

SOUTHWESTERN WEST VIRGINIA REGIONAL DRUG COURT  
BOONE, LINCOLN and LOGAN COUNTIES

Policy and Procedure Manual

## MISSION STATEMENT

A brief statement developed by the drug court team that reflects the purpose of the drug court.

It is the Mission of the Southwestern West Virginia Regional Drug Court, to improve the community by providing a local multidisciplinary substance abuse treatment approach with the goal of reducing substance abuse, crime and recidivism among participants, thus reducing incarceration costs and creating law abiding, productive citizens.

## GOALS AND OBJECTIVES

Goals are general statements about what you need to accomplish to meet your purpose, or mission, and address major issues facing the drug court.

Objectives are specific activities or action steps to implement each goal. Exactly what you will attempt to accomplish for whom and in what time period – set of measurable situations, which when achieved will satisfy need.

Enable substance abusing defendants an opportunity to obtain multidisciplinary treatment in their community thereby improving the lives of addicted defendants, reduce the number of lives lost to drug abuse, reduce criminal recidivism, and cycle of drug abuse by holding defendants who want treatment to higher accountability.

Measured by: recidivism rates, rates of employment, education, number of person in/completing treatment.

Reduce the costs to taxpayers by offering a better alternative to jail by increasing the likelihood of post-treatment substance abuse abstinence, by increasing the rate of employment, and improving the health of defendants which will also improve the self-esteem of the community.

## STRUCTURE/MODEL

**Identifies the type of adjudication process for your drug court, i.e. post-plea, diversion, etc.**

Defendants will be required to enter either a misdemeanor or felony plea before being accepted into the program, however, the Court will defer accepting the plea until completion of or dismissal from the program. Assuming the client successfully completes the program, disposition will occur as agreed upon in the plea bargain agreement.

## TARGET POPULATION

Those offenders with characteristics, which the drug court team has identified, to involve in the drug court program.

- chemically dependent/addicted
- un-/underemployed
- housing issues
- lack of social skills
- mentally ill
- poor
- poor/inappropriate social support
- no transportation
- under educated
- stress
- dysfunctional family
- no parenting skills
- medical/health issues

## ELIGIBILITY CRITERIA

**The guidelines used to identify and enter offenders into the drug court program.**

The prosecuting attorney must receive a referral/request within 90 days of arrest, excluding alternative sentence revocations/modifications.

The defendant must meet the following eligibility criteria:

- minimum 18 years old
- a local community resident
- addicted to drugs and/or alcohol
- entry of either a misdemeanor or felony plea\*

(\*Magistrate Court cases will require the Defendant to enter his or her plea of guilty in magistrate court and then petition the Circuit Court for drug court treatment.)

## DISQUALIFICATION CRITERIA

The guidelines which are used that make an offender ineligible for the drug court program.

Persons convicted of selling drugs for profit (not to support habit), sex crimes, violent crimes (as defined by Federal Guidelines) and crimes against children shall be ineligible for drug court.

Falsification of information provided to the drug court program.

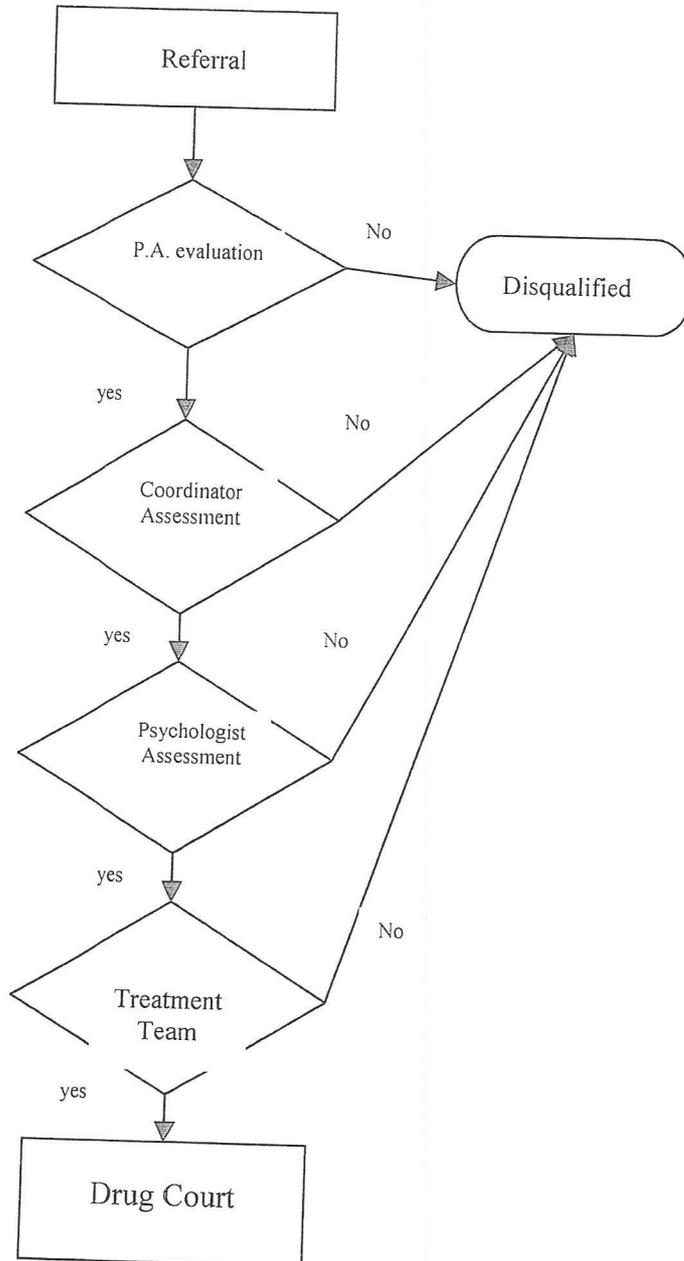
The Defendant is a not a local resident.

The Defendant is not addicted to drugs/alcohol.

The prosecuting attorney did not receive the referral within given time frame.

# ENTRY PROCESS

This is the process by which the drug court program moves offenders from arrest to treatment/program entry.



# PHASES

## TERMINATION CRITERIA

## GRADUATION CRITERIA

Phases are the steps identified by the drug court team which clients must progress through to complete the drug court program.

Termination Criteria are the guidelines used to unsuccessfully release an offender from the drug court program.

Graduation Criteria is the guidelines used to identify how offenders can successfully complete the drug court program.

Phase I – 8 weeks minimum

Requirements:

- Detox, if necessary
- Orientation
- Counseling/Therapy – minimum of 2 group and 1 individual session per week
- Weekly Hearings
- Community Service as Assigned – minimum of 16 hours per week
- Education as Determined
- Home visits
- 10pm curfew
- Family Education

Advancement:

- 4 consecutive weeks of clean screens
- written autobiography stating why should graduate
- no new crimes
- faithful attendance w/active participation
- recommendation of treatment team
- Payment of \$100 drug court fee

Phase II – 16 weeks minimum

Requirements:

- Education/job training
- Counseling – minimum of 2 group and 1 individual session per week
- Biweekly hearings
- 12 am curfew, unless otherwise recommended
- Establish support networks (AA, counseling, family, friends, etc)
- Address financial responsibilities
- Community service – minimum of 16 hours per week, if not employed

Advancement:

- No new crimes
- Faithful attendance and participation in programming
- 12 consecutive weeks of clean drug screens
- Faithful compliance with all rules/requirements
- Accomplish treatment team objectives for housing, education and employment
- Articulation to court of progress and why they should graduate
- Payment of \$200 drug court fee

Phase III – 28 weeks minimum

Requirements:

- Education and/or employment and/or community service – min. 24 hrs per week
- Counseling – minimum 1 group session per week
- Monthly hearings
- 12 am curfew, unless otherwise recommended
- Establish support networks (AA, counseling, family, friends, etc)
- Address financial responsibilities
- Extended Recover/Family Education

Program Graduation:

- No new crimes
- Faithful attendance and participation in programming
- 16 consecutive weeks of clean drug screens
- Faithful compliance with all rules/requirements
- Accomplish treatment team objectives for housing, education and employment
- Payment-in-full of all court costs, fees, fines, etc
- Articulation to the Court of progress and why he/she should graduate
- Payment of \$700 drug court fee
- Recommendation of Treatment Team.

Program Termination:

A defendant may be terminated from the program for any of the following reasons:

- Defendant moves from the local area.
- Defendant brings a deadly weapon to any program session.
- Defendant engages in violent behavior which poses a risk to program staff, self or community.
- Defendant fails to comply with directives, rules or regulations; or in any way jeopardizes the integrity of the program.
- Unexcused absences from court, testing, treatment or other programming.

- Determination by the treatment team that the offender's needs cannot be met in the program.
- Arrest during program participation for any crime that would have prohibited eligibility (e.g. sex crimes, crimes of violence, etc)
- Defendant absconds.
- Defendant voluntarily elects to quit.

## SANCTIONS AND INCENTIVES

**Sanctions** are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity.

**Incentives** are responses to compliance, perceived as positive, by the receiver.

The following lists are not all-inclusive, but a representative sample:

Sanctions: jail, judicial admonishment, increased community service, writing/reading assignments, increased drug testing, home confinement, curfew, increased reporting to PO/DRC, increased court appearances, demotion in phase, ban on people-places-things

Incentives: Praise/applause, prizes/gift cards, tokens/certificates of achievement, curfew extensions, excused absence from programming, family pizza party, local recreation (pool, waterways, etc), bus tokens/tickets

## TREATMENT PROTOCOL

The type of substance abuse treatment model that will be used to treat the drug court participants. Include the who, what, when, where and frequency.

Every participant will be evaluated so that a program can be designed for his/her specific needs.

The below forms of treatment will be available to participants:

Detox	3- 10 days	ParcWest, Thomas Memorial, John D. Goode,Cares, Jail
Short Term	28 – 90 days	ParcWest, ACT, Amity Center, FMRS, Futures, Dr Lee Jones Miracles
Long Term	90 + days	John D. Good, Mirador West, New Beginnings, Parcer Program
Community	variable	LRDRC, Presteria, Logan Mingo Mental Health

The day report center, our primary provider, does offer both individual and group counseling. Depending upon the therapist, either cognitive behavioral or rational emotive behavioral theory is offered. Additional support is available through local AA/NA groups.

## SUPERVISION PROTOCOL

The type of supervision/case management model that will be used to supervise/monitor the drug court participants. Include the who, when, where and frequency.

### Judicial Supervision:

Participants will appear before the Drug Court Judge either weekly, semi-monthly, or monthly depending upon what program phase they are presently enrolled.

### Case Management/Supervision:

The Drug Court Coordinator (DCC) will be responsible for legal case management and will be assisted by day report officers (DRO) in supportive case management such as arranging appointments, confirming attendance and participation, etc. Community supervision can be performed by DCC, day report officers, home incarceration officers, probation officers, or police officers.

Participants will meet with supervising officers both in the office and in the community as often as necessary to ensure compliance and public safety. Community supervision is two – fold. We hope to catch participants doing something right more often than something wrong.

Community supervision will include home visits, announced and unannounced, after hour visits, collateral family/friends contact, and off-site drug testing.

## TESTING PROTOCOL

The type of alcohol and drug screening model that will be used to test the drug court participants. Include the type (i.e. swab, patch, urine, breath, etc.) and when, who, where and frequency.

Drug testing will be performed at random using a variety of methods, namely: urine, oral fluid, and breath.

Testing may be conducted by probation officers, day report officers, home incarceration officers, police officers and treatment providers.

Participants in Phase I will be tested a minimum of 3 times weekly.

Participants in Phase II will be tested a minimum of 2 times weekly.

Participants in Phase III will be tested a minimum of 1 time weekly.

## EVALUATION DESIGN

Evaluation must be tailored to the political and organizational context of the program to be evaluated. It typically involves assessment of one or more of five program domains: (a) the need for the program, (b) the design of the program, (c) the program implementation and service delivery, (d) the program impact or outcomes, and (e) program efficiency. Evaluation requires an accurate description of the program performance or characteristics at issue and assessment of them against relevant standards and criteria.

Program evaluation will be conducted by West Virginia State University's Criminal Justice Department in compliance with the West Virginia Supreme Court of Appeals' and Concord University's requirements, the statewide evaluator.

Areas of local interest include:

- measuring target population enrolled in program vs non-enrolled
- measure number of participants who graduate vs terminate
- measure number of new offenses committed by participants
- measure amount of time spent in program
- measure assignment to independent program components
- measure referral origins and how quickly referred

## MEMORANDA OF UNDERSTANDING

These are written agreements with other agencies or organizations for services.

Memoranda of Understanding between Drug Court and all other cooperating agencies will be prepared so that each agencies' role and responsibility is clearly identified. However, the failure to obtain a MOU may not prohibit use of the provider's services.

## ETHICS AND CONFIDENTIALITY

**This is your written statement outlining your confidentiality and ethical considerations.**

The Southwestern West Virginia Regional Drug Court is committed to protecting the rights of all candidates and participants, including adherence to all HIPAA regulations.