

Island County
Adult Drug Court
Policy and Procedure Manual

Revised 2/27/2006

Acknowledgments

This manual is the product of a group of dedicated individuals who believe we should continuously strive to improve our criminal justice system. These individuals recognize a one-size-fits-all criminal justice system fails victims, fails taxpayers, fails families, and fails the criminal defendants who ought to be rehabilitated. Drug Court is a proven and effective alternative to traditional prosecution for drug addicted offenders. Commencement of Adult Drug Court in Island County is a substantial step toward improving the outcomes of criminal prosecutions.

There have been too many hearts, hands and minds that have worked on this project to list here, but several deserve specific mention:

Thanks to Jackie Henderson, the Director of Human Services of Island County, who refused to give in to bureaucratic red tape in Olympia, and secured the needed resources to make our drug court a reality.

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I. INTRODUCTION

A “drug court” as defined by the National Association of Drug Court Professionals is "a special court given the responsibility to handle cases involving drug-addicted offenders through an extensive supervision and treatment program.” Drug courts represent a non-traditional approach to prosecution of offenders who are addicted to drugs. Rather than focusing only on the crimes they commit and the punishments they receive, drug court also attempts to solve some of their underlying problems.

Drug courts are built upon a partnership between the criminal justice system and the treatment community. This collaboration results in a drug court team that structures treatment, supervision, and intervention in order to break the cycle of drug abuse and associated criminal activity. Drug court participants undergo long-term treatment and counseling, sanctions, incentives, and frequent court appearances. Although drug courts vary somewhat from one jurisdiction to another in terms of structure, scope, and target populations, but they all usually share three primary goals: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants

Because of the unique problems and opportunities that present themselves in working with drug involved criminal defendants, intervention and rehabilitation strategies must be “reality-based”. Drug court programs must therefore recognize:

- Addicts/Substance abusers are most vulnerable to successful intervention when they are in the crisis of initial arrest and incarceration, so intervention must be immediate.
- Preventing gaps in communication and ensuring offender accountability are of critical importance, so court supervision must be coordinated and comprehensive.
- Substance abuse seldom exists in isolation from other serious problems, which undermine rehabilitation, so intervention must include other available services and resources such as dual diagnosis intervention, educational assessments and job assistance.
- Relapse and intermittent progress are part of the recovery process, so sanctions and incentives must be integral to the drug court intervention strategy.

A. Mission Statement

The Island County Drug Court is a program designed to reduce substance abuse, criminal recidivism and increase rehabilitation through intense judicial intervention and substance abuse treatment. Frequent drug testing, substance abuse treatment, social service referrals, sanctions and rewards are used to promote long-term sobriety, accountability and productive lifestyles.

B. Goals

The Island County Drug Court has the following primary goals:

1. Reduce drug use and related criminal activity
2. Reduce recidivism rates
3. Hold drug-dependent offenders accountable for their criminal conduct
4. Provide real and effective rehabilitation for criminal offenders

The following ancillary goals and benefits are also achieved in the pursuit of the primary goals:

1. Reduce criminal justice costs through reduced reliance on incarceration for non-violent felonies
2. Promote community awareness of Island County's drug problem and community participation in solving it

C. Methods For Achieving Goals

Goal 1 - Reduce drug use and related criminal activity

- Mandate intensive substance abuse treatment and close judicial supervision and mentoring of all participants, with appropriate sanctions and rewards based on performance. Close judicial supervision is premised upon a stable and consistent relationship between the participant and the designated Drug Court Judge.

Goal 2 – Reduce recidivism rates

- Follow recognized methods and procedures, which have been empirically shown to reduce recidivism. (See, e.g. Barnosky, Robert and Aos, Steve, Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis, Washington State Institute of Public Policy (March, 2003); and Aos, Steve; Can Drug Courts Save Money for Washington State Taxpayers?, Washington State Institute of Public Policy (January, 1999).)

Goal 3 - Hold drug-dependent offenders accountable

- Mandate bi-weekly court appearances and at least weekly contact with coordinator.
- Impose immediate sanctions for non-compliance, including minor violations.
- Terminate and immediately convict and sentence participants who commit serious violations or repeatedly commit minor violations.

Goal 4 - Provide real and effective rehabilitation for criminal offenders

- Mandate intensive and comprehensive treatment for all participants.

- Provide referrals and incentives to other social services.
- Require job training and employment for graduation.

Ancillary Goal 1 - Reduce criminal justice costs

- Quickly screen defendants for eligibility and start participation soon after charging.
- Utilize sanctions and rewards to avoid long-term incarceration costs.

Ancillary Goal 2 - Promote community awareness of Island County's drug problem and community participation in solving it

- Create a Drug Court Speaker's Group to inform and enlist community support and engagement.

II. DRUG COURT TEAM PHILOSOPHY AND STATEMENT OF VALUES

The mission statement communicates what we do as a Drug Court and why. Examining our values can assist us with orientation of new members and continued mobilization of the community for funding, referrals, and resource development. Adhering to our values is essential to the success of the team and participants.

A. Core Values

Our team is successful and effective in that we have:

1. Mutual respect and respect for each other's roles, ethical concerns, boundaries, ideas and perspectives.
2. Shared expectations for programs and understanding for each other's roles.
3. A high level of commitment from all team members.

The community benefits from the work of our team because of:

1. Reduced societal costs through reduced crime.
2. Increased awareness of drug and alcohol issues in the community as well as increased communication and increased collaboration between services.
3. Providing skills to drug court participants that may prevent future drug use.
4. Providing better access to services for drug court participants and their families.
5. Providing holistic resources for drug court participants and their families.

The work of our team contributes to community needs.

The drug court helps improve family stability and identifies and addresses a range of underlying needs. The team contributes a framework for addressing these needs and providing access to necessary services.

Community values reflected in our team's decisions.

The drug court team operates with values congruent to our community, such as accountability, promoting individual dignity, using treatment rather than incarceration whenever appropriate and decreasing costs of criminal justice.

B. Orienting New Members

New team member orientation.

We will orient new team members by providing our policy and procedures manual and encouraging new team members to participate in the process alongside the outgoing team member if possible. As previously stated, each team member will be encouraged to respect the

roles, ethical concerns, boundaries, ideas and perspectives of other team members, including a new team member.

New team members have input and ownership in the Drug Court Team plans and operations.

We have formalized and codified a consensus process that encourages new members to propose additions/modifications to the program after they have been with the team for a period of time. New team members are encouraged to ask questions, obtain information and provide input as a professional member of the drug court team.

III. DRUG COURT ORGANIZATION

A. Drug Court Committee

A Drug Court Coordinating Committee was established to discuss the feasibility and sustainability of a proposed Island County Drug Court for adult felony defendants. The committee determined the court was feasible and could be sustained with available resources and a population of defendants who would benefit from it. The committee undertook the task of defining the function, procedures, and policies of the Drug Court.

The committee was comprised of the Island County Prosecuting Attorney, the Island County Superior Court Judges, the Island County Health Department's Director of Human Services, the Island County Juvenile Drug Court Coordinator, and representatives from the criminal defense bar, the Department of Corrections, the local treatment community, the Island County Sheriff's Office, and non-governmental drug abuse prevention organizations.

This manual is the tangible result of their work. The commitment and dedication of the drug court team members to inaugurate and operate the Island County Drug Court is the intangible and invaluable result of their work.

B. Team Members and Roles

It is essential for each team member to make a commitment to participate consistently and dependably in all proceedings during their Drug Court tenures.

1. Drug Court Judge

The Drug Court Judge will provide leadership to the drug court program and make final programmatic/participant decisions and participate fully as a drug court team member.

The Superior Court judges will establish a procedure to appoint the Drug Court Judge, with the goal of maintaining appropriate continuity between the Drug Court Judge and the drug court participants.

The judge will:

- Lead pre-hearing staffing meeting and make final decisions based on collaborative team input
- Assume not only the role of judge, but also of mentor and encourager to each drug court participant
- Establish a rehabilitative relationship with each participant through intensive interaction during court appearances

2. Drug Court Coordinator

The Drug Court Coordinator will provide oversight for the day to day operations of the drug court program. He or she will also monitor whether it is meeting its short and long term objectives on the participants, community and the local criminal justice system. The Drug Court Coordinator will be an employee of the Superior Court.

The Drug Court Coordinator will:

- Plan, organize, coordinate and monitor the activities of the drug court program
- Schedule and meet with participants to discuss program details
- Attend pre-hearing staffings and hearings in order to evaluate and direct drug court operations, case management, media inquires and drug court team cohesiveness and understanding of drug court concepts
- Gather and prepare Drug Court data for grant reporting mandates and obtain future funding, in conjunction with the Island County Health Department Substance Abuse Coordinator
- Collaborate with government and community agencies in order to meet programmatic goals and provide effective programming
- Monitor conditions of the Drug Court contract, including treatment compliance, abstinence, housing arrangements, employment, traveling, and legal/ financial obligations
- Perform random home visits to assess the participant's progress
- Coordinate any community service performed by the participant
- Provide weekly input of compliance data into Drug Court database for weekly progress report

3. Drug Court Prosecutor

The Drug Court Prosecutor will ensure community safety concerns are met and will participate fully as a drug court team member. The Prosecuting Attorney will designate a deputy prosecutor to be responsible for Drug Court eligibility determinations and participating in Drug Court hearings. The appointment should be a long-term appointment.

The Drug Court Prosecutor will

- Make eligibility determinations and contact collaborative agencies such as law enforcement and Department of Corrections for input
- Make determinations for termination and new charges, such as bail jumping, that balance community needs and therapeutic outcomes
- In status hearings will operate in a non-adversarial manner, promoting a sense of a unified team presence
- Ensure participant understanding of sanctions and present rewards to recognized participants

4. Drug Court Defense Attorney

The Drug Court Defense Attorney will ensure his or her clients' legal rights are protected and will participate fully as a Drug Court team member.

When assigned the defense will:

- Meet with potential Drug Court participants to evaluate their interest and acceptability into the program
- Advise the clients on their legal rights, legal options, program conditions and potential sentencing outcomes
- Monitor client progress in the Drug Court program
- Participate in a non-adversarial manner at status hearings, thus promoting a unified Drug Court team presence

5. Drug Court Case Manager / Treatment Provider

The Drug Court Case Manager / Treatment Provider will provide case management services for all drug court participants and will participate fully as a drug court team member. The Case manager will:

- Conduct intake interviews with clients and gather all relevant treatment and demographic information
- Provide out-patient substance abuse treatment services, and referrals and assistance for getting in-patient beds, as directed by the case plan
- Perform physiological testing to determine presence or absence of forbidden substances in participants' bodies
- Provide referrals to other necessary social and health services for participants
- Apprise the other team members of the participants' compliance with court orders
- Participate in weekly staffings and court hearings and provide weekly input of treatment and drug testing data into Drug Court database

6. Management Information System Coordinator

The MIS coordinator will input demographic and other relevant data for each participant and maintain a database, which will be used to evaluate the program at the end of each year. The MIS Coordinator attends each drug court planning session and offers input to the drug court team for making information more helpful and to use the information to help build strategies that can best help the participant.

7. Drug Court Law Enforcement Liaison

The Drug Court Law Enforcement Liaison will provide law enforcement support for drug court activities and participate fully as a drug court team member. Liaison officers will:

- Provide law enforcement presence during curfew checks
- Provide eligibility feedback during initial screening process

C. Drug Court Facilities and Operations

The Island County Drug Court will be convened every other week in one of the three Superior Court departments. Prior to each court hearing, at which all team members and participants must be present, the Drug Court Team will "staff" all cases that will be before the court. "Staffing"

cases includes review of each participant's progress and compliance, and making recommendations and decisions regarding any actions that should be taken on each case. Administrative support and management will be provided by the Drug Court Coordinator.

IV. ENTRY AND ASSESSMENT

A. Capacity

The Drug Court will have an initial capacity of 25 participants. Once the capacity has been reached, no new participants will be admitted into drug court until a current participant leaves the program.

B. Eligibility

Participation in Drug Court shall be permitted in the exclusive discretion of the Prosecuting Attorney's Office, upon request of a charged defendant. A defendant who otherwise may be eligible for participation may be denied access to the diversion program by the prosecutor based upon other factors, including, but not limited to: a significant felony or non-felony criminal history; significant number of counts in current cases; evidence that the defendant is not amenable to treatment; whether defendant has adequate social support structures to make success likely. The prosecutor will give great weight to the wishes of victims and consider input from law enforcement.

Being ineligible for Drug Court DOES NOT disqualify a defendant from obtaining funding from the Criminal Justice Treatment Account for treatment and treatment related services.

In order to be eligible to participate in Drug Court, the defendant must be charged with a felony in Island County Superior Court and meet the following criteria:

- The defendant is an Island County resident
- The defendant suffers from a substance abuse problem or addiction needing treatment
- The defendant admits to having a substance abuse problem or addiction, and wants treatment
- There is a causal connection between the defendant's drug abuse and the current charges
- The defendant would likely re-offend if not treated for substance abuse problem

In addition, the defendant must be free from any of the following disqualifying conditions:

- No current charges or prior convictions for "serious violent offenses" as defined in RCW 9.94A.030
- No current charges or prior convictions for "violent offenses" as defined in RCW 9.94A.030
- No current charges or prior convictions for "sex offenses" as defined in RCW 9.94A.030
- No current charges or prior convictions for offenses in which the defendant was armed with a firearm or other deadly weapon
- No current DUI/Physical Control charges (though DUI offense may be filed in District court for deferred prosecution, with consent of all parties)
- No holds from other jurisdictions
- No prior failure of any drug court or other drug diversion program

Drug manufacture, deliver, and “possession with intent” cases may be eligible in the discretion of prosecutor, if there are sufficient indications that the crime was committed in order to support the defendant’s personal drug use, and not for profit.

C. Referral And Application Process

Ordinarily, the defendant or his/her attorney will make a request to the assigned deputy prosecutor that the defendant be considered for Drug Court.

The assigned deputy prosecutor will immediately refer the case to the Drug Court Prosecutor, who will determine whether the defendant is eligible and not otherwise disqualified to participate in Drug Court. The prosecutor will determine if the nature of the crime or the defendant’s history makes the defendant a poor candidate for Drug Court. Factors that the prosecutor shall consider include:

- Number of counts in current cases
- Input from the victim(s) and law enforcement liaison
- Amount of restitution likely to be ordered
- Whether defendant has adequate social supports to comply with Drug Court order
- Strength of evidence indicating that there is a causal connection between substance abuse and the commission of the charged offenses

The defendant must obtain a substance abuse / chemical dependency screening prior to petitioning the court for admittance to Drug Court.

If the prosecutor determines that the defendant is eligible, the defendant will file a “Motion For Admittance To Drug Court.” (Appendix A) Copies of the motion shall be provided to the Drug Court Coordinator and the Drug Court Treatment Provider, who may submit comments to the Court prior to ruling on the petition.

D. Program entry

The defendant will file a Motion and Order For Admittance to Drug Court in Superior Court. The Order will require the defendant to appear at the next Drug Court hearing. The Motion for Admittance to Drug Court will include a speedy trial waiver at least 30 days beyond the date currently set for trial, or longer if required by the prosecutor.

At the Drug Court hearing, the participant and prosecutor will stipulate to a “Drug Court Order Of Terms And Conditions” setting forth the parties’ rights and obligations. (Appendix B). The terms and conditions will be effective immediately upon the participant.

At the following Drug Court hearing, two weeks after executing the Order of Terms and Conditions, the participant must decide whether to “opt out” or continue with the program. If the participant elects to continue, he or she will execute the “Stipulation for Bench Trial on Agreed Documentary Evidence For Drug Court” (Appendix C). This constitutes a stipulation to facts sufficient to support a conviction of the charges. The stipulation also includes a waiver of his or

her right to a speedy trial, his or her right to present evidence and confront witnesses, and his or her right to a jury trial.

The participant will waive his/her right to confidentiality in relevant treatment records on a "Release of Confidential Records" form. (Appendix D)

The participant will pay at least \$200 of a \$500 Drug Court administrative fee, and execute a promise to pay the balance before, and as a condition of, graduation.

If the participant elects to opt out, new trial and pretrial hearings will be set, and the Drug Court Order of Terms and Conditions will be vacated.

E. Opt Out Period

The participant has 14 days from the date of his or her first Drug Court appearance to opt out of the program, and have all waivers and stipulations and orders withdrawn and/or vacated, except for the speedy trial waivers.

If the participant violates any of the terms and conditions during the opt out period, the court may reject the participant from the program without sanctions, and return his or her case to the trial track. Should this occur, all waivers and stipulations and orders will be withdrawn and/or vacated, except for the speedy trial waivers.

V. PROGRAM COMPONENTS

A. Overview

The drug court is a minimum two year program consisting of intensive treatment, supervision, drug testing, court reporting and accountability. Once accepted the participant is scheduled for an intake with the Case Manager and Drug Court Coordinator. All participants attend regularly scheduled treatment, support meetings and court hearings. Additionally, participants undergo regular drug testing, check-in's and curfew mandates. As participants remain programmatically compliant they progress through the phases of drug court. Violations (i.e. drug use, missed appointment) are immediately addressed with a sanction. As participants progress they are given incentives (gift certificates, less frequent court/drug testing) to publicly recognize and encourage their continued compliance. Successful completion of all phases of the drug court leads to graduation and dismissal of the underlying charges. Chronic violations, or major violations result in termination from Drug Court, and conviction and sentencing on the underlying charges.

B. Treatment Phases

Outpatient treatment will usually consist of the following three phases, all of which must be completed in order to graduate from Drug Court:

Phase I: Two to Three months

- 3 hours of group counseling three days per week (per ASAM recommendations)
- 1 half-hour individual session every other week
- at least 2 community-based support groups per week (AA/NA)
- random urinalysis (or other physiological testing)
- court hearings every other week

Phase II: Six to nine months

- 2 hours of group counseling once per week (per ASAM recommendations)
- 1 half-hour individual session as needed
- at least 2 community-based support groups per week (AA/NA)
- random urinalysis (or other physiological testing)
- court hearings every other week

Phase III: Twelve to fifteen months (to complete as needed per ASAM recommendations)

- 2 hours of group counseling once per week or one check-in group once per month (per ASAM recommendations)

- 1 half-hour of individual session as needed
- at least 2 community-based support groups per week (AA/NA)
- random urinalysis (or other physiological testing)
- court hearings approximately once per month

Treatment may deviate from outlined schedule based on participant's progress, ASAM recommendations, and Drug Court mandates.

Graduation from Drug Court will be determined when all treatment plan goals and legal requirements are met.

C. Required Acts

Drug Court participants must comply with all of the following conditions, which are set forth in the "Drug Court Order Of Terms And Conditions:"

- The participant will appear in court on all scheduled dates, on time and dressed appropriately.
- The participant must attend all required meetings and appointments.
- The participant must tell the truth.
- The participant will agree to complete any diagnostic evaluation required and submit to any rehabilitative, medical or psychological program required by the Drug Court team.
- The participant will contact his/her case manager as directed.
- The participant will follow the treatment plan as developed by his/her treatment provider.
- The participant will tell the case manager or the Court before he/she changes address, changes or disconnects his/her telephone number, or changes his/her employment.
- The participant will submit urine samples for testing upon request by the Court, case manager, or drug court coordinator as directed. If the participant misses a test or refuses to submit a urine sample, it will count as a positive test.
- The participant understands that he/she must be employed or in school as required by the Drug Court Judge.
- The participant will attend self-help meetings such as Narcotics Anonymous (NA) or Alcoholics Anonymous (AA) as directed.
- The participant will pay restitution.
- The participant will agree to sign any and all releases necessary to monitor his/her progress in the Drug Court program.
- In order to graduate, participants must complete a detailed essay following the provided outline.

D. Prohibited Acts

Drug Court participants will refrain from committing any of the following acts, which are set forth in the "Drug Court Order Of Terms And Conditions:"

- The participant will not possess, use, distribute, sell, or have under his or her control any drug or drug paraphernalia, except as authorized by a lawful prescription.
- The participant will not possess or consume alcohol.
- The participant will not knowingly associate with persons using or possessing controlled substances except in the context of treatment.
- The participant will not live with a convicted felon, unless approved by the Drug Court Coordinator.
- The participant will not violate any law, and understands that if he/she engages in any criminal act, he/she may be prosecuted for any new charge and the new charge may be the basis for his/her exclusion or expulsion from the Drug Court Program.

E. Sanctions and Rewards

Sanctions will be imposed for violations of the terms and conditions of the drug court order, and may include:

- Extension of duration of Drug Court
- Re-starting any phase, including a phase that has already been completed
- Additional meetings and treatment sessions
- Monetary penalties
- Community Service
- Electronic Home Monitoring

Rewards may be given at the discretion of the Drug Court Judge to recognize and encourage progress of the participant. Rewards may include:

- Less frequent meetings
- Less frequent urinalysis (or other physiological testing)
- Pass to miss one session of Drug Court
- Gift certificates
- Graduation to next Phase

F. Drug Screening

Drug court participants are randomly tested for drugs/alcohol at a minimum of once per week. Drug testing is performed by multiple individuals and agencies, including the drug court coordinator/case manager, treatment counselor, and medical personnel.

1. Sample Collection Procedures

The Drug Court will employ several techniques, on the advice of its contracted urinalysis (UA) lab, to minimize tampering and adulteration. When a drug court participant is about to submit a sample for urinalysis, he/she must empty all pockets and show the tester all possible areas of hiding. The drug court participant must leave all bags in the custody of the tester before entering the bathroom. The bathroom has been cleared of all possible contaminants and tampering devices. A same-gender treatment staff member will supervise dropping of specimens. The tester will enter the bathroom area with the drug court participant to ensure no tampering is evident. The bathroom is checked again for possible tampering. The specimen is tested by a stick-on

thermal device for proper temperature, then sealed by the tester and set for transport. All procedures are within view of the drug court participant so that accusations of tampering cannot be charged to the tester.

UA results are sent via air mail at no extra cost to the drug court and have a turnaround time of no more than 48 hours after testing. A urinalysis will be tested for THC, methamphetamines, cocaine, and benzodiazepines. A test for alcohol can be requested by the tester before shipping. The initial assessment, and further involvement in drug court, will help the team determine which drugs the drug court participant considers to be the primary drug of choice and which should be added to the urinalysis tests. The chain-of-custody is as follows; tester-certified carrier-lab. Redwood Toxicology uses certified carriers to ensure safe and protective custody of the specimens while in transport. Redwood Toxicology uses Radio Immunoassay (RIA), Gas Chromatography/Mass Spectrometry (GC/MS) and Thin Layer Chromatography (TLC) to confirm results.

2. Notice of Random Collection

Random Urinalysis Drug Testing is required of all participants and facilitated by a toll-free telephone procedure. Drug Court participants will be assigned a color. Drug court participants must call in daily to see if their "color" is stated on the line. The color codes consist of the following: Black (3 UA's per week); Red (2 UA's per week); Yellow (1 UA per week); Orange (1 UA per every two weeks), and; Blue (1 UA per month). If their color is stated, drug court participants submit to an observed chain of custody urinalysis test between 9 a.m. and 5 p.m. at their treatment facility. Redwood Toxicology testing methods utilize specific gravity, ph and creatinine values to check for adulterants. Breathalyzer Tests will be administered in conjunction with drug screens. Results are obtained within 48 hours of processing. Testing of family members is not allowed by state law. Child Protective Services can petition the Court to have a family member submit a urinalysis test.

The Drug Court Coordinator will establish a mechanism such that the determination of each days color is random, and not predictable by the participants. The schedule shall be set up such that each participant is screened for banned substances at least once per week.

3. Screening Test Results

Urinalysis results and results of other monitoring techniques will be documented and provided to the Drug Court Team. Any positive urine screens, tampered samples or refusal to provide a sample can be grounds for sanctions.

Participants will be warned that certain substances can give "false positive" tests. A warning substantially in the following form will be given to all participants in the participant handbook:

You must be very careful not to ingest the following:

1. Alcohol (could be in cold medicine like Nyquil, barbecue sauce etc.)
2. Poppy seeds in **any** form (muffins, bagels, bread, salad dressing etc.)
3. "Natural" or herbal remedies, or supplements (e-ola, Mah huang)

4. Over the counter or prescription medicines such as Aleve, Pseudoephedrine (also called ma huang, sida cordifolia and epitonin) without prior approval of your treatment provider.
5. Medications from Canada not sold over the counter in USA (222's etc)
6. Alcohol Substitutes (Near Beer etc.), contain some alcohol.

4. Prescription Medications

Participants in Drug Court are expected to be drug free, including the use of mood-altering, potentially addictive, prescription medications. Participants with chronic pain requiring repeated use of prescription pain medication (opiate, narcotic or benzodiazepine medications) are not good candidates for the program. Participants must discontinue all addictive medications.

Participants who have opted into Drug Court and have an acute pain episode must have approval from the Drug Court Team before they take any pain medication. The approval must include the doctor's name, medication prescribed, amount prescribed (including refills), reason for prescription, duration of treatment, and acknowledgement by the physician that you revealed that you are a substance abuser and the physician feels this is the best course of treatment. This form, with copies of the prescriptions, must be provided to your treatment counselor immediately.

5. Creatinine

Every urine specimen is tested at the laboratory for creatinine level. Creatinine levels determine whether a participant has diluted a sample by, for example, consuming large amounts of water. If the creatinine level is too low to permit an accurate analysis, the sample will be treated as being positive for presence of prohibited substances.

G. Case Management

The Drug Court Treatment Provider is responsible for providing primary case management and treatment services for each participant while in drug court. Case management is a coordinated, collaborative effort to provide linkages between the court system and service providers and/or agencies in an effort to assist the participant and/or family with their needs and complete the program.

Drug Court Treatment Provider case managers provide:

- Monitoring and reporting progress of the participant in regards to treatment and other program mandates to the court
- Planning for intervention services and the fulfillment of criminal justice obligations
- Brokering treatment and other services and assuring continuity as the participant progresses through treatment and program completion
- Assisting the participant in identifying and working through barriers to successful participation in treatment

- Supporting the participant by advocating for the participant with court, treatment, social service, medical and mental health systems

H. Staffings and Status Hearings

1. Status Hearings

Hearings will be held every other Thursday. The series of alternate Thursdays will be such that they would include the first Thursday of 2006, and occur every 2 weeks thereafter. Hearings will begin promptly at 3:00 p.m.

Clients who are making phase transitions and/or achieved sobriety benchmarks are called at the beginning of the docket followed by the remaining calendar in a random order. Clients are individually called up to the bench and are expected to discuss their progress with the judge. The judge administers appropriate sanctions and rewards and provides encouragement and support. Unexcused failure to appear at court hearings may result in the issuance of a bench warrant.

2. Pre-Hearing Staffing

The drug court team meets prior to each status hearing to review progress of each participant, outside the presence of the participants. Pre-hearing staffing meetings will begin at 2:00 p.m.

The case manager and drug court coordinator will provide the Team progress reports on each participant who will be present at that week's hearing. The progress report informs the team of the participants' compliance in all drug court areas since the last hearing. Based on this report and any additional information brought to the meeting, team members assess a participant's progress and discuss potential treatment or programmatic interventions. It is during these meetings that team members discuss, debate, and potentially disagree with the direction of intervention and team decisions but during the court session the team presents a unified position.

Team discussions will be conducted with a goal of reaching consensus on action to be taken for each participant. In the event that consensus of all team members cannot be achieved, the Drug Court Judge has discretion to determine what action will be taken.

I. Fees

The Participant will pay a \$500 non-refundable administrative fee for participation in the Drug Court program, \$200 of which should be paid within 14 days of entry into the program (upon expiration of the opt-out period), and the balance of which must be paid before graduation on a schedule set by the Drug Court Coordinator. Failure to pay may result in termination or other sanctions unless arrangements can be made with the drug court judge that may result in a finding of financial hardship. In any case, the finding by the drug court judge of financial hardship will not be determined unless the participant or the drug court public defense attorney brings the matter to the team.

J. Graduation Requirements

In order to graduate, the Drug Court Team must authorize the participant's graduation, and the participant must have met each of the following criteria:

1. The participant will have been in the program for a minimum of twenty-four (24) months
2. The participants must have completed all of his or her alcohol and drug treatment, and have a current support-group sponsor
3. The participant will have had no violations for the three (3) months prior to his or her scheduled graduation date
4. The participants must be in Phase 3 and have maintained abstinence from all drugs and alcohol for a minimum of six (6) consecutive months prior to graduation
5. The participants must have completed all sanctions involving affirmative conduct from previous violations
6. The participant must complete a detailed written plan of his or her strategies to remain clean and sober following the provided outline
7. The participants must be employed and have all Drug Court fees, and restitution paid in full

Upon graduation, the Court will enter an order dismissing the pending charges.

K. Early Termination Procedures

1. Voluntary Termination

Drug court participants may request to drop out of the drug court program any time during the two-week opt out time period. If a participant drops out of the program during this period, there will be no penalties or sanctions and the drug court participant will re-enter the regular criminal court system where prosecution will proceed. With exception of signed speedy trial waivers, all pre-trial rights of the participant will be restored. The participant will forfeit any drug court fees already paid.

A participant may choose to voluntarily leave the program at any time. If he or she quits after the two-week opt out period, the drug court participant would appear at a stipulated bench trial before a judge, who would decide upon the participant's guilt or innocence based on the stipulated evidence. By signing the Stipulation for Bench Trial on Agreed Documentary Evidence, the participant agrees to the documentary evidence and the participant would not be allowed to give or receive testimony on his/her behalf. The participant will forfeit any drug court fees already paid.

2. Expulsion

Expulsion results when the program can no longer serve the needs of the client. Due to many factors there are instances when continuation is unproductive for the client, the program, or both.

A participant may be involuntarily removed from the drug court program if he/she repeatedly violates the drug court orders, including positive drug tests.

A participant may be involuntarily removed from the drug court program if there is probable cause to believe he or she has committed any felony offense.

A participant may be removed from the drug court program if he/she commits a new offense of any kind, and if, under the circumstances, it appears to the drug court team that the participant would not benefit from the services of the drug court program.

Termination decisions are based on many factors including, but not limited to: current situation/violation, length of time in program, number and level of treatment episodes, living situations, attitude etc. If terminated, the participant will immediately be tried on stipulated evidence and sentenced. Any drug court fees paid are forfeited, and not credited towards any legal financial obligations imposed by the conviction.

3. Termination Hearing Procedures

The Drug Court Judge shall conduct a termination hearing at the earliest possible Drug Court hearing following a decision to terminate a participant. The stipulated trial and sentencing determination shall be conducted at the beginning of the Drug Court hearing, in front of all other participants present for that day's hearing.

VI. REPORTING

The Drug Court Coordinator and MIS Coordinator will provide an annual report to the Drug Court team. The report should include Drug Court statistics, and a report on recidivism of all current and former drug court participants.

VII. MODIFICATION OF POLICIES AND PROCEDURES

The Drug Court Coordinating Committee shall convene from time to time, and at least annually, to review the operation of the Drug Court, and revise policies and procedures as deemed necessary by the Committee.

We, the undersigned, hereby adopt and approve of this Drug Court Policy and Procedure Manual as the incorporating and controlling document of the Island County Adult Drug Court.

Adopted _____, 2006 at Coupeville, Washington.

Hon. Gregory M. Banks
Island County Prosecuting Attorney

Channing Gredvig
Drug Court Coordinator

Hon. Vickie I. Churchill
Island County Superior Court Judge
Adult Drug Court Judge

Hon. Alan R. Hancock
Island County Superior Court Judge

Hon. Sharon Franzen
Island County Clerk

Charlotte Rector, CDP
Compass Health
Drug Court Treatment Provider

Craig Platt, Esq.
Primary Public Defense Contractor for
Island County

Hon. Michael A. Hawley
Island County Sheriff

James Straight, CDPT
Compass Health

Jackie Henderson
Island County Director of Human
Services