

# ST. LOUIS ADULT TREATMENT COURT POLICY MANUAL

St. Louis Treatment Courts  
State of Missouri, 22<sup>nd</sup> Judicial Circuit  
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# TABLE OF CONTENTS

<b>TOPICS</b>	<b>PAGE</b>
<b>St. Louis Adult Treatment Court</b>	
Overview.....	4
Authorization of Policies and Procedures.....	5
Treatment Court Committee.....	5
Treatment Court Operations Committee.....	5
Release of Information.....	6
<b>St. Louis Adult Treatment Court</b>	
Adult Treatment Court Mission Statement.....	7
The 10 Key Components.....	7
Treatment Court Team Members.....	9
Confidentiality.....	11
Treatment Court Screening Process.....	11
Eligibility Standards	
Pre-Plea Cases.....	12
Post Plea Cases.....	13
Eligibility Standard for Wellness/J-Well Dockets.....	14
Policy for Orientation.....	14
Levels of Treatment.....	15
Progressing Through Treatment.....	16
Treatment Provider Treatment Court Policies.....	16
Progressing Through Standard Treatment Court Paths.....	19
Progressing Through Wellness/J-Well Court Paths.....	21
Rules of Treatment Court.....	24
Incentives.....	24
Graduated Sanctions.....	25
Drug Testing.....	27
Treatment Court Fees.....	27
Prescription Medication Advisory Form Policy.....	28
Medication Assisted Treatment Policy.....	28
Bus Ticket Policy.....	29

## **Appendix**

- Appendix 1 - Authorization for Disclosure of Confidential Information
- Appendix 2 – Definition of Violent Offender
- Appendix 3 – Sample Division 25A Identification
- Appendix 4 – Self Help Attendance Sheet
- Appendix 5 – Prescription Medication Advisory Form
- Appendix 6 – Agreement of Admission Screening Participation
- Appendix 7 – Division 25A Attorney Sheet
- Appendix 8 – Division 25A Defendant Waiver
- Appendix 9 – Pre-Plea Participant Contract
- Appendix 10 – Post Plea Participant Contract
- Appendix 11 – Relapse Prevention/Aftercare Plan
- Appendix 12 – Administrative Order for Post Plea Procedures
- Appendix 13 – Summary of Procedures for Division 25A Pre-Plea Cases
- Appendix 14 – Summary of Procedures for Division 25A Post Plea Cases

## **Forms**

- Division 25A Form #1 – Order to Screen for Program Admission
- Division 25A Form #2 – Ineligibility Order
- Division 25A Form #3 – Post Plea Division 25A Eligibility Order
- Division 25A Form #4 – Program Status Notice
- Division 25A Form #5 – Termination Order
- Division 25A Form #6 – Not to Report Court Order for Probation Cases
- Division 25A Form #7 – Post Plea Division 25A Order Upon Plea
- Division 25A Form #8 – Hearing Request

## OVERVIEW

The St. Louis Adult Drug Court created by the 22<sup>nd</sup> Judicial Circuit of the State of Missouri began operation April 7, 1997 as a diversionary program for pre-plea cases. In October 1998, a Juvenile Drug Court was established to deal with adolescent drug issues and in January 2002, a Family Drug Court was created to address addicted parents to safeguard the children. In September 2002, by Court resolution, a unified drug court system was created that placed all drug courts under the administration of a centralized office for maximum efficiency. In November 2003, the St. Louis Adult Drug Court broadened with an additional docket dedicated to the challenges of participants with co-occurring disorders of substance use and mental illness issues. In 2007, the St. Louis Adult Drug Court expanded the caseload to include a post plea docket to service individuals in their effort to recover from addiction outside prison walls. January 2010, the St. Louis Veterans Treatment Court was created in conjunction with the Veterans Administration to address the criminal charges, substance use and mental health issues of brave men and women who served this nation. In April, 2012 the St. Louis Drug Court created dockets based on the participants risk/need assessment including the expansion of the co-occurring disorders docket and the implementation of the Medicated Assisted Treatment/Medication docket. In December, 2015 the 22<sup>nd</sup> Judicial Circuit Court en Banc changed the name of the drug court programs to St. Louis Treatment Courts. In December, 2017 the Family Treatment Court and Juvenile Treatment Court closed and the co-occurring disorder docket in the Adult Treatment Court was expanded to include treatment for participants with severe mental illness issues on the Wellness docket and J-Well docket.

The objectives of the St. Louis Treatment Courts: Adult Treatment Court and Veterans Treatment Court is to provide treatment, resources, and opportunities to drug addicted participants to equip them with the tools necessary to be drug-free, productive contributors to their families and the community.

The St. Louis Treatment Courts offer substance abuse treatment, combined with supervision and judicial oversight, as an alternative approach for drug addicted individuals arrested in the City of St. Louis. The treatment court concept emerged from the realization that many people engage in criminal behavior to support their drug addiction. By offering court-monitored treatment, the St. Louis Treatment Courts aim to decrease the prevalence of drug addiction and drug-related crimes in this community by breaking the damaging and costly cycle of addiction, crime and incarceration.

The St. Louis Treatment Courts are grounded on the premise that an arrest is a significant event to provide an opportunity to influence an addict to pursue treatment. Early assessment and drug testing is relied upon to identify and treat substance-abusing defendants to break the damaging cycle of drug addiction and crime. The St. Louis Treatment Courts are voluntary, diversionary programs that include regular court appearances before the Judge/Commissioner. Treatment, which includes individual and group counseling, and drug testing is provided through contracts with local treatment providers and a certified drug testing laboratory.

## AUTHORIZATION OF POLICIES AND PROCEDURES

Principles and procedures for the operation of the St. Louis Treatment Courts shall be established through the Treatment Court Policy Manual. The Manual will be promulgated by the Court en Banc, pursuant to Local Court Rule 100.14.7

The St. Louis Treatment Courts Policy Manual provides the framework for the uniform treatment of eligible program participants. Any change or amendment to this manual shall be made by the Circuit Court Treatment Court Committee with approval of the Court en Banc.

Staff and representatives of the Operations Committee shall be notified of changes in the St. Louis Treatment Courts Policy Manual and copies shall be made available to them by the Administrator.

## TREATMENT COURT COMMITTEE

The Presiding Judge of the 22<sup>nd</sup> Judicial Circuit shall appoint a Treatment Court Committee consistent with Local Court Rule 100.14.6.

## TREATMENT COURT OPERATIONS COMMITTEE

The St. Louis Adult Treatment Court shall implement and maintain an Operations Committee to include representatives of all key components of the adult treatment court. The key components of the adult treatment court include:

- Judge/Commissioner
- Administrator
- Probation and Parole/ Case Manager
- Treatment Representative
- Legal Counsel for the State
- Legal Counsel for the Defense

The Operations Committee shall hold regularly scheduled meetings to assure the qualitative and quantitative goals of the St. Louis Treatments Courts are met and that operations run smoothly. The Judge/Commissioner in charge or their designee shall oversee the meetings. Minutes of the meetings shall be kept and distributed by the Administrator or Coordinator.

## RELEASE OF INFORMATION

**Case-related Information:** Treatment Court staff and representatives of the Treatment Court Operations Committee are to regard all case-related materials and information as confidential, and such information cannot be released to anyone without proper authority in accordance with 42 USC 290dd-2; 42 CFR Part 2; and the Health Insurance Portability and Accountability Act, 45 C.F.R. 160 & 164. The operation of the St. Louis Treatment Courts as it relates to the release of client information shall be bound by the current federal and state laws.

All St. Louis Treatment Courts staff and representatives of the Operations Committee are required to be familiar with the federal confidentiality regulations regarding alcohol and drug abuse prevention and treatment confidentiality and the associated criminal and civil liability.

**Release of Information to Agencies and Agency Personnel:** Information gained through the St. Louis Treatment Courts operations and all other case-related information may be disclosed to authorized agencies and their authorized personnel in accordance with statutory provisions of Federal and Missouri law and established St. Louis Treatment Courts procedures.

**Release of Information to News Media:** Only the Presiding Judge of the Circuit and the Judge/Commissioners, or individuals so designated by them may release information concerning activities of the St. Louis Treatment Courts to representatives of the news media. All requests from the news media for information shall be referred to those listed above.

# ADULT TREATMENT COURT MISSION STATEMENT

To divert alcohol and drug abusing non-violent offenders from the normal criminal justice process by providing frequent judicial oversight, intensive supervision, and treatment through a holistic approach to positively impact offender lifestyle and community safety.

The St. Louis Adult Treatment Court aim to accomplish its mission by:

- Mandating drug-addicted offenders to judicially supervised treatment as an alternative to incarceration;
- Providing participants with the education needed to address drug and alcohol addiction, criminal thinking, and skills to promote a life of recovery and sobriety;
- Providing rigorous supervision and case management to ensure each participant complies with their individual treatment plan and program requirements;
- Providing immediate intervention to reduce high-risk behaviors and promote responsible behaviors while holding the participant accountable for their actions;
- Providing tools of recovery to all participants to learn how to control their addictions so they can maintain long-term recovery and sobriety;
- Encouraging participants to maintain a drug and alcohol free lifestyle by administering random drug and alcohol testing;
- Assisting participants with their physical and mental health issues, vocational, education, and employment needs through community partners.

## THE 10 KEY COMPONENTS

In the formation stage of treatment courts, the Office of Justice Drug Courts Program developed ten key components to which each treatment court follows to be eligible for federal funding. The ten key components provide an outline of treatment court philosophy and requirements. The St. Louis Adult Treatment Court has adopted the ten key components.

### **1. Treatment Court integrates alcohol and other drug treatment services with justice system case processing.**

Treatment court promotes recovery through a coordinated response to offenders dependent on alcohol and other drugs. Realization of these goals requires a team approach including cooperation and collaboration among judges, prosecutors, defense counsel, probation authorities, law enforcement, treatment providers and other community agencies.

### **2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**

To facilitate an individual's progress in treatment, the prosecutor and defense counsel must shed their traditional adversarial courtroom relationship and work together as a team. Once a defendant is accepted into treatment court, the team's focus is on the participant's recovery and law-abiding behavior, not on the merits of the underlying criminal offense.

**3. Eligible participants are identified early and promptly placed in treatment court.**

An arrest can be a traumatic event in a person's life. It creates an immediate crisis and can force substance-abusing behavior into the open, making denial difficult. The period immediately after an arrest provides a critical window of opportunity for intervention and introduces the value of substance abuse treatment. Judicial action, taken immediately after the arrest, capitalizes on the crisis nature of both the arrest and the booking process.

**4. Treatment court provides access to a continuum of alcohol, drug and other related treatment and rehabilitation services.**

In treatment court, the process begins in the courtroom and continues throughout the participant's treatment court involvement. While primarily concerned with criminal activity and substance abuse, the treatment court team also needs to address other issues such as mental illness, medical problems, homelessness, educational deficits, and unemployment. If these issues are ignored, they could impact the participant's program compliance and success in treatment. Research has demonstrated that coerced treatment is effective.

**5. Abstinence is monitored by frequent alcohol and other drug testing, including evenings and weekends.**

Frequent and random court-ordered drug testing is an essential tool for the participant to remain clean and sober. An accurate testing system is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress. Drug testing makes the participant an active and involved part of the treatment process rather than a passive recipient of services.

**6. A coordinated strategy governs treatment court responses to participant's compliance.**

Many participants exhibit a pattern of positive urine tests within the first months following admission. When this occurs, immediate sanctions are applied. Because addiction takes a long time to develop and many factors contribute to chemical dependency, it is rare that an individual stops using when treatment begins. Although treatment court professionals recognize that relapse may be part of recovery, continued use is not condoned and a coordinated strategy, including a continuum of responses to each relapse or other issues of non-compliance is essential. Treatment court must reward cooperation as well as response to non-compliance. Small rewards, such as praise from the Commissioner, increased privileges, and lessened restrictions, have an important effect on a participant's sense of purpose and accomplishment.

**7. Ongoing judicial interaction with each treatment court participant is essential.**

The Commissioner is a member of the treatment court team. Commissioners conduct treatment court sessions and staffing, monitors and reviews the participant's progress in treatment court, encourages and rewards appropriate behavior, and discourages and sanctions inappropriate behavior. Ongoing judicial supervision communicates to participants, often for the first time, someone in authority cares about their progress and program success.



**8. Monitoring and evaluation measure the achievement of treatment court goals and gauge effectiveness.**

Coordinated management, monitoring, and evaluation systems are fundamental to the effective operation of a drug court. Treatment courts strive to demonstrate tangible outcomes and cost-effectiveness; thus there are systems in place to monitor daily activities, evaluating the quality and effectiveness of provided service, and producing longitudinal evaluations.

**9. Continuing interdisciplinary education promotes effective treatment court planning, implementation, and operations.**

Interdisciplinary education exposes criminal justice professionals to treatment issues and treatment professionals to criminal justice issues. It also develops a shared understanding of the values, goals and operating procedures of both the criminal justice and treatment components.

**10. Forging partnerships among treatment court, public agencies, and community-based organizations generates local support and enhances treatment court effectiveness.**

Because of its unique position in the criminal justice system, treatment court is well suited to develop coalitions among community-based service organizations, public criminal justice agencies and treatment delivery systems. Treatment court is a partnership among organizations dedicated to a coordinated and cooperative approach to the drug addicted offender.

## TREATMENT COURT TEAM MEMBERS

### Judge/Commissioner

The St. Louis Adult Treatment Court has one Judge and two Commissioners who preside over adult treatment court cases. The Judge/Commissioner heads a collaborative team composed of the prosecutor, defense counsel, probation officers, treatment representatives and administration. In their capacity the Judge/Commissioners review case progress reports and lead case staffing to determine compliance with each participant's treatment mandate, drug test results, cooperation with the treatment provider and ancillary service providers, and progress toward the goal of abstinence and law-abiding behavior.

### Assistant Circuit Attorney

The role of Assistant Circuit Attorney is to protect the public's safety by ensuring that each candidate is appropriate for the program and complies with all drug court requirements. The Assistant Circuit Attorney reviews new cases to determine which are appropriate for diversion pre-plea docket and coordinates with assigned attorneys for cases appropriate for the post plea docket. The Assistant Circuit Attorney files all necessary legal documents; participates in staffing assuring that victims interests are addressed; positive drug tests and other instances of noncompliance are addressed; and participates in decision making regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case. In pre-plea cases the Assistant Circuit Attorney enters a nolle prosequi upon graduation of the adult treatment court program.

## Defense Attorney

The role of the Defense Attorney is to protect the participant's due process rights while encouraging full participation. The Defense Attorney reviews all program documents, advises the participant as to the nature and purpose of the adult treatment court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in the treatment court will affect his or her interests. The Defense Attorney also explains all of the rights that the participant will relinquish, how important it is to be honest with the Commissioner and treatment court team, gives advice on alternative courses of action and discusses with the participant the long-term benefits of sobriety and a drug-free life. The Defense Attorney participates in decision making regarding each participant's continued enrollment and graduation from the Adult Treatment Court.

## Probation Officer

The probation officer orients new participants to the program and is the primary case manager who monitors and documents the participant's progress and compliance with the program requirements. The probation officer conducts a comprehensive interview and assessment that is entered into the treatment court management information system. The probation officer has input into treatment plans and reinforces the client's lifestyle changes by supporting, encouraging and/or educating the participants as they move along in the recovery process. The probation officer submits progress reports to the Court for each client prior to status hearings, which includes recommendations for incentives and/or sanctions based on the client's progress.

## Treatment Representative

Treatment Representative conducts screenings, assessments and evaluations to determine the best course of treatment for each participant. The Treatment Representative arranges community-based treatment, monitors participants' treatment plans, and makes treatment related appointments to aid the recovery of each participant.

## Administrator

The role of the Administrator is to assist the Judge/Commissioners and coordinate all treatment court activities with the treatment court team, coordinate development of case management and management information reporting system activities, supervise the treatment court urinalysis program, develop requests for proposals and associated contracts with external providers, disseminate information and implement directives received from the Judge/Commissioners, act as the treatment court liaison with other governmental and non-governmental agencies and groups including treatment providers and grantors, prepare annual budget request, set regular Operation Committee meetings, and generally facilitate the day to day operations of the Treatment Court.

## Substance Abuse Treatment Provider

The role of the treatment provider is to develop and implement a treatment plan for each client from orientation through aftercare which addresses areas of addiction, social skills, work skills, relationship issues, and any other area in order to assist the client in living a healthy, sober life.

Interventions may include: individual, group, and didactic therapy; detoxification; residential care; and assistance in areas of employment, housing and education.

### Ancillary Service Providers

The treatment court team may include other professionals who provide employment services, educational opportunities, mentoring services, specialized trauma treatment, or other necessary programming to enhance the participant's recovery.

## CONFIDENTIALITY

The St. Louis Adult Treatment Court is governed by federal laws of confidentiality, which are very protective of patient rights. Disclosure of information received in the course of treatment is strictly prohibited unless an order "for good cause" is obtained. The Courts have placed a heavy burden on any party seeking disclosure under the law. The St. Louis Adult Treatment Court creates a confidential file for each participant, separate from the criminal case file, to maintain the records with strict confidentiality.

As part of their participation in the St. Louis Adult Treatment Court, participants authorize the disclosure to the Court of information regarding their "diagnosis, attendance, scope of treatment, treatment progress and quality of participation, dates and results of drug testing and termination or completion of treatment". In essence, participants authorize the release of information to specified entities, including treatment court team members, relating to their compliance with treatment court requirements.

## TREATMENT COURT SCREENING PROCESS

The St. Louis Adult Treatment Court is structured so that eligible participants are identified early and promptly placed in the drug court program.

Eligibility screening is based on established written criteria:

## ELIGIBILITY STANDARDS FOR PRE-PLEA CASES

The Circuit Attorney selects and recommends applicants for Adult Pre-Plea Treatment Court participation. The following is a list of considerations for eligibility and disqualifying characteristics as set out by the Office of the Circuit Attorney.

1. Applicant is a resident of the State of Missouri who resides within the St. Louis metropolitan area which is within the boundaries of the City of St. Louis, St. Louis County, Jefferson County and/or St. Charles County.
2. Applicant has been charged with a felony drug or alcohol offense in the 22<sup>nd</sup> Judicial Circuit; or was motivated by alcohol and/or drug abuse during the commission of a felony offense.
3. Applicant has an alcohol or drug abuse problem based on a drug test and/or program screen.
4. The victim, if any, must agree that the applicant can enter treatment court.
5. The applicant must not be currently on parole.
6. The applicant must not have more than three previous felony convictions.
7. The applicant must not have a violent charge or history.
8. The applicant understands the rigors of the program; agrees to participate; agrees to pay restitution, if any; and agrees to pay the treatment court fees.
9. Applicant's case does not have evidence of significant and substantial drug dealing.

Applicants not recommended for Adult Pre-Plea Treatment Court participation by the Office of the Circuit Attorney may request consideration for participation in the Adult Post Plea Treatment Court following arraignment.

## ELIGIBILITY STANDARDS FOR POST PLEA CASES

1. Applicant is a resident of the State of Missouri who resides within the St. Louis metropolitan area which is within the boundaries of the City of St. Louis, St. Louis County, Jefferson County and/or St. Charles County.
2. Applicant has been charged with a felony drug or alcohol offense in the 22<sup>nd</sup> Judicial Circuit; or was motivated by alcohol and/or drug abuse during the commission of a felony offense.
3. Applicant must be a substance-abuser/dependent based upon a drug screen, an assessment performed by clinical staff for the St. Louis Treatment Courts, and/or information provided by members of the Operations Committee at time of admission staffing.
4. The applicant must not be currently on parole.
5. The applicant must not have a violent charge or history.
6. The applicant understands the rigors of the program; agrees to participate and pay the treatment court fees.
7. Applicant's case does not have evidence of significant and substantial drug dealing.
8. Applicant is not a graduate of an adult treatment court program.

Screening referrals are encouraged during the pre-trial release process. Treatment Court screening procedures are set out in detail in the Procedure Manual.

## ELIGIBILITY STANDARDS FOR ADULT TREATMENT COURT WELLNESS DOCKET

1. Applicant has been found eligible for the St. Louis Adult Treatment Court as a pre-plea or post plea case; and
2. The applicant, in addition to the use of drugs or alcohol, has an existing severe mental illness diagnosis as defined by the Missouri Department of Mental Health; and
3. Applicant is evaluated by the Treatment Court Treatment Director who recommends the Wellness Docket based on a finding that participant has a significant disability due to severe mental health issues without adequate services on other treatment court dockets; and
4. There are adequate available treatment resources and space on the docket to assist the participant on the specialized wellness docket.

## ELIGIBILITY STANDARDS FOR ADULT TREATMENT COURT J-WELL DOCKET

- 1 Applicant has been found eligible for the St. Louis Adult Treatment Court as a pre-plea or post plea case; and
- 2 Applicant has been charged with a felony or misdemeanor in the 22<sup>nd</sup> Judicial Circuit; and
- 3 Applicant is currently confined in the St. Louis City Justice Center, Medium Security Institution or other City of St. Louis Division of Corrections facility or hospital due to legal issues or treatment needs; and
- 4 The applicant, in addition to the use of drugs or alcohol, has an existing severe mental illness diagnosis as defined by the Missouri Department of Mental Health; and
5. Applicant is evaluated by the Treatment Court Treatment Director who recommends the J-Well Docket based on a finding that participant has a significant disability due to mental health issues without adequate services on other treatment court dockets; and
6. There are adequate available treatment resources and space on the docket to assist the participant on the specialized wellness docket.

## ORIENTATION

Orientation is designed to administer extensive intake assessments to determine the level of treatment best suited for each participant and provide initial treatment contact until a permanent community-based substance abuse program admission is available. Early engagement impacts participant retention in treatment and ultimately contributes to successful completion of drug court requirements. To engage participants early in the process, they are required to attend on-site orientation groups. The goal of these groups is to introduce participants to substance abuse treatment, and to familiarize them with the rules, regulations and expectations of the program.

In addition to Path I requirements, participants who have not yet entered a treatment program in the community will be required to appear at orientation groups each week and at all scheduled assessment appointments. Any missed orientation group or assessment appointment will be reported to the probation officer.

## LEVELS OF TREATMENT

The treatment experience for each treatment court participant will differ depending on their own circumstances. Each participant will work with their treatment counselor to prepare an individual treatment plan to map out a successful recovery journey designed to meet their unique issues.

The following services are available through community based treatment partners:

**Detoxification Services** – Assists participants in withdrawing from drugs, including alcohol. There are both medical detox facilities (acute detox) which have physician supervision and social detox facilities (sub-acute detox) which is non-medical detoxification in a treatment setting or other safe environment.

**Inpatient Treatment** - Residential inpatient treatment to treat alcohol/drug issues for a specific number of days depending on the progress of the individual. This is a concentrated intervention program that consists of therapy, education, and activities for detoxified alcoholics and addicts.

**Outpatient Treatment** – Consists of group and individual treatment services of varied duration and intensity for chemically dependent clients in a non-residential setting. Participants will be given the level of outpatient treatment required for their circumstances and that level of care will change as indicated by their level of change toward recovery.

**Aftercare Treatment** – Consists of individual treatment services once per month to review adherence to the Relapse Prevention Plan. In addition, participants will be required to attend aftercare group meetings or events as directed by the Commissioners to provide a therapeutic network to support recovery.

## PROGRESSING THROUGH TREATMENT

Participant's individual progress through treatment will be communicated to the Court in terms of **Stages of Change** as follows:

**Pre-Contemplative** – Individual does not seriously consider the idea of change and is not yet acknowledging that there is a behavioral problem that needs to be changed.

**Contemplative** – Individual acknowledges that there is a problem but not yet ready or sure of wanting to make a change.

**Preparation** – Individual has made a commitment to change and begin small steps toward changing their behavior.

**Action** - Individual believes they have the ability to change behavior and is actively involved in taking steps to change their behavior by using a variety of different techniques.

**Maintenance** – Individual is able to successfully manage temptations and sustain healthy practices to maintain a clean, sober and legal lifestyle.

## TREATMENT PROVIDER DRUG COURT POLICIES

### **Treatment Court Policy-001 Termination of Treatment Court Participants from Treatment**

St. Louis Treatment Courts and their associated treatment program partners are successful because of the cooperative effort and close business relationship. The combination of the leverage of the criminal justice system with science-based treatment results in increased numbers of treatment court graduations and successful treatment completions. The policy below attempts to maximize this relationship to the ultimate benefit of the participant.

Except in cases listed below, no Treatment Court participant should be dismissed from a community treatment provider program due to rule infraction or lack of participation. There are times and events when immediate action must be taken. Under the circumstances listed below, a participant may be removed from a provider's program, at the clinical manager's discretion, without completion of listed protocol. However, as soon as the situation is stable, the community treatment provider must contact the Treatment Representative or Administrator/Coordinator to inform them of the dismissal and court staff will immediately contact the Commissioner and probation officer.

- A. Participant harms, or seriously threatens harm, to self or others.
- B. Participant brings drugs onto the premises of the program.
- C. Participant breaks a law while engaged in the treatment program.
- D. Participant requires immediate transfer for medical or psychiatric reasons.

- E. Participant smokes in a prohibited area of the treatment facility and program policy require dismissal for the smoking rule infraction.

When other serious problems arise relating to program infractions or lack of participation which require assistance by the Court to move the participant into compliance, the following options apply:

1. Identify the problem to the participant and document in the participant's file. Provide information regarding the problem with the participant through counselor's weekly progress reports to probation officer or through the Treatment Representative, along with a recommendation for the Commissioner to address with participant at the next scheduled court status hearing.
2. Contact the participant's probation officer, request a salient meeting to discuss the problem, develop behavior contract, if necessary, and provide information to the treatment court team and a recommendation to the Commissioner.
3. Contact the Treatment Representative or Administrator, to request the participant be placed on the next available docket to enable the treatment court team and Commissioner to immediately deal with the problem and consider recommendations of the treatment provider.

### **Treatment Court Policy-002 Court Orders from the Commissioner**

Court orders, including "no supervised passes" cannot be overridden by anyone, including representatives of the Court, other than the Commissioner, until and unless a new order is promulgated by the Commissioner or a Judge of the 22<sup>nd</sup> Judicial Circuit. If a particular order creates a problem for a treatment provider, the program should contact the Treatment Representative or Administrator so the matter can be brought before the Commissioner. Following discussions the court will inform the treatment provider about alternative orders or instructions, if any, issued by the Court.

If a treatment provider takes a participant to an appointment when there is a "no unsupervised passes" order in place, treatment personnel must continue to supervise the participant and, if necessary, the medical/psychiatric secondary program must be made aware of the existing court order. If this court order creates an undue hardship or other problem, the provider should contact the Treatment Representative or Administrator who will communicate the issue with the Commissioner.

A medical emergency is an exception to the requirements mentioned above regarding staff supervision. If a medical emergency occurs, treatment program personnel should call 314-622-4924 to leave a message about the status of the participant.

If a treatment court participant threatens to leave or is in the process of leaving a treatment program without authorization from the Court when a court order is in place, the treatment provider should inform the participant:

- they are not authorized to leave treatment,
- the Court will be immediately informed and



- the probability a warrant for their arrest will be issued.

### **Treatment Court Policy-003 Relating to Referring Treatment Court Participants to Treatment**

1. The St. Louis Treatment Courts shall ensure that proper releases of information are in place with any and all treatment programs to which referrals are made enabling the court and the treatment program to freely communicate regarding details of the progress, or lack thereof, of participants in the treatment program.
2. The Treatment Representative, or the Administrator/Coordinator in the absence of the Treatment Representative, shall ensure the availability of treatment capacity prior to referring participants to a treatment program.
3. The Treatment Representative, or the Administrator/Coordinator in the absence of the Treatment Representative, shall provide the treatment program the court order and a copy of the identification card within two (2) hours after participant signs the order.
4. The Treatment Representative, or the Administrator/Coordinator in the absence of the Treatment Representative, shall provide background information to the treatment program to include, but not limited to: psychiatric/psychological evaluations, prior treatment history, relevant medical information, and other information that may be of help to the treatment program to work with the participant. The Treatment Representative will communicate with the probation officer to acquire relevant information to forward to the treatment program.
5. The Treatment Representative, or the Administrator/Coordinator in the absence of the Treatment Representative, shall confirm that the participant has entered residential treatment on the assigned date and time. If the participant fails to enter residential treatment at the assigned date and time, the Commissioner shall be informed immediately in order to issue a capias warrant.
6. Members of community treatment providers shall provide regular updates regarding the progress of participants regarding the following items: 1) attendance, 2) participation, 3) stages of change, 4) progress in treatment plan goals and relapse prevention plan goals, and 5) recommendation of special issues for the Court. Progress reports shall be submitted electronically to probation officers for submission to the Court prior to court appearance for every participant.
7. The Treatment Representative or probation officer shall provide residential treatment and outpatient programs information regarding positive drug tests, change of treatment program ordered by the Court, and orders of jail within two (2) business days or sooner in order that treatment programs are updated on the status of their clients. If a participant is not returning to a residential treatment facility after a court appearance, the Treatment Representative shall advise the treatment facility immediately to release the bed in a timely manner.

## PROGRESSING THROUGH STANDARD ADULT TREATMENT COURT PATHS

In addition to the clinical levels of treatment the St. Louis Treatment Courts have a system of paths to measure the progress of a participant to help define successful program completion.

There are four (4) paths through which all participants must progress. The duration of these paths are measured in minimum lengths of time; however the progress of each participant will vary based upon their program performance.

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### Path I – Requirements: minimum time – 1 month

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- Complete Orientation;
  - Attend a pre-self help presentation as directed by the Court or probation officer;
  - Appear in court as directed;
  - Comply with all court orders and directives;
  - Attend treatment as directed by the Court;
  - Meet with probation officer as directed;
  - Call the drop line daily and give a urine and breath sample for testing according to procedure or as directed by the Commissioner or probation officer;
  - Keep all medical appointments;
  - Medication compliant, if applicable;
  - Demonstrate awareness and ability to meet proximal goals.
  - Meet all Path I requirements.
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### Path II – Requirements: minimum time - 4 months

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- Appear in court as directed;
- Comply with all court orders and directives;
- Attend a minimum of two (2) recovery meetings per week and get a sponsor as ordered, or other resource as directed by the Court;
- Meet with probation officer as directed;
- Call the drop line daily and give a urine and breath sample for testing according to procedure or as directed by the Commissioner or probation officer;
- Attend treatment as directed by the Court;
- Have a completed individual treatment plan;
- Be in compliance with the individual treatment plan including medication compliance, if applicable;
- Prepare a Relapse Prevention Plan (RPP) with the aid of the treatment counselor and submit the RPP to the Court for consideration of advancement to Path III;
- Verify completion of eight (8) hours of volunteer service;

- Make regular payment toward restitution, if any, and regular payments toward the treatment court fee;
- Have no major sanction, including a positive drug or alcohol test, for the last four (4) weeks in order to be eligible for advancement to Path III;
- Prepare a written or oral promotion request for review by the Court.

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Path III – Requirements: minimum time – 6 months

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- Appear in court as directed;
- Comply with all court orders and directives;
- Attend a minimum of two (2) recovery meetings per week;
- Maintain weekly sponsor contact, if applicable;
- Meet with probation officer as directed;
- Call the drop line daily and give a urine and breath sample for testing according to procedure or as directed by the Commissioner or probation officer;
- Make regular payment toward restitution, if any, and regular payments toward the treatment court fees;
- Resolve all outstanding warrants;
- Verify completion of twelve (12) hours of volunteer service;
- Attend treatment as directed by the Court;
- Be in compliance with the individual treatment plan, including medication compliance;
- Be in compliance with the Relapse Prevention Plan (RPP) and review document with treatment counselor;
- Obtain or maintain employment and/or a training program or a formal academic program approved by the Court;
- Have no major sanctions, including a positive drug or alcohol test, for the last eight (8) weeks in order to be eligible for advancement to Path IV;
- Prepare and submit a personal Sustainable Recovery Plan to the Commissioner and request permission to advance to Path IV.

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Path IV – Requirements: minimum time – 4 months

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- Appear in court as directed;
- Comply with all court orders and directives;
- Attend a minimum of one (1) recovery meeting per week;
- Maintain weekly sponsor contact, if applicable and verify contact;
- Call the drop line daily and give a urine and breath sample for testing according to procedure or as directed by the Commissioner or probation officer;
- Attend treatment as directed by the Court;
- Meet with probation officer as directed;
- Pay all restitution, if any, and pay all treatment court fees;
- Attend two (2) court sponsored or alumni events per month;

- Maintain employment and/or training or a formal academic program approved by the Court for a minimum of the last eight (8) consecutive weeks in the program;
- Have no major sanctions, including a positive drug or alcohol test, for the last twelve (12) consecutive weeks; and be viewed by the Operations Committee to have sufficiently integrated the necessary information to support long term recovery to be eligible to graduate from drug court;
- Prepare a written request to graduate for review by the Operations Team;
- Be in compliance with the:
  1. Individual Treatment Plan, including medication compliance, if applicable;
  2. Relapse Prevention Plan; and
  3. Sustainable Recovery Plan.

## PROGRESSING THROUGH ADULT TREATMENT COURT WELLNESS DOCKET AND ADULT TREATMENT COURT J-WELL DOCKET PATHS

In addition to the clinical levels of treatment the St. Louis Treatment Courts have a system of paths to measure the progress of a participant to help define successful program completion. Participants found eligible for admission to the Adult Treatment Court Wellness Docket or J-Well Docket must complete the wellness docket or J-Well docket path requirements set out below instead of standard treatment court path requirements.

ASAM Risk Rating Crosswalk “Crosswalk” is located in Appendix 16.

There are four (4) paths through which all wellness docket participants must progress. The duration of these paths are measured by the progress of each participant and will vary based upon their program performance.

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### Wellness/J-Well Path I – Requirements

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- Complete Orientation as directed;
- Attend assessment and pre-self help presentation as directed;
- Appear in court as directed;
- Comply with all court orders and directives;
- Attend treatment as directed by the Court;
- Meet with probation officer and assigned personnel as directed;
- Provide urine and breath sample as directed;
- Attend all assessment and medical appointments;
- Take medication as directed by prescribing physician;
- Attend recovery meetings or other resource as directed by the Court;
- Participate in ASAM Risk Rating Crosswalk (hereinafter “Crosswalk”) under the supervision of the Treatment Court Treatment Director;
- Remove all 4 Risk in Dimension 1,2,3 in Crosswalk.

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## Wellness/J-Well Path II – Requirements

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- Appear in court as directed;
  - Comply with all court orders and directives;
  - Attend treatment as directed by the Court;
  - Meet with probation officer and assigned personnel as directed;
  - Provide urine and breath sample as directed;
  - Attend all assessment and medical appointments;
  - Take medication as directed by prescribing physician;
  - Attend recovery meetings and get sponsor or other resource as directed by the Court;
  - Complete Individual Treatment Plan;
  - Comply with Individual Treatment Plan;
  - Make regular payments toward restitution, if any, and treatment court fees;
  - No major sanction, including positive drug or alcohol test for the last four (4) weeks;
  - Remove all 4 Risk in all Dimensions and remove all 3 Risk in Dimension 1 and 2 in Crosswalk.
- 

## Wellness/J-Well Path III – Requirements

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- Appear in court as directed;
  - Comply with all court orders and directives;
  - Attend treatment as directed by the Court;
  - Meet with probation officer and assigned personnel as directed;
  - Provide urine and breath sample as directed;
  - Attend all assessment and medical appointments;
  - Take medication as directed by prescribing physician;
  - Attend recovery meetings or other resource as directed by the Court;
  - Maintain weekly sponsor contact, if applicable;
  - Make payment toward restitution, if any, and treatment court fees;
  - Resolve all outstanding warrants;
  - Comply with Individual Treatment Plan;
  - Complete eight (8) hours of volunteer service;
  - No major sanction, including positive drug or alcohol test, for the last eight (8) weeks;
  - Remove all 3 Risk in Dimensions 1, 2, 3 and 4 in Crosswalk;
  - Prepare and submit a Sustainable Recovery Plan to the Judge and request permission to advance to Path IV.
- 

## Wellness/J-Well Path IV – Requirements

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- Appear in court as directed;
- Comply with all court orders and directives;

- Attend treatment as directed by the Court;
- Meet with probation officer and assigned personnel as directed;
- Provide urine and breath sample as directed;
- Attend all assessment and medical appointments;
- Take medication as directed by prescribing physician;
- Attend recovery meetings or other resource as directed by the Court;
- Maintain sponsor resource contact as directed by the Court;
- Pay restitution, if any, and treatment court fees;
- Comply with Individual Treatment Plan;
- Remove 2 Risk in all Dimensions in Crosswalk;

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#### Wellness/J-Well Docket Graduation Requirements

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- Complete all Wellness Path Requirements;
- No major sanction, including positive drug or alcohol test, for the last twelve (12) consecutive weeks;
- Prepare a request to graduate for review by the Operations Team;
- Be viewed by Operations Team to have sufficiently integrated the necessary information to support long term recovery.
- Demonstrate compliance with Individual Treatment Plan and Sustainable Recovery Plan including medication compliance if applicable;
- Demonstrate 0 Risk in Dimension 1 and demonstrate 0 Risk or 1 Risk in Dimensions 2, 3, 4, 5 and 6 in Crosswalk;
- No outstanding warrants;
- Paid all restitution, if applicable, and treatment court fees.

## TREATMENT COURT RULES

All participants will be required to adhere to the following set of rules:

- Always tell the truth.
- Obey all laws.
- Do not forge documents.
- Do not miss urine drops or attempt to subvert urine tests.
- Do not possess alcohol or consume any substance that contains alcohol.
- Do not consume legal medication, contrary to medical advice, or illegal drugs or any substance in an attempt to cause an altered reality.
- Do not consume a prescription medication prescribed for another person.
- Do not gamble or enter a gambling casino.
- Be on time to Court, treatment sessions and probation officer appointments.
- Behave appropriately in Court, treatment sessions, during meetings with probation officers and in the courthouse.
- Do not establish romantic relationships or have sexual contact with other treatment court participants.
- Do not travel away from the St. Louis metropolitan area (City of St. Louis, St. Louis County, Jefferson County, and St. Charles County) without permission from the Judge/Commissioner.

## Incentives

Rewards can be recommended by the treatment court team and granted at the Commissioner's discretion to support treatment through positive reinforcement of program accomplishments.

### **Positive Reinforcements - Incentives**

- Call Early on the Docket
- Credit on Treatment Court Fees
- Allow Travel Privileges
- Certificate for Path Advancement
- Rewards of Movie Tickets or Gift Certificates
- In Court Applause and Praise
- Enter Drawing for Prizes
- Fish Bowl Drawing for Clean Drug Tests
- Individualized Incentives

## GRADUATED SANCTIONS

When participants fail to comply with the treatment court program, the Commissioner may, within the discretion of the Court, order one or more of the following sanctions:

### MISSED DROP SANCTIONS:

<b>Program Requirement Not Met</b>	<b>Path I</b>	<b>Path II</b>	<b>Path III &amp; IV</b>
1 <sup>st</sup> missed drop during the entire program	8 hours community service	one day in jail	sanction imposed at the discretion of the Court with minimum of 4 days in jail
2 <sup>nd</sup> missed drop during the entire program	one day in jail	2 days in jail	sanction imposed at the discretion of the Court with minimum of one week in jail
3 <sup>rd</sup> missed drop during the entire program	2 days in jail	minimum of 4 days in jail	sanction imposed at the discretion of the Court
All subsequent missed drops during the entire program	sanction imposed at discretion of the Court	sanction imposed at the discretion of the Court	sanction imposed at the discretion of the Court

### PROGRAM NON-COMPLIANCE SANCTIONS:

<b>Actions Contrary to Program Principles</b>	<b>Consequence for Actions Contrary to Program Principles</b>
Tampering with or dilution of urine sample	<ul style="list-style-type: none"> <li>• community service</li> <li>• jail time at the discretion of the Court</li> </ul>
Missed probation officer appointment	<ul style="list-style-type: none"> <li>• community service</li> </ul>
Missed recovery meetings	<ul style="list-style-type: none"> <li>• make up meeting</li> <li>• community service</li> </ul>
Missed Orientation or missed treatment sessions	<ul style="list-style-type: none"> <li>• make up session</li> <li>• increase recovery meetings</li> <li>• journaling</li> <li>• workbook assignment</li> <li>• community service</li> <li>• restart path</li> <li>• return to previous path</li> <li>• jail</li> <li>• termination</li> </ul>



Positive drug test	<ul style="list-style-type: none"> <li>• increase urine drops</li> <li>• increase recovery meetings</li> <li>• journaling</li> <li>• electronic monitoring and curfew</li> <li>• workbook assignment</li> <li>• increase outpatient treatment</li> <li>• change outpatient treatment location</li> <li>• restart path</li> <li>• return to previous path</li> <li>• residential treatment</li> <li>• jail</li> <li>• termination</li> </ul>
Inappropriate behavior	<ul style="list-style-type: none"> <li>• apology</li> <li>• community service</li> <li>• restart path</li> <li>• return to previous path</li> <li>• jail</li> <li>• termination</li> </ul>
Leaving residential treatment without permission	<ul style="list-style-type: none"> <li>• arrest warrant issued</li> <li>• sent back to residential</li> <li>• restart the path</li> <li>• return to previous path</li> <li>• jail</li> <li>• termination</li> </ul>
Missing court appearance	<ul style="list-style-type: none"> <li>• arrest warrant issued</li> <li>• electronic monitoring and curfew</li> <li>• jail</li> <li>• termination</li> </ul>
Forging recovery meeting sheets, treatment attendance sheets, or other written documents	<ul style="list-style-type: none"> <li>• jail</li> <li>• termination</li> </ul>
New arrest	<ul style="list-style-type: none"> <li>• jail</li> <li>• possible termination</li> </ul>

## DRUG TESTING

St. Louis Treatment Courts participants are expected to be drug and alcohol free. The Court monitors compliance with this requirement by frequent, random observed drug tests.

Drug testing is essential to the St. Louis Treatment Courts by providing a framework for accountability to gauge the participant's treatment progress. Drug tests confirm when a participant is clean, demonstrating program compliance which serves as the foundation for rewards and movement through the paths toward graduation.

Treatment Court participants are required to provide urine samples at the location, dates and times as directed by the Court in accordance with Treatment Court Procedures. Participants are required to abide by all drug testing laboratory instructions. All participants must follow the directives of the Court related to drug test schedules.

Tampering with a urine sample can be substituting the urine of another, a diluted specimen, or an adulterated specimen. A diluted specimen is when an individual has intentionally ingested high levels of liquids in order to decrease the concentration and make it difficult for the lab to identify drugs. An adulterated specimen is when an individual has introduced a foreign substance into the collected sample to intentionally disguise drugs in the urine. All collections of urine are carefully observed by a same sex collector and the sample is checked for color, temperature, pH balance, specific gravity and creatinine to identify tampering issues. Tampering or attempting to tamper with a drug test is a sanctionable activity.

## TREATMENT COURT FEES

Each participant of the St. Louis Adult Treatment Court is expected to pay the treatment court fee of \$40.00 per month. Payments are to be made to the cashier on the first floor of the Civil Courts Building. Regular treatment court fee payments are required to move to a new path and all treatment court fees must be paid to graduate from treatment court. The Commissioners, at their discretion, for good cause shown, may grant credits or abate any portion of the fees. Treatment Court fees are deposited in the Client Fee Account held by the Circuit Clerk for expenditures to promote the mission of the St. Louis Treatment Courts. Expenditures from the Client Fee Account must be authorized by co-signatures of the Treatment Court Committee Chairman and the Commissioner on the disbursement voucher presented to the Circuit Clerk.

# PRESCRIPTION MEDICATION ADVISORY FORM

St. Louis Treatment Court participants are required to inform all treating physicians and dentists that they are in recovery and may not take narcotic or addictive medications or drugs, unless medically dictated. In the event a prescription medication is deemed medically necessary, the physician and/or dentist must sign the prescription medication advisory form. The prescription medication advisory form and a copy of the signed prescription must be submitted to the Court for review before taking medication. Medical emergency situations will be reviewed on a case-by-case basis.

## Medication Assisted Treatment (MAT) Policy

The St. Louis Treatment Courts accept participants who, with professional medical advice, voluntarily elect Medication Assisted Treatment (MAT) as part of their treatment protocol provided the therapy is available through state or federal public funding, Medicaid, private insurance or private pay.

In addition to traditional treatment for chemical dependency, this population at the sole discretion of the Court may be assigned to the Medication Assisted Treatment/Medication (MAT/Med) docket and will remain on that docket as long as the Court considers the assignment to be in the best interest of the participant. The MAT/Med docket is staffed by team members who possess advanced knowledge of MAT/Med issues and therapy techniques. Random drug testing will be used to ensure medication compliance as well as program requirement adherence. MAT/Med docket participants may be required to attend specifically designed treatment modules used to address recovery issues.

The use of medication prescribed for addictive disorders have various levels of abuse potential ranging from nonexistent risk (e.g. naltrexone) to high risk of abuse (e.g. methadone) which creates a recovery issue that requires Court oversight. The St. Louis Treatment Courts do not provide direct medical treatment; however, the Court expects treatment court participants who select MAT as part of their recovery protocol to adhere to the following treatment philosophy or be subject to discharge:

1. Select a court approved credentialed addiction specialist medical professional recognized by the American Society of Addiction Medicine, American Board of Addiction Medicine or the Substance Abuse and Mental Health Services Administration or physician with advanced knowledge of recovery issues.
2. Use effective medications with the lowest risk of abuse for the treatment of addiction disorders or co-occurring disorders.
3. Discontinue medications that are abused or diverted after the participant and/or drug court team have made reasonable efforts to increase compliance.
4. Document a trial of cessation of MAT under the supervision of the previously approved credentialed addiction specialist and MAT/Med team, including the titration from medication which contain agonist properties provided said titration is consistent with the personalized medical protocol while engaged in the treatment court program.

5. Demonstrate treatment engagement and program compliance to achieve the goals of sustainable recovery.

The St. Louis Treatment Courts will support participants in the development of a Sustainable Recovery Plan (SRP) to prevent relapse and promote long-term recovery following program completion. The SRP focuses on long-term treatment plans and skillful transition plans that extend beyond treatment court completion. In addition to other graduation requirements, MAT/Med drug court participants who receive or have received MAT services are expected to meet the following Sustainable Recovery goals prior to program completion:

1. Sustained abstinence from all non-prescription psychoactive substances;
2. Low and infrequent drug cravings/thoughts;
3. Medication compliance with anti-craving medications and/or medications for co-occurring disorders, if applicable;
4. Demonstrate ability to use non-addictive and cognitive behavioral coping strategies;
5. Engagement in a sober social support and accountability network; and
6. Demonstrable ability to identify the need and ability to re-engage MAT services with an approved community based addiction specialist or treatment program prior to relapse. Treatment court participants who elect to continue MAT services, in the event the MAT abstinence trial proved ineffectual or was contra-indicated by the medical protocol, must exhibit SRP plans for ongoing pharmacotherapy and treatment plans for relapse prevention prior to graduation.

Participants receiving MAT services must authorize communication between the Court and all medical professionals writing prescriptions for that client to guard against the issue of unnecessary drug seeking behavior.

## **BUS TICKET POLICY**

In an effort to remove all barriers to program participation, the St. Louis Treatment Courts provide bus tickets for transportation to Court, to probation officer meetings, and to treatment for participants who are indigent and not working.

Bus tickets are not provided for recovery meeting or personal travel. Bus tickets can be obtained from the probation officer and participants must sign the bus log upon receipt of the transportation tickets.

# St. Louis Adult Treatment Court Procedure Manual

Effective December, 2017

## **TREATMENT COURT SCREENING REFERRAL PROCESS**

The defendant, attorney for the defendant, the prosecutor, or another interested party may request a judicial order referral for screening to determine the potential participant's eligibility for treatment court. A screening referral order may be issued by a Judge when the defendant is referred to the treatment court staff for initial screening. A screening order is communicated to the courtroom clerk in Division 25A and screening is scheduled in Division 25A, Room 516 of the Carnahan Courts Building, 1114 Market Street, St. Louis, Missouri 63101 the following Friday morning at 9 a.m. Defense counsel may request one screening date continuance for good cause shown. A warrant will be issued for failure to appear for all defendants who fail to appear in accordance with the screen order on the appointed date and time.

## **TREATMENT COURT SCREENING PROCESS**

The complete screening process is done on a team basis with input from the Circuit Attorney, defense counsel, the Division of Probation and Parole, treatment representatives, Administrator and the Judge/Commissioners.

Treatment court staff meets with potential participants to thoroughly explain the treatment court program and the Agreement of Admission Screening Participation. The Agreement of Admissions Screening Participation must be signed prior to administering the addiction assessment. If a defendant refuses to sign the Agreement to Admission Screening Participation, court staff must notify the referring judge in writing and the defendant is considered ineligible to participate in the treatment court program.

When the defendant signs the Agreement of Admission Screening Participation, a drug abuse and mental health screen including the Risk and Need Triage interview is completed by a treatment professional and a drug test is administered to the potential participant. At the conclusion of the screening process defendant is instructed to return to the following Thursday morning at 9:30 a.m. to Division 25A, Room 516, 1114 Market Street., St. Louis, Missouri 63101, with counsel for possible admittance into treatment court. Confined applicants shall be returned to Court from confinement the following Thursday for eligibility consideration.

Department of Corrections, Division of Probation and Parole and the Office of the Circuit Attorney receive the names of potential participants screened, review the file, and research the defendant's criminal history to prepare for admission staffing.

## **ADMISSION STAFFING**

Members of the Treatment Court Operations Committee staff all potential treatment court participants on Thursday of each week at 9:30 a.m. in Room 526, Carnahan Courts Building, 1114 Market Street, St. Louis, Missouri 63101. Defendants are represented by their attorney during eligibility staffing when potential clients are considered by the Commissioners and the Treatment Court Team to determine who will be deemed appropriate for treatment court. The treatment court team will discuss the defendant's information during staffing including the RANT score; current criminal charge(s); past criminal convictions(s), if any; information gained from the initial screening; consideration to any victims involved in the criminal case; the defendant's willingness to sign the necessary forms to participate in the treatment court; the defendant's ability to fully meet all treatment court requirements; and any other relevant information. In pre-plea cases, the Assistant Circuit Attorney recommends eligible participants for treatment court admission. In post plea cases, the Treatment Court Operations Committee determines whether the defendant is eligible for treatment court admission. Defendants should wait in the Division 25A courtroom, Room 516 during the admission staffing process.

Post plea participants who are deemed eligible for admission from the Treatment Court Operations Committee will be provided a date 30 days in the future to appear in Division 25A for the orientation docket once they have received the permission of the referral judge, entered a plea of guilty, and provided all necessary orders for admission including orders to enter and successfully complete the treatment court program. Post plea participants who face probation violation proceedings should optimally have at least 48 months of time remaining for treatment court program supervision.

In cases with unresolved legal issues in other circuits or mental health issues without a verified diagnosis for clinical review, the St. Louis Treatment Courts reserve the right to extend a provisional eligibility determination with admission conditioned upon the resolution of legal issues or receipt of verified medical documents within 60 days. Provisional eligibility determinations may be withdrawn by the St. Louis Treatment Courts at any time prior to admission with notification to counsel and the referral division.

Pre-plea participants who receive an offer of admission will appear with their lawyer for arraignment, enter a plea of not guilty and participate in the Orientation Docket in Division 25A that same Thursday morning.

Before the Orientation Docket begins, each new treatment court participant will sign all contracts, waivers and admission documents with the advice of counsel, including but not limited to, consents to search and releases of information.

In pre-plea cases the participant signs the following forms:

- a waiver of confidentiality (see Appendix 1);
- a Division 25A waiver form (see Appendix 8); and

- two (2) copies of the Adult treatment court pre-plea contract (see Appendix 9). The contract sets out the expectations and rules of the treatment court and possible sanctions for non-compliance.

The participant in pre-plea cases agrees to waive:

- Formal Reading of Charges
- Right to Speedy Trial
- Right to Preliminary Hearing

In post plea cases the participant signs the following forms:

- a waiver of confidentiality (see Appendix 1); and
- two (2) copies of the drug court post plea contract (see Appendix 10). The contract sets out the expectations and rules of the drug court and possible sanctions for non-compliance.

## **ORIENTATION DOCKET**

Treatment Court staff conducts a detailed orientation during the Orientation Docket the first day the participant enters treatment court. Participants receive information regarding all treatment court requirements; the drug testing location and protocol; treatment and ancillary services; and other information relevant to the St. Louis Adult Treatment Court. During the Orientation Docket participants:

- meet treatment court team members,
- make their first court appearance before the Commissioner,
- receive an appointment and program information from a probation officer,
- receive an orientation appointment and information from a treatment provider,
- receive the next court date from the courtroom clerk.

When the Orientation Docket is complete, each new participant will remain in orientation or other groups until they are assigned to a community-based treatment provider at the conclusion of all First Steps to Recovery Orientation sessions.

## **ESSENTIAL FORM CHECKLIST**

Seven (7) forms are considered essential and should be included, when applicable, in all social files of the St. Louis Adult Treatment Court:

1. Contract signed by the parties.
2. Waiver disclosure of confidential information signed by the parties.
3. RANT report.
4. Assessment.
5. Treatment Plan.
6. Relapse Prevention Plan (Path III only)
7. Proof of Graduation or Termination.

A checklist should be maintained in each file to monitor the inclusion of these essential forms.



## **DRUG TESTING PROCEDURE**

Treatment Court participants are required to call a drug testing line every day to determine if their color is called that day. Purple is the color for all female participants. Blue is the color for men in Path I; yellow is the color for men in Path II; and Green is the color for men in Path III and Silver is the color for men in Path IV. Some participants are mandated by the Court to test on specific days of the week, in addition to, or in lieu of, their color days. All participants must follow the directives of the Court related to drug test schedules. Participants who test clean from one court date to the next are allowed to "fish" or select a small reward from the courtroom fishbowl.

Urine samples are collected at Avertest, 400 N. Tucker, St. Louis, Missouri, between the hours of 7 a.m. and 6 p.m. on color days and 9 a.m. to 5 p.m. on non-color days. Avertest is open Monday through Friday and open on weekend days only when colors are called. Mandatory drops must be provided weekdays between 9 a.m. and 5 p.m.

Participants are not allowed to discard or dispose of urine samples at Avertest. If a participant discards or disposes of a urine sample before it can be tested, the participant will be asked to leave the premises and not allowed to provide another sample that same day.

## **Treatment Progress Reporting Procedure**

Counselors can access the list of clients on a docket in the case management system. Prior to each staffing the treatment counselor will prepare and submit electronically within the case management system a written paragraph progress report on each of their clients who appear on the docket. The progress reports shall address at a minimum the following questions:

1. What is the client's attendance status?
2. How do you describe the client's level of participation?
3. Describe the client's progress in terms of "stages of change", "milestones" or "understanding of therapy".
4. Describe the client's progress in terms of Individual Treatment Plan goal accomplishments or adherence to the Relapse Prevention Plan.
5. What special issues, if any, does the Court need to address with the client?

## **General Guidelines in Addition to Contractual Provisions for Service Providers**

1. Contracts for professional direct services paid by the number of certified service hours performed each week the hour, the service provider must prepare and maintain a log of service hours each day. The Court should never be billed for idle time, meal time, personal time off, vacations, sick time, agency supervision time or agency functions, and personal tasks that do not benefit the treatment court participant.
2. Contractual service providers should never work more than 40 hours per week.

3. Contractual service providers must be available to conduct evening sessions if requested by the Court.
4. Contractual service providers are required to abide by policy and directives of their agency and cooperation with the Court to implement and adhere to these stated guidelines.
5. Contractual service providers should work a maximum of 8 hours per day, unless an adjusted schedule is approved in writing by the agency, Treatment Court Administrator and the Treatment Court Treatment Director to accommodate evening treatment group sessions.
6. Contractual service providers should be available to work Monday – Friday on an approved flexible schedule to ensure treatment services are available until 3 p.m. Friday or later.
7. Flexible standard work hours may be maintained by contractual service providers between 8:30 a.m. and 7 p.m. Monday-Friday on a schedule reviewed by the agency and approved in writing by the Treatment Court Administrator and the Treatment Court Treatment Director.
8. Contractual service providers must take a minimum of 30 minute lunch break each day unless their agency has a policy that requires a longer lunch break. Contractual service providers should make personal, non-business related calls or run errands during their lunch break time.
9. Contractual service providers must be available to cover groups or treatment tasks in the event of absence or need at the direction of the Treatment Court Administrator or Treatment Court Treatment Director.
10. To avoid undue costs of treatment and to analyze cases based on the ASAM criteria, all arrangements for community based treatment services outside the treatment court must be supported by a current treatment plan and reviewed by the Treatment Director before those services are engaged. This includes, but not limited to, detox and residential services, day treatment, MAT services, psych evaluations and other alternative therapy. Arrangement requested by the Court must be reviewed by the Treatment Director to conserve resources and ensure the most client centered approach is taken to support successful therapeutic gain.
11. Contractual service providers are required to maintain fidelity to the manualized therapy selected by the Court including the adherence to time frame of sessions, presentation of sessions, and weekly contact recommended by the evidence based modality.  
Advance permission must be obtained from the Treatment Director before any group session can stray from the content or presentation of the evidence based treatment modality. Examples include, but not limited to, the invitation of outside speakers, commingling groups to attend a presentation from outside sources, or moving the group to an off premises location.
12. Contractual service providers must be prepared and in group room 10 minutes before group sessions begin. Groups must start on time. Participants who arrive 10 minutes after the scheduled start time is recorded as a “missed session” and must be recorded in the case management system. Late participants may remain in the group if they are not disruptive to the class and the counselor should inform the Judge/Commissioner if the person was allowed to stay.

13. Contractual service providers must not release groups sessions early, unilaterally excuse group sessions or make substitute arrangements with the approval of the Treatment Court Treatment Director or Treatment Court Administrator.
14. Contractual service providers shall use the electronic case management system to record:
  - Weekly progress notes
  - Initial treatment plans and treatment plan updates
  - Record attendance for group and individual sessions
  - Record the dates, time, participants and topic of each group session
  - Record updated participant information including bio-social data, medications, medical appointments and other data included in the case management system

## Treatment Plans and Plan Reviews

Fourteen (14) days after intake, treatment counselors must file a written treatment plan approved by the Treatment Representative within the case management system which can be viewed by the probation officer and provided to the Court. Treatment counselors are required to review the participant's treatment plan every 30 days to monitor the attainment of treatment goals. Treatment counselors are required to discuss the treatment plan with the client, at a minimum, every 90 days and provide information about plan modification and goal achievement to probation officers for inclusion in the progress report.

## Relapse Prevention Plan

When the participant moves from Adult Treatment Court Path II to Path III, the treatment counselor shall assist the participant in the development of the Relapse Prevention Plan and monitor this plan during the program. Form is located in Appendix 11.

## Sustainable Recovery Plan

Prior to promotion to Path IV, participants must submit a personal Sustainable Recovery Plan. The plan must be produced by the participant. The document must detail the ongoing treatment and recovery techniques that a participant plans to implement following graduation.

## **SUCCESSFUL COMPLETION OF ADULT TREATMENT COURT**

Probation officers may recommend participants for graduation when they have met all treatment court requirements and submit a written request to graduate for team consideration. The Treatment Court Team will meet to consider the merits of the recommendation to graduate and must agree that the participant has sufficiently integrated the necessary information to support long-term recovery. Graduation requests will be tentatively approved pending the adherence to treatment court requirements through the date and time of the graduation ceremony including the payment of all required treatment court fees and restitution, if any. Probation officers must submit a written graduation summary and a completed JIS Exit form of each participant prior to graduation.

## **GRADUATION PROCEDURE**

Treatment Court graduation is a formal ceremony presided over by the Judge/Commissioners. The graduation ceremony is conducted six times per year, approximately every other month. It is mandatory for all graduates to attend. All treatment court graduates must complete graduation surveys and any other written forms required for full program participation prior to the graduation ceremony. All treatment court participants are encouraged to attend and the graduation ceremony is open to the public. Probation officers prepare a written summary of achievement for each graduate which will be read during the ceremony with the written permission of the graduate. The graduates are invited to speak about their treatment court experience and to offer encouragement to those in attendance. Certificates of Completion or other incentives may be handed out during the ceremony. All pre-plea graduates will be given a copy of the dismissal of charges filed by the Circuit Attorney. All post plea graduates will be provided a new court date before the sentencing judge.

## **TERMINATION PROCEDURE**

### **VOLUNTARY TERMINATION**

Participants may petition the Judge/Commissioner for termination treatment drug court. The Judge/Commissioner may enter a termination order if it is determined that the request is knowingly and voluntarily made. The participant will be required to pay all outstanding treatment court fees. In pre-plea termination cases the Commissioner will set a bond amount and return the case to the appropriate court for further proceedings. In post plea termination cases no bond is set and the case is referred to the sentencing judge for further proceedings.

### **INVOLUNTARY TERMINATION**

The drug court team may make a recommendation to the Judge/Commissioner that the participant be terminated from treatment court due to the participant's non-compliance with

treatment court requirements or conditions. The participant must be informed of the potential termination from treatment court and allowed to have their attorney appear on their behalf when the issue is considered unless the participant has absconded. The participant may request a formal termination hearing on the record or waive the termination hearing. After full consideration, the Judge/Commissioner may enter a termination order or determine to continue the participant in the program. Upon involuntary termination, the participant will be required to pay all outstanding treatment court fees. In pre-plea termination cases the Judge/Commissioner will set a bond amount and return the case to the appropriate court for further proceedings. In post plea termination cases no bond is set and the case is referred to the sentencing judge for further proceedings.

In the case of a participant who has absconded for a period of three months, the Treatment Court Judge/Commissioner may enter an order of termination, require the participant to pay all outstanding treatment court fees, and return the case to the referral court for further proceedings.

### **ADMINISTRATIVE DISCHARGE**

If a participant cannot complete treatment court, through no fault of his/her own, they may be administratively discharged. Reasons for an administrative discharge include medical necessity and incarceration in state or federal prison. The Judge/Commissioner may enter an order of termination, require the participant to pay all outstanding treatment court fees, and return the case to the referral court for further processing.

### **MODIFICATION OF PROCEDURE**

Should the Treatment Court team determine that modification of an existing procedure best serves the interest of the participant and the treatment court program and said modification receives the approval of the appropriate court committee, the approved change will be distributed in writing to each participant, the signature of the participant will be obtained and placed in the social file to acknowledge receipt of any modification.

## Summary of Procedures for Division 25A (Treatment Court) Referrals:

### • **POST PLEA ADULT TREATMENT COURT CASES**

1. Defense counsel submits to the Judge a post arraignment written request to screen for Treatment Court.
2. If appropriate, the Judge signs an **Order to Screen** for Division 25A.  
(Post Plea Eligibility Requirements)  
(Division 25A Form #1)
3. Defendant appears in Division 25A for screening at 9 a.m. on Friday as ordered by Referral Judge.
4. Defendant and defense counsel appear in Division 25A at 9:30 a.m. the following Thursday for Treatment Court eligibility determination.
5. Commissioner notifies the Judge of the Referral Division:

**ELIGIBLE** - Commissioner will send  
Post-Plea Division 25A Eligibility Order to the Referral  
Judge.  
(Division 25A Form #3)

**NOT ELIGIBLE** – Commissioner will send  
Division 25A Ineligibility Order to the Referral Judge.  
(Division 25A Form #2)

6. **PROCESS FOR PLEA OF GUILTY CASES:**
  - Defendant **enters plea of guilty**
  - Court **defers sentencing**
  - Court **schedules status hearing one (1) year** following the plea.
  - Court **orders Defendant to appear** in Division 25A the following Thursday at 9:30 a.m. for **Orientation** with executed contract and release forms.

#### **Annual Status Conference Procedure:**

1. Commissioner will notify the Judge of the plea division:
  - **Defendant's program status**
  - **Expected date of program completion**  
(Division 25A Form #4)
2. Plea division will **set another status conference** to coincide with expected date of program completion.

**Graduation** – Commissioner will notify the Judge.  
(Division 25A Form #4)

**Termination** – Commissioner will notify the Judge.  
(Division 25A Form #5)

Summary of Procedures for Division 25A (Treatment Court)  
Referrals:

- **PROBATION VIOLATION CASES AND**
- **PROBATION GRANTED PURSUANT TO SECTION 559.115**

- Defense counsel submits a written request for Judge to consider Treatment Court as a condition of probation or in lieu of probation revocation.
- If appropriate, the Judge signs an **Order to Screen** for Division 25A.  
(Post Plea Eligibility Requirements)  
(Division 25A Form #1)
- 3. Defendant appears in Division 25A for screening at 9 a.m. on Friday as ordered by Referral Judge.
- 4. Defendant and defense counsel appear in Division 25A at 9:30 a.m. the following Thursday for Drug Court eligibility determination.
- 5. Drug Court Commissioner notifies the Judge of the Referral Division:

**ELIGIBLE** - Commissioner will send  
Post-Plea Division 25A Eligibility Order to the Referral  
Judge.  
(Division 25A Form #3)

**NOT ELIGIBLE** – Commissioner will send  
Division 25A Ineligibility Order to the Referral Judge.  
(Division 25A Form #2)

- 6. **PROCESS FOR PROBATION VIOLATION CASES**, if approved by the sentencing Judge:
  - Court finds Defendant has violated probation;
  - Optimally a minimum of 48 months of time remaining on supervision, however the maximum term of probation is encouraged;
  - Court adds a special condition of probation to complete the Post Plea Program in Division 25A;
  - If applicable, Court sentencing Defendant pursuant to Section 559.115;
  - Court **orders Defendant to appear** in Division 25A the following Thursday at 9:30 a.m. for **Orientation** with executed contract and release forms.  
(Division 25A Form #6)

**Status Conference Procedure:** Division of Probation and Parole will keep the Judge of the sentencing division informed by case summaries every six months.

**PROCESS FOR PROBATION GRANTED PURSUANT TO SECTION 559.115**, if approved by the sentencing Judge:

- Court imposes period of incarceration pursuant to Section 559.115;
- Court grants probation and holds the defendant in custody with an order to appear in Division 25A the following Thursday at 9:30 a.m. for Orientation with executed contract and release forms.

(See Post Plea Contract Appendix 10)

(See Release Form Appendix 1)

- Court adds special condition of probation to complete the Post Plea Program in Division 25A where defendant will report to probation officers and the Commissioner in Division 25A.
- Probation should optimally have 48 months supervision time, and the maximum term of probation is encouraged.

**Status Conference Procedure:** Division of Probation and Parole will keep the Judge of the sentencing division informed with case summaries every six months.

#### **7. Graduation –**

- Commissioner will notify the Judge.  
(Division 25A Form #4)
- Probation and Parole will file a report with a disposition request.
- Sentencing division sets a court date and notifies parties.

#### **8. Termination –**

- Commissioner will notify the Judge.  
(Division 25A Form #5)
- Probation and Parole will file a violation report outlining conditions violated including termination from the program.
- Sentencing division sets violation hearing court date and notifies parties.