

Benton/Franklin Counties Superior Court

Adult Drug Court



Policies and Procedures

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General Program Description

The Benton and Franklin Counties Adult Drug Court is an intensive treatment and accountability based program of the Benton and Franklin Counties Superior Court for adults charged with eligible crimes who exhibit substantial need for treatment for substance abuse to reduce the possibility of recidivism. The program lasts a minimum of 9 months for each participant and is designed to provide an alternative to full criminal prosecution at the pre-adjudication stage of legal proceedings. The drug court includes rigorous community supervision and strict accountability, frequent and random substance abuse testing, regular (often weekly) court appearances, family/support involvement, and intensive treatment, services and education tailored to the individual needs of each participant. A combination of incentives and interventions is used to motivate participants and, upon completion of each stage of the program, recognition is provided. A graduation ceremony is held upon successful completion of the program. All graduates are invited and encouraged to participate in the drug court Alumni Group for support and guidance after completion of the program.

Mission Statement

The vision of the drug court is reflected in its mission statement:

It is the mission of the Benton and Franklin Counties Adult Drug Court to advance the safety and wellbeing of our community, to conserve justice system resources, and to heal and rehabilitate non-violent addicted offenders. This will be achieved through the diversion of qualifying offenders to a program of comprehensive treatment and education, offender accountability, and intensive court supervision designed to help participants gain control of their lives and stop the cycle of recidivism caused by their addiction.

Goals and Objectives

Primary Goal 1: To promote community safety and well being

Secondary Goal 1.1: Reduce criminal behavior/recidivism among participating offenders

Process Objective 1.1.1: Frequent and intense court supervision of participants

Process Objective 1.1.2: Frequent home contacts with participants

Outcome Objective 1.1.3: Reduce re-arrest rate of participants during program participation

Outcome Objective 1.1.4: Reduce re-arrest rate of participants following graduation from program

Secondary Goal 1.2: Decrease participants' (and participants' dependents') reliance upon social and human services and increase their abilities to live independently and responsibly

Process Objective 1.2.1: Direct participants to assistance in securing employment and drug-free housing

Process Objective 1.2.2: Direct participants to training and mentoring in life skills, such as parenting and financial management

Process Objective 1.2.3: Direct participants to assistance in eliminating deficits in basic education

Outcome Objective 1.2.4: Full payment by participants of restitution

Outcome Objective 1.2.5: Full employment or continued employment of participants upon graduation

Outcome Objective 1.2.6: Every drug court graduate to have at least a high school diploma or general equivalency diploma (GED)

Outcome Objective 1.2.7: Full economic, social and psychological support of participants' dependents

Primary Goal 2: To conserve justice system resources

Secondary Goal 2.1: Reduction in direct costs of arrest and incarceration of participants

Process Objective 2.1.1: Structure treatment, services and supervision to reduce opportunities for and risks of further criminal behavior

Outcome Objective 2.1.2: Reduction of the number of jail-bed days for participants

Outcome Objective 2.1.3: Reduction of participants' contacts with law enforcement

Secondary Goal 2.2: Reduction in direct costs of judicial services/system

Process Objective 2.2.1: Formulate individualized plans for treatment, services and supervision that will promote steady and successful advancement through the program

Process Objective 2.2.2: Direct participants to assistance in obtaining/improving employment and developing financial responsibility

Outcome Objective 2.1.3: Participants making payments toward legal financial obligations.

Outcome Objective 2.1.4: Reduction of trial costs and court docket congestion, and maximization of cost avoidance

Primary Goal 3: To heal and rehabilitate non-violent addicted offenders

Secondary Goal 3.1: Reduce and eliminate use of controlled substances and alcohol

Process Objective 3.1.1: Assess participant addiction and treatment needs using ASAM PPC-II

Process Objective 3.1.2: Refer participants to appropriate substance abuse treatment services

Process Objective 3.1.3: Monitor and assess the effectiveness of treatment service providers

Process Objective 3.1.4: Encourage participants' use of and participation in services through appropriate application of interventions and incentives

Outcome Objective 3.1.5: Graduation of at least 70% of participants

Outcome Objective 3.1.6: Termination from the program of less than 15% of participants for drug test failures

Secondary Goal 3.2: To assist participants in regaining their lives and re-uniting families

Process Objective 3.2.1: Conduct a strength-based assessment of each participant and engage participants in appropriate services relating to education, employment, housing, financial responsibility, families, physical and mental health and other issues that affect their ability to remain clean and sober and succeed in the program

Outcome Objective 3.2.2: Graduate participants who are maintaining a sober and drug-free recovery, have at a minimum a high school equivalency diploma, are employed, are responsible parents, and are becoming responsible, productive members of the community.

Eligibility for Drug Court

Eligible Offenders

- Diagnosis of a drug problem (abuse, dependence or addiction)
- No prior violent felony offenses or pending violent felony charges
- No prior sexual offenses or pending sexual offense charges
- Currently charged with an eligible offense for which no determination of guilt has been made
- 18 years of age or older

Eligible Offenses

- Possession of controlled substance, prescription/legend drug (including forged prescriptions)
- Forgery
- Possession of stolen property
- Theft
- Malicious mischief
- Burglary 2nd degree
- Other felony offenses not listed as ineligible will be individually evaluated on a case-by-case basis.

Ineligible Offenses

- Residential burglary
- Violent or sexual offenses as defined by federal or Washington state law
- Delivery of controlled substance to a minor

Qualification for Drug Court

Potential drug court participants may be identified by the prosecutor or may be referred to the prosecutor for eligibility screening and consideration for referral to drug court by district or superior court, law enforcement officers, the Washington Department of Corrections, the Washington Department of Social and Health Services, or other attorneys. Before being referred to the prosecuting attorney, potential participants must obtain a completed substance abuse assessment from the Benton/Franklin Counties Substance Abuse Assessment Center or be currently in substance abuse treatment pursuant to a substance abuse assessment.

Within 30 days of a referral, the prosecutor will determine whether a potential participant

is eligible and appropriate for further consideration, and, if so, will move for an order of transfer to drug court for consideration for participation by the drug court team. The order of transfer will require that the potential participant attend every weekly drug court session, and within 10 days, schedule an appointment to meet with the drug court defense attorney and case manager. Upon entry of the order of transfer, the potential participant will be placed on the drug court waiting list. While on the waiting list, the potential participant must attend every drug court session, begin (or continue) 12-step/self-help meetings, if in treatment maintain compliance, and commit no new offenses. Failure to comply with the foregoing requirements may result in being placed at the bottom of the waiting list or transferred back to the regular criminal docket.

Following entry of an order of transfer, the potential participant will meet with the defense attorney and the drug court coordinator or case manager to obtain background information that will be helpful to the drug court team in considering participation. The coordinator or case manager, defense attorney and treatment specialist will report to the drug court team at a weekly staffing. All reports, including the substance abuse assessment, will remain confidential. At the staffing the team will decide, by consensus, whether to accept a potential participant into drug court. The core voting team includes the judge, prosecutor, defense attorney, coordinator, case manager, law enforcement representative and treatment specialist. To qualify for the drug court program, an eligible offender charged with an eligible offense must be determined by the drug court team to be appropriate for participation and be engaged in substance abuse the extent and nature of which is amenable to successful treatment within the drug court program. The participant must be willing to engage in treatment and other recommended services. In determining whether to accept a potential participant the drug court team will consider all available and pertinent information about the prospective participant, including, but not limited to, community or other support, motivation, history of prior treatment, nature and severity of substance abuse/addiction, and any medical or mental health problems. Every participant will be required to pay a drug court participation fee, attorney fees and a fee for every positive drug test. However, the court will order a participant to pay fees only in such amounts as the court determines the participant has the reasonable ability to pay. In no event will any potential participant be denied participation in drug court or any participant denied graduation from drug court due to indigence.

The drug court will seek to maintain, insofar as available resources permit, a minimum caseload of 45 active participants and, as additional resources may become available, increase the caseload to a maximum of 70 active participants. The team will closely monitor the progress of current participants and the transfer of potential participants with the objective of limiting the period of time any potential participant is on the waiting list to not more than 60 days.

Entry into Drug Court

Potential participants approved for participation enter the drug court program by executing a participation agreement signed by the participant, defense attorney, prosecutor, and judge. The agreement states that failure of the participant to abide by the terms of the agreement may result in termination from drug court and return of the case for a bench trial on the pending charge(s). The agreement includes a stipulation by the participant that in the event of termination and return for trial the court will consider the police reports attached to the agreement as the sole basis for its determination of guilt or innocence. The agreement also provides that upon successful completion of and graduation from the drug court program the pending criminal charge(s) that have been transferred to drug court will be dismissed with prejudice.

Each participant, immediately following acceptance into drug court, will begin (or continue) such treatment as is determined appropriate by the drug court team (utilizing the assessment and treatment recommendation information) and ordered by the Court.

Each new participant is required to attend every weekly drug court session during phase I unless specifically excused by the court. Every participant has the right, for a period of 28 days immediately following execution of the drug court participation agreement, to discontinue (or "opt out") of drug court. The opt out period may be extended for up to two additional weeks upon agreement of the participant and drug court. In the event a participant elects to opt out of drug court during the four week opt out period, the case will be transferred back to the regular criminal calendar and original defense attorney. No information obtained or statements made in the course of drug court proceedings will be used against a participant who opts out. Participants who do not opt out will be required to participate fully in all phases of the drug court program, and will only be released from drug court by successful graduation or termination.

Drug Court Sessions

The court will hold drug court sessions on the same day and hour each week (excluding holidays) as set by the court. Staffing and review by the drug court team of every scheduled case will immediately precede each drug court session. Before each team staffing the case manager or coordinator will gather attendance and participation information from each participant's drug/alcohol/other treatment and service providers and provide a written report and recommendation for team members. At the weekly staffing and review the drug court team will discuss and evaluate the weekly progress of each participant, determine whether the participant is in compliance or has violated drug court requirements or rules and determine whether changes in treatment or other services are warranted and what interventions and/or incentives should be given to the participant for the week.

Generally, the cases of potential participants will be called at the conclusion of court sessions. The judge or defense counsel will inform potential participants whether they have been accepted for or denied participation in drug court. Those accepted will be required to sign a drug court participation agreement. Those denied will, by order, be transferred back to the next regularly scheduled criminal calendar.

The cases of other participants required to be present will be called and the judge will discuss on the record with each participant and team members the participant's participation and progress, any changes to be made in treatment, other services or the participant's phase level, and incentives or interventions to be imposed.

Courtroom behavior is important, and participants will be advised that the following behavior at court sessions will not be tolerated:

Arriving late and leaving early: Court sessions begin at 3pm and end when the judge declares the docket to be concluded. An important part of ADC participation is attendance and attention for the duration of court sessions unless specifically excused by the court. Requests for permission to leave court early will not be routinely granted. Participants are responsible for arranging other obligations and plans to accommodate their attendance at complete drug court sessions.

Talking/movement around the courtroom: Drug court sessions, while less formal than other court proceedings, are, nevertheless, formal court proceedings, and participants will be required to conduct themselves accordingly. Chatting or visiting and movement in and out of the courtroom are not appropriate during drug court sessions.

Attire, food and cell phones in the courtroom: Participants are required to wear appropriate clothing to court. This includes pants, skirts, blouses, t-shirts (must sit at or below the waist band). Tank tops and cut-off shorts are not appropriate. Food, drinks and powered cell phones or pagers are not permitted in the courtroom.

Drug Court Phases

Drug court is a minimum nine-month, six-phase program aimed at intervening in drug/alcohol abuse and criminal behavior through intense supervision and participation in treatment and recovery services. Initially, participants are required to appear weekly at court sessions. As a participant successfully completes a phase and is graduated to the next phase, court attendance, reporting and treatment requirements will be adjusted to recognize and reflect the participant's progress. When a participant has successfully fulfilled the terms of the participation agreement and completed phases I through VI and an application for graduation has been reviewed with the participant and approved, he/she will receive a graduation certificate.

Phase I

Key Concept:	Starting Drug Court
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 30 days (minimum 4-6 weeks)
Requirements:	<ul style="list-style-type: none"> • Get enrolled into treatment • Attend Drug Court weekly • Go to every treatment session on time • Call UA line daily • If your UA number is called, take a UA • Attend recovery-based self-help meetings, starting at 7 meetings per week • Bring your signed self-help meeting slip to case manager and court weekly • Try to find a sponsor • Meet with Drug Court Case Manager weekly <p>* If at any point you have barriers please reach out to one of the Drug Court Team Members.</p>

Phase II

Key Concept:	Stabilization
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 60 days (minimum 10-12 weeks)
Requirements:	<ul style="list-style-type: none"> • Attend Drug Court as ordered • Follow Treatment Plan • Call UA line daily • If your UA number is called, take a UA • Attend recovery-based self-help meetings, as ordered by the court • Bring your signed self-help meeting slip to case manager and court weekly • Get a sponsor and work with your sponsor regularly • Try to find a Home Group • Continue meeting weekly with your Drug Court Case Manager • Start looking for a job/get into school/look for a place to volunteer • Start making payments on your Drug Court fine and restitution <p>* If at any point you have barriers please reach out to one of the Drug Court Team Members.</p>

Phase III

Key Concept:	Building Life Skills
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 100 days (minimum 16 weeks)
Requirements:	<ul style="list-style-type: none"> • Go to court as ordered • Follow Treatment Plan • Call UA line daily • If your UA number is called, take a UA • Attend recovery-based self-help meetings, as suggested by team • Bring your signed self-help meeting slip to case manager and court weekly • Work on your recovery with your sponsor regularly • Have contact with Drug Court Case Manager as ordered • Bring in proof of employment, employment training, any volunteer hours, and/or school enrollment • Work on making regular payments towards your Drug Court fine and restitution • Make a Budget • Set a goal to attend sober functions outside of self-help meetings. <p>* If at any point you have barriers please reach out to one of the Drug Court Team Members.</p>

Phase IV

Key Concept:	Continuing Life Skills
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 160 days (minimum 8-10 weeks)
Requirements:	<ul style="list-style-type: none"> • Go to court as ordered • Follow Treatment Plan • Call UA line daily • If your UA number is called, take a UA • Attend recovery-based self-help meetings, as suggested by team • Bring your signed self-help meeting slip to case manager and court weekly • Meet with Drug Court Case Manager as ordered • Work on your recovery with your sponsor regularly • Write a plan for starting your 30 volunteer hours • Continue to make regular payments on your Drug Court fine and restitution <p style="text-align: center;">*In this phase we want to see you to continue to grow in your recovery and in your life, we are excited to watch you grow. By now you should be working full-time, going to school, volunteering, or attending school full-time</p>

Phase V

Key Concept:	Maintenance
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 180 days (minimum 8-10 weeks)
Requirements:	<ul style="list-style-type: none"> • Go to Court as ordered • Follow Treatment Plan • Call UA line daily • If your UA number is called, take a UA • Attend recovery-based self-help meetings, as suggested by the team • Bring you signed self-help meeting slip to case manager at you one-on-one • Continue working with sponsor and working on your 12-Step program • Part of lifelong recovery is giving back, in this phase we would like to see you step outside your comfort zone and do some service work to help others in recovery • Meet with Drug Court Case Manager as ordered • Attend the monthly Alumni Group • Finish your 30 volunteer hours, then give proof to Case Manager • Continue making regular payments on you Drug Court fine and restitution • Begin pre-graduation packets

Phase VI

Key Concept:	Lifelong Recovery
Mandatory Clean Time:	Remain drug and alcohol free for at least the last 180 days (minimum 12 weeks)
Requirements:	<ul style="list-style-type: none"> • Go to court as ordered • Follow Treatment Plan • Call UA line daily • If your UA number is called, take a UA • Continue meeting with your sponsor regularly, discuss Relapse Prevention Plan • Attend recovery-based self-help meetings, as suggested by team • Bring your signed self-help meeting slip to case manager at your one-on-one • Meet with Drug Court Case Manager as instructed • Pay off your Drug Court fine and any restitution • Continue attending Alumni Group • Finish your Graduation Packets

Optional Phase – Aftercare

It is the mission and goal of drug court to assist participants in obtaining treatment, knowledge, skills, resources and strategies that will enable them to maintain stable recovery for the rest of their lives. To assist graduating participants in maintaining their recovery, and to provide them an opportunity to support the drug court program in assisting other participants to succeed as they have, graduates will be encouraged to continue in an optional phase of aftercare through (1) participation in the adult drug court alumni group and (2) execution of an agreement for voluntary, periodic check-ins with drug court staff to track recovery status.

Participant Identification to Law Enforcement

Upon any contact by a drug court participant with any law enforcement officer, the participant is required to promptly advise the officer that he/she is a participant in drug court.

Random Home Visits

Participants will be subject to random, unannounced visits to their places of residence or employment by drug court representatives. All visits will be conducted discretely and courteously, and visits to places of residence are preferred.

Search and Arrest of Participants

Participants are required to submit their person, property, vehicle, place of residence and/or personal effects to search and a seizure of any narcotics, drugs or other contraband found, at any time, with or without a search warrant, upon a reasonable suspicion, based upon articulable facts, by the drug court coordinator, case manager or any law enforcement officer that the participant is violating drug court rules or orders.

If a search results in the discovery of narcotics, drugs or other contraband, such items shall be seized and maintained as evidence in accordance with the policies and procedures of the law enforcement agency with jurisdiction, and the drug court law enforcement representative

shall be immediately notified. As soon as possible, the law enforcement representative will notify the other drug court team members of the search and seizure and coordinate with the shift supervisor of the law enforcement agency involved.

Evidence found in the course of such a search will be used as the basis for new charges against a participant only when the drug court team determines, considering all of the specific circumstances of the case and the search, that justice warrants such charges. However, if the evidence relates to a class A felony, a violent felony as defined in RCW 9.94A.030(45) or a sex offense as defined in RCW 9.94A.030(38), the prosecutor has sole discretion to determine if a new charge is appropriate.

Any law enforcement officer is authorized to arrest a drug court participant whom the officer observes to be in violation of the participation agreement by:

- violating any criminal law punishable by incarceration
- ingesting a controlled substance, including marijuana, or alcohol
- being under the influence of a controlled substance, including marijuana, or alcohol
- possessing alcohol or drug paraphernalia

Participants who are arrested will appear before a judge or court commissioner the next court day following arrest and will be required to appear at the next scheduled drug court session

Incentives and Interventions

Critical to the success of drug court participants are prompt incentives that encourage and reward their compliance with drug court requirements and progress in recovery and prompt interventions that discourage and interrupt their non-compliance and failure. The team will determine in weekly staffing, on a more probable than not basis, whether participants are in compliance or non-compliance. The team will determine, from all information available to or obtained by it, what are appropriate incentives or interventions based upon consideration of the nature and degree of the participant's compliance or non-compliance, the status of the participant's recovery, the participant's history of compliance and recovery and what will most reasonably and effectively promote the participant's recovery and success in completing drug court requirements.

Upon acceptance into drug court participants, by execution of a participation agreement, will waive of any right to a hearing before the court to determine compliance or non-compliance or appropriate incentives or interventions, except that, in the event the court determines that non-compliance requires an intervention that includes in-patient treatment, community service, work crew, electronic monitoring, house arrest or incarceration, a participant may, upon being advised of such an intervention, request a hearing before the court. Upon such a request, a hearing will be held, whenever practicable, at the time the request is made, and in any event within 48 hours of the request. If a request for hearing is made, the court may consider whether conditions for the participant's release pending hearing should be imposed in accordance with CrR 3.2.

Incentives

The drug court will utilize a continuum of incentives, tailored to appropriately recognize and encourage each participant's accomplishments and successes, ranging from congratulation and praise in court to tangible rewards (e.g. gift certificates, event passes) to the ultimate reward of graduation from drug court and dismissal of the pending charge(s).

Incentives may include, but are not limited to:

- Recognition by the court/judge
- Reduction in specific requirements
- Sobriety tokens
- Early dismissal from court
- Certificates of accomplishment
- Gift certificates

- Movie/event passes
- Transportation coupons/passes
- Promotion to next phase
- Certificates of graduation
- Dismissal of pending charges

Interventions

The drug court will utilize the following continuum of interventions, ranging from the least severe (e.g. admonitions in court) to the most severe (e.g. incarceration), selected to specifically discourage and deter non-compliance with drug court requirements and to aid and reinforce treatment and services necessary for recovery.

Interventions may include, but are not limited to:

- Admonishment during court sessions
- Sequestration in the jury box during court sessions
- Increased court appearances
- Increased attendance at self-help meetings
- Writing, reading or other study assignments
- Increased home visits
- Increased testing
- Increased or modified treatment and/or services
- Extension of current phase
- Demotion to an earlier phase
- No contact orders
- Curfew
- Loss of part or all of clean and sober time
- Community service
- Work crew
- Electronic monitoring
- House arrest
- Incarceration

Termination from Drug Court

Termination will occur upon a participant's election to opt out of drug court following execution of the drug court participation agreement.

Termination will also occur if a new charge(s) is filed against a participant alleging an offense(s) that is ineligible for drug court. If a participant, while in drug court, is charged with a new offense that would otherwise be eligible for drug court participation, the drug court team will consider the participant's circumstances on a case-by-case basis and determine if continued participation in drug court is appropriate and compatible with the new charge.

Termination from drug court may occur as the consequence of particularly serious violations of drug court requirements or policies or persistent non-compliance with drug court requirements.

Serious violations that may result in termination include, but are not limited to:

- Violence or threatened violence to another participant or to drug court personnel
- Filing of any new felony charge against the participant
- Tampering with a test sample
- Absconding from drug court

Persistent failures to comply with drug court requirements may result in termination, but in most instances, only after a succession of interventions has been imposed that has not resulted in improved compliance and progress.

Persistent failures that may result in termination include, but are not limited to:

- Positive test results
- Missed or refused tests
- Missed court sessions
- Missed treatment session
- Violations of criminal laws
- Failure to participate in court ordered treatment or services
- Failure to pay court ordered costs and fees
- Failure to demonstrate, over a reasonable period, progress through drug court and toward sustained sobriety
- Engaging in an inappropriate or prohibited relationships with another participant

Upon the recommendation of any drug court team member that a participant be terminated, the team will consider the recommendation at the next staffing. If it is the consensus of the team that termination of the participant from drug court should proceed, the participant will be provided with a written notice that termination is being considered which advises the participant of the allegation(s) that is the basis for termination being considered. At the next regular drug court appearance, the participant will be given the opportunity to admit or deny the allegation(s) and, if requested by the participant, the consideration of termination will be scheduled for a hearing at which the participant will have the right to be present, to be represented by counsel and to present evidence. The prosecutor will present evidence in support of termination. Whenever possible, the hearing will be conducted before a judge who did not participate in the drug court team staffing and decision to pursue termination.

The judge will determine whether a participant is terminated, taking into account the views of the other team members and any information provided by the participant. If a judge determines that the participant should be terminated from drug court following a hearing, the judge will make specific findings and conclusions in support of such determination. Once a participant has chosen not to opt out of drug court, termination may occur at the request of a

participant only upon the approval of the drug court team.

Upon entry of an order of termination from drug court because a participant has opted out of drug court, the case is returned to the next regular criminal calendar for the resumption of the regular pre-trial and trial schedule. Upon entry of an order of termination for any other reason, the case is returned to the next regular criminal calendar for setting for bench trial pursuant to the stipulations contained in the participation agreement.

Graduation from Drug Court

To be eligible for graduation from drug court, participants must, at a minimum, have actively participated in drug court for 9 months, have successfully completed each of the phases of drug court, and have in place a specific plan for after-care and continuing sobriety and recovery.

In determining whether a participant should be graduated from drug court, the team will consider the participant's current circumstances, including (1) stability in family and other significant personal relationships, housing and employment, (2) support systems in place for continued sobriety, (3) progress in court-ordered treatment of co-existing disorders, (4) recommendations of treatment providers, and (5) plans for and commitment to continued sobriety and recovery.

When a participant qualifies for completion of phase IV and graduation from drug court, a written application for graduation will be submitted to the drug court team. A written application, prepared by the participant in the form prescribed by the drug court team, will be submitted to the coordinator or case manager for preliminary review with the applicant and subsequent presentation to the drug court team. The participant will be required to attend the team staffing at which the application for graduation is presented and reviewed. Graduation ceremonies will take place in the courtroom. Graduations will be scheduled as needed. Upon graduation and dismissal of the pending charge(s), a participant is relieved of all drug court requirements.

Re-entry into Drug Court

Because the number of potential participants exceeds the limited drug court resources and because the fundamental mission of drug court is to graduate participants who will maintain clean and sober lives and remain crime-free, re-entry into drug court by prior participants will be limited.

Graduates

Drug court graduates who are charged with new offenses following graduation from drug court will not be considered eligible for drug court unless the drug court team agrees by consensus that there exist exceptional circumstances that warrant consideration for participation.

Opted-out Participants

Prior participants who have opted out of drug court may not re-enter drug court on the same underlying charge(s). Prior participants who have opted out of drug court, and thereafter have been charged with a new offense, may be referred to the prosecutor for possible participation under the new charge.

Terminated Participants

Prior participants who have been terminated from drug court for serious violations, repeated non-compliance or the filing of new, ineligible charges, will not be considered eligible for drug court unless the drug court team agrees unanimously that there exist exceptional circumstances that warrant consideration for participation.

Residence and Travel of Participants

Residence

Frequent contact with participants and monitoring of their compliance by the coordinator, case manager and/or law enforcement personnel are a requirement under the drug court program. Therefore, participants must live at a residence approved by the drug court team and at all times reside within Benton or Franklin County or within five miles of the boundaries of Benton or Franklin County. Participants are required to keep the drug court case manager informed of their current address and phone number(s) at all times and must provide advance notice and obtain approval 48 hours prior to moving. All persons residing in the home must be approved prior to a change of address. The drug court team on a case-by-case basis can address emergency housing.

Travel

Participants may travel outside Benton and Franklin Counties only upon the prior, express authorization of the coordinator, case manager or judge, and only subject to the requirements and restrictions governing drug court participation and any other conditions and restrictions imposed.

Limited English Proficiency Participants

All reasonable steps will be taken to ensure that participants with limited English proficiency (LEP) have full and meaningful access to the drug court and services and programs provided through it. The team will develop and periodically update an LEP Plan to provide for the timely and reasonable provision of language assistance to LEP participants. The plan will reflect the fact that for a sizeable segment of the community Spanish, rather than English, is the primary

language. It will include, among other things: a projection of the number of potential drug court participants for whom Spanish is the primary language and the number for whom a language other than English or Spanish is the primary language; the nature of language services (e.g. oral interpretation and/or written translation) reasonably necessary for various drug court functions, programs and services; standards of interpreter/translator proficiency required for various drug court functions, programs and services and protocols for determining that the standards are satisfied; and procedures for ensuring the timely identification of need for language services and the timely provision of them.

Court certified Spanish interpreters under contract with the counties will be utilized as necessary at court sessions. Court certified interpreters in other languages will be provided through the Washington Administrative Office of the Courts as necessary for court sessions. Interpreters for other court functions, programs and services will be selected and provided as set forth in the LEP Plan.

Participant Payment of Restitution and Fees

Participants are required, to the extent of their reasonable ability and resources, to pay the following:

- full restitution for the pending charge(s)
- a testing fee of \$15.00 for each positive UA quick test unless determined to be negative by a lab drug screen and a testing fee determined by the court not to exceed the actual cost for each positive/dilute lab drug test
- a drug court participation fee of \$2000.00

The total amount of restitution and fees a participant is required to pay may be modified by the court if it finds, based upon consideration of the participant's financial resources and other circumstances, that the participant does not have a reasonable ability to pay the total amount over a reasonable period of participation in drug court.

The case manager will coordinate with the participant and defense attorney to determine a reasonable rate of monthly payments toward restitution, costs and fees and present an order of payment by not later than the fourth week of drug court participation. Thereafter, by not later than the final week of each phase, the case manager will review the order of payment and, when appropriate, a revised order will be presented. Prior to advancement to phase IV, the case manager and defense attorney will identify participants for whom payment of the total restitution and fees may be beyond their reasonable ability to pay and present to the team a proposed final order of payment establishing the total amount of payments required as a condition of graduation. Payments received will be credited first to any restitution owing, second to any positive drug test costs and third to drug court fees.

In the event a participant is terminated from drug court, all restitution, costs and fees ordered by drug court will be included in the legal financial obligations ordered in any judgment and sentence imposed upon the participant on the underlying charge(s).

Inter-participant Relationships

Romantic or intimate relationships between participants often pose a high risk of diverting focus from individual sobriety, may foster co-dependency, are frequently the source of stress and emotional pain, and the initiation of such relationships while in drug court is prohibited. The court may also require that such relationships, existing prior to commencement of drug court participation, be terminated or suspended.

Financial relationships or transactions, such as lending/borrowing money or jointly owning property, between participants are prohibited.

Self-help/12-step Group Participation

Essential tools in recovery from addiction include self-examination and reflection and peer support and motivation from others who are in successful recovery, and participants will be required to develop and utilize such tools. Those tools are available through 12-step and other organized self-help recovery groups within the community, and participants will be required to participate in them, provided their religious or personal beliefs are not contrary to any religious elements or components of such groups. In the event of conflict between the religious or personal beliefs of a participant and religious elements or components of such groups, the participant will be exempted from participation in such groups and participation in alternative services and programs that provide such recovery tools will be required.

All participants are required to attend and participate in 12-step or other self-help meetings approved by the court at a frequency dependant upon the phase they are in and the direction of the court. Participants must attend each meeting in its entirety – staying only long enough to have an attendance slip signed is not permissible. Participants must also bring proof of meeting attendance to their office sessions with the ADC case manager. Failure to attend full meetings or bring attendance slips to office sessions may result in an intervention in court.

In connection with participation in 12-step or other self-help meetings, participants are required to establish and maintain during their participation in drug court a close relationship with a sponsor that includes frequent and regular contact.

Prohibited Discrimination

Every participant has the right to be exempted from participation in any activities or programs that incorporate any religious elements or components that are contrary to their religious or

personal beliefs. No participant will be denied entry into drug court, prevented from participating in and successfully completing and graduating from drug court or in any other way be penalized by reason of being so exempted from participation in activities or programs.

No potential participant will be granted or denied entry into drug court nor any participant provided, or denied, any treatment or collateral services or benefits through drug court, or prevented from participating in and successfully completing and graduating from drug court on the basis of race, ethnicity, color, national origin, gender or sexual orientation.

Case Management

The drug court case manager and coordinator are responsible for providing primary case management and supervision of all drug court participants. During the period between each drug court session, the case manager and/or coordinator, or an approved designee, will personally review progress with each participant. At the court session the participant will provide proof of treatment participation, meeting attendance, receipt of services, employment or housing status, or other information that the participant was either requested to provide or wishes to show the judge. The judge will review with the participant each task he/she has completed or failed to complete.

The case management of drug court participants is built around the use of the substance abuse assessment, any mental health records, and current evaluation tools. It entails an interactive, coordinated process between the case manager/coordinator and participant, with the ultimate goal of identifying the strengths and challenges of the participant and developing interventions and strategies around those issues. The case manager and coordinator are trained in motivational interviewing skills and utilize Prochaska and Diclemente's "Change cycle" when working with the drug court participants. Case management and supervision will provide: (1) planning for intervention services and the fulfillment of criminal justice obligations; (2) brokering treatment and other services and assuring continuity as the participant progresses through treatment and program completion; (3) monitoring and reporting progress of the participant; (4) supporting the participant by identifying problems, and advocating for the participant with legal, treatment, social service, and medical and mental health systems; (5) monitoring urinalysis, breath analysis or other chemical testing; and (6) monitoring of phases.

Each participant is required to attend scheduled appointments with the ADC case manager or intern designee. The schedule and frequency of these meetings is based on phase and progress. Participants who arrive more than 15 minutes late for any scheduled appointment will be counted as a no-show/missed appointment for that week and may receive an intervention in court.

Drug/Alcohol Assessments

The Benton/Franklin Counties Substance Abuse Assessment Center or other agencies or service providers approved by the court will complete assessments as ordered by the court. Prior to a potential participant's first formal appearance in drug court a written assessment and recommended treatment plan will be provided to the drug court team. The assessment will be based on ASAM criteria and comply with applicable Washington Administrative Code requirements. All information that is collected at this point is kept confidential except insofar as CFR 42 and/or state law requires reporting of such information. Such confidential information not subject to mandatory reporting may not be used in proceedings other than drug court unless the team, by consensus, determines that it should be. The treatment specialist will provide assessment and treatment information and recommendations to the other drug court team members at each staffing.

Treatment Providers and Programming

The Benton/Franklin Counties Department of Health Services (DHS) contracts with several private (for profit) treatment providers that offer outpatient drug and alcohol treatment services for adults. The drug court will utilize all available county, state and federal funds when accessing treatment (coordinated through DHS), and referrals of participants for drug and alcohol treatment will be made to those providers with whom DHS contracts that are in compliance with the following drug court requirements and that drug court determines are suitable to address the particular treatment needs of the participant.

The group of treatment providers utilized by drug court is required to reflect racial, cultural and gender diversity, offer strength-based services that are culturally relevant to the participants served and provide maximum accessibility to services. All providers are required to take a holistic approach when dealing with drug court participants and their family members, and to recognize that substance abuse involves more than a simple addiction to drugs. Providers are expected to give attention to all treatment needs and issues, including, for example, mental health needs (for those with co-occurring disorders), family issues, and employment and vocational needs to assist in developing an effective and comprehensive treatment plan. Providers are required to develop individual, developmentally based treatment plans that are culture, gender and age appropriate.

Information to and from providers is exchanged through a Quality Assurance Agreement, along with the individual signing of an Authorization and Consent for Disclosure of Confidential Substance Abuse Information as required by CFR 42, part 2. Treatment providers must provide weekly treatment progress reports to the case manager, may attend the weekly team staffing relating to participants they are treating and drug court sessions, and will attend staffing when requested by the drug court team.

Each treatment provider must develop an individualized treatment plan for each participant it is

treating based on the American Society of Addiction Medicine's (ASAM) patient placement criteria which addresses the following:

1. Participant needs, formatted using observable behaviors and realistic goals and based on data from assessment or later data as documented elsewhere in the participant record.
2. Participant goals which are achievable and within the scope of the agency; logically linked to the problem statement; written in a manner that is understandable by the participant; appropriate to the participant's culture, age, abilities, strengths, preferences and needs.
3. Treatment activities, which include participant and/or staff actions, that are logically directed at meeting the identified needs, measurable, time-limited, understandable by the participant, reflective of the expectations of the treatment team, appropriate to the treatment setting, reflective of the participant's age and development and responsive to the participant's disability/disorder.

Each treatment plan will be reviewed at least every 20 treatment hours and/or on a monthly basis, and/or on an as-needed basis.

Each treatment provider will provide its staff with regular cultural awareness training (3 credit hours required by Washington State Administrative Code) and follow the standards regarding multicultural counseling practice. Each treatment service will attempt to offer programs appropriate to those cultures within the community. Should a provider be unable to meet a specific participant's cultural needs, arrangements will be made through the coordinator to refer the participant to an appropriate provider. State law requires that if a participant who does not speak English seeks services, an interpreter must be made immediately available. The use of interpreters as necessary will enable treatment staff to work with non-English speaking participants.

The providers are expected to recognize special considerations that may be required with respect to a particular participant's age, gender, race, culture, sexual orientation or disability. Many females, for example, may face unique issues that have contributed to their addiction, such as sexual abuse or domestic violence. Treatment programs must include a strong case management component that enables the treatment provider to focus individual sessions on not only drug/alcohol treatment, but also on interrelated needs such as self-esteem building, positive relationships, empowerment skills, and cultural awareness. This also facilitates the connection of participants to outside support services through the drug court. Such services may include, but are not limited to, pregnancy and parenting classes, job development courses, GED/education programs, family counseling, health and legal services.

For those participants for whom treatment through group sessions is not appropriate due to mental health, behavioral or emotional problems, treatment will be provided on an individual basis, with the objective of moving the participant to a group when and if appropriate.

Each treatment provider must offer several phases of treatment, including intensive outpatient,

educational outpatient, and weekly continuing care. Treatment providers use the patient placement criteria (PPC-II) of the American Society of Addiction Medicine (ASAM) in making patient admission, continued stay, and discharge/transfer decisions in accordance with Washington Administrative Code 388-805.

Currently, there are no inpatient drug and alcohol treatment facilities in Benton or Franklin Counties. Therefore, participants requiring inpatient treatment will be placed in the nearest appropriate facility outside the two counties

Drug Testing

Regular, random drug and alcohol testing is a key and mandatory component of the drug court program, and is conducted by various means, including, but not limited to urine, breath, saliva and sweat analysis. Testing is completed on a random basis and every sample collection is directly and fully observed. Test results will be used solely to determine if the offender is complying with drug court rules and requirements and/or progressing satisfactorily, to determine if the treatment plan needs modification, or to determine whether the participant should be terminated or graduated from the program. Test results will not, under any circumstances, be used as evidence of a new crime; however, test results for a participant who is subject to probation or other court-ordered supervision may be provided to the supervising entity.

Test sample collections and field testing are conducted on a random basis by trained staff of the Superior Court, the Washington Department of Corrections, Benton/Franklin County law enforcement agencies, the Department of Human Services and/or treatment agencies.

To facilitate random drug testing, each drug court participants is required to call into a testing line voicemail every day to receive instructions for sample submissions unless expressly excused from doing so by the coordinator, case manager or judge. Failure to comply with the instructions will result in intervention, and failure to provide a sample as directed will result in the loss of drug court clean time.

All participants must submit to an initial "full screen" urinalysis test upon entrance to drug court. Further testing throughout the drug court phases will be conducted by either presumptive quick tests (instant result) or full-screen testing procedures. The presumptive testing will test for the presence of alcohol, marijuana, methamphetamine, opiates, PCP and cocaine and for sample adulteration. All positive presumptive tests will be submitted for confirmatory testing, with a test report provided, whenever possible, within 48 hours. Participants will be required to pay \$15.00 for every positive/dilute presumptive test and the actual cost for every positive/dilute full screen test.

Participants may be required to submit to, and pre-pay for, additional drug screen tests as a condition of being permitted to travel outside Benton and Franklin Counties.

The following policies apply to drug testing and chain of custody of test samples:

- Participants must execute and comply with the provisions of a Participant Consent for Random Drug Tests.
- Contracted testing laboratories must be certified.
- Laboratories will perform appropriate tests to detect diluted or adulterated samples.
- The scope of the testing must be sufficiently broad to detect the participant's primary drug of choice as well as other potential drugs of abuse, including alcohol.
- Collection and testing agencies must have specific, detailed, written procedures regarding all aspects of urine samples, collections, sample analysis and result reporting.
- Collections and testing agencies must have a documented chain of custody for each sample collected.
- Testing agencies must have procedures for verifying accuracy when test results are contested.
- Participants will be required to remove coats or jackets and wash and thoroughly dry their hands prior to collection of a sample.
- A gender appropriate collector must directly and fully observe all sample collections.
- Each participant is required to security seal and initial each drug test in front of trained staff to ensure accuracy.
- All persons involved in the collection and/or transmittal of samples must strictly comply with chain of custody procedures for each sample collected.
- The court will be notified at the next drug court staffing when a participant has tested positive.
- Positive test results will result in the loss of clean and sober time accumulated in drug court prior to the sample collection, and may result in other interventions as well.
- Refusal to provide samples, unexcused missed sample collections, evidence of sample dilution or other adulterations or willful failure to provide sufficient samples for testing will result in the loss of clean and sober time accumulated in drug court prior to the sample collection and may result in additional court interventions. Refusals will be considered the equivalent of a positive test. Stalling (30 minutes or more), unexcused missed sample collections, other failures to comply with instructions may be considered the equivalent of a positive test.

Participants are required to take the following precautions to ensure that urine samples are not diluted:

1. Eat food within 30 to 60 minutes prior to testing.
2. Do **NOT** consume large quantities (2 or more cups) of any beverage within one hour prior to providing a sample.
3. Do not take/drink diuretics (diet shakes, teas, over the counter diuretics, etc).

Prescription Drug Usage

Participants are expected to be drug free, including the use of mood-altering prescription medications. All prescription medications must be reported to the coordinator. Participants who take prescription medications or other mood-altering substances that would cause a positive urinalysis test without drug court approval may receive an intervention or termination according to the following guidelines.

On-going Pain Medications

Potential participants with chronic pain that requires on-going and repeated use of prescription pain medications which are opiate, opiate-based, or benzodiazepine medications will not be considered appropriate candidates for drug court. If the defendant chooses to participate in drug court, he or she will be required to consult their physician about the ability to discontinue use of all above listed prescription pain medications and provide information from their treating physician concerning the treatment alternatives and / or potential risks to their condition if they do discontinue pain meds.

Temporary Pain Medications

Participants who suffer an injury or illness and experience a brief and acute period of pain requiring prescription pain medication will be required to provide immediate proof of prescription, the doctor's name and address, medication prescribed, dosage prescribed, reason for prescription, duration of prescription and a release of information from the prescribing health care provider. Participants must also log all usage of narcotic pain-medication.

Prescription Drug Charges

Participants charged with a prescription drug offense are prohibited from using any of the following: narcotics, tranquilizers, sedatives, muscle relaxants, stimulants, diet pills or any scheduled drug. Use of any of the foregoing substances may result in an intervention or termination.

Team Member Responsibilities

Each drug court team member is integral to the successful operation of the Benton and Franklin Counties Adult Drug Court. Although each team member contributes the perspective of his or her respective discipline, every member commits to working collaboratively and cooperatively as a team to assist participants in becoming clean and sober and law abiding members of the

community. Each team member recognizes the critical importance of weekly case staffing, on-going training and education, and continuing team-building and team-sustaining activities. With respect to issues relating to appropriate treatment or service requirements for individual participants or appropriate incentives or interventions for individual participants the team will endeavor to resolve such issues by consensus, and, if consensus is not possible, by majority vote of the members present.

The team, by consensus or majority as provided above, will determine, after full discussion and consideration of all reports and information provided at weekly staffing, on a more-probable-than-not basis, each participant's level of progress and compliance and any violations or failures to comply. Any member of the team who believes that additional information should be considered by the team should outline to the team the nature and substance of such additional information and request that the team obtain and/or consider such additional information.

Team members include the core members listed below:

Drug Court Judge

The drug court judge serves as a lead partner of the drug court team and presides at all team staffing's and drug court sessions. The judge has primary responsibility for resolving criminal justice issues, coordinating team efforts to overcome problems impeding treatment progress, and resolving disputes and conflicts among team members with respect to drug court issues. In the event the team is unable to reach a consensus or majority vote to resolve issues relating to a participant's treatment or service requirements or incentives or interventions, the judge will be responsible for resolving the issue, taking into account the views of other team members. The judge is also the member of the team most responsible for setting the tone and environment for the drug court, and must provide leadership, authority, and management skills to enable the drug court to operate effectively.

The judge will take a rehabilitative and accountability-based approach in developing a relationship with drug court participants. This relationship will evolve through intensive interaction during the participants' required, frequent court appearances. Based upon information provided in team staffing's prior to court sessions, the judge will encourage and reinforce participants' progress and successes by providing incentives and will discourage and deter participants' non-compliance and failures by providing interventions. The judge will respond to relapses or other instances of non-compliance with immediate interventions that address both the participants' current conduct and encourage more compliant and intensive participation in drug court treatment and services. The judge will have sole authority to terminate a participant from the drug court program, taking into account the views of other team members.

The judge will regularly inform and advise colleagues on the Superior Court bench regarding drug court operation and activities, and will act as a liaison with private and public local, state

and federal entities and agencies with an interest in the drug court. The judge will lead team members in developing interest and support in the community for the drug court through public education and advocacy.

The judge's tasks will include but are not limited to those enumerated in the NDCI Core Competencies training manual including in particular the following:

- Participate in regular operational, policy and developmental meetings of drug court
- Provide training to new or replacement drug court judges
- Preside at all drug court sessions and seek to develop and maintain therapeutic relationships with all participants
- Uphold the dignity and respect of all drug court participants and maintain an appropriate balance between courtroom formality and dignity and therapeutic informality and familiarity necessary for an effective and successful drug court
- Resolve issues relating to appropriate treatment or service requirements or incentives or interventions to participants whenever the team is unable to resolve those issues by consensus or majority
- Determine whether a participant should be terminated from the drug court program
- Participate in team training and education and in regular cross-training with other treatment team members, focusing upon strengths-based approaches
- Act as a mediator/facilitator to develop and expand resources and improve and strengthen interagency linkages
- Act as an advocate and spokesperson for the drug court program to colleagues, interacting agencies and entities and the community

Prosecutor

The prosecutor acts as the initial "gatekeeper" to drug court. The prosecutor will initially screen potential drug court cases identified by the prosecutor or referred to the prosecutor by the court, law enforcement officers, the Washington Department of Corrections, the Washington Department of Social and Health Services, or other attorneys to determine eligibility. If a case is determined to be eligible for drug court, the prosecutor will decide whether the case should be referred to drug court for further consideration. If the decision is made to refer a case to drug court, the prosecutor will file a motion for transfer to drug court.

The prosecutor presents the perspective of the state as it relates to issues of accountability and treatment and participates cooperatively and collaboratively with other team members at all team meetings and staffing's. The prosecutor attends all weekly team staffing's and drug court sessions and provides input, including such pertinent case-specific information and recommendations as he/she deems appropriate or as requested by the team. The prosecutor prepares and presents pleadings, including the attachment to the participation agreement of police reports stipulated to by the participant, as necessary and requested by the judge.

Defense Attorney

The defense attorney meets with each potential participant whose case has been transferred to drug court for team consideration for participation to explain drug court, the potential participant's legal rights and how those rights are affected by participation in drug court, and the right and responsibilities of drug court participants.

Upon entry of an order of transfer to drug court, the defense attorney becomes counsel for the participant and continues in that capacity until the potential participant (a) is denied participation in, or terminated from, drug court or (b) successfully graduates from drug court and the pending charges are dismissed.

The defense attorney will explain the provisions of the drug court participation agreement, consent to random drug test, waiver of confidentiality and other drug court documents, assist in the participant's execution of such documents and insure that the participant understands all of the provisions of such documents. At the first drug court appearance of a new participant, the defense attorney will present the executed participation agreement and the participant to the court.

The defense attorney presents the perspective of the participants on issues of accountability and treatment and participates cooperatively and collaboratively with other team members at all team meetings and staffing's. The defense attorney attends all weekly team staffing's and drug court sessions and provides input, including such pertinent case-specific information and recommendations as he/she deems appropriate or as requested by the team. The defense attorney prepares and presents pleadings as necessary and requested by the judge.

Treatment Specialist

The treatment specialist provides the knowledge and ability to access community and state resources for drug and alcohol agencies related to referral and treatment options and refers participants to appropriate funding sources for which they may be eligible, using drug court funds as a last resort.

The treatment specialist coordinates primary alcohol/drug assessments, treatment planning and referrals in accordance with WAC 388-805-310, 388-805-815, ASAM criteria and drug court requirements and policies in order to provide a continuum of services. Treatment options will include outpatient, intensive outpatient and intensive inpatient services. Individualized case plans will be provided for each participant to ensure continuity of care, appropriate service linkages, service planning, and monitoring for the participant to maximize their ability to live in the community and to receive necessary services in the community.

The treatment specialist serves as a liaison between the drug court team and treatment providers and assists the coordinator in orienting providers to drug court policies and procedures and requirements and in monitoring providers' compliance therewith.

The treatment specialist presents the perspective of treatment providers as it relates to issues of accountability and treatment and participates cooperatively and collaboratively with other team members at all team meetings and staffing. The treatment specialist attends all weekly team staffing and drug court sessions and provides input, including such pertinent case-specific information and recommendations as he/she deems appropriate or as requested by the team.

Drug Court Coordinator

The coordinator is responsible for overall administrative coordination, management and supervision of drug court functions and processes. The coordinator, in cooperation with treatment providers, will supervise case management of all drug court participants.

The coordinator will coordinate, schedule and participate in regular operational and planning meetings of drug court, direct the planning and organization of drug court events, meetings and trainings, perform case flow coordination, coordinate community relations and presentations and fund raising, direct and supervise the submission of grants, grant monitoring and reporting, quality assurance of all programs, coordination of services, and MIS entry, and assist the outside evaluator with data collection.

Case Manager

The drug court case manager, in cooperation with treatment providers, will provide case management of all drug court participants, and will gather and distribute weekly progress information to all drug court team members at weekly staffing's. The case manager will meet with each prospective participant, prior to the initial team staffing to determine whether the participant is accepted for drug court participation, to obtain information that will be helpful to the team in assessing the participant's suitability for drug court. That information includes the level of substance abuse, family environment, significant relationships and support systems, employment history, prior history of treatment and counseling, medical and mental health needs, abuse history, cultural issues, and other psychosocial risk factors.

The case manager is responsible both for providing information and recommendations relating to issues of accountability and treatment and for participating cooperatively and collaboratively with other team members in team meetings and staffing's. At court sessions the case manager will call the cases on the court docket and will provide the court with pertinent information as to the case called as deemed appropriate or as requested by the judge.

Law Enforcement Representative

The law enforcement representative serves as liaison between the drug court and the law enforcement community, and identifies and maintains contact with at least one officer within each city police department, sheriff's department, Washington Department of Corrections office and Washington State Patrol detachment within Benton and Franklin Counties for the purpose of developing a network between those agencies and the drug court team and developing and maintaining a plan and system for monitoring drug court participants.

The law enforcement representative assists in orienting and training area law enforcement personnel on the purpose and operation of drug court and its partnership with law enforcement. The law enforcement representative also assists the coordinator in coordinating and/or conducting home visits of participants and collecting and processing test specimens for tests on all participants.

The law enforcement representative presents the perspective of law enforcement as it relates to issues of accountability and treatment and participates cooperatively and collaboratively with other team members at all team meetings and staffing's. The law enforcement representative attends all weekly team staffing's and drug court sessions and provides input, including such pertinent case-specific information and recommendations as he/she deems appropriate or as requested by the team. At the weekly drug court sessions, the law enforcement representative announces and opens court, oversees security within the courtroom, and takes into custody and arranges transfer to jail of any participant ordered incarcerated. Finally, the law enforcement representative will assist the coordinator with co-presentation of final research evaluation results to local law enforcement agencies and associations.

Mental Health Specialist

The mental health specialist provides the knowledge and ability to access community and state resources for referrals for mental health assessments and for treatment options and refers participants to appropriate funding sources for which they may be eligible.

The mental health specialist coordinates mental health evaluations and assessments and treatment planning and referrals in accordance with WAC 388-805-310, 388-805-815, ASAM criteria and drug court requirements and policies in order to provide a continuum of services. Individualized case plans will be provided, as needed, for each participant requiring mental health services to ensure coordination and integration with substance abuse services and treatment, continuity of care, appropriate service linkages, service planning, and monitoring for the participant to maximize their ability to live in the community and to receive necessary services in the community.

The treatment specialist serves as a liaison between the drug court team and mental health service providers and assists the coordinator in orienting providers to drug court policies and

procedures and requirements and in monitoring providers' compliance therewith.

The mental health specialist provides information, expertise, recommendations and the perspective of mental health treatment providers with respect to mental health treatment and services for dual disorder participants and participates cooperatively and collaboratively with other team members at team meetings and staffing's. Mental health referrals will be based upon clinical mental health screens conducted by the Benton/Franklin Counties Adult Resource Coordinator or other approved mental health professional that include the Brief Symptom Inventory and Beck Depression Inventory and any information collected under the drug/alcohol clinical assessment.

Department of Corrections Liaison

The Department of Corrections liaison provides information, expertise and recommendations with respect to criminal history and current or previous supervision history. The liaison may help develop a network for monitoring participants on dual supervision, including referrals to appropriate treatment or skills programs available through the Washington State Department of Corrections.

Aftercare/Continuing Care Services

Within the drug court there are two types of aftercare/continuing care services. Treatment providers offer a program that is held one day per week for one hour per session for up to 26 weeks, depending on the participant's attainment of treatment goals.

In addition, the drug court will offer a voluntary "alumni" or aftercare group for all graduates. This group will meet on a regular, informal basis with the drug court coordinator. The meetings will cover relapse skills, 12-step/self-help group schedules, life domain issues, an assessment of need for further or collateral services and assistance and support for drug court and current participants.

Primary and Mental Health Care Services

Many participants will have significant primary and mental health issues that accompany their substance abuse. Drug court will address co-occurring primary and mental health care issues by referring insured participants to providers and those participants' with limited access to health care to programs and funds available through the Benton/Franklin District Health Department, La Clinica and other low-income providers. The court will access available medical services for participants and their families by developing partnerships with local hospitals, clinics and other health care providers.

Educational and Vocational Services

Addressing educational and vocational deficits of participants is important both to enhance their ability to understand themselves, their addictions and their recovery, and to improve their ability to obtain and maintain productive employment. The coordinator will work with participants through the case management process to develop education goals and action plans. The drug court will collaborate and cooperate with community educational and vocational resources, including Columbia Basin College, Washington State University-Tri-Cities, City University, Clare's Beauty College, Educational Service District 123, Tri-Tech, Kennewick Community School, and others, to connect participants to appropriate educational and vocational services and resources.

Collateral Services

The drug court interacts and networks with numerous community groups, agencies and resources to provide access to a spectrum of services necessary for participants to successfully transition to sober and productive lives, including, in particular, services relating to employment, housing and transportation.

When appropriate, participants will be referred to "Work Source," a "one-stop" public agency that covers 13 different areas of public services including public housing, employment assistance, education and training, public assistance, disability and other public services. The coordinator will work closely with contacts within Work Source to access and put in place necessary services for participants and their families.

The team works closely with local agencies providing low-cost safe and sober housing to develop and maintain a coordinated referral process for access to sober housing for participants. Support from and access to faith based organizations and the mentoring and other resources they provide is also utilized.

Transportation is frequently a need of participants and the coordinator works with the local public transit agency to obtain bus passes for participants and their families, and to coordinate community service work projects with the transit system.

It is important that participants, in transitioning to a sober and healthy lifestyle, develop personal interests and activities that are healthy and gratifying. The drug court will partner with public parks and recreation departments to provide participants with life skills training, positive recreation skills and activities, and art therapy program.

Community Support

Broad community understanding and support of the drug court and accountability by the drug court to the community it serves are both essential to the court's effectiveness and success. Those needs are served by the Circle of Hope Drug Court Foundation, a private, community based non-profit corporation. The foundation's board consists of community members representing a broad cross-section of the community and reflecting the community's cultural, ethnic, economic and social diversity.

The foundation assists in the development and maintenance of community support and assistance to the drug courts through the provision of services and funding.

Evaluation

The evaluation, conducted by Dr. Faith Lutze of the Criminal Justice Program at Washington State University, is set up to provide important data to the drug court team and to the community regarding the effectiveness of the drug court program in reducing drug use and criminal activity among adults living in Benton and Franklin Counties. This research includes both a process evaluation to determine the effectiveness of the planned drug court implementation and an outcome evaluation to provide an assessment of whether the court is achieving its desired goals. The following section outlines the methodology that will be used to collect data. A longitudinal, quasi-experimental design will be used in this research to document outcomes associated with drug court involvement. Data will be collected for the purposes of a process evaluation, and will include both quantitative and qualitative elements.

Research Samples

The primary population for this study will be all eligible participants for the drug court program. The treatment group will consist of all participants admitted to the drug court. The control group will be divided into two groups: (1) participants who fail to complete the drug court program and (2) all eligible offenders who chose not to participate in the program and who are processed through the traditional court system. In addition to the offender sample, information will also be collected from drug court personnel, service providers, and family members of drug court participants.

The Internal Review Board of the Office of Grant Research and Development at Washington State University will review the protection of human subjects participating in this research. Written consent will be obtained from each research subject and all data will be kept confidential through the use of research identification numbers. WSU researchers will safely and securely store data.

Process Evaluation

It is important to understand the strengths and weaknesses of each of the drug court components and the process implemented by the drug court team to create a drug free, law-abiding lifestyle for program participants. Information regarding the operation of the drug court process is important to determine whether the various components of the drug court are working efficiently and effectively in achieving the objectives of the drug court and accomplishing the intended outcomes. The process evaluation, in addition to the outcome evaluation, will provide the drug court team with the ability to modify, eliminate or add to specific aspects of the program as needed.

Methodology

Participant observation, interviews with court personnel and primary service providers, and data from archival records will be used to evaluate the process of implementation and the effectiveness of the court in influencing client behavior. Participant observation and interviews with court personnel will be utilized to record how the drug court plan is implemented and what changes may occur over time. The participant observations and the structured interviews with the court personnel and primary service providers for the drug court will focus on the following information/questions:

- Is the original plan for participation by team members in the decision making process working well?
- Which team members are primarily involved in team discussions about participants?
- Does the original process for decision making work when there is disagreement about whether a participant should be admitted to drug court, advanced to the next phase, sanctioned, rewarded, or removed from the drug court program?
- How are decisions about participants made? Are record data or staff impressions used to decide outcomes?
- How are new drug court team members integrated into the process? How do new members influence outcome measures? Process?
- If problems arise with the original design of the drug court, how are those problems discussed and resolved?
- How has the professional role of each drug court team member been affected by participating in the drug court process?
- Is the original plan for drug court interaction with and reliance upon other agencies working well?
- Is information being shared among drug court personnel and between the drug court and service providers?

Archival record data (see outcome evaluation below for details) will be used to track the current progress of participants and to determine how that information may be synthesized with the knowledge gained through the process evaluation.

Outcome Evaluation

The outcome evaluation will provide findings to the drug court team and community stakeholders about the degree of success of the court in changing offender behavior. The outcome evaluation will be based on a combination of archival record data and survey data collected among program participants and control group subjects.

Methodology

Record data

The court's Management Information System is able to provide the following data for each offender participating in the study (treatment and control groups):

Demographic Characteristics

- Age
- Gender
- Race/ethnicity
- Family Status
- Education
- Income

Criminal History

- Current charges
- Prior convictions
- Age at first arrest
- Prior arrests/charges

Drug Use History

- Age at first use
- Nature and severity of use
- Substance(s) used
- Source of substance(s)

Health and Treatment History

Alcohol and drug treatment

- Diagnoses
- Detoxification
- In-patient treatment

- Out-patient treatment
- Treatment outcomes
- Court interventions

Mental health treatment

- Diagnoses
- In-patient treatment
- Involuntary commitments

- Out-patient treatment
- Treatment outcomes
- Long-term medications

Medical treatment

- Diagnoses
- Chronic conditions
- Hospitalizations

- Pregnancies (full term/terminations)
- Treatment outcomes
- Long-term medications

Current Drug Court Participation

Treatment

- Assessments
- Recommendations
- Participation
- Duration
- Mental health

- Change in treatment conditions
- Treatment progress and outcomes
- Change in number of group meetings
- Medical

Drug Testing

- Types of tests
- Frequency

- Number of tests
- Test results

Other Services

- Education/training
- Employment assistance
- Family counseling
- Transportation

- Housing assistance
- Parenting classes
- Anger management
- Other

Compliance and Progress

- Time in phases
- Payment of fees
- Court incentives
 - Recognition
 - Advance to next phase
 - Tangible rewards
 - Changes in requirements

- Court session attendance
- Meetings with coordinator
- Court interventions
 - Reprimand
 - Return to earlier phase
 - Detoxification
 - Incarceration/house arrest

- Changes in requirements

Program Outcome Measures

Current participants

- Demographic characteristics
- Number of active participants
- Number in each phase
- Time in program
- Fees, fines, costs, and restitution paid
- Principle types of treatment, duration in each, and participant completion rates by program type

Graduates

- Demographic characteristics
- Average duration in each phase
- Principle types of treatment, duration in each
- Number of missed court hearings, warrants, arrests during drug court period
- Number and type of sanctions imposed
- Number and type of rewards received

Terminations

- Demographic characteristics
- Number of terminations by phase in program
- Number of missed court hearings, warrants, arrests during drug court period
- Program experiences of participants terminated compared to graduates
- Criminal justice sanctions imposed on participants terminated

Long-term outcomes

- Comparison between graduates and those terminated up to 1+ years post program
- Re-arrests and convictions
- Aftercare participation
- Continuation of treatment
- Cost of drug court operations
- Source of funding for components of drug court services

Survey Data

Survey data will be used to evaluate the participants' experiences in drug court beyond what can be collected through archival record data. Survey items will ask each participant in the treatment group about his/her beliefs, attitudes and experiences pertinent to socialization and social adjustment while participating in drug court. Survey data will be collected for each participant during the opt-in period and again just before graduation from drug court.

Survey results will be analyzed along with the archival record data to inform outcome measures. Survey data will measure change over time on the following specific variables:

- individual level goals for success
- expectations for success during and after drug court (beneficial expectations)
- attitudes toward drug use
- post drug court plan
- attitudes toward participating in drug court
- experiences while participating in drug court
- identification with staff and other role models
- attitudes toward various types of incentives and interventions during drug court
- feelings of safety and fears of victimization
- fear of being convicted of current charges/fear of going to prison
- attitudes/beliefs about other drug court participants

Data Reports and Statistical Analyses

Uni-variate and multi-variate analyses will be conducted at each phase of the program. Comparisons will be made between the treatment group and the control group over time related to their success in the program.

Appendix Sample Forms