, or devices.
4. Required to use the UA "wand" during drug tests.
5. Participant will then sit on the toilet and cough twice.
6. Participant will start and stop their urine flow to the best of their ability.
7. Participant will then put the UA cup, using the wand, under them and collect their urine.
8. Participant will then pass the urine through the collection door to staff and witness staff seal the specimen.
 - a. Staff will check the temperature and color of the urine to ensure it is a valid sample.
9. Participant shall not flush toilet until directed by staff.

- **Males:**

1. Required to empty pockets and take off any outer jackets or sweatshirts.
2. Required to rinse hands with just water in front of same gender staff member.
3. Required to lift shirt to reveal abdomen and back to same gender staff member to ensure no tubes, wires, or devices.
4. Required to lift their genitalia and rotate in front of same gender staff member to ensure no tubes, wires, or devices.

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5. With pants and underwear still lowered stand on the black foot prints, provide a urine sample in the cup provided by staff.
6. Participant will then pass the urine through the collection door to staff and witness staff seal the specimen.
 - a. Staff will check the temperature and color of the urine to ensure it is a valid sample.
7. Participant shall not flush the toilet until directed by staff.

Incentives and Sanctions

Incentives and sanctions are an important part of any successful treatment court program. The Monroe County Justice Department will deliver incentives and sanctions as needed to participants throughout their time on the program.

Incentives are responses to positive behaviors, such as progress with treatment, negative drug tests, living a recovery lifestyle, and other treatment court compliance. These will be given to participants to recognize efforts in recovery and to reinforce their positive behaviors.

Sanctions are responses to negative behavior or as a result of prohibited activity—sanctions could be imposed for reasons such as missing appointments, being dishonest with the team, engaging in criminal behavior, or other perceived non-compliance. When ordering a sanction, the Drug Court Judge will consider previous sanction, current phase level, as well as, participant attitude and honesty. Sanctions are intended to be immediate and should be graduated per episode of non-compliance. These sanctions may be individualized as deemed appropriate.

Below is a list of incentives and sanctions that may be used by the Monroe County Drug Court program.

Incentives

Incentives may include, but are not limited to, the following:

- Positive feedback/praise from the Judge or a treatment team member
- Applause in court
- Increase or restoration of privileges
- Reward box
- Gift certificates
- Graduation ceremony
- Fish bowl tickets
- Sobriety Coins
- Other incentives deemed appropriate by team members

Sanctions

Sanctions may include, but are not limited to, the following:

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- Verbal warning
- Written assignments
- Curfew
- Electronic monitoring
- Loss of privileges
- Increased testing
- Community service hours
- Group presentation
- Phase extension
- Increased supervision
- Jail time
- Termination from program.

Program fees

There is a \$500 Treatment Court fee that must be paid prior to graduation. This total amount can be reduced to \$300 during the first four phases by completing 20 hours of community service or by earning financial rewards/incentives. Below is the fee breakdown per phase:

Phase 1=\$0
Phase 2=\$50
Phase 3=\$50
Phase 4=\$100
Phase 5=\$300

All fees must be paid prior to Graduation from Drug Court. Fees for phases 1-4 will need to be earned before moving to the next phase. The Drug Court may waive some or all fees in phase 1-4 based on the participant's situation and compliance with the program.

Up to 20 hours of Community Service can be completed towards the program fees (credit of \$10 per hour). These CSW hours would need to be completed at a non-profit organization or location approved by the Drug Court team. Any community service hours completed toward program fees should be turned into the Drug Court Case Manager. The participant will not receive credit for CSW hours unless written documentation of the community service, signed by the supervisor and with valid contact information, is submitted to the Case Manager. If the participant is sanctioned and required to do CSW hours, these hours would not count toward any program fee reduction.

Participants may also be responsible for some costs associated with requirements of the program; such as treatment, transportation, etc. depending on their current insurance and financial situation.