

LINN COUNTY DRUG/TREATMENT COURT

The Linn County Drug/Treatment Court has begun accepting referrals, effective Monday, August 27, 2007.

The Drug/Treatment Court is designed to provide supervision, Drug/Treatment, and support to individuals with substance use disorders and potentially also mental health disorders. The program is designed to provide intensive support in these areas by requiring the individual to participate in regular hearings in which they report their progress in front of a judge and their peers. Through these hearings, sanctions or positive reinforcement will be delivered by the judge and the Drug/Treatment Court team. Additionally, all parties involved in an individual's "case", including Drug/Treatment professional, attorneys, and DCS, have regular contact to discuss the individual's progress.

Drug/Treatment Court is designed to serve those individuals who would likely be going to prison otherwise, and who have already made other attempts at traditional Drug/Treatment and supervision. Drug/Treatment court is designed to be the final option before prison – so someone who did not complete the Drug/Treatment court program would not be returned to field services. It is a phased based program, consisting of 5 phases. The minimum amount of time needed to complete all 5 phases is 12 months, and many individuals will likely require more time than this to complete the program. Therefore, we recommend that anyone referred have a minimum of 18 months left on their supervision.

Appropriate referrals at this time will likely be those probationers on your current caseloads who are facing revocation proceedings due to their continued difficulties with drugs and alcohol on supervision. Those being assigned to probation may also be appropriate, depending on their prior history. Additionally, it is recognized that many of these individuals have co-occurring mental health disorders, and clinical screening will be incorporated to address these issues.

You will find attached two documents – the first outlines the qualifying and disqualifying criteria for a Drug/Treatment Court participant. The second document is a brief form to complete if you would like to refer an individual.

The referral process will be as follows:

- All referrals should be addressed to me. If you are within the Department, please complete the attached form. If the referral is from an outside referral source (atty, Drug/Treatment provider, etc.) these can be done over the phone.
- I will evaluate the initial referral, and if the person meets criteria, will then meet with the individual to complete an in-person assessment of their readiness to participate, as well as a screening of their substance use issues and their mental health issues.
- The person is then sent on to complete a full substance abuse assessment (if they do not have a current one on file) and a full mental health assessment. At this time, Elizabeth LeClere from ASAC will complete the substance abuse assessments and I will complete the mental health assessments.
- A summary of the information gathered will be presented to the Drug/Treatment Court Team to determine if the person will be accepted into the program.
- A court order will be issued sentencing the individual to the Drug/Treatment Court program.

If the person is sentenced to the program, supervision of their case will be transferred to me at that time. Additionally, Elizabeth LeClere from ASAC will be their Drug/Treatment counselor for the duration of the program.

It is anticipated that the screening and assessment stage will take no more than 2 weeks to complete, at which time the person will be sentenced to the program. Once the sentencing order is issued, the person would begin Drug/Treatment Court the next Monday, which will be the day the Drug/Treatment Court meets.

We anticipate that the first Drug/Treatment Court hearings will be held the week of September 24.

POLICY:

Staff members assigned to the Drug/Treatment Court Program will implement Drug/Treatment and supervision standards that will allow and promote the clients of the program to return and reintegrate into society as productive and socially acceptable members.

DEFINITION OF TERMS:

1. Drug/Treatment Team- will consist of: Judge, County Attorney, Defense Attorney, Drug/Treatment Court Coordinator, Probation/Parole Officer, High Risk Unit Probation/Parole Officer, Substance Abuse Drug/Treatment Provider, Mental Health Drug/Treatment Provider. Members of the Drug/Treatment Team will participate in staffing and the steering committee.
2. Steering Committee- meetings will be held every other month at minimum. Steering Committee will consist of: members of the Drug/Treatment team, Clinical Service Manager, Drug/Treatment Court Supervisor, High Risk Unit Supervisor, Drug/Treatment Court Coordinator, Mental Health Agency Supervisor, Substance Abuse Agency Supervisor, Court Administrator, Chief Judge (District/Associate) or designee, County Attorney or designee, and Defense Attorney or designee. This committee will be chaired by the Drug/Treatment Court Coordinator, and by the Drug/Treatment Court Supervisor in case of the absence of the Drug/Treatment Court Coordinator.
3. Staffing- Staffing will be held at minimum of once per week for each Drug/Treatment Court participant, lasting approximately two hours, meeting prior to court hearings.
4. Drug/Treatment Court Plan- Drug/Treatment Court Plan will consist of long/short measurable goals (substance abuse, mental health, corrections). It will be lead by the substance abuse provider, with additional information provided by the mental health provider and corrections officials.

PROCEDURE:

1. Steering Committee:
 - A. Members of the Steering Committee will meet at minimum every other month.
 - B. Will be responsible for communicating barriers to Drug/Treatment Court implementation and program functioning.
 - C. See definition for participating members.
2. Judicial Representative:
 - A. Refer offenders to be screened for the Drug/Treatment Court Program.
 - B. Order offenders to participate in the Drug/Treatment Court Program.
 - C. Help establish offender's supervision requirements.
 - D. Meet with offenders upon entry into the Drug/Treatment Court Program to review expectations.
 - E. Lead staff, and gather information about client's progress or lack of, prior to court.
 - F. Preside over Drug/Treatment Court and provide rewards for positive progress and impose sanctions for non-compliance.
 - G. Preside over Drug/Treatment Court's participant graduation.
 - H. Attend Steering Committee meetings.
 - I. Help educate other judges and the community about the Drug/Treatment Court Program.
 - J. Co-facilitate staffing with Drug/Treatment Court Coordinator

3. Drug/Treatment Court Coordinator:
 - A. Will act as the referral point of contact for possible Drug/Treatment Court participants.
 - B. Coordinate and facilitate steering committee.
 - C. Coordinate and co-facilitate staffing with Judicial Representative (Judge).
 - D. Gather incentive items and track distribution
 - E. Attend sentencing or revocation hearings.

4. County Attorney:
 - A. Review cases and make Drug/Treatment Court Program referrals.
 - B. Participate in staffing prior to Drug/Treatment Court.
 - C. Participate in Drug/Treatment Court.
 - D. Participate in Steering Committee meetings.

5. Public Defender:
 - A. Review cases and make Drug/Treatment Court Program referrals.
 - B. Participate in staffing prior to Drug/Treatment Court.
 - C. Participate in Drug/Treatment Court.
 - D. Participate in Steering Committee meetings.

6. Substance Abuse Drug/Treatment Provider:
 - A. Conduct substance abuse assessments and co-develop Drug/Treatment plans.
 - B. Provide substance Drug/Treatment at the level indicated by the assessment.
 - C. Assist clients in developing continuing care plans.
 - D. Provide cognitive-behavioral based Drug/Treatment services.
 - E. Assist with alcohol and drug testing.
 - F. Report Drug/Treatment progress in staffing prior to Drug/Treatment Court.
 - G. Participate in Drug/Treatment Court.
 - H. Participate in Steering Committee meetings.

7. Mental Health Drug/Treatment Provider:
 - A. Conduct mental health assessments and co-develop Drug/Treatment plans.
 - B. Facilitate referrals to appropriate providers when needs are identified.
 - C. Provide client education around mental health.
 - D. Provide crisis intervention services as needed.
 - E. Participate in steering committee.
 - F. Participate in staffing.
 - G. Identify client personal goals.

8. Probation/Parole Officer:
 - A. Provide correctional supervision to clients in the Drug/Treatment Court Program.
 - B. Make and monitor compliance with referrals.
 - C. Co-develop an individualized Drug/Treatment Court plan based on client's assessment and needs.
 - D. Review case management with client weekly, and make adjustments as needed to attain desired changes.
 - E. Verify information with client's contacts.
 - F. Provide crisis intervention as needed.
 - G. Participate in drug testing, home visits, and curfew checks according to phase requirements and other events or situations.

- H. Complete weekly progress reports on all Drug/Treatment Court clients and present the information at weekly staffing.
- I. Participate in Steering Committee meetings.
- J. Participate in Drug/Treatment Court.

9. High Risk Unit Officer:

- A. Assist Participate in drug testing, home visits, and curfew checks according to phase requirements and other events or situations.
- B. Participate in Drug/Treatment Court.
- C. Participate in Steering Committee meetings.
- D. Participate in Staffing
- E. Liaison to local law enforcement by participating in Law Enforcement meetings.

POLICY:

The Drug/Treatment Court team will use the following guidelines to identify and admit offenders into the Drug/Treatment Court program.

PROCEDURE:

1. Qualifying Criteria- Defendants will be eligible for Drug/Treatment Court participation based on the following criteria:
 - A. Substance Abuse or Substance Dependence is a major contributing factor to their criminal activity as indicated by stipulation or plea.
 - B. New non-violent Felony or Aggravated Misdemeanor Offense or has a pending Probation Revocation hearing.
 - C. Likely going to prison without Drug/Treatment Court participation.
 - D. Resident of Sixth Judicial District;
 - E. Adult offender;
 - F. Legal and clinical screenings indicate placement is appropriate.
 - G. Must be a Linn County charge;
 - H. Willing participant;
 - I. No pending Felonies outside of that for which they are being sent to Drug/Treatment Court. All pending charges must be able to be addressed with Drug/Treatment Court as condition of sentencing.

2. Disqualifying Criteria- Defendants will be ineligible for Drug/Treatment Court participation based on the following criteria:
 - A. Failure to meet Diagnostic and Statistical Manual of Mental Disorders- TR criteria for drug or alcohol abuse or dependence.
 - B. Parolees/work release status;
 - C. Inadequate time remaining under supervision to complete the program.
 - D. Legal or clinical screening indicates placement is inappropriate.

3. The Drug/Treatment Court team will discuss each referral with the following criteria and make a recommendation for admission or disqualification:
 - A. Current offense of Manufacturing, Delivery, or Possession with Intent to Deliver.
 - B. Violent behavior or felony offense involving a weapon.
 - C. Current or history of sex offense.

POLICY:

The Drug/Treatment Court philosophy maintains that a system of sanctions and incentives be administered to reward positive progress and hold offenders accountable for rule violations.

DEFINITION:

1. Incentives – responses to compliance, perceived as positive by the receiver.
2. Sanctions – imposition of a consequence, perceived as negative by the receiver as a direct result of a prohibited activity.

PROCEDURES:

1. The use of a phase system will provide increased privileges for compliance with supervision and progress in Drug/Treatment. Increased privileges will include: decrease in the frequency of status review hearings, decrease in contact requirements with the Drug/Treatment Court staff, and decrease in Drug/Treatment level. Individualized incentives for positive program participation may include: travel privilege, gift certificates, peer recognition, verbal praise from Drug/Treatment Court staff, earning of excused absences, and a Certificate of Accomplishment.
2. Rewards will be given to participants for accomplishing 30 days, 90 days, 6 months and one year of sobriety.
3. Any time there is an incident of substance use, the participant will be expected to, at a minimum, report the incident within 24 hours to their probation officer, take responsibility for the behavior, take concrete steps to prevent future use, and will be evaluated for a possible increase in the level of Drug/Treatment. The participant may be asked to take additional steps at the Drug/Treatment Court Team's discretion. Sanctions could be imposed no later than the next Drug/Treatment Court session.
4. Sanctions could be imposed for substance use or other non-compliance while considering the client's level of responsibility and honesty. Behaviors that may warrant a sanction include: unexcused absence from Drug/Treatment or group sessions, curfew violation, failure to appear in court, a new arrest, missed, positive or altered drug test, and continued drug use. Sanctions for non-compliance may include: written assignments, phase change, community service, increased Drug/Treatment sessions, day reporting, jail, discharge from probation, or revocation to prison.

POLICY:

A phase system will guide the expectations and requirements of participants as they progress through the Drug/Treatment Court Program. The program will have four phases of Drug/Treatment. Participants must complete each phase requirement to the satisfaction of the Drug/Treatment Court Team before moving on to the next phase. Graduation will occur after successful completion of Phase Four.

PROCEDURE:

1. Phase I- A minimum of 30 days:
 - A. Key Concepts- Detoxification, Stabilization, and Life Assessment:
 - 1) Attend all Drug/Treatment Court hearings as scheduled.
 - 2) Complete all assessments and evaluations.
 - 3) Keep all appointments with Probation Officer.
 - 4) Submit to drug testing/BAs.
 - 5) Keep all home visit appointments.
 - 6) Comply with set curfews.
 - 7) Establish case plan and set personal goals.
 - 8) Begin job search/maintain employment/education. (if applicable)
 - 9) Obey all laws and terms of probation.
 - 10) Attend all Drug/Treatment appointments as required.
 - a. Advancement Requirements:
 - 1) 30 days full compliance.
 - 2) 30 days of negative substance testing or at least one negative UA, depending on substance of choice.
 - 3) No unexcused absences from any scheduled services.
 - 4) Establish payment plan for court.
2. Phase II- A minimum of 60 days:
 - A. Key Concepts- Drug/Treatment and Accountability:
 - 1) Attend all Drug/Treatment Court hearings as scheduled.
 - 2) Keep all appointments with Probation Officer.
 - 3) Compliance with all home visit appointments.
 - 4) Complete required community service. (if applicable)
 - 5) Evaluation of life skills and develop strategies.
 - 6) Comply with set curfews.
 - 7) Submit to random drug testing/BAs.
 - 8) Plan in place for housing and employment.
 - 9) Obey all laws and terms of probation (all phases).
 - 10) Comply with all Drug/Treatment requirements, including mental health, substance abuse, and others.
 - 11) Comply with case plan and personal goals.
 - a. Advancement Requirements:
 - 1) 60 days full compliance.
 - 2) 60 days of no drug or alcohol use.
 - 3) No unexcused absences from any scheduled services.
 - 4) Show consistency in paying court.
 - 5) Meet all phase requirements.

3. Phase III- A minimum of 90 days:

A. Key Concepts- Recovery and Relapse Prevention:

- 1) Attend all Drug/Treatment Court hearings as scheduled.
- 2) Keep all appointments with Probation Officer.
- 3) Begin to develop a Continuing Care Plan.
- 4) Maintain a secure, sober lifestyle and residence.
- 5) Compliance with home visit appointments.
- 6) Comply with set curfews.
- 7) Continue random drug testing/BAs.
- 8) Maintain employment and/or education.
- 9) Continue community service requirements.
- 10) Obey all laws and terms of probation (all phases).
- 11) Comply with all Drug/Treatment requirements, including mental health, substance abuse, and others.
- 12) Comply with case plan and personal goals.
 - a. Advancement Requirements:
 - 1) 90 days full compliance.
 - 2) 90 days of no drug or alcohol use.
 - 3) No unexcused absences from any scheduled services.
 - 4) Show consistency in paying court.
 - 5) Meet all phase requirements.

4. Phase IV- A minimum of 90 days:

A. Key Concepts- Pre-release and Aftercare:

- 1) Attend all Drug/Treatment Court hearings as scheduled.
- 2) Keep all appointments with Probation Officer.
- 3) Finalize Continuing Care Plan.
- 4) Complete all community service (if applicable).
- 5) Comply with home visit appointments.
- 6) Comply with set curfews.
- 7) Maintain a secure, sober lifestyle and residence.
- 8) Continue random drug testing/BAs.
- 9) Maintain employment and/or education.
- 10) Obey all laws and terms of probation (all phases).
- 11) Comply with all Drug/Treatment requirements, including mental health, substance abuse, and others.
- 12) Comply with case plan and personal goals.
 - a. Advancement Requirements:
 - 1) 90 days full compliance.
 - 2) 90 days of no drug or alcohol use.
 - 3) No unexcused absences from any scheduled service.
 - 4) Show consistency in paying court.
 - 5) Meet all phase requirements.

4. Phase V- A minimum of 90 days:

A. Key Concepts-Continuing Care:

- 1) Attend all Drug/Treatment Court hearings as scheduled
- 2) Keep all appointments with probation officer.
- 3) Implement Continuing Care plan.
- 4) Submit to routine drug testing/BAs.

- 5) Compliance with home visit appointments.
- 6) Complete required community service (if applicable).
- 7) Maintain employment and/or education.
- 8) Maintain a secure, sober lifestyle and residence.
- 9) Obey all laws and terms of probation (all phases).
- 10) Comply with all Drug/Treatment requirements, including mental health, substance abuse, and others.
 - a. Advancement Requirements
 - 1) 90 days full compliance.
 - 2) 90 days of no drug or alcohol use.
 - 3) No unexcused absences from any scheduled services.
 - 4) Show consistency in paying court.
 - 5) Meet all phase requirements.

POLICY:

The Drug/Treatment Court team will use the following guidelines to graduate or terminate offenders from the Drug/Treatment Court Program.

PROCEDURES:

1. Criteria:

- A. Graduation Criteria- Graduation will be considered after completion of the following conditions to the satisfaction of the Drug/Treatment Court team.
 - 1) Completed at least 12 months in the Drug/Treatment Court Program.
 - 2) Completion of all Drug/Treatment and phase requirements.
 - 3) Have an approved aftercare plan in place.
 - 4) Maintain a drug-free lifestyle through approved living arrangements, employment and/or education.
 - 5) Adherence to laws and probationary terms.
 - 6) Attendance at graduation ceremony.
 - 7) Completion of all outstanding community service.
 - 8) Must have the last 90 days of being fully compliant.
 - 9) All court and Drug/Treatment costs must be paid.

- B. Termination Criteria- The Drug/Treatment Court team may recommend any client for termination, final decisions will be made by the Drug/Treatment Court Judge.
 - 1) Refusal to cooperate with programming, supervision, Drug/Treatment Court hearings, and/or Drug/Treatment.
 - 2) Continued drug or alcohol use while in the program.
 - 3) No apparent investment in Drug/Treatment.
 - 4) Unavailability due to incarceration or absconding.
 - 5) Acquiring a new felony charge.
 - 6) Acquiring any new serious violations including criminal, threatening, disruptive, or assaultive behavior.
 - 7) Moving residence outside of the Sixth Judicial District without the permission of the Drug/Treatment Court team.