



## **Douglas County Drug Court Policies and Procedures Manual**

### **Overview**

Douglas County Drug Court is a four-phase program for adults who are charged with a felony, have a substance use disorder, and are willing to engage in treatment. Drug Court is a multi-agency effort including Douglas County District Court, the Douglas County District Attorney, Douglas County Criminal Justice Services, Defense Counsel, Adult Services Officer, Substance Abuse Treatment Providers, Douglas County Sheriffs' Department Re-entry Program, Lawrence Police Department, and other partners. Douglas County Drug Court provides participants with consistent supportive supervision and a variety of skills and techniques to reduce recidivism and live a recovery supportive lifestyle. Drug Court requires regular and frequent court appearances, meetings with the Adult Services Officer, random drug and alcohol testing, as well as group and individual substance abuse treatment and peer support services. Participants earn incentives for compliant behavior and receive sanctions for violations of Drug Court rules.

### **Mission**

The Douglas County Drug Court seeks to enhance public safety by reducing recidivism of individuals with a substance use disorder involved in the criminal justice system by offering community treatment services and a therapeutic court setting. Drug Court provides the opportunity to develop a structured, law abiding, and recovery supportive lifestyle.

### **Goals and Objectives**

- Reduce recidivism among Drug Court Participants
  - Provide an alternative to incarceration for defendants charged with felonies that have a substance use disorder and whose criminal conduct is related to the substance use disorder.
  - Maintain 15-20 active participants.
  - 65% or higher graduation rate from Douglas County Drug Court.
  - Eliminate new arrests or charges by 80% after completion of Phase II.
  - Assess recidivism rates for all program graduates. Follow up and run Criminal History Records at: 3, 6, 12 and 24 months intervals.

- Promote and enhance public safety
  - Provide Risk Assessment and Substance Abuse Screening within 10 days of District Attorney's Office approved referrals.
  - Provide intensive supervision to program participants, including weekly contact with the Drug Court Team, home visits, frequent drug and alcohol testing, and mandatory court appearances.
  - Impose sanctions for lack of compliance with program requirements.
  - Provide incentives for compliance with program requirements.
  
- Provide accountability and alternatives to incarceration for those with substance use disorders.
  - Begin substance abuse treatment within 48-72 hours of entry into the Drug Court.
  - Participants attend at least 85% of treatment sessions.
  - Drug and Alcohol usage decreases with each phase in program. Each phase in Drug Court requires mandatory clean and sober time in order to advance.
  
- Engage the community in the Recovery Process through Education and awareness of the addiction cycle.
  - Identify locations for placement of program participants in meaningful community service.
  - Provide local resource information to participants and make referrals for additional needed services.
  - Participants complete GED or equivalent to a high school completion program.
  - Participants maintain employment as required for each phase of Drug Court.
  - Drug Court Team members engage in public speaking events to improve awareness of the cycle of addiction and the role of Drug Court in helping participants.

### **Program Type**

- **Post-Plea, Pre-Sentence, and Probation Violations**
  - Participants must enter a plea of guilty pursuant to a plea agreement with the District Attorney's Office with the recommendation of Drug Court.
  - Sentencing is postponed during participation in Drug Court.
  - Upon Graduation from Drug Court, the plea of guilty is allowed to be withdrawn and the case is dismissed.
  - Sentencing will proceed if the participant exits Drug Court without graduating.
  - Participants who are on probation for a felony with a pending probation violation may be eligible for Drug Court.

- Participants who are on probation must stipulate to the probation violation and extension of the probation period pursuant to an agreement with the District Attorney's Office with the recommendation of Drug Court.
- If participants who are on probation successfully complete the program, the probation violation will be withdrawn, and probation terminated.
- Participants who are on probation who successfully complete the program will not have the underlying charges dismissed.
- If participants who are on probation exit Drug Court, disposition on the probation violation will proceed.

### **Eligibility Criteria**

- Douglas County, Kansas, resident
- 18 years of age or older
- Score high risk/high needs on a standardized assessment tool
- Admit to substance use and agree to achieve and maintain sobriety
- Agree to engage in required substance abuse treatment
- Felony charges pending or on Felony Probation with a pending probation violation
- No serious or persistent mental illnesses which prohibit participation in substance abuse treatment or other program requirements
- Agree to participate in Drug Court and follow program requirements
- Approval of the Drug Court Judge and the District Attorney

### **Exclusion Criteria**

- Current case involves sex crimes or use of a firearm
- District Attorney's office finds the defendant to be a public safety risk
- The case involves a Driving Under the Influence charge
- Defendant is a larger dealer or distributor of drugs
- The Drug Court Team determines that the defendant is not amenable to the program

### **Determination of Potential Eligibility**

Applications for the Douglas County Drug Court may be obtained through the Douglas County Drug Court website at [www.douglascountyks.org/drug-court](http://www.douglascountyks.org/drug-court) . Referrals may come from a number of different sources, including but not limited to: judge, district attorney, defense attorney, probation officer, law enforcement, treatment providers, or self-referral. The Douglas County District Attorney's Office will determine preliminary eligibility for Drug Court. Applicants are then screened for suitability by the treatment provider and then by the Drug Court Team. As part of the screening process each applicant will be administered a risk and needs assessment. Results are used to determine the level of supervision and treatment that may be offered if admitted to the

program. Final determination for admission will be made by the Drug Court Judge based on the recommendations from the Drug Court Team, and with approval by the District Attorney.

### **Admissibility of Statements during Assessment**

Any statement made by the defendant during the assessment process (or any information derived from a statement to any Drug Court Team Member during the assessment process to determine his/her eligibility for the Drug Court), may not be used against the defendant in the pending case.

### **Waiver of Rights**

In order to participate in Drug Court, a defendant must:

- Enter guilty plea and agree to postpone sentencing or stipulate to a probation violation and agree to postpone disposition.
- Waive right to speedy trial
- Sign and enter into the Douglas County Drug Court Participant Contract
- Agree to an order of supervision which includes searches without a warrant and random drug and alcohol testing
- Sign waiver of confidentiality

### **The Drug Court Team**

The Drug Court Judge will make all final decisions concerning the imposition of incentives or sanctions, as well as graduation or termination from Drug Court. The Drug Court team will provide participation updates to the Drug Court Judge. The Drug Court Team consist of:

- Douglas County District Attorney
- Adult Services Officer
- Treatment Provider(s)
- Law Enforcement
- Douglas County Reentry
- Defense Attorney

Prior to each Drug Court hearing, the Drug Court Team will meet and discuss participant updates. The pre-court staffing meetings are closed to the public. Drug Court Hearings are open to the public.

### **DRUG COURT RULES**

All participants in Drug Court are required to abide by the rules outlined in the participant contract, including but not limited to:

1. Tell the truth;
2. Do not use, possess, distribute, or sell any drugs or alcohol;
3. Do not associate with any person selling, manufacturing, possessing, or using controlled substances;
4. Report to your Adult Services Officer as directed and follow all lawful directives;
5. Attend and participate in all ordered treatment sessions;
6. Be on time for Court, all treatment sessions, and any other required meetings or appointments;
7. Dress appropriately for Court and treatment sessions;
8. Respect others in Treatment Court. Verbal and or physical threats toward anyone in the program, in the courtroom, or on the Drug Court team are not allowed. This kind of behavior will be reported immediately to the Court and may lead to serious sanctions including termination from the Drug Court Program.
9. Do not associate with known felons with the exception of attending Drug Court or treatment programs;
10. All associates must be pre-approved for contact with participants.
11. Do not bring any drugs, alcohol or weapons to treatment sessions or into Court;
12. Remain in the courtroom for the duration of the Drug Court Docket.
13. Complete high school diploma or GED (if you do not have one);
14. Obtain and maintain employment per phase requirement
15. Notify Law Enforcement you come into contact with that you are a Drug Court participant and notify your Adult Services Officer of any Law Enforcement contact;
16. Do not possess, own, or use a firearm and/or ammunition;
17. No sexual contact, dating, or intimate relationship with any current Drug Court participant, or other member of your treatment program;
18. Do not move, change residence, or living environment without the prior approval of the Drug Court Team.
19. Follow all directives of the Court, Adult Services Officers, and Treatment Providers
20. Do not participate in or commit any new crime

### **DRUG AND/OR ALCOHOL TEST PROCEDURE**

The Drug Court requires random drug and alcohol testing in addition to testing as requested by the Drug Court Team or treatment provider(s). All participants are assigned a pin number and enrolled in the random pin code calling system. The participant is expected to call daily and report for testing as outlined in the Random Substance Use Testing Assignment. All drug screens will be observed to ensure compliance and proper chain of evidence is followed. Adult Services Officer or Court may direct additional testing.

Sobriety is important for success in Drug Court. Drug and/or alcohol usage while in the program is taken seriously. If a positive drug or alcohol test is submitted, the participant may receive an immediate sanction and increased substance abuse treatment.

### **Medication Assisted Treatment (MAT)**

Medication Assisted Treatment (MAT) is an important part of recovery for many people with substance use disorders. Drug Court participants may request or be considered for Medication Assisted Treatment while in the Drug Court program. Drug Court participants must get court approval before beginning MAT or before changing their prescribed medications because some MAT medications create the potential for misuse.

Participants who are receiving MAT services must authorize communication between the Drug Court team and all medical professionals involved in the MAT treatment plan. MAT may be approved by the court if it is prescribed lawfully by a licensed medical provider, who has personally examined the participant, diagnosed the participant as having a substance use disorder, and determined that the medication is appropriate to treat the disorder.

The court does not provide medical treatment; however, before approving MAT, the court will consider the risks and benefits for the participant, including the specific medication and its potential for misuse, alternative treatments, and whether use of the medication might present a barrier to sober living options. The Drug Court supports use of MAT when medically necessary and appropriate for the specific participant.

### Drug Court Phases

<b>PHASE I</b> <u>Stabilization</u> Personal Responsibility/Accountability	<b>PHASE II</b> <u>Acceptance</u> Integration of Early Recovery Tools	<b>PHASE III</b> <u>Change</u> Active Recovery with Independent Choices	<b>PHASE IV</b> <u>Maintenance</u> Living Centered on Recovery
<b>Length of Phase:</b> <ul style="list-style-type: none"> <li>• Minimum 10 Weeks</li> </ul>	<b>Length of Phase:</b> <ul style="list-style-type: none"> <li>• Minimum 12 Weeks</li> </ul>	<b>Length of Phase:</b> <ul style="list-style-type: none"> <li>• Minimum 20 Weeks – EPC can be earned in this phase</li> </ul>	<b>Length of Phase:</b> <ul style="list-style-type: none"> <li>• Minimum of 20 weeks – EPC can be earned in this phase</li> </ul>
<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Court Attendance Weekly</li> <li>• Meetings With Adult Services Officer (ASO) As Directed</li> <li>• Random UA's</li> <li>• Development Of An Individual Treatment Plan</li> <li>• Group Treatment Sessions</li> <li>• Individual Treatment Sessions</li> <li>• 6-12 Hours Of Treatment Per Week</li> </ul>	<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Court Attendance At Least Two (2) Times Per Month</li> <li>• Meetings With ASO As Directed</li> <li>• Random UA's</li> <li>• Group And Individual Treatment Sessions</li> <li>• Secure Employment Or Enroll In Vocational Or Education Program</li> <li>• Recommend obtaining a Sponsor</li> </ul>	<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Court Attendance At Least One (1) Time Per Month</li> <li>• Meetings With ASO As Directed</li> <li>• Random UA's</li> <li>• Treatment Sessions As Recommended</li> <li>• Individual Treatment Sessions</li> <li>• Recommended 12-Step Work With Sponsor</li> <li>• Employment Or Education Program Maintained</li> </ul>	<b>Requirements:</b> <ul style="list-style-type: none"> <li>• Court Attendance As Directed</li> <li>• Meetings With ASO As Directed</li> <li>• Random UA's</li> <li>• Individual Treatment Sessions</li> <li>• Recommended continued 12-Step Work With Sponsor</li> <li>• Employment Maintained</li> <li>• Compliance With Aftercare Plan And Treatment (Attend Peer Support as scheduled &amp; DC Exclusive Group)</li> </ul>
<b>Criteria for Advancement:</b> <ul style="list-style-type: none"> <li>• 30 Consecutive Days Of Clean UA's</li> <li>• Compliance With Individual Treatment Plan</li> <li>• Compliance With UA Submission, Appointments With ASO And Court Attendance</li> <li>• Submit Request To Phase Up</li> <li>• Drug Court Team agreement on Advancement And Judge Approval</li> </ul>	<b>Criteria for Advancement:</b> <ul style="list-style-type: none"> <li>• 60 Consecutive Days Of Clean UA's</li> <li>• Compliance, Or Completion Of Outpatient Treatment And Attendance Of Individuals Sessions</li> <li>• Compliance With UA Submission, Appointments With ASO And Court Attendance</li> <li>• Employment Or Enrolled In Educational Program</li> <li>• Submit Request To Phase Up</li> <li>• Drug Court Team agreement on Advancement And Judge Approval</li> </ul>	<b>Criteria for Advancement:</b> <ul style="list-style-type: none"> <li>• 90 Consecutive Days Of Clean UA's</li> <li>• Successful Completion Of Outpatient Treatment And Attendance Of Individual Sessions</li> <li>• Compliance With UA Submission, Appointments With ASO And Court Attendance</li> <li>• Aftercare Plan Created</li> <li>• Attendance In Aftercare Treatment</li> <li>• Request To Phase Up</li> <li>• Drug Court Team agreement on Advancement And Judge Approval</li> </ul>	<b>Criteria for Graduation:</b> <ul style="list-style-type: none"> <li>• Minimum Of 120 Consecutive Days Of Clean UA's</li> <li>• Aftercare Plan Compliance</li> <li>• Drug Court Team agreement on Graduation And Judge Approval</li> </ul>

### **Graduation**

Eligibility for Graduation is based upon successful completion of the Treatment Program and satisfaction of all court requirements. Graduation from the Drug Court is recognized as an important event. Your loved ones will be invited to join you at a Special Graduation Ceremony. The Drug Court Team will congratulate the participant for all the hard work he or she put into achieving a Life Changing Gift- Recovery!

### **Post-Graduation Follow Up**

To help the Douglas County Drug Court provide the best possible treatment options for future participants, we ask graduates to participate in post-graduation follow ups. Follow up studies and requests may include: background checks, letters, phone calls, questionnaires, possible speaking engagement opportunities, and alumni group-opportunities. We will try to minimize inconvenience to former participants, but your voice is important and may help others in the community.

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