



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

### **Overview**

Douglas County Drug Court is a four-phase program for adults who have been arrested and charged with a non-violent felony offense and having difficulty staying substance free. Drug Court is a multi-agency effort including-Douglas County District Court Judge, Douglas County District Attorney, Defense Counsel, Adult Services Officer, and Treatment Providers, Douglas County Sheriffs' Department, Lawrence Police Department and community partners. By working together, the goal is to provide the participant with consistent supportive supervision and a variety of skills and techniques to help maintain a substance-free 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 treatment counseling. Participants are awarded incentives for compliant behavior and sanctions for violations of Drug Court rules.

### **Mission**

The Douglas County Drug Court seeks to reduce recidivism of individuals with a substance use disorder who are embroiled 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 substance-free lifestyle while enhancing public safety.

### **Goals and Objectives**

- Reduce recidivism among Drug Court Participants
  - Admit 15 participants into the Drug Court Pilot Program.
  - 65% graduation rate from Douglas County Drug Court.
  - Eliminate new arrests for substance use related offenses 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, random pin code drug and alcohol testing and mandatory court appearances.
  - ⊖ Impose sanctions for lack of compliance with program objectives.
  - ⊖ Reward participants' efforts and satisfactory compliance with rules.
  
- Provide accountability and alternatives to incarceration for those with substance use disorders.
  - Provide substance abuse treatment within 48-72 hours of entry into the Drug Court.
  - Participants will attend treatment sessions in order to advance to the next phase: Phase I=80%, Phase II=85%, Phase III=90% and Phase IV=95%
  - Drug and Alcohol usage will decrease 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
  - Solicit locations for the placement of program participants in meaningful community service
  - Solicit local businesses to support participants towards recovery through private partnerships that donate tangible rewards for success
  - Solicit public speaking engagements by Drug Court Team Members and Graduates, to improve awareness of cycle of addiction and role of Drug Court in helping participants to break the cycle (3-4) per year
  
- Community Engagement During COVID-19
  - The Douglas County Drug Court is committed to community engagement for participants and team members
  - COVID-19 has presented unprecedented challenges to the health and safety of participants and team members.
  - The Drug Court team continues to monitor the ongoing COVID-19 pandemic, and will follow all Lawrence-Douglas County Health Department recommendations

### **Program Type**

- **Post-Plea, Pre-Sentence**
  - The participant must enter a plea of guilty as charged and be subsequently convicted or enter a plea agreement with the District Attorney's Office with a recommendation for Drug Court.
  - Sentencing is postponed pending participation in Drug Court.
  - Upon Graduation from Drug Court the plea of guilty is allowed to be withdrawn and the case is dismissed.
  - If you are admitted as a Probation Violation case charges cannot be dismissed. If you exit Drug Court without graduating sentence may be imposed, including penitentiary time.
  - If at any time prior to Graduation the participant exits Drug Court, sentencing will proceed.

### **Eligibility Criteria**

- Douglas County, Kansas, resident
- Admit to substance use and agree to cessation of use.
- 18 years of age or older
- Have felony charges pending or Felony Probation case that may be pending revocation
- Have no serious or persistent mental illnesses which prohibit participation in substance abuse treatment
- If charged with possession with intent to distribute, the amount must be minor and for the purpose of supporting the proposed participant's addiction
- Resolve all out-of-county and out-of-state charges
- Agreement to participation in Drug Court
- Approval of the Douglas County Drug Court Team

### **Exclusion Criteria**

- Denial of substance use
- Previous completion or discharge from Drug Court-will be handled on a case-by-case basis
- Current case involves violent person felony
- Current case involves firearms
- Current case involves Sex Crimes
- Prior conviction(s) of violence within the last 10 years will be considered case-by-case, as determined by District Attorney's office
- 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

### **Determination of Potential Eligibility**

Applications for the Douglas County Drug Court may be obtained through the Douglas County District Attorney's Office website at [www.douglascountyks.org/depts/district-attorney/welcome](http://www.douglascountyks.org/depts/district-attorney/welcome). Referrals may come from a number of different sources, including but not limited to: judge, district attorney, defense attorney, probation officer, law enforcement, or treatment provider(s). The Douglas County District Attorney's Office will determine potential eligibility for Drug Court. Drug Court applicants are next 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.

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

Any statement made by the defendant (or any information derived from said statement to any Drug Court Team Member during the assessment process to determine his/her eligibility for the Drug Court), may not be used to impeach 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.
- 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 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. Not use, possess, distribute, or sell any drugs or alcohol;
3. 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 given;
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. Not make threats towards other participants or staff, or behave in a violent manner;
9. Not associate with a known felon with the exception of attending Drug Court or treatment programs;
10. Not bring any drugs, alcohol or weapons to treatment sessions or into Court;
11. Remain in the courtroom for the duration of the Drug Court Docket.
12. Complete high school diploma or GED (if you do not have one);
13. Obtain and maintain employment;
14. Notify Law Enforcement you come into contact with that you are a Drug Court participant;
15. Notify your Adult Services Officer of any Law Enforcement contact;
16. 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. Not move, change residence, or living environment without the prior approval of the Drug Court Team.

### **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.

Sobriety is important to 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.

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

During involvement in the Drug Court, a participant may request or be considered for medication assisted treatment. Approved medications are prescribed to reduce cravings and urges to use alcohol and/or opiates. This will be considered especially for those clients who have a history of relapse, or report cravings as an issue in staying sober. If a participant begins receiving MAT, the participant is expected to remain active in the Drug Court and follow treatment guidelines and protocol. The participant must meet with a nurse and/or doctor on a monthly basis to discuss the prescribed medication and report any concerns or complications immediately. A participant who is currently receiving MAT services, must authorize communication between the Drug Court team and all medical professionals involved in the MAT treatment plan.

### Drug Court Phases

<b>PHASE I</b> <b><u>Stabilization</u></b> Personal Responsibility/Accountability	<b>PHASE II</b> <b><u>Acceptance</u></b> Integration of Early Recovery Tools	<b>PHASE III</b> <b><u>Change</u></b> Active Recovery with Independent Choices	<b>PHASE IV</b> <b><u>Maintenance</u></b> 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>No Level III sanctions in last 15 days</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>No Level III sanctions in last 30 days</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>No Level III sanctions in last 45 days</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>No Level III sanctions in last 60 days</li> <li>Aftercare Plan Compliance</li> <li>Write A Letter To Read To The Court Reflecting On Time During Participation In Drug Court Program And Goals For The Future</li> <li>Drug Court Team agreement on Graduation And Judge Approval</li> </ul>

### **Graduation**

Eligibility for Graduation will be 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 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! The participant will withdraw the guilty plea entered and the State will file a Motion to dismiss the case.

### **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 individuals, but your voice is important and may help others in the community.

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