

ST. LOUIS DRUG COURTS POLICY MANUAL

FINAL COPY FOR COURT EN BANC CONSIDERATION

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St. Louis Drug Courts
State of Missouri, 22nd Judicial Circuit
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TABLE OF CONTENTS

TOPICS	PAGE
St. Louis Drug Courts	
Overview.....	4
Authorization of Policies and Procedures.....	5
Drug Court Committee.....	5
Drug Court Operations Committee.....	5
Release of Information.....	6
St. Louis Adult Drug Court	
Adult Drug Court Mission Statement.....	7
The 10 Key Components.....	7
Drug Court Team Members.....	9
Confidentiality.....	11
Drug Court Screening Process.....	12
Eligibility Standards	
Pre-Plea Cases.....	12
Post Plea Cases.....	13
Policy for Pre-Treatment.....	13
Levels of Treatment.....	14
Progressing Through Treatment.....	15
Treatment Provider Drug Court Policies.....	16
Progressing Through Drug Court Paths.....	19
Rules of Drug Court.....	20
Incentives.....	21
Graduated Sanctions.....	22
Drug Testing.....	24
Drug Court Fees.....	24
Prescription Medication Advisory Form Policy.....	25
Medication Assisted Treatment Policy.....	25
Bus Ticket Policy.....	26

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 22nd 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.

The objectives of the St. Louis Drug Courts: Adult, Juvenile, Family and the 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 Drug 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 Drug 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 Drug 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 Drug Courts are voluntary, diversionary programs that include regular court appearances before the Drug Court 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 Drug Courts shall be established through the Drug Court Policy Manual. The Manual will be promulgated by the Court en Banc, pursuant to Local Court Rule 100.14.7

The St. Louis Drug 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 Drug 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 Drug Courts Policy Manual and copies shall be made available to them by the Drug Court Administrator.

DRUG COURT COMMITTEE

The Presiding Judge of the 22nd Judicial Circuit shall appoint a Drug Court Committee consistent with Local Court Rule 100.14.6.

DRUG COURT OPERATIONS COMMITTEE

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

- Drug Court Commissioner
- Drug Court 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 Drug Courts are met and that operations run smoothly. The Commissioner in charge or their designee shall oversee the meetings. Minutes of the meetings shall be kept and distributed by the Drug Court Administrator or Coordinator.

RELEASE OF INFORMATION

Case-related Information: Drug Court staff and representatives of the Drug 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 Drug Courts as it relates to the release of client information shall be bound by the current federal and state laws.

All St. Louis Drug Court 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 Drug 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 Drug Courts procedures.

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

ADULT DRUG 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 Drug Courts 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 drug courts, the Office of Justice Drug Courts Program developed ten key components to which each drug court follows to be eligible for federal funding. The ten key components provide an outline of drug court philosophy and requirements. The St. Louis Drug Courts have adopted the ten key components.

1. Drug Court integrates alcohol and other drug treatment services with justice system case processing.

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

In drug court, the process begins in the courtroom and continues throughout the participant's drug court involvement. While primarily concerned with criminal activity and substance abuse, the drug 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 drug 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 drug 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. Drug court must reward cooperation as well as response to non-compliance. Small rewards, such as praise from the Drug Court 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 drug court participant is essential.

The Drug Court Commissioner is a member of the drug court team. Drug Court Commissioners conduct drug court sessions and staffing, monitors and reviews the participant's progress in drug court, encourages and rewards appropriate behavior, and discourages and sanctions inappropriate behavior. Ongoing judicial supervision

communicates to participants, often for the first time, that someone in authority cares about their progress and program success.

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

Coordinated management, monitoring, and evaluation systems are fundamental to the effective operation of a drug court. Drug 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 drug 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 drug court, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

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

DRUG COURT TEAM MEMBERS

Drug Court Commissioner

The St. Louis Adult Drug Courts have two Drug Court Commissioners who preside over adult drug court cases. The Commissioner heads a collaborative team composed of the prosecutor, defense counsel, probation officers, treatment representatives and administration. In their capacity the 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 drug 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 drug court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in the Drug 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 drug 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 Drug 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 drug 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.

Drug Court Administrator

The role of the Drug Court Administrator is to assist the Commissioners and coordinate all drug court activities with the drug court team, coordinate development of case management and management information reporting system activities, supervise the Drug Court urinalysis program, develop requests for proposals and associated contracts with external providers, disseminate information and implement directives received from the Drug Court Commissioners, act as the drug 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 Drug Court.

Substance Abuse Treatment Provider

The role of the treatment provider is to develop and implement a treatment plan for each client from pre-treatment 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 drug 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 Drug Courts are 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 Drug Courts create 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 Drug Courts, 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 drug court team members, relating to their compliance with drug court requirements.

DRUG COURT SCREENING PROCESS

The St. Louis Adult Drug 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 Drug 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 has been charged with a felony drug or alcohol offense; or was motivated by alcohol and/or drug abuse during the commission of a felony offense.
2. Applicant has an alcohol or drug abuse problem based on a drug test and/or program screen.
3. The victim, if any, must agree that the applicant can enter drug court.
4. The applicant must not be currently on parole.
5. The applicant must not have more than three previous felony convictions.
6. The applicant must not have a violent charge or history.
7. The applicant understands the rigors of the program; agrees to participate; agrees to pay restitution, if any; and agrees to pay the drug court fees.
8. Applicant's case does not have evidence of significant and substantial drug dealing.

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

ELIGIBILITY STANDARDS FOR POST PLEA CASES

1. Applicant has been charged with a felony drug or alcohol offense; or was motivated by alcohol and/or drug abuse during the commission of a felony offense.
2. Applicant must be a substance-abuser/dependent based upon a drug screen, an assessment performed by clinical staff for the St. Louis Drug Court, and/or information provided by members of the Operations Committee at time of admission staffing.
3. The applicant must not have a violent charge or history.
4. The applicant understands the rigors of the program; agrees to participate and pay the drug court fees.
5. Applicant's case does not have evidence of significant and substantial drug dealing.
6. Applicant is not a graduate of an adult drug court program.

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

PRE-TREATMENT

Pre-Treatment 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 pre-treatment 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 pre-treatment groups each week and at all scheduled assessment appointments. Any missed pre-treatment group or assessment appointment will be reported to the probation officer.

LEVELS OF TREATMENT

The treatment experience for each drug 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

Drug Court Policy-001 Termination of Drug Court Participants from Treatment

Drug Court 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 drug 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 Drug 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 Drug Court Administrator/Coordinator to inform them of the dismissal and court staff will immediately contact the Drug Court 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 Drug Court 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 drug court team and a recommendation to the Drug Court Commissioner.
3. Contact the Treatment Representative or Drug Court Administrator, to request the participant be placed on the next available docket to enable the drug court team and Drug Court Commissioner to immediately deal with the problem and consider recommendations of the treatment provider.

Drug Court Policy-002 Court Orders from the Drug Court Commissioner

Court orders, including “no supervised passes” can not be overridden by anyone, including representatives of the Court, other than the Commissioner, until and unless a new order is promulgated by the Drug Court Commissioner or a Judge of the 22nd Judicial Circuit. If a particular order creates a problem for a treatment provider, the program should contact the Treatment Representative or Drug Court Administrator so the matter can be brought before the Drug Court 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 Drug Court Administrator who will communicate the issue with the Drug Court 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 drug 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.

Drug Court Policy-003 Relating to Referring Drug Court Participants to Treatment

1. The St. Louis Drug Court 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 Drug Court 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 Drug Court 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 Drug Court 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 Drug Court 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 Drug Court 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 DRUG COURT PATHS

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

Path I – Requirements: minimum time – 1 month

- Complete Pre-Treatment;
 - 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 and exercise the cornerstone concept of drug court---honesty;
 - Meet all Path I requirements.
-

Path II – Requirements: minimum time - 4 months

- 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 drug 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.

Path III – Requirements: minimum time – 6 months

- 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 drug 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.

Path IV – Requirements: minimum time – 4 months

- 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 drug 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.

DRUG 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 drug 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 Commissioner.

Incentives

Rewards can be recommended by the Drug Court Team and granted at the Commissioner’s discretion to support treatment through positive reinforcement of program accomplishments.

Positive Reinforcements - Incentives	
<ul style="list-style-type: none"> • • • 	<ul style="list-style-type: none"> Call Early on the Docket Credit on Drug 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 Drug Court program, the Commissioner may, within the discretion of the Court, order one or more of the following sanctions:

MISSED DROP SANCTIONS:

Program Requirement Not Met	Path I	Path II	Path III & IV
1 st 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 nd 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 rd 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:

Actions Contrary to Program Principles	Consequence for Actions Contrary to Program Principles
Tampering with or dilution of urine sample	<ul style="list-style-type: none"> • community service • jail time at the discretion of the Court
Missed probation officer appointment	<ul style="list-style-type: none"> • community service
Missed recovery meetings	<ul style="list-style-type: none"> • make up meeting • community service

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

DRUG TESTING

St. Louis Drug Court 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 Drug Court program 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.

Drug Court participants are required to provide urine samples at the location, dates and times as directed by the Court in accordance with Drug 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.

DRUG COURT FEES

Each participant of the St. Louis Adult Drug Court is expected to pay the drug 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 drug court fee payments are required to move to a new path and all drug court fees must be paid to graduate from drug court. Drug Court fees are deposited in the Client Fee Account held by the Circuit Clerk for expenditures to promote the mission of the St. Louis Drug Court. Expenditures from the Client Fee Account must be authorized by co-signatures of the Drug Court Committee Chairman and the Drug Court Commissioner on the disbursement voucher presented to the Circuit Clerk.

PRESCRIPTION MEDICATION ADVISORY FORM

St. Louis Drug 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 Drug 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 Drug Courts do not provide direct medical treatment; however, the Court expects drug 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 drug court program.

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

The St. Louis Drug 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 skilful transition plans that extend beyond drug 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. Drug 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 Drug 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 Drug Court Procedure Manual

DRUG 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 drug court. A screening referral order may be issued by a Judge when the defendant is referred to the drug 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.

DRUG 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, Drug Court Administrator and the Drug Court Commissioners.

Drug court staff meets with potential participants to thoroughly explain the drug 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 drug 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 drug 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 screening interviews, drug test results, review the file, and research the defendant's criminal history to prepare for admission staffing.

ADMISSION STAFFING

Members of the Drug Court Operations Committee staff all potential drug 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 Drug Court Team to determine who will be deemed appropriate for drug court. The drug court team will discuss the defendant's information during staffing including the 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 drug court; the defendant's ability to fully meet all drug court requirements; and any other relevant information. In pre-plea cases, the Assistant Circuit Attorney recommends eligible participants for drug court admission. In post plea cases, the Drug Court Operations Committee determines whether the defendant is eligible for drug 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 Drug 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 not to report, if applicable. Post plea participants who face probation violation proceedings should optimally have at least 48 months of time remaining for drug court program supervision.

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 drug 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 drug court pre-plea contract (see Appendix 9). The contract sets out the expectations and rules of the drug 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

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

- meet drug court team members,
- make their first court appearance before the Drug Court Commissioner,
- receive an appointment and program information from a probation officer,
- receive a pre-treatment 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 pre-treatment until they are assigned to a community-based treatment provider at the conclusion of all pre-treatment assessment sessions.

ESSENTIAL FORM CHECKLIST

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

Drug 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

Probation officers will provide a list of clients to treatment counselors in advance of staffing to allow timely progress report preparation. Prior to each staffing the treatment counselor will prepare and submit electronically, to the probation officer and Drug Court Administrator, 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?

Treatment Plans and Plan Reviews

Fourteen (14) days after intake, treatment counselors must file a written treatment plan with the Treatment Representative which will be distributed to 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 Drug 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 DRUG COURT

Probation officers may recommend participants for graduation when they have met all drug court requirements and submit a written request to graduate for team consideration. The Drug 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 drug court requirements through the date and time of the graduation ceremony including the payment of all required drug 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

Drug Court graduation is a formal ceremony presided over by the Drug Court Commissioners. The graduation ceremony is conducted six times per year, approximately every other month. It is mandatory for all graduates to attend. All drug court graduates must complete graduation surveys and any other written forms required for full program participation prior to the graduation ceremony. All drug 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 drug 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 Drug Court Commissioner for termination from drug court. The Drug Court 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 Drug Court Commissioner that the participant be terminated from drug court due to the participant's non-compliance with drug court requirements or conditions. The participant must be informed of the potential termination from drug 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 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 drug 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.

In the case of a participant who has absconded for a period of six months, the Drug Court 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 drug 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 Drug Court 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 Drug Court team determine that modification of an existing procedure best serves the interest of the participant and the drug 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 (Drug Court) Referrals:

• **POST PLEA DRUG COURT CASES**

1. Defense counsel submits to the Judge a post arraignment written request to screen for Drug 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 Drug Court eligibility determination.

5. Drug Court Commissioner notifies the Judge of the Referral Division:

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

NOT ELIGIBLE – Drug Court 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. Drug Court 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 – Drug Court Commissioner will notify the Judge.

(Division 25A Form #4)

Termination – Drug Court Commissioner will notify the Judge.

(Division 25A Form #5)

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

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

- Defense counsel submits a written request for Judge to consider Drug 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 - Drug Court Commissioner will send
Post-Plea Division 25A Eligibility Order to the Referral Judge.
(Division 25A Form #3)

NOT ELIGIBLE – Drug Court 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 **reinstates probation with a “not to report” order** to assigned probation officer while actively engaged in the Post Plea Program in Division 25A;
 - 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.
 - Court adds special condition of “not to report” to another probation officer while actively engaged in the Post Plea Program in Division 25A.

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 –

- Drug Court 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 –

- Drug Court 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.

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

• **PRE-PLEA DRUG COURT CASES**

1. Defendant may request drug court screening referral at:
 - Pre-Trial Release
 - Judge during arraignment
 - Judge prior to plea
2. If appropriate, the Judge signs an **Order to Screen** for Division 25A.
(See Pre-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 admission determination.
5. Drug Court Commissioner notifies the Judge of the Referral Division:

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

ACCEPTED - State appears by Assistant Circuit Attorney, Defendant appears before the Commissioner, with counsel:
 - Waives formal Arraignment
 - Waives Right to Speedy Trial
 - Waives Right to Preliminary Hearing
 - Enters a Plea of Not Guilty
 - Signs participant contract
 - Signs Confidentiality Disclosure AuthorizationDefendant enters Program Orientation on that day.
6. **Graduation** – Office of the Circuit Attorney enters nolle prosequi.
7. **Termination** – Case is transferred to Division 16 for further proceedings.
(Division 25A Form #5)