

Policy and Procedure Manual Putnam County DUI Court



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I. INTRODUCTION

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

DUI court programs must therefore recognize:

- 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 breaches 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 DUI court intervention strategy.

A. MISSION STATEMENT

The Putnam County DUI 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 Putnam County DUI 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.

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 DUI 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 DUI courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis, Washington State Institute of Public Policy (March, 2003); and Aos, Steve; Can DUI courts Save Money for Washington State Taxpayers?, Washington State Institute of Public Policy (January, 1999).)

Goal 3 - Hold drug-dependent offenders accountable

- Require frequent court appearances.
- 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 continued education, job training, and/or employment for graduation.

II. DUI COURT TEAM PHILOSOPHY AND STATEMENT OF VALUES

The mission statement communicates what we do as a DUI 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. 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 DUI court participants that may prevent future drug use.
4. Providing better access to services for DUI court participants and their families.
5. Providing holistic resources for DUI court participants and their families.

The work of our team contributes to community needs.

The DUI 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 DUI 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 familiarize new team members by requiring training on the 10 Key Components of Drug Court, providing our policy and procedures manual, and encouraging new team members to participate in the process alongside other team members. 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 DUI court Team plans and operations.

We have organized a consensus process that encourages new members to propose modifications to the program after they have been with the team for a period of time.

Annual Training for Team Members

Team members sPutnam attend at least one National or State level training per year as funding allows.

III. DUI COURT ORGANIZATION

A. DUI COURT COMMITTEE

A DUI court Committee was established to discuss the feasibility and sustainability of a proposed Putnam County DUI court for DUI defendants. The committee determined the court was practicable and could be continual 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 DUI court. The committee was comprised of the Putnam County Public Defender, the Putnam County Solicitor, the Putnam County State Court Judge, the Putnam County Office of the Court Administrator, the local treatment community, the Putnam County Sheriff's Office, Eatonton Police Department and Judicial Alternatives of Georgia.

This manual is the tangible result of their work. The commitment and devotion of the DUI court team members to induct and operate the Putnam County DUI court is the instrumental 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 DUI court tenures.

1. DUI court Judge

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

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 DUI court participant.

- Establish a rehabilitative relationship with each participant through intensive interaction during court appearances.

2. DUI court Coordinator

The DUI court Coordinator will provide oversight for the day to day operations of the DUI 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 DUI court Coordinator will:

- Plan, organize, coordinate and monitor the activities of the DUI court program.
- Schedule and meet with participants to discuss program details.
- Attend pre-hearing staffing and hearings in order to evaluate and direct DUI court operations, case management, media inquiries and DUI court team cohesiveness and understanding of DUI court concepts.
- Gather and prepare DUI court data for grant reporting mandates and obtain future funding.
- Collaborate with government and community agencies in order to meet programmatic goals and provide effective programming.
- Monitor conditions of the DUI court contract, including treatment compliance, abstinence, housing arrangements, employment, traveling, and legal/ financial obligations

3. DUI court Solicitor

The DUI court Solicitor will ensure community safety concerns are met and will participate fully as a DUI court team member. The DUI court Solicitor will:

- Make eligibility determinations and contact collaborative agencies such as law enforcement and probation office 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.

4. DUI court Public Defender

The DUI court Public Defender will ensure his or her clients' legal rights are protected and will participate fully as a DUI court team member.

When assigned the defense will:

- Meet with potential DUI court participants to evaluate their interest and acceptability into the program (as needed).
- Advise the clients on their legal rights, legal options, program conditions and potential sentencing outcomes.
- Participate in a non-adversarial manner at status hearings, thus promoting a unified DUI court team presence.

5. DUI court Treatment Provider

The DUI court Treatment Provider and will participate fully as a DUI court team member. The Treatment Provider will be responsible for all individual and group sessions throughout the duration of the program.

- Conduct intake interviews with clients and review all relevant treatment and demographic information.
- Provide referrals and assistance in obtaining out-patient substance abuse treatment services, and in-patient beds, as directed by the case plan.
- 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.
- Provide referrals to other necessary social and health services for participants.

6. JAG Probation Officer

The DUI court Probation Officer will provide case management services for all DUI court participants:

- Monitor all necessary requirements of DUI court program (i.e. AA).
- Coordinate all drug screens for all participants.
- Provide eligibility feedback during initial screening process.
- Participate in weekly staffing and court hearings and provide weekly input of treatment and drug testing data into DUI court database.
- Apprise the other team members of the participants' compliance with court orders.

7. DUI court Law Enforcement Liaison

The DUI court Law Enforcement Liaisons will provide law enforcement support for DUI court activities and participate fully as a DUI court team members. The Putnam County Sheriff's Office and the Eatonton Police Department will both serve as contributing team members. These liaison officers will:

- Serve warrants and transport to residential treatment as needed.
- Provide eligibility feedback during initial screening process.

C. DUI COURT FACILITIES AND OPERATIONS

The Putnam County DUI court will be convened every week, or when scheduled by the Judge, in the courtrooms assigned to sitting Judge. Prior to each court hearing, at which all team members and participants must be present, the DUI 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 DUI court Coordinator.

IV. ENTRY AND ASSESSMENT

A. CAPACITY

The DUI court will have a maximum capacity of 100 participants in each Court.

B. ELIGIBILITY

Participation in DUI court sPutnam be permitted in the exclusive discretion of the Accountability Court Team, upon request of a charged defendant. The solicitor will give great weight to the wishes of victims and consider input from law enforcement.

The DUI court strives to assist in the rehabilitation of offenders who posses' high risk as well as high needs. In order to be eligible to participate in DUI court, the defendant must meet the following criteria:

- 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 connection between the defendant's substance abuse and the current charges
- The defendant would likely re-offend if not treated for substance abuse problem

C. REFERRAL AND APPLICATION PROCESS

Referrals to the Accountability Court Program may come from several sources, including, Solicitor General, Putnam County Sheriff's Office, Eatonton Police Department or Probation. All Defendants referred to the Accountability Court Program will complete an Accountability Court Evaluation and Assessment as directed with the Treatment Provider. If the Defendant meets the basic criteria for entry the case must then be approved by the Solicitor General's Office. Before approval, the Defendant must complete a Clinical Evaluation to determine appropriateness for treatment. If all team members approve, the case is scheduled for a plea and/or probation revocation before the Accountability Court Judge for entry into the Accountability Court Program at the next available court calendar.

D. PROGRAM ENTRY

After approval of entry the Defendant will be scheduled for a plea before the assigned Accountability Court Judge at the next available Court calendar. The Defendant along with counsel will sign the Accountability Court contract and all waivers. A plea into the program 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.

The participant will begin treatment services immediately and attend group sessions within 7 days upon entry into the program (or release from custody).

The participant will be required to pay \$110 per month for drug screens and probation supervision.

V. PROGRAM COMPONENTS

A. OVERVIEW

The Accountability Court Program consists of intensive treatment, supervision, drug testing, court reporting and accountability. All participants attend regularly scheduled treatment, support meetings and court hearings. Additionally, participants undergo regular drug testing. As participants remain programmatically compliant they progress through the phases of DUI court. Violations (i.e. drug use, missed appointment) are immediately addressed with a sanction. As participants progress they are given incentives (certificates, less frequent court/drug testing) to publicly recognize and encourage their continued compliance. Successful completion of all phases of the DUI court leads to graduation or a possible reduction in fines and community service work. Chronic violations, or major violations may result in termination from DUI court, a conviction and sentencing on the underlying charges or revocation of the probated sentence.

B. TREATMENT PHASES

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

PHASE I: ACTIVE TREATMENT & EARLY RECOVERY (24 AA SESSIONS)

- Attend bi-weekly court sessions
- Attend a minimum of two (2) AA meetings and provide verifiable documentation
- Provide a minimum of two (2) random drug screens per week
- Obtain an AA sponsor within 30-45 days of entering the program
- Maintain an ongoing relationship with a sponsor
- All fees kept current
- No sanctions within 30 days
- Complete and present a 2 page paper explaining your struggles with addiction
- Complete the following:
 - Risk Reduction Program
 - Alcohol & Drug Evaluation

PHASE II: RELAPSE PREVENTION (64 AA SESSIONS & 60 SA HOURS)

Continue all requirements of Phase I excluding drug screening, with the addition of:

- Provide drug screens as recommended by DUI court team
- Complete Court-ordered community service
- Complete Court-ordered jail time
- Complete and present the following once approved:
 - Promotional Interview with Treatment Provider in the presence of a personal support group (spouse, roommate, etc...)

PHASE III: CONTINUANCE OF AFTERCARE PROGRAM & GRADUATION (16 AA SESSIONS)

- DUI Court attendance once per month.
- Attend one-and-a-half (1.5) hours of weekly group meetings
- Attend a minimum of two (2) AA meetings and provide verifiable documentation
- Provide at least one (1) random drug screen per week
- Complete and present the following once approved:
 - Final Presentation
 - Family / Exit Session with treatment provider or program coordinator
 - Exit interview, as provided by DUI court
 - You must be clean and sober for a minimum of six months prior to graduation.

Treatment may deviate from outlined schedule based on participant's progress, ASAM recommendations, and DUI court mandates. Duration of phases are not mandated, time spent in each phase may alter based on the defendant's original sentence, participation and compliance.

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

C. REQUIRED ACTS

DUI court participants must comply with all of the following conditions.

- Attend all treatment groups as directed and on time.
- Attend all Court sessions as directed and on time.
- Attend and provide verification of required AA/NA/CA meetings. And submit on time.
- Comply with Treatment Plan.
- Submit to all drug screens as directed.
- Complete all written work in a timely manner.
- Participate appropriately in all group sessions.
- Remain law abiding.
- Remain drug and alcohol free.
- Pay fees timely.

D. PROHIBITED ACTS

DUI court participants will refrain from committing any of the following acts.

- 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 and upon approval by the DUI Court Coordinator.
- 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 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 DUI court Program.

E. SANCTIONS AND REWARDS

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

- Verbal Reprimand
- Written Assignment
- Community Service
- Bench Duty
- Additional Jail time
- Revocation of probation
- Termination

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

- Verbal praise
- Certificates of achievement
- Less frequent meetings
- Less frequent urinalysis
- Graduation to next Phase

F. DRUG SCREENING

DUI court participants are randomly tested for drugs/alcohol at a frequency determined by their Phase level. Drug testing is performed by Judicial Alternatives of Georgia with the assistance of Redwood Toxicology or any other laboratory designated by Judicial Alternatives of Georgia.

1. Sample Collection Procedures

The DUI court will employ several techniques to minimize tampering and adulteration. When a DUI 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 DUI 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 staff member will supervise dropping of specimens. The tester will enter the bathroom area with the DUI court participant to ensure no tampering is evident. The bathroom is checked again for possible tampering. The specimen is then sealed by the tester and Defendant and set for transport. All procedures are within view of the DUI court participant so that accusations of tampering cannot be charged to the tester.

2. Notice of Random Collection

Random Urinalysis Drug Testing is required of all participants. DUI court participants submit to an observed chain of custody urinalysis test between the assigned testing hours and locations. Judicial Alternatives of Georgia utilizes one or more of the following - specific gravity, ph and creatinine values to check for adulterants. Breathalyzer Tests may be administered in conjunction with drug screens. Results are obtained within 72 hours of processing.

3. Screening Test Results

Urinalysis results and results of other monitoring techniques will be documented and provided to the DUI 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, however, the participant is responsible for substances ingested. The participant handbook will contain a list of substances to avoid, however, the list is not expected to be all inclusive and it will be the participant's responsibility to verify substances with the Court prior to ingestion.

4. Prescription Medications

Participants in DUI 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 DUI court and have an acute pain episode must have approval from the DUI court Team before they take any pain medication.

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 DUI court Treatment Provider and Probation Officer are responsible for providing primary case management and treatment services for each participant while in DUI 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.

DUI court Treatment Provider and Court Probation Officer 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
- 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 for DUI Court as scheduled.

Clients' progress will be reviewed by 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.

Effective January 1, 2015, DUI Pre-hearing staffings will be held at 11 AM on Wednesday's bi-weekly.

2. Pre-Hearing Staffing

The DUI court team meets prior to each status hearing to review progress of each participant, outside the presence of the participants. The Probation Officer and Treatment Provider 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 DUI 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 DUI court Judge has discretion to determine what action will be taken.

Effective January 1, 2015, DUI Court will be held at 1 PM on Wednesday's bi-weekly.

I. FEES

The Participant will be responsible for paying Accountability Court fees of \$110 per month. The participant will also be responsible for paying all assessment/clinical fees, \$95.

J. GRADUATION REQUIREMENTS

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

1. The participants must have completed all of his or her alcohol and drug treatment.

2. The participant will have had no medium/major violations for the thirty (30) days prior to his or her scheduled graduation date
3. The participants must be have maintained abstinence from all drugs and alcohol for a documented minimum of six (6) consecutive months prior to graduation
4. The participants must have completed all sanctions involving affirmative conduct from previous violations
5. The participants must be employed and have all DUI court fees, and restitution paid in full as directed by court.

K. TERMINATION PROCEDURES

1. Termination

Termination 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.

- o A participant may be involuntarily removed from the DUI court program if he/she repeatedly violates the DUI court orders, including positive drug and/or alcohol screens.
- o A participant may be involuntarily removed from the DUI court program if there is probable cause to believe he or she has committed any felony offense.
- o A participant may be removed from the DUI court program if he/she commits a new offense of any kind, and if, under the circumstances, it appears to the DUI court team that the participant would not benefit from the services of the DUI 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’s probated sentence will be modified or have a probation revocation. Any DUI court probation/treatment fees paid are forfeited, and not credited towards any additional legal financial obligations imposed by the conviction.

2. Termination Hearing Procedures

The DUI court Judge sPutnam conduct a probation revocation hearing at the earliest possible DUI court hearing following a decision to remove a participant from the DUI court program.

VI. REPORTING

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

VII. TRANSFER CASES

Any DUI court case from any county can be transferred to and from and other DUI court in the state of Georgia. With regard to accepting transfer cases, the evaluation process will be the standard operating procedure to our own cases. Attached is the 3 page transfer process that the accountabilities courts in Georgia must follow. When transferring a case to another county, the coordinator is responsible for sending both transfer forms to aide establishing a cohesive line of communication with the participating county. All transfer processes will be at the responsibility of the coordinator to handle. All transfers must be complete with full jurisdiction to the receiving county.

In the spirit of transferring cases, if a case seems to be a more appropriate fit for a specialized accountability court outside of ours, it will be at the responsibility of the coordinator and the solicitor general to formally assist in making said referral to the potential receiving accountability court program.