



Douglas County Drug Court

Douglas County Drug Court Policies and Procedures Manual

Overview

Douglas County Drug Court is a five-phase program for adults who are charged with a felony or a violation of felony probation, 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 Reentry 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. Drug Court graduates have their charges dismissed or are released from felony probation.

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 or who are on felony probation in violation status and who have a 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 former participants. Follow up and run Criminal History Records yearly.

- 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 use 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.
 - Phase advancement is based on completion of objective, proximate, evidence-based phase goals.
- Engage the community in the Recovery Process through education and awareness
 - 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 role of Drug Court in helping participants and serving the community.
- Help participants develop and maintain long-term recovery skills by taking part in substance use treatment.
 - Provide structure, support, and education to participants.
 - Identify and reduce barriers to participation in substance use treatment.
 - Help participants develop a prosocial routine and learn to apply drug and alcohol avoidance strategies.
 - Teach participants life skills.
 - Help participants develop a continuing care plan for long term recovery.

Program Type

- **Post-Plea, Pre-Sentence, and Probation Violations**
 - Participants with pending charges 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.
 - Graduates may be eligible to apply for expungement.
 - 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 with pending probation violation allegations must stipulate to the probation violation(s) 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 but may be eligible to apply for expungement.
- If participants who are on probation exit Drug Court without graduating, disposition on the probation violation will proceed.

Eligibility Criteria

- Douglas County, Kansas, resident
- 18 years of age or older
- Assessed as high risk on a standardized risk assessment tool: at significant risk for committing a new crime or not successfully completing less intensive dispositions like probation.
- Assessed as high need: diagnosed with a moderate or severe substance use disorder that includes a substantial inability to reduce or control their substance use.
- Recommended for a higher level of substance use treatment
- Agree to engage in recommended substance abuse treatment
- Felony charges pending or on Felony Probation with a pending probation violation
- 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 denies the application due to public safety risk or victim opposition
- Drug Court team determines the defendant is a public safety risk and is unable to be appropriately supervised
- Pending charges include Driving Under the Influence
- Defendant is a larger dealer or distributor of drugs
- The Drug Court Team determines that the defendant is not able to successfully participate in the program for specific, objective reasons such as unresolved pending charges in other jurisdictions that could prevent program participation.
- Severe or persistent mental illness or cognitive function that impedes successful completion of program requirements
- Conflict with other participant, team member, or treatment provider

Determination of Potential Eligibility

Applications for the Douglas County Drug Court may be obtained through the Douglas County Drug Court website at www.dgcoks.gov/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 by the Adult Services Officer/Re-Entry and assessed by the treatment provider for eligibility. 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.
- Sign and enter into the Douglas County Drug Court Participant Contract
- Agree to an order of supervision which includes consent to searches without a warrant and random drug and alcohol testing
- Sign waiver of confidentiality and release(s) of information as requested by the Drug Court Team.

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 consists of:

- Judge
- Assistant District Attorney
- Adult Services Officer
- Treatment Provider(s)
- Peer Support
- Law Enforcement
- Douglas County Reentry
- Defense Attorney
- Drug Court Coordinator

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. Be honest with the Drug Court Team;
2. Attend and participate in all required treatment sessions;
3. Follow all directives of the Court, Adult Services Officers, and Treatment Providers;
4. Do not use, possess, distribute, or sell any illegal drugs, alcohol, or mind-altering substances regardless of legality;
5. Do not take any unapproved over-the-counter medications;
6. Do not take any medication that is not prescribed to you;
7. Do not associate with any person selling, manufacturing, possessing, or using controlled substances;
8. Be on time for Court, all treatment sessions, and any other required meetings or appointments;
9. Dress appropriately for Court and treatment sessions;
10. 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.
11. Participants must get prior approval of the court for all personal associates during Phases 1-3.
12. Do not bring any weapons to treatment sessions or into Court;
13. Remain in the courtroom for the duration of the Drug Court Docket;
14. Participants must get prior approval of the court for all employment;
15. Notify Law Enforcement that you are a Drug Court participant and notify your Adult Services Officer of any Law Enforcement contact within 24 hours of the 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. Do not participate in or commit any new crime.

Drug and/or Alcohol Testing Procedure

The Drug Court requires random drug and alcohol testing in addition to testing as directed by the Drug Court Team or treatment provider(s). All participants are assigned a Personal Identification Number and are enrolled in the random PIN code calling system. The participant must 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. The Drug Court supports and encourages MAT when medically necessary and appropriate for the specific participant.

Drug Court participants are encouraged to discuss MAT with their medical provider while in the Drug Court program. The Drug Court Team will assist participants in accessing MAT to the extent possible.

Participants who are receiving MAT services must authorize communication between the Drug Court team and all medical professionals involved in the MAT plan. MAT is 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.

Drug Court Phases

Drug Court is approximately 14 months, divided into five (5) phases. Each phase must be successfully completed prior to transitioning to the next phase. All phases must be successfully completed prior to your graduation (see *"Douglas County Drug Court Phases,"* at the bottom for expectations and requirements).

Graduation

Eligibility for Graduation is based upon successful completion of all court requirements and phases. Graduation from the Drug Court is recognized as an important event. Participants are encouraged to invite loved ones to attend their graduation ceremony. Participants have the option of a public or private graduation. The Drug Court Team will congratulate the participant on 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. Understanding the experience of Drug Court graduates is important for the program and may help others in the community.

Douglas County Drug Court Phases

Treatment Courts Work

Drug Court consists of five phases that address participants' needs in a manageable sequence. Drug Court uses a holistic approach to help participants develop and maintain long-term recovery from substance use.

Phase 1: Crisis Stabilization & Program Orientation

Goals

1) crisis intervention, **2)** orientation to Drug Court, **3)** comprehensive screening and assessment, **4)** development of treatment plan, and **5)** development of community supervision plan.

Estimated phase duration: 30-60 days

Participant Requirements & Team Tasks

- Complete baseline assessments for supervision and treatment
- Develop a collaborative, person-centered treatment plan
- Develop an individualized community supervision plan
- Obtain court-approved housing (may be short-term/emergency shelter)
- Engage with medical provider for physical and medication assessment, including MAT
- Provide at least two (2) to three (3) random urine drug/alcohol screens per week
- Attend treatment as recommended by treatment plan
- Attend court weekly
- Meet weekly with supervision officer

Phase-Up Eligibility

- Complete program orientation – participant is familiar with program rules/requirements
- Obtain shelter or short-term housing that is approved by the court
- Create a person-centered treatment plan with treatment provider
- Create a community supervision plan with supervising officer
- Attend or schedule medical appointment for basic physical and medication needs

Phase 2: Psychosocial Stabilization

Goals

1) stable housing, **2)** reliable attendance, **3)** therapeutic alliance, **4)** clinical stability defined as: *treatment determines that the participant is not experiencing debilitating symptoms that interfere with their ability to attend sessions or benefit from interventions.*

Estimated Phase Duration: 90-120 days

Participant Requirements & Team Tasks

- Evaluation for medication-assisted treatment (MAT) if not previously completed
- Plan for court-approved employment, training, education, community service, or court-approved community engagement activities
- Obtain stable, longer-term, court-approved housing
- Provide at least two (2) to three (3) random urine drug/alcohol screens per week
- Attend court weekly
- Attend treatment as recommended by treatment plan
- Meet weekly with supervision officer
- Continue to address medical needs and take medications as prescribed
- Review and update treatment plan
- Review and update community supervision plan

Phase-Up Eligibility

- Obtain stable, longer-term, court-approved housing
- Consistent attendance at court, supervision, drug testing and treatment
- Clinically stable as determined by treatment
- Create a relapse prevention plan with treatment provider
- Create a plan for employment, training, or community engagement with supervising officer

Phase 3: Pro-Social Habilitation

Goals

1) prosocial routine, 2) prosocial skills, 3) abstinence efforts

Estimated Phase Duration: 90-120 days

Participant Requirements & Team Tasks

- Obtain court-approved full-time employment, educational classes, community service, or court-approved community engagement activities
- Maintain stable, longer-term, court-approved housing
- Active involvement in community recovery support groups
- Begin criminal thinking curriculum or other approved specialized therapy
- Provide, on average, two (2) to three (3) random urine drug/alcohol screens per week
- Attend court every two weeks
- Attend treatment as recommended by treatment plan
- Meet weekly with supervising officer
- Continue to address medical needs and take medications as prescribed, including MAT
- Review and update treatment plan
- Review and update community supervision plan

Phase-Up Eligibility

- Attend at least two (2) community recovery support groups each week
- Obtain court-approved full-time-equivalent employment, education, training, community service, or court-approved community engagement activities
- Begin criminal thinking curriculum/class or other approved specialized therapy
- Demonstrate consistent periods of abstinence
- *Maintain stable, longer-term, court-approved housing*
- *Maintain consistent attendance at court, supervision, drug testing and treatment*
- *Maintain clinical stability as determined by treatment provider*

Phase 4: Life Skills

Goals

1) enhance life skills, **2)** adaptive role – employment, school, etc., **3)** early remission

Estimated Phase Duration: 90-180 days

Participant Requirements & Team Tasks

- Provide, on average, at least two (2) random urine drug/alcohol screens per week
- Meet with supervision officer once every two weeks
- Attend court once per month
- Attend treatment as recommended by treatment plan
- Maintain stable, longer- term, court approved housing
- Maintain court-approved full-time employment, training, education, community service, or court-approved community engagement activities
- Make plans and arrangements to satisfy restitution, court costs, fees or fines
- Continue to address medical needs and take medications as prescribed
- Review and update treatment plan
- Review and update community supervision plan
- Continue criminal thinking curriculum/class or other approved specialized therapy
- Attend Drug Court Alumni Group meetings and events
- Identify and begin appropriate life skills curriculum
- Plan court-approved restorative justice project

Phase-Up Eligibility

- Establish payment plan with steady payments for fines and court costs
- Attending Drug Court Alumni meetings and events
- Begin appropriate life skills curriculum
- Plan court-approved restorative justice project
- Early Remission – 90 days without clinical symptoms as determined by treatment
- Demonstrate consistent abstinence of approximately 90 days
- *Maintain stable, longer-term, court-approved housing*
- *Maintain consistent attendance at court, supervision, drug testing and treatment*
- *Maintain clinical stability as determined by treatment*
- *Maintain court-approved full-time employment, training, education, community service, or court-approved community engagement activities*
- *Continue to Attend two (2) Recovery Support Groups each week*
- *Continue or complete criminal thinking curriculum/class or other approved specialized therapy*

Phase 5: Recovery Management

Goals

1) Recovery Management Activities, 2) Restorative Justice Activity, 3) Abstinence Maintenance

Estimated Phase Duration: around 90 days.

Participant Requirements & Team Tasks

- Provide at least one (1) random urine drug/alcohol screen per week
- Attend Court once per month
- Meet with supervision once every two weeks
- Maintain court-approved full-time employment, training, education, community service, or court-approved community engagement activities when ordered by the court
- Maintain stable, longer-term, court-approved housing
- Begin and complete court-approved restorative justice activity
- Continue to address medical needs and take medications as prescribed
- Review and update treatment plan
- Review and update community supervision plan
- Attend Alumni Group meetings and events
- Complete life skills curriculum
- Complete criminal thinking curriculum or other specialized therapy (unless plan to continue after drug court)
- Payment of restitution, fines, fees, and costs
- Consistent abstinence

Program Completion

Graduation Eligibility

- Complete court-approved restorative justice project
- Restitution, fines, fees and court costs in this case are paid unless otherwise approved by the court
- Complete criminal thinking curriculum/class or other approved specialized therapy (unless therapy continues after Drug Court)
- Complete appropriate life skills curriculum
- Demonstrate consistent abstinence of at least 90 days
- *Maintain stable, longer-term, court-approved housing*
- *Maintain consistent attendance at court, supervision, drug testing and treatment*
- *Maintain clinical stability as determined by treatment*
- *Maintain court-approved full-time employment, training, education, community service, or court-approved community engagement activities*
- *Continue to Attend two (2) Recovery Support Groups each week*
- *Continue to attend Drug Court Alumni meetings and events*
- *Continue consistent abstinence of at least 90 days*