

Georgia Accountability Court
Adult Felony Drug Court

Policy and Procedure Manual

Policy and Procedure Manual: Adult Felony Drug Court

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Overall purpose of accountability courts is to reduce crime by changing the defendant's drug-using behavior. Another is to protect the community by decreasing drug-related crimes and reducing recidivism.

The court program operates on principles that:

- Substance abuse is a long-term damaging process that must be repaired with long-term treatment.
- Substance abuse is usually the external indicator of other serious problems that an individual faces. Therefore, the underlying causes of substance abuse must be addressed and treated also, in order to maximize recovery.
- The crisis of arrest and incarceration makes addicts at their most vulnerable for intervention. Making it so it's importing to make confrontation and intervention immediately following arrest.
- Relapse and sporadic progress is to be expected in treatment. Thus progressive sanctions and rewards must be an integral part of the drug intervention program.
- The network of communication among team members must be working at its maximum to ensure that the judge recognizes the proper sanctions and affirmations at the appropriate time.

The Drug Court's program is a court that has been specifically designed and staffed to supervise non-violent drug dependent defendants. These defendants have been referred to a comprehensive and judicially monitored program that consists of intensive supervision, drug treatment and rehabilitation. The program is intended for those who are addicted to and are abusing drugs and/or alcohol and want to change their behavior. Treatment intervention is structured around authority and a judge. This system helps build a rapport between the criminal justice system and the drug treatment community.

While the Drug Intervention Program is promoting a positive interaction between the criminal justice system, community treatment agencies and the offender; it also reaches several goals:

- Reduces participant contact with the criminal justice system
- Reduces costs associated with criminal case processing and recidivism
- Reduces jail overcrowding
- Introduces participants to an ongoing process of recovery designed to achieve total abstinence from illegal drugs and/or alcohol abuse
- Promote self-sufficiency and empower substance abusers to become productive and responsible members of the community
- Promote public safety
- Save tax payers money
- Early age intervention
- Community awareness

The program is a substance abuse treatment/rehabilitation program that includes:

- scheduled drug testing in addition to frequent random drug testing
- judicial supervision
- Counseling
- educational/vocational training
- life skills training
- social skills training

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- use of court imposed sanctions and incentives

Mission Statement

The Accountability Court's mission is to provide treatment, judicial intervention and support for substance abusing offenders. To help better their lives that relate to the life skills needed carry on their lives without the abuse of alcohol or other drugs. Furthermore, the mission will help to save lives and restore families.

Adult Drug Court Standards

1. Drug Courts integrate alcohol and other drug treatment services with justice system case processing
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights.
3. Eligible participants are identified early and promptly given an opportunity to participate in the drug court program
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participant's compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Ongoing partnership among drug courts, public agencies and community-based organizations generations local support and enhances drug court effectiveness.

Confidentiality

All members of the Drug Court team must hold information discussed during pretrial interviews, assessment, team meetings, and treatment sessions in confidence. The court sessions are open to the public.

In order to establish ground for termination from the Drug Court Program, no test results or statements made by the participants in any other prosecution other than in the drug treatment court proceedings. The only exception to this policy is statements made at termination hearings. However, evidence discovered either routinely in the course of a criminal investigation or discovered during pretrial interviews, assessment, treatment, or drug treatment court proceedings shall not be inadmissible because of such evidence is also disclosed.

Under federal law, information regarding substance abuse treatment is protected by the provision of 42 United States Code section 2990dd-2 and the regulations implementing these laws are 42 Code of Federal Regulations, Part 2. Federal Confidentiality Regulation prohibits the release of information about participants in substance

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abuse treatment without a written consent from the individual. Release of information without consent is waived when any of the Drug Intervention Program Team feels that any of the following apply:

- Participant commits or threatens to commit a crime, either at the program or against any staff person or participant of the program
- Participant is suspected of child, spousal or elder abuse
- Participant is threatening homicide
- Participant is in danger of committing suicide.

All participants entering the Drug Court Program are required to complete a form. This form allows program staff to obtain from or release records to all authorized agencies. This authorization and consent is subject to revocation at any time, except to the extent that the drug intervention program has already taken action in reliance on it. If not previously revoked, this authorization will remain in effect until final disposition of this case but not to exceed five years from the date signed.

The treatment provider maintains separate clinical participant files and follows all of the above rules/laws pertaining to confidentiality.

The participant has the opportunity to consult with an attorney before signing any contracts or consents. The program coordinator will review all contracts and consents with the participant to identify if the participant is illiterate and/or has the ability to read and comprehend the language in which it was printed.

Participant eligibility and exclusion criteria

- 18 years of age
- Must reside in the county that the drug court serves
- Must volunteer to participate in the drug court program
- Admit responsibility and plead guilty to the offense
- Acknowledges substance abuse or addiction
- No previous record of violent felony; residential burglary or drug trafficking/distribution charges
- No out of county pending charges
- Does not have prior sexual convictions or pending sexual offence charges
- Was not previously terminated from a drug intervention program

Treatment Team

Judge

Judges are a vital part of the accountability court team and their role is greatest to the success of the court. Judges will conduct regular reviews detailing each participant's compliance with the treatment mandate, drug test results, cooperation with the treatment provider, and progress towards abstinence and law-abiding behavior. Accountability court judge will oversee the court progress through staffing's, administer sanctions and incentives as they see fit in court sessions and preside over the court hearings. Most importantly, the judge will make all final decisions based on the participant and their needs. Through court sessions the interactions

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between the Judge and participant builds a strong rapport. While the judge will speak directly to them, asking about their progress, applauding their accomplishments, encouraging them to try harder all in all while reminding them of their obligation to remain drug-free.

Coordinator

The role of the coordinator is to jointly serve as the public face of the accountability court. They will assist the Judge in planning, coordinating and carrying out judicial administrative matters for the accountability court. They manage and oversee the overall program in many areas; i.e. data collection, preparing and maintaining all paperwork (documents, manuals, and handbooks), fundraising and grant application, public outreach and education, training and continuing education for court team, running court and staffing and supervising treatment services and surveillance officers.

Treatment Provider

Treatment provider will come in the role of many; counselor, psychologist, therapist, clinicians, or substance abuse treatment professional. Primary goals of the treatment team is to eliminate the individual dependency on drugs, treat the cravings through stabilization and focus on helping obtain education or job training and remaining drug free. They provide outpatient services to participants based on their current needs, implement treatment curriculum and maintain records on each session and administer individual counseling, family counseling and provide life skills training. The treatment provider also assists in the initial intake process by determining clinical eligibility of the individual. They also develop a treatment plan for each individual based on their needs. Accountability court treatment providers will report treatment reviews with the team at staffing focusing on the participant progress and breakthroughs.

District Attorney/Prosecutor

An accountability court prosecutor helps to identify and select offenders who should participate in the program. The prosecutor will obtain the prior criminal history of the offenders and present them to the judge at intake. They attend staffing's and court sessions working with the defense counsel (and rest of the team) promoting public safety and protecting the participant's rights. The prosecutor will prepare and file all required legal documents, suggest incentives and sanctions for program compliance. They also share a common goal with the rest of the accountability court team in that the program has a successful treatment completion from the individual.

Public defender/Defense Counsel

The defense attorney advocates for the participant during staffing and court proceedings. They assist the participant with explanation of legal documents and contractual obligations. They will educate the participant about the purposes of the program, the consequences of the noncompliance with the rules, and benefits to completing the program. While making the participants constitutional rights a primary concern they also focus on the participant's legal rights and well-being.

Probation

Probation officer performs work for the accountability court program by overseeing the individuals through compliance while on their probation sentence. They have an active role in referral decisions, monitor home and employment checks and administer random and scheduled drug tests.

Law enforcement

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The law enforcement acts as a liaison between the accountability court program and their law enforcement community. They work together with the probation officer in supervising surveillance through home and employment checks and drug/alcohol testing. They will assist with any background investigations of potential participants and attend staffing and court sessions.

Program Operation

Intake and Referral

Participants may be referred to accountability court by various people; law enforcement, district attorney, or probation officer. Once a referral form is submitted the district attorney will review the participant's case to determine if they are an appropriate candidate for drug court. If they are, they would then meet the accountability court coordinator (along with their defense attorney) and would go over what the program offers. If the participants wish to apply they would then submit an application/intake form. The coordinator then schedules a risk/needs assessment with the treatment provider who determines if the participant is clinically eligible for the program. The results are submitted to the team during staffing and a collective decision, with the Judge, will determine if the participant is accepted.

Participant Requirements

At entry the participant must sign a contract. This contract details all requirements and rules of the accountability court program. The contract also waives participants rights of confidentiality related to treatment and right to a preliminary hearing. Defense attorney will review all forms, documents, and contracts with the participant before meeting with the judge. The participant will then appear before the accountability court judge for sentencing and the judge will inform them of the rights and program expectations.

Participant will be responsible, once in program, to follow through on the following:

- Appearance before the judge on a weekly basis
- Submit to random drug screenings as required
- Obtain/maintaining approved employment
- Stay up to date on participant fees
- Attend AA/NA meetings as required
- Completion of GED if applicable
- Completion of community service

Data Collection

Data Collection will be used in the form of; telephone interviews, surveys, review of booking and arrest sheets, random urine tests, and coordination with probation, etc. Program Coordinator will compose all the information and bring any new information up to the rest of the team during staffing.

Sanctions/Incentives

Sanctions are the result of the participant failing to comply with the requirements of the program. They assist the participant in recognizing behaviors that may result in dismissal from the program. Sanctions are discussed with the accountability court team and are imposed based on the behavior of the individual. If the participant is

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consistently noncompliant with the program rules and procedures than the sanctions could become more severe (i.e. incarceration).

Incentives reward participants for making positive steps to attaining a drug-free and crime-free lifestyle. Participants could also be awarded for personal achievements; obtaining a GED, maintaining employment, or increased self-esteem or respect.

Participant Fees

Each participant is responsible for a fee associated with the accountability court. The fee will vary based on phase and any missed fees could result in sanctions. All program fees must be paid in full for the participant to be eligible for phase up or graduation.

Drug Screening

The accountability court team will develop a plan for random urine drug screenings. All participants are required to submit to random and observed drug screens. During the first two phases each participant will have a minimum of twice per week. Testing will be provided by a trained individual; i.e. probation officer or law enforcement and will be directly observed. Results will be given to program coordinator for data collection. Any participant who wants to challenge a positive drug screen may do at their own expense. However, if the external laboratory concludes that the initial screen was a “false positive” the participant will be reimbursed. Creatinine violations and drug screens scheduled and missed without a valid excuse (determined by the Judge) will be considered positive drug screens. If a single urine sample tests positive for more than one prohibited substance, the results will be considered as a single positive drug test.

Treatment

Treatment plans will consist of four phases (18 to 24 month program). Each phase will have specified treatment objectives, therapeutic and rehabilitative activities and requirements for graduation. They will include standardized, evidence-based practices, drug testing and group and individual counseling. Graduation from each phase will be determined by the accountability court team on the condition that the participant has satisfied the established criteria for advancement. Each phase will vary for each participant depending on their treatment progress, drug test results and individual progress. Termination from the program will be determined by the accountability court team based on the participant’s performance.

Phases

Phase 1: Stabilization and Orientation

Minimum of two months in duration

- Attend court every week
- Attend treatment: group/individual session as required
- Pay weekly program fees
- Submit to required and random drug testing (minimum twice per week)
- Meet weekly with Coordinator
- Establish a sponsor and communicate weekly.
- Search for employment (if currently not employed)
- Abide by set curfew time

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- Begin active plan to obtain GED (if currently don't have diploma or GED)
- Attend minimum 2 NA/AA sessions each month.
- Remain clean and sober for consecutive 30 days before phase up.

Phase 2: Intensive treatment

Minimum of three months in duration

- Attend court every week
- Attend treatment: group/individual session as required
- Pay weekly program fees
- Submit to required and random drug testing (minimum twice per week)
- Meet weekly with Coordinator
- Maintain employment or full time student
- Maintain communication with sponsor
- Abide by set curfew time
- Attend minimum 2 NA/AA sessions each month.
- Must be drug and sanction free for 60 consecutive days prior to phase up.

Phase 3: Recovery Skills Development: Treatment, Self-Help, Life Skills and transition

Minimum of five months in duration

- Attend court every other week
- Attend treatment: group/individual session as required
- Pay weekly program fees
- Submit to required and random drug testing
- Meet weekly with Coordinator
- Maintain employment or full time student
- Maintain communication with sponsor
- Abide by set curfew time
- Attend minimum 3 NA/AA sessions each month.
- Must be drug free for 90 consecutive days and sanction free for 60 consecutive days prior to phase up.

Phase 4: Aftercare

Minimum of eight months in duration

- Attend court every other week
- Attend treatment: group/individual session as required
- Pay weekly program fees
- Submit to required and random drug testing
- Meet weekly with Coordinator
- Maintain employment or full time student
- Maintain communication with sponsor
- Abide by set curfew time
- Complete community service project
- Drug free for 180 consecutive days and sanction free for 150 days to apply for graduation from program.
- Obtained GED and/or maintained employment throughout phases

Phase Movement

Each participant will be given their own requirements/goals of each phase. All fees, sanctions, assignments, and requirements must be completed before permission is granted to advance to the next phase.

Graduation requirements

In phase four, aftercare, participants must complete *a request for graduation form and graduation questionnaire* as well as schedule and exit interview with coordinator.

Termination

Termination from the program will be the final decision of the Judge with the team's input. If a participant is a danger to the physical or mental well-being others, in violation of program rules, or has a new arrest and/or conviction on new charges. Termination could be enforced as well if the participant is caught tampering with urine samples, dealing/selling/buying alcohol, drugs, or drug-using paraphernalia. All terminations (other than when a participant asks to leave) will require notice, a hearing, and a fair procedure.

12-Step Meetings

Each participant is required to attend and participate in 12-steps meetings on a weekly basis (based on their phase). They must turn in a signature page to treatment provider each week showing attendance. They must also develop a relationship with a sponsor from these meetings and maintain communication with them throughout the program. Failure to attend meetings and obtain a relationship with sponsor will result in sanction.

Employment

Employment establishes a sense of independence and responsibility in the participant. Therefore, all participants are required to maintain approved employment throughout the program, unless enrolled as a full time student or excused by court.

Community Service

During phase 4 of the program, each participant is required to complete a community service project. The program coordinator will help the participant find one, if needed. The project helps the participant give back to the community. Community service could also be used as a sanction to other participants in various stages as seen fit by the judge.

Absences

All absences from treatment or court must be approved ahead of time. Most absences will not be excused for those in phase one or two. If a participant is out sick, a doctor's note must be provided the next day. Unexcused absences from court will result in sanction which could be incarceration.

Emergencies

If participants experience an emergency they should call the program coordinator as soon as possible and advise them of the situation. If the participant were to miss a treatment session they must bring in an official documentation.

Medications

All medications need to be reported to the treatment provider at the initial assessment and whenever prescriptions are added or changed. The participant will be asked to bring the coordinator all written prescriptions or medications bottles documentation on their record. Participants will be given a list of non-approved medications for the program at intake. The list will cover prescriptions as well as over the counter

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medications that could interfere with drug screens. All participants will need to inform their doctors that they are in a drug intervention program in recovery. Failure to report prescriptions to coordinator and treatment provider will result in sanction if a participant should test positive on their drug screens.

Participant Records

Each participant will have two official records. One will be kept by the court and will include assessment information, releases, court orders, and program contract. The other will be maintained by the treatment provider and will contain such documents as assessments, program notes, attendance records, and 12-step meeting attendance sheets.