

20<sup>TH</sup> JUDICIAL CIRCUIT  
COLLIER COUNTY  
ADULT FELONY DRUG COURT

# POLICIES & PROCEDURES



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## PROGRAM HISTORY

In 1999, then-Chief Judge William L. Blackwell established the first Adult Drug Court in the 20<sup>th</sup> Judicial Circuit, right here in Collier County. Initial support for the program was lacking, so Judge Blackwell forged ahead by making his own referrals from his Violation of State Probation docket. The first Drug Court in the nation had been founded some 10 years earlier just across the Everglades in Miami-Dade County, but that proximity did little to pave the way for Judge Blackwell and his pioneering team.

However, over time, those initial skeptics started to see the results, and the logic of Judge Blackwell's program gained traction. Using treatment to get at the root causes of certain criminal behavior, and replacing expensive and wasteful confinement with personal accountability and reintegration to one's family and community - these ideas found support among the local stakeholders.

At the time of this writing, the Collier County Adult Drug Court has now been in existence for over twenty years, and has been joined by a Mental Health Court (2007) and a Veterans Treatment Court (2012). Over that time, the crack cocaine crisis has become less visible, but the Great Recession and the national opioid crisis have come along to make even more clear the need to keep treatment in strong partnership with criminal justice. The advent of fentanyl and its relatives have caused an already enormous drug overdose rate to skyrocket. No family is immune, and the costs are borne by all of us.

Meanwhile, cocaine, methamphetamine and benzodiazepines are as destructive and insidious as ever, particularly as we still lack medications to assist with withdrawal from these substances the way we have medications to assist with alcohol and opioid withdrawal. Beyond that, we are really just starting to understand the role of trauma, especially Adverse Childhood Experiences (ACES), in fueling this fire. However, at the same time, we are also learning just how treatable these problems can be, and how generations of suffering and recidivism can be interrupted. Resiliency is real.

In the end, Drug Court is simply an opportunity, and while many will qualify, not all will take advantage. But for those who take the opportunity for its full value, there is a chance to find mental and physical wellness, to make peace with the past, to reunify with children and families, to return to productivity and self-worth, and to rejoin a community that is made safer and more whole by that rejoining.

### DRUG COURT PRESIDING JUDGES:

The Honorable William L. Blackwell, 1999-2001

The Honorable Lawrence D. Martin, 2001-2006

The Honorable Christine H. Greider, 2006-2011

The Honorable Janeice T. Martin, 2011-present

CURRENT STAKEHOLDER AGENCY HEADS (Nov. 2020):

The Honorable Michael T. McHugh, Chief Judge, 20<sup>th</sup> Judicial Circuit

The Honorable Amira Fox, State Attorney, 20<sup>th</sup> Judicial Circuit

The Honorable Kathleen Smith, Public Defender, 20<sup>th</sup> Judicial Circuit

The Honorable Kevin Rambosk, Sheriff, Collier County

Mr. Scott Burgess, CEO, David Lawrence Centers

Mr. Scott Wilsker, Administrative Office of the Courts, 20<sup>th</sup> Judicial Circuit

Mr. Bradley Rouskey, Department of Corrections – Probation & Parole, 20<sup>th</sup> Judicial Circuit

### MISSION STATEMENT

**Saving the lives of individuals with substance use disorders, strengthening families, and enhancing community safety through evidence-based treatment and practices by promoting honesty, personal responsibility, wellness, and recovery.**

The Collier County Adult Drug Court Team regularly reviews the mission statement, program goals, and NADCP key components, and attends relevant NADCP training to ensure understanding of this model for treatment court programs.

### GOALS OF DRUG COURT

1. Expedite identification of eligible program participants and admission of those who wish to enter our program;
2. Implement best practices to advance a holistic and individualized treatment program;
3. Emphasize honesty and personal accountability in all aspects of our program;
4. Prioritize restitution to victims;
5. Support reunification of families;
6. Reduce both relapse and recidivism;
7. Improve public safety by restoring the individual to wellness, but also by investing the individual in the community, and vice-versa;
8. Maximize return on investment by reducing crime, restoring families and returning individuals to productive roles within the larger community;
9. Ensure that team members from each stakeholder agency are well trained in best practices and supported in their individual roles;
10. Support the sustainability of our program by being transparent and accountable, and by diligently pursuing the requisite funds to keep our program stable but also innovative.

## PROGRAM OVERVIEW

The Collier County Drug Court program is a court-supervised substance use disorder treatment program for individuals over 18 years old, who have a pending felony case and a substance use disorder. (See full eligibility criteria on the next page.) The goal of the program is to break the cycle of substance use disorder, crime, and incarceration. It is a post-adjudication program, meaning all defendants who enter the program must enter a plea and be sentenced into the program as a special condition of probation. Entry into the program is voluntary. However, once an individual has been sentenced, they may not voluntarily withdraw from the program without facing a violation of probation. Those individuals, who are determined to be both legally and clinically appropriate for the program, and wish to participate, will sign a contract with the terms of their plea and agree to follow all program rules and requirements. This manual contains information about the rules, requirements, and expectations.

The Drug Court program is a strict sobriety-based program that lasts a minimum of 24 months. The first half of the program consists of 5 In-Court phases, totaling a minimum of 12 months, which is then followed by at least 12 months of Aftercare. The participants needs and progress will ultimately determine the length of their Drug Court participation. A treatment plan will be developed to meet the participants individual needs, and will be reviewed with them and updated frequently. Additionally, the program includes self-help recovery support group meetings, case management, regular court appearances, random drug testing, reporting to probation and the requirement to maintain consistent employment and/or schooling. These requirements are based on program assessments, case planning, treatment recommendations, and the individual needs and abilities of each participant.

## TEN KEY COMPONENTS

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Frequent alcohol and other drug testing monitor's abstinence.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

## TARGET POPULATION

The Collier County Adult Drug Court targets high-risk, high-need felony offenders whose crimes or violations of probation are directly or indirectly motivated by alcohol and/or drug use.

## ELIGIBILITY CRITERIA

The following criteria are intended to be a guide for those considering making a referral to drug court. If there are any criteria that a participant might not meet, they are still encouraged to speak to their attorney about making a referral. Each case will be considered on an individual basis. The eligibility criteria is as follows:

- 18 years of age or older
- Resident of Collier County, or willing to reside in Collier County for the duration of the drug court program (minimum of 2 years)
  - Transfers to or from another Florida county may be possible and are determined on a case-by-case basis
- Legally appropriate as determined by the State Attorney
  - Charged with one or more felony charges of the 2nd or 3rd degree
    - Charge(s) must not be a sexual or sexually-motivated
    - Charge(s) must not include sale or trafficking of controlled substance
  - Must score to 60 points or fewer on scoresheet
- Clinically appropriate as determined by the treatment provider
  - Must undergo a clinical screening to verify a substance use disorder
  - Must then undergo a clinical assessment to verify need for intensive substance use treatment and capability to complete program. Assessment must confirm existence of moderate to severe substance use disorder (as well as any other co-occurring disorders)
    - Any co-occurring mental disorder(s) must be sufficiently stabilized so that participant can manage all program requirements set forth in their Drug Court handbook
  - Must also undergo a risk/needs assessment to confirm applicant is at a high risk to fail in a less-intensive treatment program, and has a high criminogenic need for treatment of a substance use disorder (and any co-occurring disorder)
  - Participant must be willing to comply with all rules and requirements set forth in the Drug Court handbook, and with all treatment recommendations
- Regarding any medical conditions, participant must be willing to consent to sign all necessary medical releases to allow team members to coordinate care with prescribing physician(s) for physical health, mental health, and substance use disorder needs
  - FDA-approved medications to assist with treatment for substance use disorder are permitted, so long as participant complies with all rules to obtain and use same lawfully and safely

- Participant must be able to comply with all rules set forth in the Drug Court handbook, including attendance at all treatment sessions and self-help meetings, frequent drug testing, payment of restitution to any victims, and maintenance of minimum employment or schooling requirements for each phase

### EXCLUSIONARY CRITERIA

- Immigration hold
- Hold or detainer for any other jurisdiction
  - Candidate is encouraged to speak with their attorney to see if this can be addressed to return them to eligibility
- Registered sex offender or sexual predator
- Victim(s) reasonably withhold consent to allow entry to drug court
- Charge(s) carries a statutory minimum mandatory prison sentence

### PROGRAM DATA

The State of Florida has contracted with a database provider to offer software to all Florida Problem-Solving Courts for the purpose of assisting them in capturing, tracking and analyzing relevant data for said courts and their participants. The current program in operation in Florida is called Drug Court Case Management, or DCCM. Various stakeholders with this Drug Court are responsible for ensuring that accurate data is entered on each participant, and on the many actions taken by the Drug Court in working with that participant. Those specific responsibilities are spelled out below. Data from DCCM is intended to be available to maintain transparency and accountability, as well as to assist the Drug Court with pursuing and maintaining available funding opportunities.

The State Attorney's Office will open all referrals received in DCCM. The State shall be responsible for entering all relevant information on pages 1 and 2 of the initial eligibility screening in DCCM. The David Lawrence Center shall be responsible for entering all relevant information on pages 3-5 of the initial eligibility screening in DCCM.

The State shall also be responsible for rejecting and accepting pending referrals in DCCM. Once a participant is accepted and active in the program, the AOC Treatment Court Compliance Officer will then take over data entry for active participants including but not limited to: incentives, sanctions, court reports, court dates, and general update notes. DLC shall enter assessments, staffing notes and drug test results.

When a participant is terminated or graduates the State shall be responsible for discharging the participant from DCCM. The AOC Treatment Court Compliance Officer shall be responsible for all discharge/recidivism tracking and provide annual data to the AOC and David Lawrence Center for grant funding opportunities.

## ENTRY PROCESS

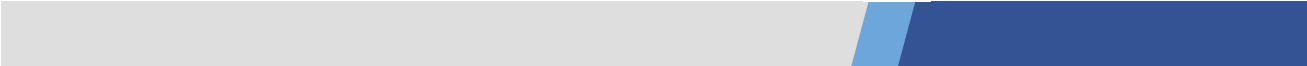
1. Referral must be submitted on behalf of the defendant through the Collier Treatment Court CJIS20 website at [https://www.ca.cjis20.org/tcreferral\\_col/](https://www.ca.cjis20.org/tcreferral_col/). The assigned Assistant State Attorney and SAO Specialty Courts Coordinator review referrals.
  - a. See Appendix A for the Referral to Plea Flowchart (Page 23).
1. Upon receipt of a referral, the Specialty Courts Coordinator will enter the defendant's demographic, case information and criminal history information into DCCM. The defendant will be reviewed for legal appropriateness.
2. If approved, the SAO will notify the David Lawrence Center that the defendant can begin the clinical screening process. If denied, the SAO will notify the Defense Attorney.
3. The David Lawrence Center will conduct a two-pronged screening process. First, the defendant will undergo a cursory screening. If this initial screening indicates the defendant is a good candidate for Drug Court, then the defendant will move on to a full clinical assessment.
4. If they are deemed clinically appropriate, the David Lawrence Center will notify the SAO and the SAO will draft a contract.
5. The contract contains all the terms of the Plea Offer including the disposition of the charges, terms of probation, and what the State will offer in consideration for the successful completion the entire Drug Court program including Aftercare and regular probation.
6. Once a defendant and the defense attorney agree to and sign the contract, the SAO Specialty Courts Coordinator will coordinate a plea date between the Judge's JA, Treatment, State, and Defense.
7. In-custody defendants are released from jail the Monday following their plea directly to a David Lawrence Representative who will escort them to State probation and get them set-up and started with treatment.
8. In the event that any Team member should disagree regarding the admission or non-admission of a given participant into Drug Court, that Team member should bring the matter to the full Team at a Staffing for the Team to discuss. The Team will consider the conflict in light of our eligibility criteria, our knowledge of our collective resources and the Florida Statutes. The Team will collaborate and endeavor to craft acceptable terms for the participant's entry into the program, so that there may be consensus within the Team. If no consensus can be achieved, it will fall to the Judge to make the final determination regarding the participant's entry into the program.

Currently, the SAO Specialty Courts Coordinator, David Lawrence Center Coordinator, OPD Disposition Specialist, Treatment Courts Compliance Officer, and CCSO Law Enforcement Officer have a weekly phone call to discuss the progress of referrals to ensure a timely entry into the program. Potential referrals identified by the jail and various other sources are also acknowledged to inform their legal representative.

## TEAM ROLES

The Collier County Adult Drug Court Team shall be the operational entity of the program, providing a





uniform and consistent focus, with the common goal of the participant's recovery and successful community reintegration. The Adult Drug Court program has organized a professional, multi-disciplinary team, and identified specific roles for each member, as described below.

**All Team Members:**

- Attend the weekly staffing meeting prior to Status Hearings in court;
- Attend the weekly Status Hearings in court;
- Participate in the development of the participant's individual plan as progress is made through the program;
- Make recommendations for sanctions and incentives after reviewing treatment and supervision reports for participants;
- Justice stakeholders on the team work to achieve a basic understanding of substance use disorders, common mental health disorders, drug testing protocols, trauma, medication assisted treatment (MAT), and other topics germane to the treatment process;
- Treatment stakeholders on the team work to achieve a basic understanding of due process and the respective roles of the judge, the prosecutor, the defense attorney, the probation officer and the law enforcement officer in the criminal justice system;
- Provide encouragement and support to each offender throughout the program;
- Attend and participate in Quarterly Business Meetings;
- Plan and improve the participant handbook and the policies and procedures for Adult Drug Court on a regular basis;
- Those new to their position on the team will be required to complete discipline-specific virtual trainings as close to their start date as possible;
- Participate in trainings requiring various degrees of travel as funding allows.

**Adult Drug Court Judge:**

- Directs the efficient operation of the Court and ensures that each team member is able faithfully to fulfill their roles within the context of the team dynamic;
- Participates in staffing and settles disputes concerning the imposition of sanctions, incentives, or other actions when the team is not unanimous;
- Supervises the progress of each participant by having regular status hearings, and aims to motivate the participant to fully engage in treatment;
- Awards incentives to participants in court, consistent with the team's input from the staffing meeting;
- Conducts an informal due process hearing before considering and imposing any sanctions upon participants in court, incorporating the team's input from the earlier staffing meeting, and the participant's input from the hearing (at which Defense Counsel is present and may assist and be heard);
- Makes the final determination to accept or reject pleas to new charges and/or admissions to Violations of Probation (VOPs) from participants wishing to enter Adult Drug Court under a Drug Court Contract;
- Presides over any formal charges of VOP arising from within the program, but may recuse if adjudicating the ultimate issues in the VOP would conflict with the Judge's

ability effectively to continue to serve in a therapeutic role, which is the Judge's primary obligation to the program;

- Aims to educate the larger community about Adult Drug Court, including especially other government and legislative officials, private and public funding sources, the recovery community, and other individuals and groups who can offer various forms of support and sustainability to the Adult Drug Court, its team members, and its participants and graduates;
- Within the confines of the Judicial Canons, supports the Adult Drug Court and its various stakeholders in working to obtain stable funding necessary to sustain a successful court, and to maintain each members' participation.

**Adult Drug Court Assistant State Attorney:**

- Responsible for making the final determination as to a defendant's legal eligibility;
- Provides all Drug Court offers and the plea agreement terms thereto, and drafts all Drug Court Contracts;
- Attends all Drug Court hearings, actively participate in staffing, and address violations of probation, revocations, pleas, and the application of sanctions and incentives as they apply to the participant.

**State Attorney's Office Specialty Courts Coordinator:**

- Reviews all referrals for legal eligibility;
- Responsible for following up on referrals going through the screening, coordinating plea dates, attending staffing, and assisting the team in addressing sanctions, incentives, and treatment concerns as they apply to the participant.

**Public Defender's Office Defense Attorney (for Public Defender clients):**

- Submits the Drug Court referral after reviewing discovery and legal options with the defendant;
- Prior to plea into Drug Court will review plea documents, including: trial rights, waiver of rights, Drug Court contract, plea bargain, possible restitution payments, scoresheet, and end result, whether successful or unsuccessful;
- Ensures the defendant is legally competent and fully cognizant of his/her rights and any waivers prior to entering the program;
- Assistant Public Defender will join staffing as a team member to advocate for participants legal interest, follow through their progress, and argue for reduction of sanctions, advocate for phasing, and other incentives;
- Private Defense Attorney will have option of joining staffing as a team member to advocate for their clients;
- Counsels participant in the event of a proposed sanction or alleged violation;
- Represents participants through alleged violations, termination hearings, and court dates.

### **Public Defender's Office Disposition Specialist:**

- Submits all Drug Court referrals for the Public Defender's Office;
- Follows up on referrals, attends weekly meetings with the SAO Specialty Courts Coordinator and DLC's Supervisor of Forensic Services to ensure rapid entry into the program;
- Assists with finding appropriate housing and residential programs, if needed;
- Attends all staffing's and Drug Court hearings with the assigned Assistant Public Defender;
- Participates in staffing by advocating for the Drug Court participants' best interest;
- Assists the assigned Assistant Public Defender with treatment options for participants, assists with referrals for community partners, and works alongside the Assistant Public Defender;
- Participates fully as a Drug Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success.

### **Department of Corrections Probation Officer:**

- Participates fully as a Drug Court team member, committing him or herself to the program mission & goals and works as a full partner to ensure their success;
- Provides coordinated and comprehensive supervision to minimize participant manipulation and splitting of program staff;
- Assists with post program services, client outreach, Mentor programs and Alumni Associations;
- Develops effective measures for drug testing and supervision compliance reporting that provide the team with sufficient and timely information to implement incentives and sanctions systems;
  - Provides a report to the State at least monthly regarding compliance with any restitution obligations;
  - Relays to the Treatment Court Compliance Officer (either verbally or by email, as preferred) information regarding Participant contacts for entry into DCCM per Program Data section, above;
  - Approves curfew adjustments as needed (note: when adjusted, curfew period may be shorter than 8 hours);
- Assists Coordination the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, job skills training and placement to provide a strong foundation for recovery;
- Is knowledgeable about addiction, alcoholism, and pharmacology generally and applies that knowledge to respond to compliance in a therapeutically appropriate manner;
- Is knowledgeable of gender, age and cultural issues that may impact the offender's success;
- Contributes to the team's efforts in the community education and local resource acquisition;
- Contributes to the education of peers, colleagues, and the community in the efficacy of Drug Courts.

### **Treatment Court Law Enforcement Officer:**

- Has full power of the Sherriff's Office if needed;
- Establish a positive relationship with the participants;
- Provide information to the Team on prospective or current participants;
- Recommend potential participants to the Team;
- Report any law enforcement contact (positive or negative) with the participant to the Team;
- Conduct unannounced home visits, work visits, or curfew checks to verify compliance with the program;
- Conduct welfare checks on the participant when needed;
- May ask the participant to submit a breathalyzer (PBT) or other tests/screens as needed;
- Conduct compliance checks with County and State probation;
- Assist participants who might be in crisis;
  - This may include providing support if they are a victim of a crime, in need of care, or guidance on a particular issue;
- Assist Treatment with minor needs involving the participant;
  - This may include assisting the participant in surrendering contraband for destruction.
- Attends staffing and status hearings;
- Liaison between the jail and warrants departments regarding participant needs;
- Collaborate and assist all of the treatment court members.

### **Treatment Provider:**

- Responsible for conducting screenings and clinical assessments for each participant referred to treatment;
- Works with each participant to develop an individualized treatment plan utilizing a holistic approach to meet participant-identified needs;
- Educates participants on various MAT options and refer if appropriate;
- Provides a treatment orientation in a timely and competent process;
- Provides an array of therapeutic interventions to meet the treatment needs of each participant, which may include individual and group therapy, trauma, family counseling, crisis intervention, education, rehabilitation, and case management services;
- Refers for additional services as needed;
- Intervenes therapeutically upon receipt of positive drug test results;
- Reports on participants' progress including non-compliance issues as they occur via written (web based) report and team staffing meetings;
- Utilize pre-approved and evidence-based curriculum for therapeutic interventions;
- Maintains appropriate level/hours of contact with each participant based on their unique needs and in accordance with assessed level of care;
- Provides screening and linkage to multiple inpatient care options for participants assessed as needing this higher level of care;

- Submits grant applications and solicits state and federal funding for program management and development;
- Submits reports and information within deadlines for funding applications and other contract requirements of OSCA and other funders and grantors;
- Conducts and/or coordinates all drug testing options and reports results to the Court;
- Communicates with all vendors involved in treatment court to assure compliance.

#### **Treatment Providers Specific Roles:**

- 1. Drug Court Coordinator-**
  - a. Responsible of overseeing all aspects of the program;
  - b. Hiring and training staff;
  - c. Monitors referrals status;
  - d. Oversees grant requirements;
  - e. If applicable, communicates with appropriate parties to maintain continuity of care.
- 2. Drug Court Clinicians-**
  - a. Conduct clinical assessments to determine eligibility;
  - b. Develop and review individual treatment plans render group and individual therapy utilizing manualized and evidence-based treatment based ASAM level of care;
  - c. Collaborate with Case Managers to determine services needed;
  - d. Communicate with Drug Court Team to ensure continuity of care.
- 3. Drug Court Case Managers-**
  - a. Conduct initial screening;
  - b. Develop and review individualized service plan;
  - c. Verify with defense counsel that reliable housing has been secured for the participant prior to plea;
  - d. Ongoing referral and linking participants with appropriate services;
  - e. Conduct observed urinalysis testing and report results to appropriate Team members;
  - f. Manage volunteer events for participants;
  - g. Enter appropriate data into Florida Drug Court Case Management system;
  - h. Responsible for court docket;
  - i. Attends all court hearings to report progress and/or concerns to the Drug Court Team and work closely with Clinicians to ensure participant's needs are being addressed.

#### **Treatment Court Compliance Officer:**

- Coordinates statistical data collection and management information;
- Reports information to the Team as needed;
- Assists to improve the overall quality of the program;

- Provides information to the Administrative Office of the Courts regarding participant data measures;
- Inputs weekly court notes for the Drug Court Case Management system;
- Attends staffing and Drug Court hearing's;
- Compiles reports regarding incentives, sanctions, phasing, curfews, and weekend work eligibility.

## PHASE STRUCTURE

Participants are required to engage in treatment for a minimum of 12 months, followed by another 90 days minimum of Aftercare, all which supervised by probation. There are 6 phases that each participant must complete which include various court, treatment and supervision requirements designed to address specific recovery goals while completing their legal sentencing terms.

The phases are outlined below:

**PHASE 1:**        **ACUTE STABILIZATION**                      Length: Minimum of 30 days.

**REQUIREMENTS:**

- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by their Needs
- Weekly Court Appearances
- Drug Offender Probation
- Curfew 10:00pm-6:00am
- Seek Employment or Education
- Minimum of 14 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

**PHASE 2:**        **CLINICAL STABILIZATION**                      Length: Minimum of 60 days.

**REQUIREMENTS:**

- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by their Needs
- Weekly Court Appearances
- Drug Offender Probation

- Curfew 10:00pm-6:00am
- 10 Hrs Weekly of Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 30 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

**PHASE 3:      PRO-SOCIAL HABILITATION      Length: Minimum of 90 days.**

**REQUIREMENTS:**

- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by their Needs
- Bi-Weekly Court Appearances
- Drug Offender Probation
- Curfew 10:00pm – 6:00am
- 20 Hours Weekly of Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 60 Days of Sobriety to advance
- Minimum of 14 Days without a sanction advance

**PHASE 4:      ADAPTIVE HABILITATION      Length: Minimum of 90 days.**

**REQUIREMENTS:**

- Drug Offender Probation converted to regular probation & Curfew lifted (case by case basis)
- Random Drug and Alcohol Testing
- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment Determined by their Needs
- Monthly Court Appearances
- 30 Hours Weekly of Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 90 Days of Sobriety to advance
- Minimum of 14 Days without a sanction to advance

**PHASE 5:      CONTINUING CARE      Length: Minimum of 90 days.**

**REQUIREMENTS:**

- Random Drug and Alcohol Testing

- Random Home Checks
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by their Needs
- Monthly Court Appearances
- 30 Hours Weekly of Work, School, or Community Service
- Consistent Restitution Payments (if applicable)
- Minimum of 180 Days of Sobriety to Move On
- Minimum of 14 Days without a sanction to advance
- Prepare Life Skills Plan

**PHASE 6 (MOVING ON):**      **AFTER CARE**      Length: Minimum of 1 year.

**REQUIREMENTS:**

- Minimum 90 days of Aftercare Treatment & continued Case Management
- Random Drug and Alcohol Testing
- Follow all Probation Instructions
- Follow all Treatment & Case Management Instructions
- Participate in Treatment as Determined by their Needs
- Consistent Restitution Payments (if applicable)

**STAFFING**

All Team members are expected to attend staffing, which is held weekly, prior to that week’s Status Hearings. During staffing, Team members update each other on the positive and negative behaviors and progress exhibited by each participant over the prior week(s). Team members are encouraged to brainstorm and contribute ideas with regard to solutions for any barriers that a participant may be experiencing. At staffing, discussions may be held regarding active participants, but also those in Aftercare, as well as those who are considering entering Drug Court to become participants. Staffing is strictly confidential, and Team members are to protect the information that is shared there from being shared with anyone who is not on the Team or otherwise legally entitled to such information. Upon entering Drug Court, participants sign a Release of Information to allow Team members to share and discuss confidential information, only to the extent required for the Team members to fulfill their roles on the Team. Upon entry of a plea into Drug Court, the Judge also signs a HIPAA order to permit the limited sharing of health care information among Team members only.

**STATUS HEARINGS**

Drug Court convenes weekly to hold Status Hearings. All Team members (except Clinicians when unavailable) are expected to attend Status Hearings. During Status Hearings, participants appear before the Judge and the Team to update the Court on their progress in the program. Participants report



progress on various goals, such as housing, employment, reunification with family, treatment, wellness and peer support. Participants are encouraged to be honest about any barriers they are experiencing so the Team can assist with resolving those to the extent possible. Participants are also encouraged to be fully honest in discussing any ways in which they may have broken a Drug Court rule, or fallen short on a goal that they have set. Generally speaking, all participants on a given Status Hearing Docket will attend the entire court session. However, as a participant makes progress in Drug Court, the frequency of Status Hearings may be reduced, and further incentives such as early dismissal from Status Hearings may be awarded.

## INCENTIVES AND SANCTIONS

As a result of positive behaviors and/or progress, Team members may recommend the awarding of certain incentives. Likewise, as a result of negative behaviors or regression, Team members may recommend the imposition of certain sanctions. Both incentives and sanctions are intended to aid the participant in modifying their behavior in ways that will support a lasting recovery from substance use and an end to criminal and anti-social behaviors.

The Participant Handbook explains to participants what behaviors may earn them an incentive or a sanction, and how those tools are used in a gradual and escalating manner, distinguishing between proximal goals and distal goals in the name of modifying the behavior. Generally speaking, the Team will aim to achieve consensus with regard to awarding of incentives and imposition of sanctions, but where there is disagreement, the Judge will have the ultimate decision on these issues, pending the outcome of a discussion with the participant in a Due Process Hearing, as described below.

An **incentive** is positive reinforcement for meeting or exceeding all program requirements and following the rules. Incentives may include, but are not limited to:

- Verbal praise from the Judge
- Applause
- Phase Promotion
- Travel Pass
- Night off curfew
- Early dismissal from court
- The Drug Court Cup

A **sanction** is a response for not meeting program requirements or not following the rules. Sanctions may include, but are not limited to:

- Verbal Warnings
- Writing assignments
- Community Service Hours
- Curfew enhancements
- Increased drug testing
- Phase/Graduation delays
- Weekend Work
- Weekend Lockdown
- Jail
- Termination

## DUE PROCESS HEARINGS FOR SANCTIONS

Prior to the imposition of any sanction, the Judge will hold an informal due process hearing with the participant during his or her Status Hearing. The Judge will advise the participant of the allegations pending, and invite the participant to offer any input or explanation they feel is relevant. The participant will have access to defense counsel before and during said hearing, and defense counsel may actively advocate for the participant throughout the hearing. Other Team members may also be heard during the hearing, both with regard to factual assertions and advocacy for or against the imposition of the sanction. At the conclusion of the hearing, the Judge will decide what is an appropriate sanction, which may or may not be precisely the sanction that was recommended earlier in the staffing, and will offer the participant the opportunity to accept the sanction to stay in good standing, or to opt into a formal Violation of Probation, where full due process will attach.

## TERMINATION

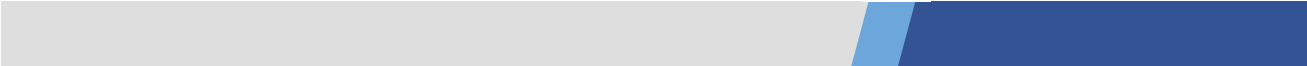
A recommendation for termination from Drug Court may be made at the discretion of the Drug Court team. Reasons for a recommendation of termination may include, but are not limited to: new charges, absconding, repeated sanction for behavioral issues, tampering with a UA, falsifying documents of any kind, and lying to the Judge, treatment or probation. Upon a recommendation for termination, a formal Violation of Probation is filed and served on the participant, if it has not been already. The participant is entitled to the full range of due process rights that accompany any other Violation of Probation. The Drug Court Judge will preside over the Violation of Probation matter to its resolution, unless it appears to the Judge that continued service in that role presents a conflict under the Judicial Canons such that the Judge must recuse and have the matter assigned to another Judge.

## MOVING ON

A recommendation for Moving On occurs once the participant has completed all court requirements. The participant will need to complete a Moving On application. The assigned Judge, Assistant State Attorney, Assistant Public Defender, and the David Lawrence Center Case Manager will schedule the participant for an Exit Interview. Once the exit interview is completed, the participant will be scheduled for Moving on. Moving On occurs during a regular Status Hearing, at which the participant will share his/her experience, strength and hope before fellow participants, guests and the Team.

## TREATMENT SERVICES

1. Therapeutic Alliance – The David Lawrence Center shall promote initial attendance, engagement and development of an ongoing therapeutic relationship by:
  - a. Treating people with respect and dignity;
  - b. Enhancing motivation and self-direction through identification of meaningful goals that establish positive outcomes;

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- c. Working with family, guardian, courts, etc. to promote the individual's program success;
  - d. Identifying barriers to treatment and provide appropriate referrals if indicated
  - e. Providing consumer education to promote understanding of services and supports in relationship to individual functioning or symptoms and to promote understanding of individual responsibilities in the process;
  - f. Encouraging individuals to assume an active role in developing and achieving productive goals; and
  - g. Delivering services in a manner that is responsive to each individual's age, cultural background, gender, language and communication skills, and other factors, as indicated.
2. Individualized Treatment – Services and supports shall be individualized in accordance with the needs and situation of everyone served:
    - a. There is variability in the type and amount of services that individuals receive, consistent with their needs, goals and progress;
    - b. There is variability in the length of stay for individuals to successfully complete a level of care or treatment episode, consistent with their severity of need and treatment progress;
    - c. In structured and intensive levels of care, group education/counseling sessions are available to deal with special therapeutic issues applicable to some, but not all, individuals;
    - d. Services on a one-to-one basis between an individual served and a staff member (such as individual counseling and community support) are routinely available and scheduled, as needed.
  3. Least Restrictive Environment – Services and supports shall be provided in the most appropriate setting available, consistent with the individual's safety, protection from harm, and other designated utilization criteria.
  4. Array of Services - Services and supports shall be provided in the most appropriate setting available, consistent with the individual's safety, protection from harm, and other designated utilization criteria.
    - a. A range of services shall be available to provide service options consistent with individual need. Emotional, mental, physical, and spiritual needs shall be addressed during treatment
    - b. The organization has a process that determines appropriate services and ensures access to the ASAM level of care appropriate for the individual.
    - c. Each individual shall be provided the least intensive and restrictive treatment, consistent with the individual's needs, progress, and other designated utilization criteria.
    - d. To ensure each individual's access to a range of services and supports within the community, the organization shall maintain effective working relationships with other community resources. Community resources include, but are not limited to, other organizations expected to make referrals to and receive referrals from the program.
  5. Assistance in accessing transportation, childcare and safe and appropriate housing shall be utilized as necessary for the individual to participate in treatment and rehabilitation services to meet recovery goals.

6. Assistance in accessing employment, vocational and educational resources in the community shall be offered, in accordance with the individual's recovery goals.
7. Recovery – Services will promote the independence, responsibility, and choices of individuals.
  - a. An individual will be encouraged to achieve positive social, family, and occupational/educational functioning in the community to the fullest extent possible.
  - b. Efforts will be made to accommodate an individual's schedule, daily activities and responsibilities when arranging services, unless otherwise warranted by factors related to safety or protection from harm.
  - c. Individuals will be encouraged to accomplish tasks and goals to promote independence.
8. Peer Support and Social Networks – The organization will utilize peer support and social networks among those individuals it serves and encourages participation in self-help groups.
9. Family Involvement - Efforts will be made to involve family members, whenever appropriate, in order to promote positive relationships.
  - a. Family ties and supports will be encouraged in order to enrich and support recovery goals.
  - b. Family members will be routinely informed of available services, and the program shall demonstrate the ability to effectively engage family members in a recovery process.
  - c. When the family situation has been marked by circumstances that may jeopardize safety (such as domestic violence, child abuse and neglect, separation and divorce, or financial and legal difficulties), family members will be encouraged to participate in education and counseling sessions to better understand these effects and to reduce the risk of further occurrences.
10. Pharmacological Treatment – When clinically indicated for the person served, pharmacological treatment shall be provided or arranged to ameliorate psychiatric and substance abuse problems.
  - a. Medication Assisted Treatment (MAT): In accordance with the Florida Adult Drug Court Best Practices and the National Association of Drug Court Professionals Adult Drug Court Best Practices, the Collier County Adult Drug Court will offer medication-assisted treatment to those participants who wish to utilize the therapy and who clinically qualify. Any medication that is FDA approved for the treatment of substance use disorders is permitted in Drug Court. The Drug Court team will closely monitor participants and the prescribing medical professionals to ensure the medication is being taken as prescribed. Medical professionals prescribing MAT must be licensed or certified as mandated in Fla. Stat. § 397.427. Participants seeing a medical professional outside of the David Lawrence Center must sign a release of information, so the Drug Court team can freely communicate and coordinate with the outside MAT provider. MAT should be used in conjunction with other therapies as prescribed by Fla. Stat. § 397.427 and the state and national Best Practices.

## PRESCRIPTION MEDICATION POLICY

1. Participants will be prohibited from using or possessing any prescribed or over-the-counter drugs or medications without first informing their treatment provider. All prescribed medications must be FDA approved.

2. Participants who must seek medical attention will be required to inform the treating physician that they are in a substance use disorder treatment program. Participant is required to sign a release of information for the treatment provider to access records and for continuity of care.
3. Participants will be required to submit copies of all medical documentation within 48 hours of release from any physician or medical facility.
4. Participants may not be permitted to remain in treatment court if long-term use of a narcotic pain medication is determined to be medically necessary. These individuals will require a review with the Drug Court Team to determine continued participation.
5. Individuals may be reviewed and may receive permission to continue the use of narcotic mental health medications for their mental health needs if deemed medically necessary by the prescribing physician, and then only if the physician agrees to supervise the administration of the medication.
6. Participants who must undergo medical procedures that require the use of addictive or narcotic medications will need to notify treatment and follow procedures for ensuring medical compliance. Treatment court team members are not physicians and may confirm with physicians the reports of participants who claim that the use of prohibited substances is medically necessary. In addition, certain over-the-counter medications are not permitted.

## DRUG AND ALCOHOL TESTING

The Collier County Drug Court Program is a sobriety-based program. Participants will be tested for the presence of drugs, alcohol and any banned substances throughout the participant's entire time in the program and while on probation. Participants are responsible for contacting both treatment and probation as instructed to find out if they are required to test that day. Failure to make contact as instructed may result in a sanction. If the participant makes a mistake or forgets to make contact as instructed, the participant should immediately contact their case manager and/or probation officer, and follow how they are instructed to proceed.

Testing by urinalysis is our primary form of testing. It is random and is always observed, and all tests are laboratory confirmed. When either individual or emergency circumstances make it appropriate, we may also employ other forms of testing, such as remote alcohol monitors, oral swabs, sweat patches and other approved means to detect unlawful substances.

Missing any form of drug test or failing to submit a sample will be treated as a positive drug test and will result in a sanction. Participants are made aware that diluting or tampering with their sample is dishonest. A diluted drug test will be treated as a positive and will result in a sanction. The court considers any urine specimen with a creatinine level less than 20mg/dl as "dilute" and will sanction participants accordingly. Tampering with a drug test may result in termination from the program. Participants are constantly reminded that honesty is always the best policy.



## EMERGENCY PROCEDURES

From time to time, circumstances may arise that require us to adjust the procedures set forth in the participant Handbook. Such circumstances may include a personal emergency for the participant, such as a need to undergo a medical procedure, or a need to travel to attend a funeral. Such circumstances may also include a more general public emergency, such as a hurricane or other natural disaster, or a pandemic or other public health emergency.

When such circumstances arise, the Team may need to adjust drug-testing procedures, and may also need to adjust the manner in which participants attend treatment, communicate with their case manager and report to court and/or probation. These adjustments will be limited in time and scope to the extent possible, and will be intended to balance the safety of all participants and Team members with the requirements of providing structure and accountability within the boundaries of the law.

## CONFIDENTIALITY

Participants are instructed in writing prior to being screened for Drug Court that any information that they share in the course of screening, assessment or treatment is subject to limited confidentiality protections. Further, Drug Court team members should encourage participants throughout the program to speak to their attorney prior to discussing any criminal activity in which they may be involved. While Drug Court encourages candor, team members should also recognize the need for heightened protection regarding this population when discussing criminal acts.

Information regarding past or present drug use as well as past drug sales, will not be used by the State Attorney's Office to prosecute the instant case, or to initiate a new prosecution. However, the participant must be advised that any information that he or she shares in the course of screening, assessment, or treatment, which implicates the safety of another person, may be used in an investigation and/or prosecution against the participant. The confidentiality protections do not extend to past or present forcible felonies, firearm offenses, or crimes involving children. All health care information will be protected pursuant to federal law.

## APPENDIX A

