

# **Drug Court Handbook**

## **Mission Statement**

Drug Courts in the 7th Judicial District will strive to reduce recidivism of alcohol & drug offenders in the criminal justice system and provide community protection with a cost effective, integrated continuum of care through the development and utilization of community resources. Drug Courts will hold defendants accountable and will assist offenders to achieve long-term recovery to become law-abiding citizens, and successful family/community members.

## **About Drug Courts**

Drug Courts are an innovative alternative to prison with emphasis on accountability and intensive monitoring for individuals charged with a drug-related offense. In 1989, the first Drug Court was established in Dade County, Florida when a group of concerned Miami leaders noticed the criminal justice system was unable to adequately address drug addiction or combat the crime that this problem causes. The Drug Court removes defendants from the clogged courtrooms of the traditional criminal justice system, placing them in a new type of courtroom environment where they undergo treatment and counseling, submit to frequent and random drug testing, make regular appearances before the judge and are monitored closely for program compliance. While Drug Courts vary widely in scope, organization and points of intervention, all share an underlying premise that drug use is not simply a law enforcement or criminal justice problem, but a public health problem with roots deep in society. Drug Court programs see the court, specifically the judge, as filling a role that goes beyond that of adjudication.

## **About the Drug Court Program**

The Adult Drug Court program is a voluntary post conviction program for offenders who are chemically dependent and have not been successful in their recovery. The four-phase program consists of intensive supervision of clients by a probation officer, frequent appearances before the Drug Court judge, mandatory drug and alcohol counseling, regular attendance at self-help groups (AA or NA), and random drug testing. Depending on the court, the phases may operate on a point system in conjunction with treatment competencies. When the allotted points and competencies are achieved for a particular phase, the defendant will become eligible to advance to the next phase. Upon completion of the first three phases, the defendant will enter Phase IV, a minimum of six months in a continued care program. Phase IV places an emphasis on 12-step meeting participation, alumni attendance, and continued sobriety maintenance. The program length, which is determined by the participant's progress, will not be less than 15 months. Defendants may be requested to submit to a polygraph, voice stress test, or any other testing as deemed appropriate. Upon graduation, participation in the alumni group is recommended and encouraged. Following graduation, at the discretion of the Drug Court team, you may be placed on formal/informal probation for a period of time to be determined by the Drug Court team.

The Drug Court program is for addicted offenders. The program treats a drug as a drug and an addict as an addict, regardless of the drug of choice.

## **Eligibility Criteria**

To be eligible to participate in the Drug Court program, you must:

1. Have the capacity to manage the structure of Drug Court. Those with qualifying mental health issues will be referred to Mental Health Court.
2. Have an alcohol/drug problem for which treatment attempts have been unsuccessful.
3. Have a minimum LSI score of 17.
4. Have a minimum TCU score of 3.

You will be excluded from applying for the Drug Court program if:

1. You are a "violent offender." A "violent offender" is a person who either:
  - a. Is currently charged with or has been convicted of an offense, during the course of which offense or conduct:
    - i. The person carried, possessed or used a firearm or dangerous weapon;
    - ii. There occurred the death of, or serious bodily injury to any person; or

iii. There occurred the use of force against the person of another, without regard to whether any of the circumstances described in sub-paragraph (i) or (ii) is an element of the offense or conduct of which or for which the person is charged or convicted; or

b. Has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

2. You are currently charged with, or have pled or been found guilty of, a felony in which you committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

### **Accessing the Drug Court Program**

A referral into the Drug Court program may be made by your attorney, the prosecuting attorney, the judge, your probation officer, or your treatment provider. Following legal, clinical, and probation LSI (Level of Service Inventory) screening, your application for acceptance into the Drug Court program will be submitted to a staffing team for acceptance or denial. If accepted into the Drug Court program, your public defender or private attorney may continue to represent you, in a non-adversarial manner, during your participation in the program.

### **Guilty Plea and Sentencing**

Under most circumstances, you will be required to plead guilty and be sentenced before participating in Drug Court program. You will not be allowed to withdraw your guilty plea if you are terminated or withdraw from the Drug Court program.

### **Program Rules**

As a Drug Court participant, you will be required to abide by the following rules:

Attend all ordered treatment sessions. This includes individual and group counseling, educational sessions, and other treatment as directed. Unexcused missed treatment sessions will result in a sanction.

Be on time. If you are late for treatment, you not be allowed to participate and will be considered non-compliant. Contact your counselor if there is a possibility that you may be late.

Do not make threats towards other participants or staff or behave in a violent manner. Violent or inappropriate behavior will not be tolerated and will be reported to the Court. This behavior may result in a sanction or termination from the Drug Court program.

Attend all scheduled Drug Court sessions. You must attend all court sessions as scheduled by the Drug Court probation officer. As a participant, you will be expected to dress appropriately for court. Clothing bearing drug or alcohol related themes, promoting, or advertising alcohol or drug use is considered inappropriate. Sleeveless shirts and body piercing other than earrings will not be allowed in court. Sunglasses are not to be worn in court unless medically approved. Some courts may enforce a stricter dress code.

Abstain from the use of alcohol and illicit drugs. This condition is fundamental to successful completion of the program. Any prescription and over the counter medication must be approved by the Drug Court team prior to use. Abuse of prescription and over the counter drugs will result in a sanction. Use of someone else's prescription or non-approved medication will result in a sanction.

Submit to urinalysis and/or breath tests as requested. You will be tested throughout the entire program. During the first phase, you will be tested frequently and randomly. As you progress through the program, testing will be required on a less frequent basis. The Drug Court judge will have access to all drug testing results including any "stalls", failure to test, and may order a test at any time. A "stall" is considered the inability to provide a urine specimen within 20 minutes of the request. A "stall" and failing to report, or appearing late to submit a urine test will be treated as a violation. Adulterated urine, which may include diluting, tampering, or falsifying, will be considered as a positive test and may result in termination from the program. The goal of the Drug Court is to help you achieve total abstinence from alcohol and illicit drugs; however, a positive breath or urine test will not automatically disqualify you from the program. Dishonesty

concerning use will result in a more harsh sanction. The judge will review your overall performance with the Drug Court staffing team to determine appropriate consequences. No new criminal charges will be filed against you as the result of a positive breath or urine test, unless a separate crime has been committed.

Maintain confidentiality of other DUI/Drug Court participants. Treatment cannot succeed unless all participants maintain the confidentiality of other participants and of information disclosed in treatment.

### **Program Fees**

As a participant, you must agree to pay a minimum program fee of \$60.00 per month, not to exceed \$300.00, in addition to Cost of Supervision fees. Payment will be made as directed by the probation officer. Payment records will be reported to the judge as part of your regular progress report. All treatment and program fees must be paid prior to advancement to the next phase and discharge from probation.

### **PHASES**

#### Phase I - 12 weeks (Minimum)

1. Report to probation officer in person at least once a week or as directed by the probation officer.
2. Attend alcohol/drug counseling and/or 12-step meetings at least once daily, seven days a week as directed by the Drug Court team and provide written verification.
3. Submit to random drug tests at least three times a week or as directed by the probation officer or treatment provider.
4. Attend Drug Court at least once per week or as directed by the Drug Court team.
5. Obtain a sponsor and home group within six weeks of sign-up. Contact sponsor at least once per week and provide written verification as directed by the probation officer.
6. Attend health classes as directed by the probation officer.
7. Pay a minimum \$60.00 Drug Court fee per month and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision fees, and drug testing fees.)
8. Call into the probation office daily for alcohol/drug testing instructions.
8. Maintain employment or participate in continuing education as directed.
9. Achieve Phase I points and/or competencies.

#### Phase II - 12 weeks (Minimum)

1. Report to probation officer in person at least three times per month or as directed by the probation officer.
2. Attend alcohol/drug counseling and/or 12-step meetings a minimum of five times a week, as directed by the Drug Court team and provide written verification.
3. Submit to random drug tests at least twice a week or as directed by the probation officer or treatment provider.
4. Attend Drug Court at least three times per month or as directed by the Drug Court team.
5. Continue to contact sponsor at least once per week and provide written verification as directed by the probation officer.
6. Pay a minimum \$60.00 Drug Court fee per month and be current with other fees, and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision, and drug testing fees.)
7. Call into the probation office daily for alcohol/drug testing instructions.
8. Maintain employment or participate in continuing education as directed.
9. Achieve Phase II points and/or competencies.

#### Phase III - 12 weeks (Minimum)

1. Report to probation officer in person at least twice per month and/or as directed by the probation officer.
2. Attend alcohol/drug counseling and/or 12-step meetings a minimum of four times a week, as directed by the Drug Court team and provide written verification.
3. Submit to random drug tests at least once a week or as directed by the probation officer or treatment provider.
4. Attend Drug Court at least twice a month or as directed by the Drug Court team.
5. Continue to contact sponsor at least once per week and provide written verification as directed by the

probation officer.

6. Pay a minimum \$60.00 Drug Court fee per month and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision, and drug testing fees.)
7. Call into the probation office daily for alcohol/drug testing instructions.
8. Maintain employment or participate in continuing education as directed.
9. Achieve Phase III points and/or competencies.

Phase IV - Continued Care - 6-month minimum

1. Report to probation officer in person once a month.
2. Attend treatment as instructed by the treatment provider.
3. Submit to random drug tests at least once a week or as requested by the probation officer.
4. Attend Drug Court at least once a month.
5. Attend 12-step meetings a minimum of two times a week and provide written verification as directed by the probation officer.
6. Continue to contact sponsor at least once per week and provide written verification as directed by the probation officer.
7. Pay a minimum \$60.00 Drug Court fee per month and be current with other fees and fines. (Other fees and fines may include, but are not limited to, court fines, treatment fees, cost of supervision, and drug testing fees.)
8. Call into the probation office daily for alcohol/drug testing instructions.  
(Defendants will remain in Phase IV-Continued Care for a minimum of six months and will be moved to a level of supervision based upon approval of the Drug Court staffing team.)
9. Must meet all graduation requirements.
10. Achieve Phase IV competencies.

### **Sanctions**

Sanctions for noncompliance with Drug Court program rules may include, but are not limited to, additional treatment, loss of points, return to a prior phase, community service, being assigned to the sheriff's work detail, jail time and termination from the Drug Court program.

### **Termination from the Program**

You may be terminated from the program for non-compliance, new criminal charges, or bench warrants e Drug Court judge and staffing team will jointly make all decisions regarding termination. If you are terminated from the program, the original sentence will be imposed.

### **Graduation Requirements**

Upon successful completion of the Drug Court program you will be eligible to graduate from the program. In order to graduate from Drug Court you must accomplish the following:

- 6 months of sobriety from ALL mood altering substances;
- 6 months of steady employment unless retired, disabled, full time homemaker or full-time student;
- Successful completion of all court ordered treatment, including competencies;
- Maintain sponsor contact on a regular basis;
- Regular 12-step meeting attendance;
- Completion of all specialized probation terms;
- Completion of high school diploma or GED, or attending ESL, English as a Second Language, classes, unless an exception is determined by the Drug Court team; and
- Must be current on payment of fines, restitution and treatment fees and cost of supervision.

### **Graduation**

At graduation, your family will be invited to join in as the judge congratulates you on successfully completing the program and achieving your goal to establish a drug-free life. Graduation from the program will be followed by administrative probation. Successful completion of the Drug Court program may result, at the discretion of the Drug Court team, in reduction or dismissal of the charges and reduction of fines.

**Conclusion**

The Drug Court program has been developed to help you achieve abstinence from alcohol and/or drugs. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible citizen. The judge, probation officer, treatment provider, and community resources are present to guide and assist you, but the final responsibility is yours.

We hope this handbook has been helpful and answered most of your questions. If you have any additional questions or concerns about the Drug Court program, please feel free to contact the Drug Court probation officer, the Drug Court coordinator, your public defender or private attorney.

**GOOD LUCK TO YOU!**