

IN THE SUPERIOR COURT OF FORSYTH COUNTY  
STATE OF GEORGIA

ADMINISTRATIVE ORDER 15-06 *nunc pro tunc* to August 3<sup>rd</sup>, 2015

FORSYTH COUNTY GEORGIA  
FILED IN THIS OFFICE

AUG 25 2015

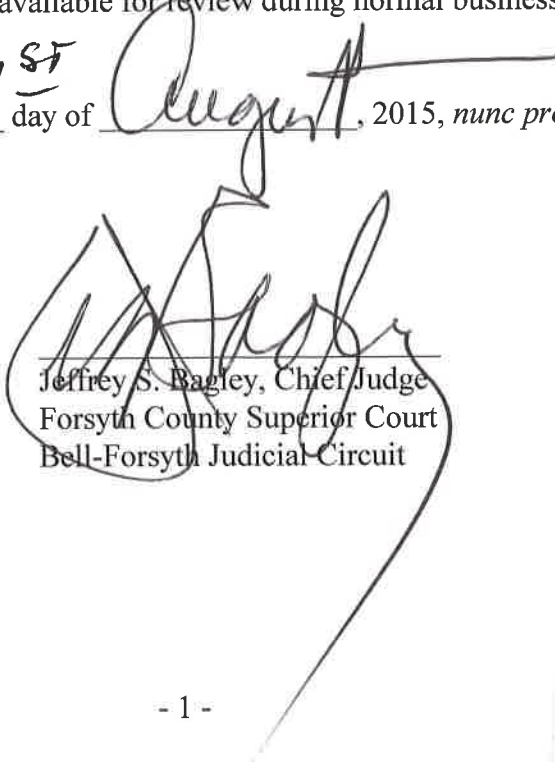
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CLERK SUPERIOR COURT

IN RE: DRUG COURT

ORDER AMENDING  
ADMINISTRATIVE ORDER 15-03

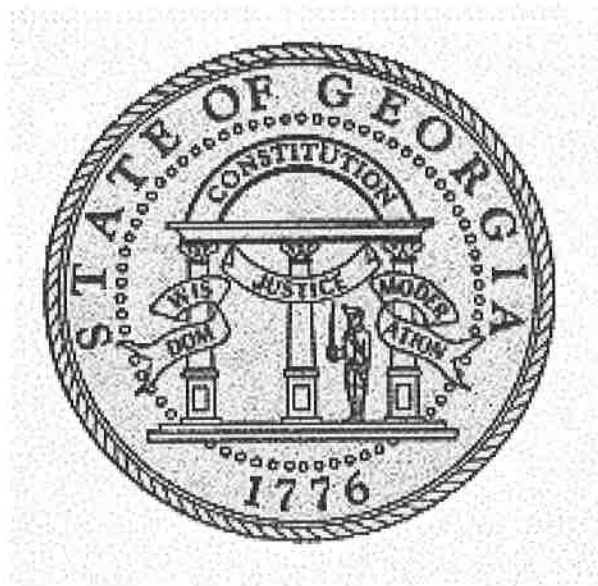
The *Drug Court Policies and Procedures* were amended by agreement of the members of the Drug Court Planning Group on the 31<sup>st</sup> day of July, 2015, and accepted and approved by the Court on said date. The changes reflected in the amended *Drug Court Policies and Procedures* were orally announced to the Drug Court participants on the 3<sup>rd</sup> day of August, 2015 and written copies of the updated *Participant Handbook*, which contained the changes to the *Drug Court Policies and Procedures*, were made available to all Drug Court participants. Nevertheless, pursuant to the terms of the Drug Court contract, all Drug Court participants are on notice that they are required to comply with all past and future Drug Court policies and procedures in effect. The most current *Drug Court Policies and Procedures* are on file with the Clerk of the Forsyth County Superior Court, which are available for review during normal business hours.

SO ORDERED, this 21<sup>st</sup> day of August, 2015, *nunc pro tunc* to August 3<sup>rd</sup>, 2015.

  
Jeffrey S. Bagley, Chief Judge  
Forsyth County Superior Court  
Bell-Forsyth Judicial Circuit



# **Forsyth County Drug Court**



## **Participant Handbook**

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Participants entering the Drug Court Program are expected to follow all the guidelines in this handbook.

# I. Introduction

The late Chief Judge Richard S. Gault first envisioned the Forsyth County Drug Court. He began research and preparations for the program well before his untimely death in 2003. As a way to honor and carry on the works of Judge Gault, newly appointed Chief Judge Jeffrey S. Bagley followed through in making the dream a reality by beginning the Drug Court in January 2004.

The Court is a partnership between the Judge, District Attorney, Probation, Law Enforcement, Drug Court Office, Treatment Provider, Drug Court Defense Attorneys, and Pretrial Services.

The program is a minimum of twenty-four months (not to exceed 4 yrs.) and consists of five phases. It encompasses vocational, educational, and spiritual components in conjunction with providing substance abuse treatment. **Phase 1** provides an orientation to treatment along with urine drug screens, breathalyzers, and weekly Drug Court appearances. **Phase 2** provides alternatives to criminal and addictive thinking and basic drug education with continued urine drug screens, breathalyzers, and weekly Drug Court appearances. **Phase 3** provides socialization skills, relapse prevention, and group therapy, urine drug screens, breathalyzers, and Drug Court appearances every other week. **Phase 4 and Phase 5** are transition phases back to the community and allow the client to act as a facilitator/mentor for newer participants. Urine drug screens and breathalyzers continue, as do Drug Court appearances once a month. The participant attends group, urine drug screens and breathalyzers as scheduled, and is a role model to the other participants.

This program provides early intervention and serves as a meaningful alternative to incarceration for the participant who can function in the community with support. It is our goal to improve the quality of life and reduce recidivism for participants in this program. Those who graduate will have a solid foundation to build upon in order to become productive members of our community.

## II. Court

### A. COURTHOUSE BEHAVIOR

Your attendance in court is a critical condition of your participation in the Forsyth County Drug Court. Your behavior from the time you leave your automobile until you arrive in the courtroom should reflect positively on your Drug Court Program. This means **NO** standing on the front steps of the courthouse before or after drug court. Your attire should **not** include short shorts, tank tops, halter-tops, hats, sunglasses, flip-flops, open toed shoes, sandals, sleeveless shirts, clothes with holes nor revealing, tight, or excessively baggy clothing. Additionally, you should **not** wear clothes displaying offensive language or advertising alcohol or other drugs. Loud and boisterous behavior is unacceptable. This behavior and attire is required for ANY time you are in the courthouse. **You must be punctual. Court is called to order on Tuesday afternoons at 3:00 p.m.** Once in the courtroom, conversations should be minimal. If you come into the courtroom visibly high, you will be held in contempt and could be sent to jail. You are to remain seated unless directed otherwise. You should not read or sleep in the courtroom. No food, drink, pagers, cell phones, or other distracting items are allowed. Any distracting cell phones in the courtroom will be confiscated. You are responsible for your guests and/or children regarding their dress and behavior.

When addressed by the Judge, you should stand and respond respectfully. **KEEP YOUR HANDS OUT OF YOUR POCKETS AT ALL TIMES!!** “Yes” and “No” or “Yes, sir” and “No, ma’am” are appropriate. Speak clearly and directly to the Bench and remain in front of the Judge until dismissed. **Violations of courthouse and courtroom behavior will result in sanctions.**

### B. JUDGE’S ROLE

The Drug Court Judge has knowledge of the impact of substance abuse on the court system, the lives of participants, and the entire community and is, therefore, committed to the program mission and goals, and works as a lead partner to ensure its success. One way the Drug Court Judge leads is through assisting the treatment team in developing protocols and procedures for the program. In the courtroom, the Judge develops a personal, working relationship with each participant while monitoring participant progress.

Your Drug Court Judge has many responsibilities beyond Drug Court, and thus his time is limited. **Direct contact with the Judge and his office should be avoided beyond the courtroom setting. The Judge is not your case manager, personal attorney, or legal advisor. Information from you and your family must go through the Drug Court Office.** The Judge attends non-court meetings, such as staffings, to discuss possible candidates for the program and to determine appropriate, effective sanctions for program violations, as well as incentives for continued compliance. Such determinations are made using knowledge of addiction, relapse, and other factors (i.e., criminal history, gender, age, and culture) that may impact a participant’s success. Further roles of the Drug Court

Judge are to advocate for Drug Court by creating community interest and support for the program and to develop community resources to assist participants in their treatment.

### **C. DRUG COURT COORDINATOR'S ROLE**

The Drug Court Coordinator oversees the Drug Court Program by developing, implementing and supervising policies and procedures, and scheduling and publishing the Drug Court calendar. The Drug Court Coordinator is the "beginning point" for all Drug Court participants. Before a person can be admitted to Drug Court, he or she must first be screened for clinical eligibility. Once a person is admitted to Drug Court, the Drug Court Coordinator is then responsible for ensuring that each participant is fully aware of all rules, regulations and policies of the program. The Drug Court Coordinator is also the "central clearinghouse" for all other information and communication, both for staff and participants. All records are kept by the Drug Court Coordinator.

### **D. CASE MANAGER'S ROLE**

The Drug Court Case Manager assists the Drug Court Coordinator with all duties. The Drug Court Case Manager advises the participants of their requirements and conditions. The Drug Court Case Manager maintains records of the participant program fee payments, residence, employment and other information. The Drug Court Case Manager manages all participant files and maintains updates. The Drug Court Case Manager can administer drug screens to test for drugs/alcohol.

### **E. PROSECUTOR'S ROLE**

Without the District Attorney's cooperation, those who have new charges pending would not be offered the opportunity to participate in the Drug Court Program and eventually have those charges dismissed. The Drug Court Prosecutor has many responsibilities to the Drug Court. While in the courtroom, the Prosecutor ensures each eligible offender is offered the option of Drug Court. Further, the Prosecutor presents each case to the Judge and facilitates entry into the Drug Court Program if appropriate. The Prosecutor attends staffings to discuss possible candidates for the program and to determine appropriate sanctions and incentives for current participants. Such determinations are made using knowledge of addiction, relapse, and other factors (i.e., criminal history, gender, age, and culture) that may impact a participant's success. In the event that you are terminated from the Drug Court, the Prosecutor will make recommendations to the Court regarding your sentencing. Another role of the Prosecutor is to contribute to efforts in community education and acquisition of community resources to aid the program. The Prosecutor educates peers, colleagues, and judiciary on the effectiveness of Drug Courts. **It is not appropriate to seek legal counsel from the staff of the District Attorney's Office.**

### **F. DEFENSE ATTORNEY'S ROLE**

The Drug Court Defense Attorney represents each participant in Drug Court who is not otherwise represented by counsel. The Defense Attorney's role is to evaluate the offender's legal situation and ensure their legal rights are protected. Additionally, the Defense Attorney effectively advises offenders of their legal rights, legal options, treatment options, program conditions, and possible sentencing outcomes while

developing a relationship that promotes the offender's long term best interests. The Drug Court Defense Attorney also monitors participant progress and ensures the appropriate provision of treatment and other rehabilitative services. The Defense Attorney attends staffings to discuss possible candidates for the program and to determine appropriate sanctions and incentives for current participants. Like the Prosecutor, the Defense Attorney also contributes to educating the community and assists in educating peers, colleagues, and judiciary in the effectiveness of Drug Courts. In the event you are facing termination from Drug Court, the Defense Attorney will represent you at subsequent hearings and, if necessary, advocate for you at sentencing. **It is not appropriate to seek legal counsel from the Drug Court Defense Attorney regarding matters unrelated to Drug Court.**

## **G. LAW ENFORCEMENT'S ROLE**

Law enforcement plays a major role in your opportunity to participate in the Drug Court Program. They have recommended you receive treatment, not jail. Law enforcement provides accountability for your participation in this program through weekly staffings and recommendations. They will also provide Fourth Amendment searches as needed. Your total honesty and cooperation with all law enforcement is essential to compliance with this program.

## **H. PROBATION OFFICER'S ROLE**

Some participants come into the program as a result of having a drug related violation while on probation. It is the responsibility of the Probation Officer to conduct the initial evaluation of these cases. If the probationer is determined to be a candidate for Drug Court, the Probation Officer refers the case through the Drug Court Coordinator. If the probationer is admitted into Drug Court, their progress is monitored by the Probation Officer who also reports back to the Probation Department. The Probation Officer keeps the Drug Court staff informed of the person's progress on probation, by attendance at weekly staffings and court sessions. In the role of community supervision of offenders, the probation officer contributes to community education and acquisition of community resources to aid the program. In the event a probationer is terminated from the Drug Court, the Probation Officer will make recommendations related to their sentencing.

## **I. SANCTIONS**

The Judge will impose sanctions on you for violating program rules. **If you have violated any program rule which would result in a sanction, you MUST be in court regardless of whether your phase is required to attend. If you fail to admit a violation that was not addressed by staff or the Court, when the violation is discovered, your sanction will be increased.** Failure to appear in court to receive a sanction will result in additional sanctions. If jail time is required for your program violations, you must make sure that all personal matters are attended to prior to court. This means you must make arrangements for childcare, vehicles, etc., if jail time sanctions are a possibility. Further, medications are to be in your possession when you come to court. Vehicles are not to be left unattended while you are incarcerated. Additionally, if you are allowed to choose your report day for entering the jail, you must report on the date and time which you stated in Court. Failure to do so can lead to you

being held in contempt of Court. Likewise, if you are ordered to complete community service work, you must complete it on the date and time decided in Court or with the Drug Court Office. Rescheduling must be done prior to the beginning time of your originally scheduled date. For example, if you scheduled community service to be done on Thursday at 8:00 a.m., you must contact the Drug Court Office before 8:00 a.m. on Thursday to reschedule and avoid sanctions. Failure to do so will likely result in jail time.

While in Phases 1, 2, and 3, you have a curfew of 12:00 midnight. This means you must be home at the address on file for you. If you have verifiable work or other issues with being home for curfew, you must contact the Drug Court Office, in advance of violating curfew, and another curfew time will be set for you.

Sanctions, including jail time, will result if the Drug Court Office does not have your current address. This residence must be where you reside every day. **If you are not going to be at this residence by midnight, you must contact the Drug Court Office by midnight and leave a detailed message.** You must let the Drug Court Office know the address where you will be staying as well as the individuals who will be in the residence with you. This information can be left as a message on the office voice mail; be sure to include your name, date and time, address where you will be staying and the names of those who will be present. Failure to notify the Drug Court Office regarding your whereabouts can result in a jail time sanction. If you are staying away from your provided residence at a location more than 1 night per week, the owner of the residence must agree to allow the 4<sup>th</sup> Amendment Waiver search. If not, you will be sanctioned as if you were not at an approved location.

**Notification of a change of address must be done prior to the first date you wish to reside at the new address and must be given to the Drug Court Office in person.** We will not accept faxed or emailed change of address forms. Additionally, you must provide the Drug Court Office with information regarding the vehicle(s) you use for transportation. If you do not drive, you must provide information about the vehicle(s) you are transported in most often. This information must be provided within 2 business days of possessing or changing vehicles and must include the make, model, year, color, and tag number for the vehicle. Failure to notify the Drug Court Office of your new address prior to moving or your vehicle information within 2 business days will result in sanctions that may include jail time.

It is necessary for the Drug Court Office be able to reach you at any time in order to notify you of program announcements, etc. You must provide and keep current a phone number where a message can be left on a voicemail, answering machine, or with a designated person (people). It is your responsibility to resolve any conflict that may prevent this situation. Failure to provide such a phone number may result in a sanction.

If you purchase and/or possess alcohol, synthetic or designer drugs (regardless of legality) while in this program, you will receive additional sanctions. All use of illegal drugs will be sanctioned. Additionally, you are not allowed to be in an establishment



where the primary purpose is alcohol or drug related or where food is no longer served. This is not intended as punishment but rather to encourage sobriety. Thus, the ultimate goal of drug testing is to provide accountability and confirmation of an individual's progress towards recovery. If you have questions about where you cannot go, contact the Drug Court Office.

**You must report any and all contact with law enforcement to the Drug Court Office by the close of business the next business day.** For example, if your law enforcement contact occurs on Tuesday, you must notify the Drug Court Office by 5:00 p.m. on Wednesday. If contact occurs on the weekend, you must report it to the Drug Court Office by 5:00 p.m. on Monday. Arrests should be reported immediately.

If you receive a jail time sanction while in the program, it is your responsibility to determine if you have a drug screen on the date of your release from custody. Therefore, you should report directly to the screening facility upon your release to see if you must drug screen. If you miss the drug screen and were not incarcerated at the time of the screen, it will be considered a missed/positive screen and more jail time will be ordered.

If you receive a community service work sanction, you must actually work the entire hours assigned to you. **You will not be allowed credit for bringing your own equipment, driving your personal vehicle, etc.** If Drug Court discovers you did not work the total hours ordered, the sanction will be determined on a case by case basis by the Drug Court Team.

Work Detail can be given by any Drug Court staff member for minor program violations. It is the participant's responsibility to arrange a time to render this service by 12:00 p.m. the following Monday. Failure to complete Work Detail will result in a community service sanction.

For those also on **PROBATION**, you must complete all conditions of probation in addition to your Drug Court requirements. Drug Court does not substitute for any condition or requirement of probation. Any Drug Court CSW ordered is in addition to your original sentence of CSW. Upon completion of Phase 1, you must return to the CSW rate ordered in the original sentence. If you have any questions, contact your probation officer.

Unless otherwise directed by the Judge or authorized by the Drug Court Office, all sanctions ordered on Tuesday are to be completed by 12:00 p.m. the following Monday. If you are sanctioned for a drug screen violation or jailed for three days or more, you are required to report to the Drug Court Office no later than the first business day following your release from custody.

**Anything you want counted for court must be turned in to the Drug Court Office or box at the treatment facility by 12:00 noon on Monday for the week prior!!**

## **J. PROGRESSIVE SANCTIONS**

Progressive Sanctions will be imposed when you do not move from one phase to another in a timely manner. Each phase has been assigned a minimum amount of time necessary for completion of the phase. However, it is possible for you to need extra time to complete requirements. Therefore, a 4-week grace period is allotted for the completion of any remaining requirements. After that time frame, progressive sanctions will be imposed to encourage you to finish the requirements and move on to the next phase. These sanctions will be as follows: week 5 you must create and explain to the Drug Court Team a monthly budget showing income/expenses and include proper documentation if you are behind on your fees; week 6 will result in 8 hours of community service; week 7 will result in a weekend in jail. If requirements are still not met by week 8, your continuance in the Forsyth County Drug Court Program could be terminated.

Progressive sanctions will also be imposed for being behind in your finances. This is to prevent you from digging yourself into a hole you cannot get out of. If you are over \$300 behind, you will receive 4 hours of community service the first week, the second week you will receive 8 hours of community service, the third week you will receive 16 hours of community service, the fourth week you will be required to complete a budget and placed on a payment plan. If a payment plan payment is missed or insufficient, it will result in jail time. Failure to complete the budget will result in jail time. Minimums for each phase must be met before moving to the next phase. If placed on a payment plan by the Court and you need to deviate from that plan, you must make the request in advance, on a leave request form, and turn it in the Monday before you want consideration in Court.

## **K. INCENTIVES**

Program compliance and good behavior will be recognized by the Judge as an incentive to continue your recovery. Other tangible incentives may be awarded for outstanding progress.

Temporary limited driving permit requests will be considered in Phase 2 with a minimum of 6 months in Drug Court. Applications for these permits can be obtained from the Drug Court Office.

## **L. TERMINATION**

The Forsyth County Drug Court is committed to giving participants the opportunity to learn to live their lives drug free. However, your continued participation in the Drug Court Program is contingent on compliance with **ALL** program guidelines and regulations. Non-compliance can result in termination. Reasons for termination include, but are not limited to:

1. Inability to remain clean and sober
2. Failure to attend and participate in groups
3. Threats or violence against peers or staff
4. Altering or tampering with drug screens
5. Committing a new offense (**all arrests must be reported to the Drug Court Office**)

**immediately)**

6. An accumulation of program violations
7. Chronic failure to pay program fees
8. Continued non-compliance to program guidelines
9. Repeated failure to treat staff and/or other participants with respect
10. Falsification of any documents (including but not limited to AA/NA sheets, medical information, etc.)
11. Early discharge, leaving or being terminated from residential treatment

**We want every participant to succeed, and we consider termination the last resort.** However, our treatment resources are limited, and the Court may determine termination from the program is necessary. Be assured this option will be imposed only after all other possible avenues have been explored such as increased jail time, increased intensity and attendance in ongoing treatment, residential treatment, etc.

### III. Program Guidelines

#### A. TREATMENT FACILITY

All Drug Court activities and locations are an extension of the Bell-Forsyth Judicial Circuit's Superior Court. Your behavior should reflect that understanding at all times. This includes the treatment facility and parking lot, community service sites, special events, and any other function associated with Drug Court activity. Violations of program rules can result in sanctions and/or new criminal charges. All staff members of the Forsyth County Drug Court and the Treatment Facility are extensions of the Court, and you are expected to follow their instructions.

1. No alcohol, drugs, weapons, or pocket knives will be brought to the facility.
2. Groups will begin on time! You must be punctual, as tardiness will result in sanctions. You must attend and participate in the full session to receive credit.
3. Confidentiality is a must. What is said here, stays here! There will be **severe consequences** for any violation to this rule.
4. Free expression of your thoughts and feelings is encouraged; however, violence, threats or intimidation will not be tolerated. Extreme use of profanity is not acceptable.
5. **No sexual harassment will be tolerated!**
6. No comments about the physical appearance of other participants.
7. Participants are to treat each other with respect at all times.
8. Leave group only in an emergency after notifying a Treatment Staff member.
9. Dress code: no tank tops, short shorts, or dark glasses. Clothing must cover all undergarments. No clothing advertising alcohol or drugs is permitted. All hats must be removed while indoors.
10. Electronic devices and cell phones must be left outside in a locked vehicle. They will be confiscated if they ring or beep during group.

11. **No visitors allowed.** You will be notified of scheduled exceptions to this rule. This includes children and pets. Likewise, those dropping you off or picking you up from group must not remain in the parking lot throughout the group.
12. Pairing up with another Drug/DUI Court participant for an intimate or close relationship is prohibited and can result in sanctions and/or termination from the program. This is **not** limited to romantic relationships. Communication and association between or among two or more Drug Court participants is limited to official Drug Court business, Drug Court requirements, and Drug Court sanctioned events. This includes participants on medical leave.
13. Smoking is permitted outside in designated areas only. **After smoking, ensure all cigarettes are extinguished and placed in the ash can provided.**
14. No littering in parking lot or in building. You are responsible for assisting in maintaining the cleanliness of the building.
15. Be respectful of all Drug Court and treatment staff. If you wouldn't say or do it in front of the Judge, don't say or do it in front of staff.
16. No food or beverages are allowed in the treatment facility.

## **B. ATTENDANCE**

As a participant in the Forsyth County Drug Court, you are required to attend all treatment groups and meetings as assigned. **You must be on time. Being late to or missing check-in or treatment groups will result in sanctions from the Court. If you report to a treatment group late and are not allowed to enter the group, it is your responsibility to remain at the treatment center until group concludes. Do not continue to interrupt the group by asking questions, arguing, etc. At the conclusion of group, the facilitator will inform you if you need to provide a drug screen or if you are free to leave. Failure to show up at all or leaving before the facilitator excuses you will result in greater sanctions.**

**If you miss an AA/NA/support group meeting or do not fill out your required attendance documentation correctly or completely, you will receive a sanction from the Court. Turning in documentation of attendance at a meeting you were late to or left early from will be grounds for termination.** Additionally, you may only receive credit for **ONE** AA/NA/support meeting per day. If you are required to attend 2 meetings per week, they must be on 2 different days. These meetings must be attended after the deadline for turning them in from the previous week and before the current week's deadline (unless otherwise instructed or approved). This level of accountability ensures your commitment to the program and our ability to identify program compliance.

If you are ordered by the Court to attend individual counseling sessions, you must provide 24 hours notice to change/miss a scheduled appointment. Failure to do so will result in sanctions from the Court. Additionally, such mandated counseling sessions are ordered to continue until the Judge tells you otherwise. If you are attending voluntary individual counseling sessions and are more than 15 minutes late, your individual counseling becomes mandated until the Judge tells you otherwise.

Special requests to be excused from drug screens must be approved, in advance, by the Drug Court Judge. Leave requests are available as follows: Phase 1: no leaves available; Phase 2: two (2) leave requests available; Phase 3: two (2) requests available; Phase 4: two (2) requests available; Phase 5: two (2) requests available. If you miss a group while on leave, you must make it up within 2 weeks of the leave being granted. Only one group may be missed per leave request. After any approved leave from Drug Court, you must report to screen the following day. If your return day is a Saturday and there are no called screens that day, report the next day also. If there are no called screens by Monday, report to the Drug Court Office by 9 am. It is your responsibility to tell the screener you are returning from leave. If your return day is a weekday and there is no called screen, report to the Drug Court Office by 9 am.

Medical leave must be approved in advance, if possible, and appropriate forms must be completed so you are aware of what is expected of you during such a leave. Maternity leave is considered a medical leave, so you must follow the same guidelines. Medical leave does not count as a leave request; however, your time in the Drug Court Program could be tolled while you are away. You may be required to attend court at the direction of the Drug Court staff during your leave. Additionally, your medical leave situation will be reviewed by the Drug Court Team at the four week (28 day) point to determine if continued leave will be granted. For medical leave questions/approval, contact the Drug Court Office.

The following procedure must be adhered to in order to miss a drug screen:

1. All requests must be submitted by **12:00 pm on the Monday** before you plan to take the leave. The requests must be submitted in writing using forms which can be obtained from the Coordinator or treatment staff and can be turned in to the Drug Court Office or placed in the box located at the treatment facility. Probationers leaving the state must also obtain permission from their probation officer.
2. All requests must have verified documentation attached. (For example: doctor, school, work, or court letterhead explaining the situation and signed by a person in authority, including a contact phone number.)
3. The Drug Court Coordinator will screen requests, and only if they are recommended will they be presented to the Drug Court Team and Judge for consideration.
4. The Drug Court Judge will inform you in court (the week of your leave) of the Team's decision regarding your request. (If your phase is not required to be in court on that date or you have any questions regarding your request, consult with the Drug Court Coordinator.)

In the event of a sudden illness and/or death of immediate family, contact the Drug Court Coordinator @ 678-215-7672. (Immediate family includes spouse, children, siblings, parents, and grandparents only.) If the Drug Court Coordinator does not respond within 2 hours, proceed as necessary. It is your responsibility to contact the Drug Court Coordinator the next working day and provide proof of relationship, medical records, or an obituary upon your return to treatment.

## C. FINANCES

Throughout your attendance in the Drug Court Program, you are required to contribute financially through program fees. You will be charged a monthly fee for treatment while in the program. This fee is charged and due on the first Monday of each month. However, you will be billed at a pro-rated amount for the time between your entry date and the 1<sup>st</sup> of the following month. A minimum \$10 confirmation fee may be billed to your account if a contested positive drug test confirms positive by the laboratory. This fee can be up to and over \$250 depending on the drug tested for and the lab test necessary. You will be responsible for the entire cost of the test if the results are confirmed by the laboratory.

While you are in the program, you will be charged a monthly fee of \$200. This fee covers your treatment services (\$150) and program fees (\$50). Your payment is due on the 1<sup>st</sup> Monday of each month. If you enter the program between the 1<sup>st</sup> and the 15<sup>th</sup>, your first payment is due immediately. If you enter the program after the 15<sup>th</sup> of the month, your fees will be reduced to \$100 for the first month only. **Payments must be made in the form of a money order or cashier's check payable to Forsyth County Drug Court. Payments can be made at the Drug Court Office Monday-Friday between 8:30am until 5:00pm or placed in the designated boxes at the treatment facility.** Receipts will be available upon request. We encourage you to keep your receipts in the event an error occurs regarding your account. This is your responsibility.

**All payments must be made by 12:00 pm on Monday to be considered for Tuesday court.** A minimum payment is required before you can move to the next phase. For example, Phase 1 is a minimum 3 month program, so 3 months of fees must be paid before you can move to Phase 2. Failure to keep your fees paid will result in community service until your account is no more than a month and a half in arrears. Progressive sanctions may be imposed if you do not pay your fees in order to move into the next phase. It is expected that your account will be paid in full monthly. If placed on a payment plan by the Court and you need to deviate from that plan, you must make the request in advance, on a leave request form, and turn it in the Monday before you want consideration in Court.

As part of your treatment, you may be provided with a workbook that must be brought with you to groups for discussion, etc. If you forget your workbook, you must rent a workbook for \$5 to use during that group. You may not write in that workbook and are still responsible for completing the assignments in your original workbook. If you lose your workbook, you must purchase a replacement workbook for \$25. These costs are added to your fees. If this causes your balance to exceed the allowed amount, you will receive sanctions.

Full-time employment is mandatory in this program unless you have documentation that you are permanently disabled or are a full-time student. Job verification is required to show the total of all hours worked per pay period. Sanctions will be imposed for failure to work and/or turn in job verification.

**The policy of the Drug Court Program is that you may not work in a bar or restaurant where alcohol is served, nor may you work in any establishment where the primary sales are alcohol, such as a package store. Additionally, you may not work where narcotics, dangerous drugs, or other mood altering substances are available unless otherwise approved by the staff in advance. You are also not permitted to start your own business once you have entered the program. If you have any question about your place of employment, consult with the Drug Court Office.**

**Check stubs, invoices, etc. are due on the 1<sup>st</sup> Monday of each month to show proof of employment of the previous month. You must submit all check stubs/timesheets received to show continued proof of work. If you are unemployed, you must submit copies of applications to show your effort in obtaining a job. If you are paid by 1099, we require a letter from your employer stating their intent to file the 1099 on your behalf, as well as documentation of continued work. If you are self-employed, you must provide a copy of your business license/business setup documentation initially and then copies of checks, invoices, receipts, purchase of supplies, documentation of hours worked, etc., monthly to show continued work. This business must have been set up and active at the time of your entry into Drug Court. If you are in school, you must provide proof of continued enrollment through credit hours, class descriptions, schedule, grades, etc. All questions regarding employment verification should be directed to the Drug Court Office.**

If your time in the program ends due to termination, discharge, graduation, or any other means, any credit toward your fees will not be reimbursed. You can request the credit to be put toward the fee arrearage of another participant. If you cannot meet your financial obligations, it is your responsibility to discuss your situation with the Drug Court Coordinator and develop a solution. Financial responsibility is considered an integral part of the recovery process.

**If you have been in a residential facility as part of your Drug Court requirements, you must have paid the minimum amount of program fees (\$50/month) before a phase move is considered. Program fees continue to accrue even while you are in residential treatment; treatment fees discontinue until you return to groups. You must be current with your treatment fees and must be back in Drug Court treatment groups full time for 30 days before a phase move will be considered.**

#### **D. MEDICATION**

There are many reasons you may feel the need to use a variety of substances. *Pain* is the most common. Use of analgesics (pain-killers) or other narcotics are likely to cause relapse as these substances may lower your inhibitions and your ability to control impulsive action. You must be very cautious when you become physically ill, even with respiratory diseases (colds, flu, or pneumonia), as many drugs used to treat these conditions can also trigger relapse. There are many compounds that may cause you to crave a drink/drug. It is difficult to remember which drugs to avoid; therefore, **all medications/substances you choose to use must be provided to the Drug Court Office for inspection and approval prior to ingestion. This includes all prescription**

**medications, over-the-counter substances, including cough syrups and cold remedies, as well as any supplements/meal replacements.**

It is your responsibility to alert your physicians of your addiction and involvement in the program and, when necessary, work with them to locate a safer, less addictive alternative. Participants must present the Physician Notification Form to doctors when prescribed medication and provide signed form to Drug Court or sanctions will be imposed. If you have a particular problem that requires certain medications, you should discuss it with the Drug Court Office. It may be that your time in the program is stopped until you are again drug-free. If you must visit the emergency room/quick care doctor (for an event that has occurred after 5 pm or on the weekend) with prescription medication approval necessary, you must utilize the emergency contact. All other medication approvals must be during regular business hours either in person or by office phone. All approvals will be noted on the appropriate form which must be signed by the participant the day of the approval or the next business day following approval by phone. Upon completion of taking approved prescription medications, the remaining medication and containers must be turned in to the Drug Court Office. Failure to turn in remaining medication and/or containers will be counted as unauthorized use.

**No substance of any kind is to be taken without prior permission of the Drug Court Office. Sanctions will be imposed for taking over-the-counter substances without permission. Do not use any substances containing alcohol including mouthwash, hand sanitizer, etc.**

**You may not possess any mood-altering substance, whether purchased legally or illegally. Mood-altering medications/substances suggested or prescribed by a physician must be approved by the Drug Court Office. Failure to comply will likely result in jail sanctions. Regardless of the chemical compound, all use of designer drugs, synthetic marijuana, bath salts, etc., will be sanctioned as a use.**

## **E. DRUG TESTING**

All participants are given instructions about the drug screen phone line upon entry into the program. For the duration of your participation in the Forsyth County Drug Court Program, it is your responsibility to check daily to see if you are required to drug test that day. Drug testing is performed on a random basis; therefore, a breath or urine specimen may be required at any time regardless of whether screens were called. **The phone number for drug testing information is 678-261-5864. In the event that, for any reason, you cannot access this information by phone, it is your responsibility to report to the treatment facility during scheduled drug testing hours.**

All regular drug testing will be conducted at the treatment facility.

**Normal/regular testing times are Sunday through Saturday 7am-9am.** These times are subject to change. In such an event, the message on the phone will advise you when to report. We reserve the right to screen you at any time for any reason.



**\* CALL BEFORE 7AM TO DETERMINE IF AND WHEN YOU ARE REQUIRED TO SCREEN.**

You must be punctual and prepared to submit a specimen during the specified hours. **Late arrivals will not be allowed to test and failure to submit a specimen during testing hours will be considered a positive screen.** If a screen is announced at group and not on the phone system, your 2 hour window begins at check-in. You may screen until group begins and then again for 15 minutes after the conclusion of group. **DO NOT ASK TO GO DURING GROUP!** If you are late to group and not allowed in, it is your responsibility to determine if a screen was announced and, if so, utilize the 15 minutes following group to provide a specimen. Do not further disrupt group or more sanctions could apply!

**Tampering with or diluting a drug screen can be grounds for termination from the Forsyth County Drug Court Program.** To limit the possibility of dilution, do not drink excessive fluids, do eat protein throughout the day, do restrict caffeine consumption, do slow fluid intake for a couple of hours before providing a specimen. Make these suggestions part of your normal day as you are subject to screening at any time. Upon reporting for a drug screen:

1. Only one participant is allowed in the testing area at a time. A staff member must accompany you at all times during drug testing.
2. You must make sure you hand your specimen bottle to the staff member and watch them put your label on the bottle/screen.
3. You must indicate an admission or denial of use on the sign-in sheet prior to submitting the screen and grant permission for confirmation of results, if appropriate. **This is a one shot deal. Once you indicate denial, you cannot change your decision as far as sanctions are concerned. It is your responsibility to ensure staff is aware of any admission prior to providing the specimen. Honesty is a crucial component for recovery and participation in the Forsyth County Drug Court Program. Self-disclosure of use will be considered by the Court when sanctions are imposed.**
4. You will not be allowed to leave the testing area or drink excessive fluids until a specimen is received. It is suggested you not drink excessive fluids two hours prior to screening.
5. A staff member of the same gender must always witness the sample being given.
6. You may not carry purses, coats, bags, etc. into the testing area.
7. Shirt sleeves should be rolled up to the elbow and pants should be below the knee. You may be asked to remove additional clothing to ensure the validity of a specimen.
8. You must wash your hands BEFORE providing the specimen.
9. The test cup must contain a minimum 1/3 level to be adequate for testing.
10. Follow the directions given to you by the screener as this list is not all inclusive.

If a drug screen is positive and a confirmation is required, the specimen will be tested again at a qualified testing facility/laboratory. If the contested specimen is in fact positive, a minimum \$10 confirmation fee or the actual cost of the test (could be up to and over \$250) may be billed to your account.

If you are assigned community service and are required to come in for a drug screen on the same day/time, you must provide your screen prior to your community service report time. Community service is not an excuse for being late to or missing a drug screen; nor is a drug screen an excuse for being late to community service.

Upon each admission or lab confirmation of drug use, your name/information will be forwarded to the National Instant Criminal Background Check System (NICS) as required by federal law. This report will initiate a 1 year prohibition on the purchase or possession of firearms and ammunition. Each subsequent report will restart the 1 year prohibition. Completion of Drug Court will not end the prohibition if the year has not passed.

#### **F. FOURTH AMENDMENT WAIVER SEARCHES**

All participants are subject to a search of their person, place, vehicle or belongings, at any time, for any reason, having given such permission in the Drug Court Contract. Therefore, it is imperative the Drug Court Office have your current address and contact information. While in the Drug Court Program, you may not have ammunition or guns of any type (BB, paintball, etc.) in your home, car, or possession. Additionally, there may not be alcohol of any kind in the residence where you reside or vehicle you occupy. Sanctions will be imposed for violations. You may not attempt to or alert another participant of actual or perceived investigative activity by Drug Court Personnel or their agents (including, but not limited to law enforcement). If you do, jail sanctions are likely. When a search is conducted, you may be asked to provide a urine or breath sample for drug/alcohol testing, the same rules apply to these tests as those performed at the treatment center. So, if you choose to admit to use, make sure to tell the officer before the screen is conducted. Admission after the specimen is collected will be treated as a denial for sanctioning purposes. If you have questions regarding Fourth Amendment waiver searches, contact the Drug Court Office.

### **IV. Treatment**

#### **A. GROUP**

**\*\* Participation is crucial to recovery. Be aware that you influence other members and can have either a positive or negative impact on their recovery process. Due to the importance of each person's recovery, being consistently disrespectful and distracting from the group will lead to sanctions.\*\***

#### **B. PHASE REQUIREMENTS**

Certain conditions must be met prior to your move from one phase to the next. These conditions are listed below for each phase. Any questions regarding these conditions

should be addressed to the Drug Court Office. **Requests to move to the next phase must be submitted to the Drug Court Office or placed in the box located at the treatment facility by 12:00 pm on the Monday prior to your anticipated move date.** These forms can be obtained from the box at the treatment facility or Drug Court Office.

**Phase 1: minimum 3 months**

1. Attend 3 group meetings weekly as required
2. Provide at least 2 random drug screens weekly as directed
3. Obtain full-time employment or receive Judge's exemption
4. Attend and document required recovery support meetings
5. Pay a minimum of 3 months in fees
6. Begin process to obtain GED
7. Complete a minimum of 1 month without a missed, positive, or diluted screen
8. Complete a minimum of 4 weeks without a jail time sanction or from release from last jail sanction
9. Meet with Drug Court or treatment staff

**Phase 2: minimum 6 months**

1. Attend 2 group meetings weekly as required
2. Provide for at least 2 random drug screens weekly as required
3. Continue full-time employment, school, other activity approved by Judge
4. Attend and document required recovery support meetings
5. Pay a minimum of 9 months in fees
6. Continue work on GED
7. Complete a minimum of 1 month without a missed, positive, or diluted screen
8. Complete a minimum of 4 weeks without a jail time sanction or from release from last jail sanction
9. Meet with Drug Court or treatment staff

**Phase 3: minimum 6 months**

1. Attend 2 group meetings weekly as required
2. Provide at least 2 random drug screens weekly as required
3. Continue full-time employment, school, other activity approved by Judge
4. Attend and document required recovery support meetings
5. Pay a minimum of 15 months in fees
6. Provide copy of diploma/GED or results of GED pretest taken after program entry
7. Complete a minimum of 8 weeks without a missed, positive, or diluted screen
8. Complete a minimum of 4 weeks without a jail time sanction or from release from last jail sanction
9. Meet with Drug Court or treatment staff

**Phase 4: minimum 5 months**

1. Attend 2 group meetings monthly as required
2. Provide random drug screens as required
3. Continue full-time employment, school, or other activity approved by Judge

4. Attend and document required recovery support meetings or voluntary individual sessions
5. Pay a minimum of 20 months in fees
6. Take and provide copy of GED results; if not passed, provide documented proof of studying
7. Complete a minimum of 3 months without a missed, positive, or diluted screen
8. Complete a minimum of 4 weeks without a jail time sanction or from release from last jail sanction
9. Meet with Drug Court or treatment staff

#### **Phase 5: minimum 4 months**

1. Attend 1 group meeting monthly as required
2. Provide random drug screens as required
3. Continue full-time employment, school, or other activity approved by Judge
4. Attend and document required recovery support meetings or voluntary individual sessions
5. Pay all fees in full (24 months)
6. Meet with treatment counselor for assessment and recommendations regarding further counseling
7. Pass GED
8. Complete a minimum of 6 months without a missed, positive, or diluted screen or use of unapproved substance
9. Complete a minimum of 3 months without a jail time sanction or from release from last jail sanction
10. Complete all graduation requirements 1 month prior to anticipated graduation date
11. Must not be placed on daily meetings within 4 weeks of technical end date
12. Meet with Drug Court or treatment staff

### **C. GRADUATION REQUIREMENTS**

Upon completion of Phase 5, you will be eligible for graduation. However, several requirements must be met prior to your graduation recommendation.

1. Write a letter to the Judge regarding your progress in the Drug Court Program, letter must be submitted to and approved by Coordinator, and must include the following:
  - Background: Life before Drug Court
  - Arrest situation
  - Reflections on Drug Court success
  - Reflections on Drug Court struggles
  - Plans/Goals for future: personal and recovery
2. Complete Giving Back Project
  - Project/Site to be approved by Coordinator
  - Minimum of 24 volunteer hours
  - Documentation must be verified by Coordinator

- Submit to Coordinator a written summary of how/why project was chosen, feelings while completing project, personal reactions after project completion
3. All Drug Court/treatment fees must be paid in full or substituted community service work must be completed
  4. Complete recovery plan with assistance of treatment staff and submit to Coordinator
  5. Attend and document at least one Phase 1 group
  6. Provide certification of having GED, high school diploma, or other educational improvement records
  7. Complete a minimum of 6 months without a missed, positive, or diluted screen or use of unapproved substance; Complete a minimum of 3 months without a jail time sanction or from release from last jail sanction; Must not be placed on daily support meetings within 4 weeks of anticipated graduation date
  8. Must meet with Drug Court Coordinator or designated staff to review completed requirement.

After you have completed the above requirements, the Drug Court Coordinator will recommend your graduation from the program to the Treatment Team. Successfully completing the Forsyth County Drug Court Program will result in your original charges being dismissed or your sentence being satisfied; or, if you are on probation, it will reflect satisfactory completion of that condition of your probation and possible early termination from probation or maximum benefits. This process will be facilitated by the District Attorney's Office or Probation Department and will be granted by the Drug Court Judge.

# **FORSYTH COUNTY DRUG COURT POLICIES AND PROCEDURES MANUAL**

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## **PLANNING GROUP**

### **PURPOSE:**

This group is comprised of executive level personnel from each agency to facilitate the process, to expeditiously resolve issues and to provide buy-in at the upper echelon, so that later groups with non-executive level personnel will be comprised of people who are confident that the Head of each agency has made drug court a priority mission. The group has a clear purpose, roles of members are defined, and the group meets on a regular basis.

### **MEMBERS:**

- Honorable Jeffrey S. Bagley, Chief Superior Court/Drug Court Judge
- Drug Court Coordinator
- Accountability Court Director
- District Attorney
- Criminal defense attorney representative
- State Probation representative
- Forsyth County Sheriff's Office representative
- Treatment representative
- Court Administrator
- Ninth District Court Administrator
- Pre-Trial Services representative

### **CONTINUING EDUCATION REQUIREMENTS:**

All group members are required to adhere to their discipline-specific requirements for certification or licensure (listed below). Additionally, all group members must attend one Accountability Court training/conference every 2 years. New group members are required to the next state or national Accountability Court training/conference.

Attorneys: 12 hours of CLEs/year

Counselors: 35 hours of CEUs/biennially

Probation Officers: 20 hours of POST credit/year

Law enforcement: 20 hours of POST credit/year

## **STEERING COMMITTEE**

A committee comprised of court officials, community organizations, healthcare providers, social service agencies, education providers, and business leaders will meet quarterly to review the progress of all Accountability Courts in Forsyth County. Additionally, this committee is tasked with connecting Accountability Courts with appropriate services available in the community, assisting in educating the community on Accountability Courts, aiding Accountability Courts in securing additional funding for ancillary services for indigent participants, etc.

## **MISSION STATEMENT**

The mission of the Forsyth County Drug Court Program is to enhance public safety by providing a judicially supervised regimen of treatment and innovative case management to substance abuse offenders with the goal of returning sober, law-abiding citizens to the community and thereby closing the “revolving door” to the criminal justice system.



## 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. They define exactly what you will attempt to accomplish for whom and in what time period – a set of measurable situations, which when achieved will satisfy a need.

### **GOAL 1: To provide early screening, assessment and court intervention.**

#### **Objective 1:**

Eligible offenders, who express interest and are referred to the program, will receive substance abuse evaluation/assessment of risk/needs within 14 days of arrest, subject to the policies of other circuits.

#### **Objective 2:**

Selected participants will receive court intervention within 14 days of arrest.

#### **OUTCOME MEASURES:**

1. Percentage of eligible offenders receiving substance abuse evaluations and assessments of risk/needs within 14 days of arrest.
2. Percentage of eligible offenders receiving court intervention within 14 days of arrest.

### **GOAL 2: To provide effective court supervision.**

#### **Objective 1:**

100% of the participants will receive intensive court supervision including regular hearings, tracking of progress, and progressive sanctions and incentives.

#### **Objective 2:**

At least 85% of participants receiving program services will reduce the frequency of alcohol and other drug use as measured by urinalysis testing results.

#### **Objective 3:**

65% of eligible participants will complete the program successfully.

#### **OUTCOME MEASURES:**

1. Percentage of program participants who demonstrate reductions in alcohol and other drug use as measured by clean urinalysis test results.
2. Percentage of eligible participants completing the program.

**GOAL 3: To provide an integrated program of drug treatment, substance abuse education, and rehabilitation services.**

**Objective 1:**

100% of the participants referred will receive inpatient or outpatient substance abuse treatment at any given time as measured by treatment provider verification reports.

**Objective 2:**

90% of the participants who complete the program will be employed upon graduation as measured by employment verification reports.

**Objective 3:**

100% of the graduates with less than a high school degree will improve literacy skills or earn a GED prior to program completion as measured by educational verification reports.

**OUTCOME MEASURES:**

1. Percentage of program participants receiving outpatient and/or inpatient substance abuse treatment.
2. Percentage of program graduates who are employed
3. Percentage of program participants who have increased literacy skills and/or completed a GED.

## STRUCTURE/MODEL

The Forsyth County Drug Court is a hybrid model of pre-adjudication and post-adjudication offered to eligible participants charged with felony drug offenses or other offenses deemed appropriate by the District Attorney's Office. Entry into the program is completely voluntary and is indicative of only one option available to defendants. Typically, those found guilty of first-time drug possession are sentenced to 3 years to be served on probation, automatic suspension of driver's license, fines, fees, community service, drug screens, a drug and alcohol assessment and follow-up to the recommendations made in that assessment, etc.

Drug Court is also offered as an alternative to revocation for eligible offenders who are on probation and subsequently test positive for drugs or obtain substance-related charges.

Drug Court offers a more forgiving program for those offenders who have a drug addiction and want help fighting it. For example, the first time a Drug Court participant tests positive for drugs or alcohol, the sanction will likely be 24 hours in jail. The sanctions will be progressive in severity if violations continue. However, if offenders test positive for drugs while on probation and are revoked, it is likely they will be sent to a Probation Detention Center for 90 to 120 days.

## **TARGET POPULATION**

The target population for the Forsyth County Drug Court includes those charged with felony drug offenses, and those on probation who test positive for drugs or obtain substance-related charges. Additionally, participants must meet clinical criteria for having substance abuse or dependence with a focus on moderate to high risk/need offenders.

The Forsyth County Drug Court will not knowingly accept those known or thought to be involved with the sale or distribution of drugs or those previously convicted of violent felonies.

## **ELIGIBILITY CRITERIA**

Eligible participants will meet the following criteria:

- Current felony drug charge and other charges as identified by DA\*
- Meet clinical criteria for substance abuse or dependence, with a focus on moderate to high risk/need offenders
- Will consider felony convictions\*
- At least 17 years old
- Presence in United States is legally documented

### **Probation Eligibility**

- Must test positive for alcohol/drugs, obtain new alcohol/drug-related offenses, or refuse to provide specimen to be tested for alcohol/drugs
- Must have at least 36 months left on probation sentence to complete Drug Court program
- Must have at least 30 months left on probation sentence to receive Maximum Benefits Certificate
- Upon entry into Drug Court, these individuals will serve 60 days in the county jail, from the date of arrest if they previously declined Drug Court. Additionally, their community service will be waived and they will receive dollar for dollar credit on their fines. If referred after previously declining on a probation revocation, must complete the RSAT program before Drug Court entry; such referrals are at the discretion of the Probation Office.
- Must have no prior violent felony convictions
- Meet clinical criteria for substance abuse or dependence
- Must be at least 17 years old

\*The District Attorney may use discretion on any referrals deemed appropriate for consideration in the Drug Court Program

## **DISQUALIFICATION CRITERIA**

The following criteria disqualify an offender for the Forsyth County Drug Court Program:

- Violent convictions or history
- Multiple felony convictions as deemed inappropriate for the program by the DA's Office
- Involvement in sale or distribution of drugs
- Severe and/or untreated mental/physical health problem which would impede their ability to actively participate in and complete the intensive program
- Presence in the United States is not legally documented

## ENTRY PROCESS

After arrest, defendants are identified by jail personnel and the District Attorney's Office, or by the Probation Officer, as potentially eligible for the Forsyth County Drug Court Program. They are given a bond in the usual manner with a return date of 9:00 AM on the second Monday following their arrest. Those unable to make bond, or those on probation, are given Drug Court information and referred to the Drug Court Coordinator to arrange for discussion with defense counsel and clinical screening.

On their bond returnable date, those who have made bond report to the Drug Court Coordinator's Office to meet with defense counsel regarding the specifics of their case and the requirements of the program. Those still in jail are brought to the Courthouse to meet with the defense attorney.

If they are not interested, they complete a hold over form and are placed on the regular trial track. Those on probation who decline Drug Court are placed on the next revocation calendar.

If interested in the program, defendants complete a clinical evaluation. Following that evaluation, interested defendants are told to return to Drug Court on Tuesday at 3:00 PM for a decision about their entry. Those still incarcerated are brought back to the Courthouse on Tuesday for a decision about their entry.

The Drug Court Treatment Team consists of the Judge, District Attorney, Drug Court staff, Felony Probation, law enforcement, Pre-Trial Services, Defense Attorney, and treatment representatives. The Treatment Team meets at 1:30 PM on Tuesday to determine who will be offered entry into the program. Those who are offered entry enter their plea in Drug Court at 3:00 PM. They will attend orientation on Wednesday and begin screening and groups immediately.

If a defendant is legally and clinically eligible but the Treatment Team deems them unsuitable, they will be asked to complete a hold over form and placed on the regular trial track or the next revocation calendar.

The anticipated maximum length of time between arrest and entry into the program is 14 days.\*  
The anticipated minimum length of time between arrest and entry into the program is 8 days.\*

\*these do not include those after violating probation

Upon request by another jurisdiction, cases will be considered for supervision or transfer. Such cases will be placed on the calendar and reviewed by the Drug Court Treatment Team.

## PHASES

The Forsyth County Drug Court is a minimum of 24 months in duration (maximum of 4 yrs) and consists of five phases. Phase 1 is the Preparation Phase, Phase 2 is the Education Phase, Phase 3 is the Maintenance Phase, and the last phases are dedicated to re-entry into unsupervised society and aftercare.

Phase 1 is a minimum of 3 months in duration. Participants will attend court sessions weekly. Treatment groups will occur 3 times a week combined with a minimum of 2 random, observed drug screens each week.

Phase 2 requires a minimum of 6 months. Participants will continue to attend court weekly. Group attendance decreases to 2 times a week with random, observed drug screens remaining at a minimum of 2 per week.

Phase 3 will last a minimum of 6 months. Court sessions will be attended twice a month. Treatment groups will continue at 2 a week along with at least 2 random, observed drug screens.

Phase 4 will last a minimum of 5 months. Court sessions will be attended once a month. Treatment groups will decrease to 1 a week along with random, observed drug screens weekly.

Phase 5 will be at least 4 months in duration. Court sessions will be attended once a month. Groups will be reduced to twice month and random, observed drug screens will occur weekly.

The number of meetings, etc., listed here are minimum requirements. It may be necessary for participants to submit to additional groups, court sessions, and/or screens based on their level of commitment, progress, etc.

Leave requests must be submitted in writing to the Drug Court Coordinator on the Monday prior to the leave request. Participants in Phase 1 will not be granted leave for any reason other than emergencies and/or documented court appearances, etc. Phase 2 participants will be granted 2 leave requests. Phase 3 participants will be granted 2 leave requests. Phase 4 participants will be granted 2 leave requests. Phase 5 participants will be granted 2 leave requests. If group is missed during a leave, the participant must make up the group within two weeks of the leave being granted. Only 1 group may be missed per leave request. These requests are apart from any emergency, subpoena, court appearance, etc. Participants are required to provide a urine screen on the day they return from leave. On weekdays, if there is not a screen at the screening location, the participant is required to report to the drug court office by 9 am. Any questions may be directed to the Drug Court Coordinator for clarification.

Medical leave is defined as a period of time during which a medical doctor states that a participant cannot (either in hospital or on bed rest) attend/participate in Drug Court sessions of any kind outside of the hospital or home. Medical leave form will be completed by participant (in advance when possible) and reviewed by Treatment Team at Drug Court staffing for approval. Maternity leave will require similar documentation but the leave will be approved as follows (with the exception of extenuating circumstances): a female participant will be excused from all Drug Court

participation for two weeks following birth. For weeks three and four, the female participant will be required to submit to screens as normal. At the conclusion of the fourth week following birth, the participant shall return to their regular Drug Court schedule. For other medical leave situations, the status of the participant will be assessed by the staff at the four week (28 day) point to determine if further leave will be granted. If possible, the participant shall be required to attend court as directed by Drug Court staff during their medical leave. Participants on medical leave from the program are still subject to the rules and regulations of the Drug Court Program and any violations will be addressed upon return.

Participants are charged monthly fees to help repay the county for court, treatment and defense attorney costs. Fees are expected to be paid in a timely manner. If a participant falls behind, sanctions will be imposed until they are current. For those in residential programs, minimum payments necessary to move from one phase to the next must be made before a phase move will be considered.



## TERMINATION CRITERIA

Termination will be considered as a “last resort.” If termination becomes necessary, the State, in a Drug Court session, will give oral notice to the participant of a termination hearing with the expectation that the participant will contact the defense attorney and be prepared for said hearing the following week in Drug Court. The staff shall be provided access to all records, as allowed by the release of confidentiality, to be viewed in the Drug Court Office. Attorneys (prosecutor, Drug Court defense attorney, and/or retained counsel) may look at and take notes from the file of the participant facing termination but will not be allowed to make copies of or leave the Drug Court Office with the file.

The Forsyth County Drug Court has identified criteria to be used in deciding whether to terminate a participant from the program. The following will be used as guidelines only and the final decision rests with the trial Judge after a hearing.

- Commission of a new offense; felonies are presumed termination to be determined at hearing, misdemeanors will be at the discretion of the staff
- Substituting or otherwise tampering with a drug screen
- Chronic non-compliance evidenced by continued use, multiple missed groups, failure to follow program requirements, poor attitude, disruptive behavior, etc.
- Being AWOL from the program for over 3 months
- Threats/violence toward other participants or any Drug Court staff member
- Termination/discharge/or otherwise leaving a residential treatment program without prior permission from Drug Court (warrant to be issued upon Drug Court Office/DA Office/Probation notification)

# GRADUATION CRITERIA

The following criteria must be completed prior to anticipated graduation:

1. Write a letter to the Judge regarding your progress in the Drug Court Program, letter must be submitted to and approved by Coordinator, and must include the following:
  - Background: Life before Drug Court
  - Arrest situation
  - Reflections on Drug Court success
  - Reflections on Drug Court struggles
  - Plans/Goals for future: personal and recovery
2. Complete Giving Back Project
  - Project/Site to be approved by Coordinator
  - Minimum of 24 volunteer hours
  - Documentation must be verified by Coordinator
  - Submit to Coordinator a written summary of how/why project was chosen, feelings while completing project, personal reactions after project completion
3. All Drug Court/Treatment fees must be paid in full or substituted community service work must be completed
4. Complete recovery plan with assistance of treatment staff and submit to Coordinator
5. Attend and document at least one Phase 1 group
6. Provide certification of having GED, high school diploma, or other educational improvement records
7. Complete a minimum of 6 months without a missed, positive, or diluted screen or use of unapproved substance; Complete a minimum of 3 months without a jail time sanction or from release from last jail sanction; Must not be placed on daily community support meetings within 4 weeks of anticipated graduation date
8. Must meet with Drug Court Coordinator or designated staff to review completed requirement.

Once participants have completed these criteria and reached their end date, they must continue to drug screen until the formal graduation date.

## SANCTIONS

Sanctions are the imposition of consequences, perceived as negative by the receiver, as a direct result of a prohibited activity. Sanctions will be swift and appropriate. The Forsyth County Drug Court Team will determine sanctions on an individual basis as related to the current violation. Sanctions may include but are not limited to: a day in court, community service work, increased drug screens, and jail time. Unless otherwise specified herein or by the Court, all paperwork and monies from participants must be turned in to the Drug Court staff as directed in the Participant Handbook by Monday at noon for the week prior.

**UNLESS OTHERWISE NOTED, ALL JAIL SANCTIONS ARE IMMEDIATE FROM COURT. NO CREDIT WILL BE GIVEN TOWARD CSW FOR BRINGING EQUIPMENT, USING PERSONAL VEHICLE, ETC.** (If Drug Court discovers a participant did not work all hours assigned, the sanction will be determined on a case by case basis by the treatment team.)

Graduated Sanctions:

### DRUG SCREENS

- 1<sup>st</sup> Missed/Positive Screen 24 hours of choice\*\*
- 2<sup>nd</sup> Missed/Positive Screen 3 days\*\*
- 3<sup>rd</sup> Missed/Positive Screen 7 days\*\*
- 4<sup>th</sup> Missed/Positive Screen 14 days\*\*
  - During the 4<sup>th</sup> screen jail sanction, the participant will have a therapeutic evaluation and their individualized treatment plan may be modified.

**\*\*If the participant denies use and the screen is confirmed positive, these sanctions will be doubled. A MISSED SCREEN IS TREATED AS POSITIVE WITH DENIAL**

**A 2 hour window is provided for all drug screens. If a screen is announced at group (not on the daily call), the 2 hours begin at the time of check-in. Participants may screen until group begins and again for 15 minutes following the conclusion of group. Failure to submit a screen during those times will result in a missed screen for sanctioning purposes. This scenario applies even if one is late for or not allowed to enter group. Missing a screen announced at group will count as a missed screen for sanctioning purposes.**

- EtG level is set at 350 ng/mL and EtS is set at 100 ng/mL to be considered a positive, EtS is the control so can sanction if EtS is at or above 100 ng/mL
- **Honesty Gift:** If participant admits a prior use not caught by the drug screen, the use will be treated as an admission. Additionally, a treatment response will be added. This will only be allowed one time and will not be used to terminate if the admitted screen is their 5<sup>th</sup>, etc.

- Regarding THC use: Upon entry, participants who have been positive for marijuana will need to achieve two consecutive negative screens with at least 4 days between the screens. The participants' creatinine ratio shall be utilized to determine new use. **A THC/creatinine ratio of 1.5 or higher will be considered a positive with denial screen.**

**Statute of Limitations:** None in Phase 1; In Phase 2 and above, participants will be sanctioned for one less sanction than the total received IF participant has gone 6 months without a positive or missed drug screen. For example, if current screen would be third but participant has 6 months with no positive or missed screen, participant would be sanctioned as if the current was the second missed/positive screen. **No participant will receive this benefit more than 2x throughout their time in the program.**

- If a participant successfully completes residential treatment (minimum of 9 months), they receive 2 drug screen roll backs (ex.: 3<sup>rd</sup> would be treated as 1<sup>st</sup>)
- **Participants are required to report to the Drug Court office on the first business day after release from jail for a drug sanction or a jail sanction of three days or greater. Failure to report results in mandated counseling. If the participant is already in mandated individual, they must complete 8 hours of CSW.**
- Dilution of UDS Treated as a denial of use if creatinine level is 11-20
  - If level is < or = 10.9, participant is asked for honesty
    - If admits: treat as denial of use
    - If denies: terminate from program
    - If creatinine level is under 50 but >20
      - 1<sup>st</sup> time: meeting with Drug Court Coordinator or staff
    - If creatinine level is over 250 (females) or over 300 (males)
      - Refer participant to physician
- Failure to turn in Physician Notification Form 8 hrs CSW
- Use of any substance (including supplements/meal replacements) without prior approval of the Drug Court Office 3 days in jail
- Failure to turn in remaining approved prescription medications and/or containers 3 days in jail
- Use of any mood-altering substances, including, but not limited to designer drugs, synthetic marijuana, bath salts, etc., regardless of chemical compound will be sanctioned as a use (not use without permission)
- Adulteration or substitution of UDS in Phases 1 or 2 will result in up to 30 days in jail or, at the discretion of the court, termination from the program. If such adulteration or substitution occurs in Phase 3 or higher, the participant will likely be terminated from the program.

- Failure to sign in for screen 4 hrs CSW
  - If there is no record of a screen=missed screen
- Failure to choose “admit” or “deny” on sign-in sheet
  - Will be treated as a denial if screen is confirmed positive
  - Must stand at sign-in sheet and remind others (1 time for full check-in/testing window)
  - Staff can impose greater sanction if deemed necessary
- Failure to complete stand and remind 4 hrs CSW

### **GROUPS AND INDIVIDUAL**

- Failure to sign in at all to group Treated as a missed group
  - Late/missed group or SUCCEED program
    - If late for 30 minute check-in time
      - 0-15 minutes—work detail (to be created by fellow participants)
      - 15-30 minutes—work detail and a 2 page paper (handwritten) on promptness to be approved by Drug Court Office
      - 4<sup>th</sup> late check-in—4 hrs CSW
      - 5<sup>th</sup> late check-in—8 hrs CSW
    - If late for or miss actual group (decision regarding entry into group is left up to the discretion of the group leader)
      - If allowed to enter: must complete both sanctions for missing 30 minute check-in time
      - If not allowed to enter but participant remains until the conclusion of group:
        - 1<sup>st</sup> time=8 hours CSW + both sanctions for missing 30 minute check-in time + make up group\*
        - 2<sup>nd</sup> time=8 hours CSW + both sanctions for missing 30 minute check-in time + forfeit leave (or 24 hours in jail if no leave is available) + make up group\*
        - 3<sup>rd</sup> or more=discretion of the team
      - If missed completely\*\* or participant leaves without the facilitator’s permission
        - 1<sup>st</sup> time=24 hrs in jail and make up group
        - 2<sup>nd</sup> time=3 days and make up group
        - 3<sup>rd</sup> time or more=discretion of the team
- \*if in Phase 4 or 5, make up group must be a presentation to a lower phase group on the topic missed
- \*\*Judge will waive jail sanction if a true emergency can be proven and documented.

- Failure to bring workbook to group \$5 rental fee
- Lost workbook \$25 replacement fee
- Being kicked out of group 3 days in jail
- Missed mandated individual appointment (must be ordered and removed by Judge)
  - Treated as missed group + missed appointment fee
  - Emergency situations will be considered by the team
  - If up to 15 minutes late, work detail
  - 16+ minutes late, treated as missed
  - Must call to notify of absence or reschedule in advance of appointment to avoid sanctions
- Missed voluntary individual appointment
  - Results in mandated individual counseling
  - If up to and including 15 minutes late, work detail
  - 16+ minutes late, treated as missed
  - Must call to notify of absence or reschedule in advance of appointment to avoid sanctions

### **AA/NA/SUPPORT MEETINGS**

- If AA/NA/Support meeting sheet lacks proper documentation to include the participant's name:
  - Credit for only 1 meeting per day unless otherwise directed or approved
  - **Clean slate is given after one week of successful completion of support meetings; accelerated sanctions may be implemented at the discretion of the staff.**
    - 1<sup>st</sup> time=extra meeting
    - 2<sup>nd</sup> time=2 extra meetings
    - 3<sup>rd</sup> time=3 extra meetings
    - 4<sup>th</sup> time=daily meetings until further notice
    -
  - If no AA/NA/Support meetings are turned in:
    - Start at 2<sup>nd</sup> level of above tier
  - When placed on daily:
    - 1st time=28 days (4 weeks)
    - 2nd time=56 days (8 weeks)
    - 3rd time=84 days (12 weeks)
    - Miss attending a meeting=day in jail for each missed meeting
    - Sheet not completed correctly=4 hours CSW per meeting

- In phases 4 and 5, the following sanctions will be imposed for inaccurate meetings:
  - 1<sup>st</sup> time=2 extra meetings
  - 2<sup>nd</sup> time=3 extra meetings
  - 3<sup>rd</sup> time=daily meetings (for 4, 8, or 12 weeks based on above)
- In phases 4 and 5, the following sanctions will be imposed for missed meetings (weeks must be consecutive):
  - 1<sup>st</sup> week=extra meeting + extra treatment group
  - 2<sup>nd</sup> week=2 extra meetings + extra treatment group + 1 day in jail from court on Tuesday (delayed phase move/graduation 4 weeks)
  - 3<sup>rd</sup> week=delay phase move/graduation for 3 months

### **JOB SEARCH AND VERIFICATION**

- Not allowed to start own business while in Drug Court
  - To be self-employed while in the program, business must have been set up and active at the time of entry into Drug Court
- Independent Contractor (1099)
  - If had a 1099 job in previous year, provide copy of 1099 by April 1
  - Failure to turn in 1099 Get a W-2 job
- Job search
  - Must be continuously employed for 28 days (4 weeks) before job search requirement is reset
    - Week 1 and 2=5 applications and SUCCEED Program
    - Week 3 and 4=report to Drug Court Office daily at 8:30 am to complete job search, form must be completed and returned by close of business on the same day
    - Week 5 and on=4 hrs CSW daily until employed
- Job verification (due on the 1<sup>st</sup> Monday of each month)
  - Not turned in on time, insufficient documentation
    - PHASES 1-2
      - 1<sup>st</sup> week: 4 hours CSW
      - 2<sup>nd</sup> week: 8 hours CSW
      - 3<sup>rd</sup> week: one day of Court duty to be chosen and supervised by Drug Court Office
      - 4<sup>th</sup> week: 1 day in jail
    - PHASES 3-5
      - 1<sup>st</sup> week: 8 hrs CSW
      - 2<sup>nd</sup> week: one day of Court duty to be chosen and supervised by Drug Court Office
      - 3<sup>rd</sup> week: forfeit leave or day in jail from court on Tuesday
      - 4<sup>th</sup> week: response at the discretion of the treatment team

## CONTRABAND

- Contraband found in house/seen on person
  - Ammunition 1 day in jail
  - Alcohol 3 days in jail
  - Paraphernalia 5 days in jail
  - Firearms 7 days in jail
    - Includes all firearms regardless of age/size/location
    - Using modified language from Federal Firearms Definitions 18 U.S. Code § 921, the term “firearm” means
      - Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or provides an electrical charge;
      - The frame or receiver of any such weapon;
      - Any firearm muffler or firearm silencer; or
      - Any destructive device.
        - The term “destructive device” means –
        - Any explosive, incendiary, or poison gas –
        - Bomb
        - Grenade
        - Rocket having a propellant charge of more than four ounces;
        - Missile having an explosive or incendiary charge of more than one-quarter ounce,
        - Mine, or
        - Device similar to any of the devices described in the preceding clauses;
      - Any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
      - Any combination of parts either designed or intended for use in converting any device into any destructive device as described in the paragraphs above and from which a destructive device may be readily assembled.
- Marijuana or any other dangerous drug or controlled substance not legally prescribed to the participant or another person residing in the household 7 days in jail
- Possession of mood altering substances, whether purchased legally or illegally 7 days in jail



## **CONTACT POLICIES**

- Participants are not to have contact with persons on probation and/or parole, convicted felons, known drug users, known drug dealers, people incarcerated in any institution, without advance permission of the staff.

Staff's discretion including,  
but not limited to, jail time and  
termination

- Communications between or among participants, including but not limited to, sexting, having contact of a sexual nature, distributing photographs that may be deemed inappropriate, or communications that are otherwise inappropriate for the drug court setting, etc.  
Communication and association between or among 2 or more participants is limited to Drug Court business, Drug Court requirements, and Drug Court sanctioned events.

Staff's discretion including,  
but not limited to, jail time and  
termination

## **PERSONAL INFORMATION POLICIES**

- Incorrect address/not at provided address 2 days in jail
  - Staying away from provided address more than 1 night a week, owner of residence must agree to the search or participant will be sanctioned as above
- Being in an establishment where the primary purpose is alcohol or drug related and/or food is no longer served 3 days in jail
- Failure to provide vehicle information to Drug Court Office within 2 business days of possessing/changing vehicles 8 hrs CSW
- Failure to provide phone number where a message can be left on voicemail, answering machine or with a person 4 hrs CSW
- Attempting to or alerting another participant of actual or perceived investigative activity by drug court personnel or their agents (including, but not limited to law enforcement) 3 days in jail
- Curfew
  - Missed curfew/not calling before midnight
    - First=earlier curfew (TBD by staff)
    - Second=earlier curfew and 8 hours CSW
    - Third=earlier curfew, 8 hours CSW, and house arrest

## **FEES**

- Progressive sanctions will be imposed for being behind in finances. Arrearage is defined as one and a half months (\$300) behind in fees.
- **No budget/payment plan until week 4!**
  - Week 1=4 hours of community service
  - Week 2=8 hours of community service
  - Week 3=16 hours of community service
  - Week 4=complete budget and placed on payment plan
    - Failure to complete budget 1 day in jail
    - Missed or insufficient payment=24 hrs in jail (Saturday 8pm to Sunday 8pm)
    - Deviation from payment may be requested in writing by the Monday deadline
    - Must pay minimums to transfer phases even if on payment plan
    - Consideration for a scholarship should be made for those on a payment plan and moving from Phase 3 to Phase 4
      - Must meet indigent status using Indigent Defense Office standards
  - Week 5 (if no budget necessary) 1 day in jail (8pm Saturday to 8pm Sunday)
  - Week 6 (failure to pay) Subject to termination

## **OTHER**

- Possession of weapon(s) at Drug Court facility/event 3 days in jail
- Failure to complete CSW 24 hours in jail
  - Up to 8 hours CSW is equivalent to 24 hours in jail
- Failure to complete CSW as directed (right time, correct paperwork, etc.) Redo CSW
- If participant leaves courthouse; a bench warrant will be issued for their arrest and participant will remain in jail at least until Drug Court convenes again
- Lying
  - when confronted by Drug Court staff who has independent information jail time (length in staff's discretion)
  - when confronted by the Judge sanction above is doubled
- Appearing in Court visibly high contempt – Judge's discretion (he knows it when he sees it)
- Late to Court or graduation 8 hrs CSW
- Failure to sign in for graduation 4 hrs CSW

- Missed graduation 24 hours in jail
- Arrest sanctions
  - Misdemeanor arrest not resulting in termination 30 days in jail
  - Civil arrest upon return to Drug Court 30 days in jail
- **Progressive Sanctions** will be imposed when participants do not move from one phase to another in a timely manner. Each phase has been assigned a minimum amount of time necessary for completion of the phase. However, it is possible for participants to need extra time to complete requirements. Therefore, a **4-week grace period** is allotted for any last minute completion to occur. After that time frame, progressive sanctions will be imposed to encourage participants to finish the requirements and move on to the next phase. These sanctions will be as follows:
  - Week 5 participant must create and explain to the Drug Court Team a monthly budget showing income/expenses and include proper documentation if fee arrearage is the reason for the delay
  - Week 6 will result in 8 hours of community service
  - Week 7 will result in a weekend in jail
  - **If requirements are still not met by week 8, participation in the Forsyth County Drug Court Program could be terminated**
- Failure to report to court for anticipated sanction or if violation is not addressed by staff timely and participant fails to report it to the Treatment Team or Court
  - Double the sanction
- Other minor infractions will result in Work Detail. This sanction will require the participant to perform certain duties as specified by the Drug Court Coordinator or other Drug Court Staff. Such duties could include cleaning up related-agency parking lots, completing additional paperwork assignments, etc. Failure to complete Work Detail will result in community service or some other additional sanction.

**For those on PROBATION also: they must complete all conditions of probation in addition to their Drug Court requirements. Drug Court does not substitute for any condition or requirement of probation. Probationers will not be required to complete CSW during Phase 1 for probation. Upon completion of Phase 1, probationers must return to the CSW rate ordered in the original sentence. Any Drug Court CSW is still required and is in addition to the original sentence.**

**FEDERAL FIREARMS REPORTING:** Upon each admission of use or positive lab confirmation, that participant's name will be submitted to the National Instant Criminal Background Check System (NICS) for entry into the NICS Index Denied Persons File for Controlled Substance Abuse as required by federal law. Report to NICS will initiate a 1 year prohibition on the possession or purchase of firearms or ammunition. Each report will restart the 1 year prohibition.

**18 U.S.C. § 921 et seq., the Brady Handgun Violence Prevention Act (Pub. L. 103-159), the NICS Improvement Act of 2007 (Pub. L. 110-180), and implementing regulations as may be codified within the Code of Federal Regulations.**

## INCENTIVES

Incentives are responses to compliance, perceived as positive, by the participant. The Forsyth County Drug Court recognizes the importance of rewarding participants for good behavior. Incentives will also be swift to support program compliance. Incentives can range from praise from the Judge to having charges dismissed upon program completion.

- In Phase 2, participants may apply for a limited permit from Judge Bagley once they have completed a minimum of 6 months of treatment. They cannot have been to jail within 28 days of the request. The approval is on a case by case basis.
- Free Passes will be granted for use on sanctions other than jail-time, those given for fee arrearage, or missed groups. They will be granted monthly to participants who have had no sanctions for the prior month. These incentives are non-transferable, do not expire, and can only be used 1 per Court session.
- Phases 4 and 5 may substitute one voluntary individual session for a required AA/NA/community support group meeting per week.
- For those who graduate with no sanctions: \$100 value gift/gift card
- Participants of the Month: 2 chosen per month, drawn from collection of names of participants who have had no sanctions for the prior month  
Allowed to choose from a gift card or program perk
- Gold Star Award: 2 chosen per month, staff chooses 2 participants who have some extraordinary progress/improvement/attitude in the prior month  
Allowed to choose both a gift card and a program perk
- Possible Additional Incentives: Phase move recognition  
Grocery store certificates  
Movie tickets  
Fast food certificates  
Graduation certificate

# TREATMENT PROTOCOL

All Drug Court activities and locations may be viewed as an extension of the Forsyth County Drug Court. Participant behavior should reflect that understanding at all times. This includes treatment, community service sites, special events, and other functions associated with Drug Court activities. Violations of program rules can result in sanctions and/or new criminal charges. All staff members of the Forsyth County Drug Court are officers of the court, and participants are expected to follow their instructions.

1. No alcohol, drugs, weapons, or pocket knives will be brought to these facilities.
2. Groups will begin on time! Participants must be punctual, as tardiness will result in sanctions. Participants must attend and participate in the full session to receive credit.
3. Confidentiality is a must. What is said here stays here! There will be **severe consequences** for any violation of this rule.
4. Free expression of participant's thoughts and feelings is encouraged; however, violence, threats or intimidation will not be tolerated. Extreme use of profanity is not acceptable.
5. Leave group only in an emergency after notifying staff. No visitors allowed. Participants will be notified of scheduled exceptions to this rule. This includes children and pets.
6. Pairing up with another Drug Court participant for an intimate relationship is not permitted.
7. Smoking is permitted outside and away from buildings. **However, make sure cigarettes are extinguished and placed in the ash can provided.**
8. No littering in parking lot or in building. Participants will be responsible for assisting in maintaining the cleanliness of the building.
9. Destroying or defacing property will lead to sanctions.
10. Appropriate attire is required for all Drug Court related activities. No clothing or accessories with alcohol or drug related logos should be worn at anytime during Drug Court functions.
11. All cell phones, tablets, etc., must be left outside in a locked vehicle. They will be confiscated if they ring, beep, vibrate, etc., during group.
12. **No sexual harassment will be tolerated!**

## GROUPS

Initially, Forsyth County Drug Court participants will meet three times per week for one and one-half hours per group. Group times are set and participants are made aware of schedules/changes by verbal and posted announcement the Drug Court Office.

## TREATMENT PROVIDER REQUIREMENTS

The contracted treatment provider working with Forsyth County Drug Court participants must be licensed by the State of Georgia (LPC, LCSW, LMFT, etc.) and maintain licensure through required continuing education. As of 2014, licensee must have 35 hours of continuing education. Additionally, the contracted treatment provider shall adhere to the continuing education requirements of all Drug Court staff as noted on page 2 of this manual.

## **SUPERVISION PROTOCOL**

Forsyth County Drug Court participant cases will be managed by the Drug Court Coordinator and staff. The Drug Court Office is responsible for maintaining client records regarding group attendance, meeting attendance, fulfillment of community service requirements, drug screen requirements and results, sanctions and incentives, demographic information, and all other pertinent information. The information will be stored in the drug court case management system. The Drug Court Office will gather such information from necessary agencies and then prepare weekly progress notes on each participant to be used in Treatment Team staffings and in court. This information must be as current and accurate as possible to ensure continuity and fairness in the sanctioning process. All communication between agencies shall be governed by the release of information signed by each participant. If an accusation of wrongdoing is made by a participant about a staff member, treatment provider, community service supervisor or others they have contact with through the requirements of the Drug Court Program, the receiving agency shall report it immediately (within no more than 24 hours) to the Drug Court Coordinator. This does not supersede any agency reporting requirements already in place. The Drug Court Coordinator will notify the Judge and District Attorney.

Throughout the program, Drug Court participants are subject to searches of their person, vehicle, residence, etc., by law enforcement pursuant to their waiver of 4<sup>th</sup> Amendment Rights. During such searches, deputies may perform breathalyzers, look in refrigerators, open cabinets, etc., to determine if the participant is in possession of drugs or alcohol. If a participant tests positive for alcohol/drugs during a search, the deputy will notify the Drug Court Office and the participant will be required to attend the next Drug Court session where sanctions may be imposed. Additionally, if illegal drugs, drug paraphernalia, or other contraband is located, the participant may be arrested on new charges or face sanctions, which may result in termination from the Drug Court Program.

# TESTING PROTOCOL

All participants are required to have random drug screens and will be given drug screening instructions upon entry into the program. For the duration of Drug Court participation at New Hope Counseling, it is the participant's responsibility to check daily to determine if they are required to drug test that day. Drug testing is performed on a random basis; however, a breath or urine specimen may be required at any time. **Participants must call each day to determine if a screen is required. In the event that, for any reason, they cannot access this information by phone or the recorded message is not clear, it is their responsibility to report to the screening facility during scheduled drug testing hours.**

Each drug screen participant will be required to call on a daily basis to determine if they are to report for a UDS that day. When instructed to submit a random UDS, participants are provided a 2-hour window during which they should report to the screening facility to provide a specimen. Testing times are as follows but may be subject to change with notification: Sunday to Saturday 7:00 am to 9:00 am. The random UDS will be a Redwood Biotech stick test manufactured by Redwood Toxicology. Breathalyzing equipment is also on-site to allow for testing of participants for alcohol at any time. Ethyl glucuronide testing (EtG) is used to detect the ingestion of ethyl alcohol within the previous 3 – 4 days, or approximately 80 hours after alcohol has been consumed. EtG samples are sent to Redwood Laboratories for test results. Other laboratory tests may also be performed to ensure abstinence from prohibited substances. The random drug screen or EtG may be conducted any day of the week.

If a screen is announced upon arrival for group and not on the phone system, the 2-hour window starts at the beginning of check-in. Screens will be performed until group starts and then again for 15 minutes following the conclusion of group. Failure to provide a screen during those times will be considered a missed screen. If late or not allowed to enter group due to being late, the same time restraints apply.

Should a participant have a positive UDS utilizing the stick test, the urine will be forwarded to Redwood Laboratories for a confirmation lab report. Additionally, should a participant contest the results of a drug screen for any reason, the specimen will be forwarded to Redwood Laboratories for confirmation. Participants who deny substance use will be required to pay the lab confirmation cost if the specimen confirms as positive or is diluted.

All *regular, announced* drug testing will be conducted at the screening facility; however, other tests may be conducted at the Courthouse, Probation Office, Drug Court Coordinator's Office, or other Drug Court event location. Drug testing days will be randomly chosen with a two hour compliance window. **Late arrivals will not be allowed to test and failure to submit a specimen will be considered a positive screen. Tampering with or diluting a drug screen can be grounds for termination from the Forsyth County Drug Court Program.**

## **Upon reporting for a drug screen:**

1. Only one participant is allowed in the testing area at one time. A same-sex staff member must accompany participants at all times during the drug screening process.



2. Participants must make sure that they hand their specimen to a staff member and watch them put the participant's label on the bottle/screen.
3. Participants must indicate an admission or denial of use prior to submitting the screen and grant permission for confirmation of results if appropriate. **Honesty is a crucial component for recovery and participation in the Forsyth County Drug Court Program. Self-disclosure of use will be considered by the court when sanctions are imposed.**
4. Participants will not be allowed to leave the testing area or drink excessive fluids until a specimen is received. It is suggested that clients not drink any fluids 2 hours prior to screening to avoid possibility of dilution.
5. A staff member of the same sex must always witness the sample being given.
6. Participants must not carry purses, coats, bags, etc. into the testing area.
7. Participant must wash hands thoroughly prior to providing specimen.
8. Shirt sleeves should be rolled up to the elbow and participants may be required to remove additional clothing to ensure validity of specimen.
9. The test cup must contain a minimum of 1/3 level to be adequate for testing.

If a drug screen is positive and a confirmation is requested, the specimen will be sent to Redwood Laboratory for GCMS testing. If the contested specimen is in fact positive/diluted/adulterated, a minimum \$25.00 confirmation fee will be billed to the client's account.

Participants may not be able to stop using drugs immediately and recovery may not occur overnight. However, all use of illegal drugs or alcohol will be sanctioned. This is not intended as a punishment, but to encourage sobriety. Thus, the ultimate goal of drug testing is to provide accountability and confirmation of an individual's progress towards recovery.

## **MEMORANDUMS OF UNDERSTANDING**

MOUs signed with treatment counselors and screeners regarding expectations are available for review through the Purchasing Department.