

Adult Drug Treatment Court Lexington County

~ Established 1996 ~



Policy & Procedures Manual

S.R. Hubbard III
Eleventh Circuit Solicitor

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ADULT DRUG TREATMENT COURT

DRUG COURT PROGRAM

The Lexington County Adult Drug Treatment Court (Drug Court) is a diversion program provided and operated by Eleventh Circuit Solicitor, S.R. Hubbard III. Drug Court is a court-supervised, multi-agency, community-based alternative to traditional prosecution for non-violent offenders with severe substance abuse disorders. The program is a collaboration of a multi-disciplinary team which includes prosecutors, defense attorneys, judges, law enforcement officers, probation agents, treatment providers, and other community partners. Drug Court is a cost-effective, evidence-based program that seeks to break the cycle of addiction and crime.

While primarily a therapeutic program designed to assist participants in their rehabilitation, Drug Court stresses accountability, with legal consequences for those who do not successfully complete the program. Drug Court is a multi-phase program that requires mandatory drug testing, intensive outpatient treatment, and strong aftercare. The program employs incentives to encourage compliance and increased sanctions for noncompliance with court orders. Participants are required to attend community support groups and regularly scheduled judicially supervised status hearings. The length of participation in Drug Court varies from eighteen to twenty-four months, with some participants spending more time in the program based on their individual needs and progress.

Drug Court assists participants in their journey of rehabilitation, allowing them to become productive, law-abiding citizens. Various parties can refer an individual to Drug Court; however, the Solicitor has the sole authority, pursuant to his prosecutorial discretion, to determine who may enter the program.

BACKGROUND

The Lexington County Adult Drug Treatment Court began in Lexington County on July 25, 1996, as the first Drug Treatment Court in the State of South Carolina. The program follows the Adult Drug Court Best Practice Standards and the Ten Key Components set forth by All Rise (formerly known as the National Association of Drug Court Professionals).

Drug Court operates under a proviso enacted by the South Carolina General Assembly. The Drug Court judge is selected by the Eleventh Circuit Solicitor and approved by the Chief Justice of the South Carolina Supreme Court.

MISSION STATEMENT

The Lexington County Adult Drug Treatment Court's mission is to promote public safety and reduce recidivism by providing non-violent offenders a highly structured, cost-effective program that combines evidence-based cognitive behavioral treatment, education, and intensive judicial supervision to reduce addiction and criminal activity.

GOALS & OBJECTIVES

Reduce Drug Abuse

Reduce drug abuse and rehabilitate non-violent offenders by providing intensive, evidence-based, substance abuse treatment and rehabilitation services to assist participants in regaining their lives and reuniting families.

Reduce Criminal Activity

Reduce criminal activity and promote community safety by providing cognitive behavioral treatment designed to increase social and moral reasoning, change how drug-abusing offenders make decisions, and decrease their antisocial behaviors.

Reduce Recidivism

Reduce recidivism and deter future criminal acts by targeting offenders's errors in thinking that result in relapse and a return to criminal behaviors.

Provide A Cost-Effective Alternative to Incarceration

Provide a cost-effective alternative to incarceration by combining evidence-based treatment and intensive judicial supervision to change an offender's behavior and decisions. This alternative will ultimately reduce costs to our communities and the likelihood of the offender being sentenced to prison.

DRUG COURT TEAM

The Drug Court Team consists of a Judge, Assistant Solicitor/Program Director, Program Coordinator, Defense Attorney/Public Defender, Probation Officer, Law Enforcement Officer, and Treatment Service Providers. The Judge serves as the Team leader. The Team holds meetings, referred to as staffing, to discuss the progress of each participant. Staffing affords each Team member the opportunity to share information and to provide input on methods to assist the participant in obtaining a successful outcome, such as incentives or sanctions. The Team understands that Drug Court is not a traditional criminal court but rather a therapeutic setting designed to assist the participant in making behavioral and lifestyle changes. The Team also understands that the interests of the community and the participant are better served when the participant successfully completes the program.

DRUG COURT TEAM ROLES & RESPONSIBILITIES

Judge

The Judge is the Drug Court Team leader and directs staffings. He is responsible for maintaining a non-adversarial atmosphere, ensuring all Team members have an opportunity to be heard, and keeping the Team focused on each participant's accountability and rehabilitation. The Judge also presides over scheduled Drug Court status hearings, where each participant appears before him. He has more discretion and oversight than is typical in the normal adversarial legal proceeding. The Judge is able to monitor the progress of each participant and address a participant's personal and ancillary issues without losing the aura of judicial authority. He considers the Team's insights as to the participant's progress, and he allows participants to share their individual viewpoints and concerns. The Judge

ultimately determines incentives and sanctions for participants, phase progression, and whether a participant is to be terminated from the program or is eligible to graduate.

Assistant Solicitor/Program Director

An Assistant Solicitor serves as the Program Director. The Program Director reviews all applications to Drug Court for legal eligibility and enlists the assistance of Law Enforcement and Probation Team members in determining legal eligibility. The Program Director attends Drug Court status hearings, participates in staffing while maintaining a non-adversarial role, monitors the participant's progress, and makes recommendations regarding incentives and sanctions. If a participant is re-arrested, the Program Director investigates the new criminal charges and assesses the appropriateness of continued participation in the program.

Public Defender/Private Defense Counsel

A Public Defender and/or Private Defense Counsel maintains a non-adversarial role. The Defense Counsel assists the Assistant Solicitor/Program Director in identifying potential participants for referral to Drug Court to be screened for eligibility and participates in staffing and status hearings. The Defense Counsel represents and advises the participant in all Drug Court proceedings. The Defense Counsel also protects the participant's constitutional and civil rights. The Defense Counsel provides the participant advice as to treatment options, program conditions, and sentencing outcomes that are in the participant's long-term best interests. The Defense Counsel also encourages the participant to be truthful with the Judge and Treatment Service Providers.

Coordinator

The Coordinator is an employee of the Solicitor's Office. The Coordinator works with the Assistant Solicitor/Program Director in overseeing the overall function of the program and coordinates the screening and assessment process. Additionally, the Coordinator organizes all information for referrals to present to the Drug Court Team and gathers relevant information for staffing. The Coordinator maintains all files and documents related to the program, which includes all participant files, waivers and agreement forms, and policy and procedure documents. The Coordinator works directly with the participants, collects the application fee and restitution, if applicable, and serves as a liaison for other government and community agencies. The Coordinator also prepares all status hearing reports, attends the Drug Court status hearings, participates in staffing, and makes recommendations for incentives and/or sanctions.

Probation Officer

A Probation Officer assists in supervising participants who enter the program through a restructured probation violation sentence and shares Drug Court's focus on the participant's accountability and rehabilitation. The Probation Officer assists the Assistant Solicitor/Program Director and the Coordinator in identifying potential participants by providing risk assessments and assisting the Program Director in determining legal eligibility of applicants to the program. The Probation Officer realizes that all violations must be reported to the Drug Court Team so the Judge can determine any sanctions that would be appropriate. When a probation participant is terminated, it will be considered a probation violation and the Probation Officer will seek a probation revocation in the Court of General Sessions. The Probation Officer participates in staffing and attends the Drug Court status hearings.

Law Enforcement

A Law Enforcement Officer serves as a liaison between Drug Court and law enforcement agencies. The Law Enforcement Officer also assists with background investigations of potential participants, particularly as it relates to assisting the Assistant Solicitor/Program Director in determining legal eligibility of a potential participant. The Law Enforcement Officer provides inter-agency transports to treatment facilities, follows up on warrants issued through the Court, and conducts home visits on participants. The Law Enforcement Officer participates in staffing and attends the Drug Court status hearings.

Treatment Service Providers

The Treatment Service Provider(s) provides intensive, evidence-based substance abuse treatment and clinical supervision of the participants. The Treatment Provider screens and evaluates potential participants using accepted assessment methods and tools, devises a specific treatment plan for each participant based on the participant's unique issues, and creates a continuum of care plan and aftercare plan for each participant. The Treatment Provider makes referrals to other community resources (e.g., mental health provider) when appropriate. The Treatment Provider is responsible for providing the Drug Court Team with a progress report on each participant prior to staffing. In addition to participating in staffing, the Treatment Provider attends the Drug Court status hearings and provides the Judge with an update on each participant's progress in court and makes recommendations regarding incentives, sanctions, and/or phase progression.

REFERRALS & PROGRAM STRUCTURE

Drug Court receives referrals from a variety of sources, including prosecutors, defense attorneys, judges, law enforcement officers, probation agents, and administrative hearing officers. Drug Court allows a one-time admission into the program, regardless of a participant's completion or non-completion. An applicant must meet eligibility requirements and enter to the program through one of two tracks:

- 1) **Post-Plea:** The offender/participant will enter into a negotiated plea in the Court of General Sessions, the judge will impose a sentence, and the sentence will be deferred until final disposition of the program. Upon successful completion of Drug Court, the Solicitor will submit to the Court of General Sessions an order withdrawing the participant's plea and dismiss the participant's charges. The participant will also be eligible to have the charge(s) expunged from the participant's criminal record. A graduate of Drug Court will also have the opportunity to have **any** charge arising from the 11th Circuit on his or her record that is legally eligible for expungement, expunged from his or her record.¹ If, however, the participant is terminated from Drug Court, the participant will be detained and brought before the Court of General Sessions for imposition of their deferred sentence.
- 2) **Violation of Probation:** As a result of a violation of an offender's probationary sentence, the South Carolina Department of Probation, Parole, and Pardon Services (SCDPPPS) may refer an offender to Drug Court. Upon successful completion of the program, a recommendation will be submitted to SCDPPPS to shorten or terminate the participant's term of probation. However, if the participant is terminated from the program, the participant will be detained

¹ Some fees may apply.

and SCDPPS will seek to revoke the participant's probation in the Court of General Sessions.

ELIGIBILITY STANDARDS

Drug Court has defined eligibility as follows:

- Non-Violent Offenders
- Male and Female Offenders (who do not cohabitate together)
- At Least Eighteen Years of Age
- Repeat, Misdemeanor, and Felony Offenders
- General Sessions Level Charge(s) / Violation of Probation Status
- No Other Pending General Sessions Charges
- High Risk/High Need
- Offenders with Co-Occurring Psychoses Who are Stabilized on Medication

An offender with a pending charge or prior conviction for a violent offense as defined in § 16-1-60 is ineligible for Drug Court. In addition, the Solicitor has the authority to deny an application to Drug Court due to the nature of the applicant's present or past offenses. Details of all offenses along with any victim impact are taken into consideration.

RECONSIDERATION POLICY

Drug Court will consider all appropriate referrals on a case-by-case basis. If a relevant party to the offender's case (attorney, judge, law enforcement officer, etc.) believes the Drug Court Team failed to consider a particularly important factor, that individual may submit a written request to the Assistant Solicitor/Program Director for the case to be reconsidered. The request must include supportive reasoning for reconsideration, such as mitigating circumstances pertaining to the crime, psychiatric/psychological reports that may not have been available for the initial consideration, and/or any other relevant information that can be placed in written format.

REFERRAL, SCREENING & ENTRY PROCESS

Step 1. Prosecutors, defense attorneys, judges, law enforcement officers, probation agents, and administrative hearing officers who believe the offender has a severe substance abuse disorder can make a referral to the Program Director.

Step 2. The Program Director will review the case file and will consult with Law Enforcement and SCDPPS to determine legal eligibility.

- If approved, the Program Director will notify the Drug Court Coordinator by forwarding the Referral Form.
- If not approved, the Program Director will notify the referral source and the Drug Court Coordinator.

- Step 3.** The Coordinator will enter the referral into the database system for tracking and will schedule for treatment eligibility. During the screening, a Bio-Psycho-Social Assessment is completed to collect information on the offender's substance use/abuse history, treatment history, mental condition, physical condition, and willingness to participate.
- If the defendant is out on bond, a come-to-court letter will be sent to the defendant for an appearance date, for the Coordinator to conduct the treatment screening.
 - If the defendant is in the Lexington County Detention Center (LCDC), the Coordinator will arrange for the Treatment Provider to conduct a screening at LCDC. If the defendant is being held in another facility in another county, the Coordinator and Treatment Provider will coordinate in order for a screening to take place at that facility.
- Step 4.** The Coordinator and/or Treatment Provider will notify the Program Director of the outcome of the screening.
- **Inappropriate:**
The Coordinator will notify the Program Director who in turn will notify the referring party that the defendant is not appropriate for Drug Court.
 - **Appropriate:**
The Coordinator will notify the Program Director. The Program Director will then schedule a plea date.
- Step 5.** At the plea, the defendant will enter a negotiated guilty plea and a Circuit Court Judge will impose a deferred sentence pending disposition of the program. The Waivers and Agreements form is included with the plea paperwork, and must be signed prior to the plea. After the plea is entered, the Coordinator will meet with the defendant to review the Drug Court requirements and procedures and will also complete the application packet with the defendant. At this time, the Coordinator will notify the defendant of the *one-time* application fee of \$100.00², that is due forty-five (45) days from the plea date.
- Step 6.** Defendants that are referred to the program due to a probation violation will have their probation amended to include the completion of Drug Court as a requirement of their probation. The Coordinator will schedule an appointment with the defendant to review the application and fees, the Waivers and Agreements form, and the requirements of Drug Court.
- Step 7.** Upon successful completion of Drug Court, the following will occur:
- **Post-Plea Participant:**
An order will be issued by the Drug Court Judge withdrawing the defendant's plea and dismissing the defendant's charge(s). The defendant will then be entitled to apply for an expungement.³
 - **Probation Participant:**
A recommendation will be submitted to SCDPPPS to shorten or terminate the defendant's term of probation.

² Fees subject to change.

³ Solicitor Hubbard has approved expungement of eligible charges/convictions arising out of the 11th Circuit on a defendant's rap sheet upon successful completion of Drug Court.

Step 8. Upon termination from Drug Court, either by judicial termination or by the defendant's decision to opt-out of the program, the defendant will be detained in the Lexington County Detention Center (LCDC) until such time as he or she can be brought back to the Court of General Sessions for a sentencing hearing. Once the sentencing hearing is scheduled, the following will occur:

- **Post Plea Participant:**

The defendant's deferred sentence will be imposed and the defendant will be transported to the Department of Corrections.⁴

- **Probation Participant:**

SCDPPPS will proceed with revocation proceedings.

TREATMENT & SUPERVISION

Treatment: The Drug Court Team works in collaboration with the Treatment Provider clinicians for the benefit of the participant. This aids in forming treatment strategies and identifying issues currently affecting the participant's recovery. Anyone significant in the participant's life, such as family members, employers, friends, is important to the treatment process. Treatment needs are determined during the clinical assessment, which is completed at the first group treatment session upon admission into the program. The participant's risks and needs are reviewed on a weekly basis and are often adjusted during the program as more information is learned about the individual.

The American Society of Addiction Medicine (ASAM) instrument is used to determine the appropriate level of care for the participant. The full continuum of treatment modalities is available including detoxification, in-patient treatment, halfway house, and out-patient treatment at varying levels. Both individual and group therapies are employed since the aim of the program is to treat the whole addict, not just the addiction. Confidentiality is maintained except where the continuum of care principle requires information to be shared.

Participants are required to engage in self-help meetings as recommended by the Treatment Provider. The participant is required to obtain a home group and sponsor in order to help understand the 12-step program. The 12-step program and other pro-social sober support activities are designed to help the participant create a new life in recovery, which includes a healthy and sober lifestyle.

The Treatment Provider will use a variety of community resources to assist participants in their recovery goals. Community resources can include education, job placement, mental health, and/or parenting skills, to name a few.

Supervision: The entirety of the Drug Court Team assists in supervising the participants, and individual probation agents assist with those participants who are in Drug Court as a restructured condition of probation after a probation violation hearing. As participants move through the program, their behavior becomes the chief indicator of the appropriate level of supervision. The participant is seen more often, if and when, circumstances dictate. There is on-going communication between Probation and the Drug Court Team. This approach is vital in maintaining accountability and responsibility.

⁴ Credit for time served is generally opposed when a defendant has been terminated from Drug Court; however, any imposition of credit for time served is left in the Circuit Court Judge's discretion.

Judicial Supervision: Judicial supervision is a critical component of the program. Court appearances are essential in keeping the participant focused on the ultimate goal of long-term sobriety and rehabilitation. Judicial supervision lessens or increases based on the participant's performance in the program.

Testing and Accountability: Substance abuse testing is a cornerstone of the program. The program's substance abuse testing policy is based on a random and frequent testing system. If the participant fails to appear, fails to submit a sample, or dilutes a sample, this will be considered a positive drug test for program purposes. The program has a zero-tolerance policy for attempting to submit an adulterated or a fake sample. All drug sample submissions are provided in the presence of the Treatment Provider. A male Treatment Provider will observe all male participant drug submissions, and a female Treatment Provider will observe all female participant drug submissions.

Home Visits: Home visits are used as a method of continued supervision of a participant. Home visits are conducted by Law Enforcement, or a probation agent if the participant is participating in Drug Court as a part of a restructured probationary sentence, and are a means to ensure the participant is residing in a stable atmosphere.

TREATMENT COSTS⁵

Drug Court requires a one-time application fee of \$100.00, and a monthly treatment fee of \$100.00. The one-time application fee is paid directly to the Solicitor's Office, whereas the monthly treatment fee is paid directly to the Treatment Provider. Forms of acceptable payment methods (cash, check, money order or credit card) will be determined by the Treatment Provider, and the time and the location to make monthly payments will be provided to the participant upon acceptance.

LENGTH & PHASES OF THE PROGRAM⁶

The length of participation in the Drug Court program varies from 18 to 24 months, but may be longer depending on the participant's needs and progress. Program progression is awarded to those who are active in their recovery, meet treatment goals, and comply with all program requirements. The program consists of three phases, and except for the initial Observation, each phase requires a minimum of six months. Participants adhere to the same phase requirements. Phase I and Phase II are highly structured and demanding, as this is typically in the beginning of a participant's treatment process when his or her internal motivation is often at its weakest and more support is necessary. As the participant progresses in the phases, these requirements gradually lessen.

OBSERVATION (4 weeks):

- Integrate and acclimate into the treatment process and group setting.
- Abstain from all mood or mind-altering substances, including alcohol. All prescribed medications are to be reported and reviewed by the Treatment Provider to determine medical

⁵ All costs and fees associated with the Drug Court program are subject to change.

⁶ Phase requirements are subject to change.

necessity and compliance with abstinence model.

- Comply with required groups and individual self-help sessions.
 - Attend treatment groups 3 nights per week.⁷
 - Attend recovery support meetings (12-Step/Self-help/AA/NA) 2 nights per week.
- Submit to and provide valid drug screens.
- Follow individual treatment plan objectives.
- Secure stable housing, reliable transportation, and a social support system (e.g.: family, sponsor, friends).
- Attend all Drug Court status hearings.
- Phone check in daily.

PHASE I – Stabilization (minimum 6 - 8 months):

- Attend treatment groups 3 nights per week.
- Participate in individual sessions by designated appointment.
- Attend recovery support meetings 2 nights per week.
- Attend all Drug Court status hearings.
- Provide consistently clean and valid drug screens.
- Secure a sponsor within the first 60 days and commit to a drug free life style.
- Present step 1 of the NA/AA 12-step program to peers and Treatment Provider.
- Recognize need for recovery support community and specify recovery network, e.g.:
 - Home group
 - Sponsor
 - Full time employment/community service or full- time educational process or volunteering.
- Attend recovery support meetings (12-Step/Self-help NA/AA) two nights per week.
- Attend family groups with recovery support.
- Maintain two to three months (60 - 90 days) of continued abstinence.

PHASE II – Education (minimum 6 - 8 months):

- Attend treatment groups 2 nights per week.
- Participate in individual sessions by designated appointment.
- Attend recovery support meetings (12-Step/Self-help/AA/NA) 3 nights per week.
- Attend all Drug Court status hearings.
- Provide consistently clean and valid drug screens.
- Maintain commitment to drug free life style.
- Present step 2 of the NA/AA 12-step program to peers, sponsor, and Treatment Provider.
- Identify any underlying clinical concerns that the client has used addiction for relief or escape e.g.: Criminal thinking.
- Complete all assigned clinical requirements to address underlying causal concerns.

⁷ Treatment groups are typically held Monday-Wednesday from 6:00-9:00 p.m. but are subject to change. Participants who are late will not be allowed into group and will be considered absent.

- Maintain three months (90 days) continuous abstinence.

PHASE III – Maintenance (minimum 6 - 8 months):

- Attend treatment groups 1 night per week.
- Participate in individual sessions by designated appointment.
- Attend recovery support meetings (12-Step/Self-help/AA/NA) 4 nights per week.
- Attend all Drug Court status hearings.
- Provide consistently clean and valid drug screens.
- Maintain commitment to drug-free lifestyle.
- Present step 3 of the NA/AA 12-step program to peers, sponsor, and Treatment Provider.
- Secure full-time employment or attend school full-time.
- Establish recovery support network (e.g.: home group, sponsor, voluntary services position).
- Provide established daily practice with ongoing logs.
- Present relapse dynamics and specific behaviors and beliefs to prevent relapse.
- Act as peer support leader if selected by treatment group.
- Present long-term recovery goals to group and Court.
- Maintain three months (90 days) continuous abstinence.

A participant's treatment stay will be determined solely by their progress on treatment goals. As the participant moves through the phases of treatment, the number of three-hour sessions per week is reduced by one session each time a client moves to the next phase of treatment. However, if during the course of treatment, the participant is unable to maintain abstinence, follow rules, or show progression in treatment and personal recovery, he or she will be reassessed for more intensive level of services (e.g., in-patient treatment services), moved back to the previous phase for content review, or terminated from the program as the Drug Court Judge sees fit after consultation with the entire Drug Court Team.

If a participant is referred to residential treatment, the participant upon release will return to Drug Court in order to complete the program. The program curriculum serves as the foundation from which participants learn, grow, and change. This change includes engaging in cognitive restructuring (e.g., changing irrational/negative thinking patterns to rational, positive, and constructive thinking patterns, and demonstrating new behaviors indicative of recovery, maturity, responsibility, and accountability). The change in thinking and behavior enhances the participant's overall health and well-being, including their biological, psychological, social, and overall medical condition.

To advance in phases, the participant must be compliant with all program requirements and have the required number of consecutive days of negative drug and alcohol tests as outlined in the Length and Phases of the Program section.

To be eligible for graduation, the participant must be compliant with all program requirements, have at minimum three consecutive months of negative drug and alcohol tests, and be current with all of their treatment and Drug Court fees.

STANDARDS ON MEDICATIONS

Drug Court prohibits the use of narcotics or other prescribed drugs with potential for abuse. Prior to use, the participant must have all prescribed medications, over the counter medications, dietary supplements, and vitamins approved by the Treatment Provider in order to avoid any cross reactions that may result in positive drug tests. The participants are advised of these prohibitions prior to entering the program and are responsible for notifying their physician when being treated. It is necessary that the physician treating the participant understands and recognizes the participant's addiction issues. The program will work with the physician to meet the needs of the participant while accomplishing the goals of the program. The program has a zero-tolerance policy for unauthorized distribution, sharing, or consumption of medications. Best outcomes are available when there is cooperation between treatment and the participant's healthcare provider(s). Therefore, all participants will sign a medical release allowing the Treatment Provider to work directly with the healthcare provider(s) concerning their medication and health needs.

INCENTIVES & SANCTIONS

Incentives and rewards are used by the Judge to recognize and reinforce positive participation as well as behavior. Some examples include:

- Verbal recognition in the presence of the participant's family and peers
- Presentation of Certificate of Achievement marking completion of phases
- Books on recovery
- Gift certificates
- Modifications of interventions
- Commencement ceremony with presentation of Certificate of Graduation recognizing successful program completion

Sanctions are used by the Judge to respond to violations. The severity of the sanction depends on the number or type of rule infractions. In addition to graduated sanctions, there may be an increase in treatment program involvement (as determined by the Treatment Provider) and drug/alcohol testing. Some examples include:

- "Learning experiences" given by counselors and supported by the judge. These may include writing papers, picking up after group sessions, etc. Learning experiences usually correspond to the type of infraction, such as writing a paper on irresponsibility or time management if consistently returning to group late from break
- Increased drug screening
- Increased court appearances
- Community service
- Return to a previous phase
- 24 to 48 hours in jail or longer (awaiting a bed for in-patient treatment)
- In-patient treatment
- Attend General Sessions court
- Termination from the program

TERMINATION FROM DRUG COURT

Drug Court is a voluntary program. The Judge has the sole authority to terminate a participant from the program after consultation with the Drug Court Team.

Voluntary Termination: A participant is free to request a voluntary termination from the program at any time. All Post-Plea cases are scheduled for sentencing, and Probation Violation cases are returned to SCDPPPS on the outstanding charge for a revocation hearing in General Sessions Court.

Involuntary Termination: A participant may be terminated involuntarily for violation of program rules and regulations and/or for new criminal charge(s). New General Sessions level criminal charges may be grounds for termination. The Drug Court Team may request a clinical reassessment to be completed to determine if a participant is appropriate to remain in the program on new Summary Court level charges. In the event of an involuntary termination, Post-Plea cases are scheduled for sentencing and Probation Violation cases are returned to SCDPPPS for a revocation hearing in General Sessions Court.

GRADUATION REQUIREMENTS

Graduation from Drug Court comes after a participant has been promoted through the three phases and has successfully completed the requirements of the program. The Judge has the sole authority, upon consultation with the Drug Court Team, to approve a participant's phase changes and graduation. The requirements for graduation are: (1) remain substance free for a minimum of three consecutive months; (2) successfully complete all treatment goals and create an approved relapse prevention plan; (3) be employed or involved in a productive daily activity; (4) reside at an approved residence; (5) remain current on payment of all fines, restitution, Drug Court costs, and treatment costs; (6) remain on good behavior by refraining from incurring any new arrests; and (7) complete all special conditions of their sentence.

TRAINING

The Drug Court Team is committed to staying current with trends by attending trainings in addiction, recovery, evidence-based practices, supervision, and related topics. Team members attend the annual South Carolina Association of Drug Court Professionals (SCADCP) and/or All Rise (formerly known as the National Association of Drug Court Professionals) conferences to be knowledgeable of advances in the treatment of addictions. In addition, team members will utilize web-based trainings through the National Drug Court Institute and National Drug Court Resource Center.

CONFIDENTIALITY

Any program that specializes, in whole or in part, in providing treatment, counseling, or assessment and referral services for offenders with Alcohol or Drug (AOD) problems must comply with Federal confidentiality regulations (42 CFR §2.12(e)). Federal confidentiality laws and regulations protect any information about an offender if the offender has applied for or received any AOD-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment, or referral for treatment.

Information that is protected by Federal confidentiality regulations may always be disclosed after the participant has signed a proper consent form. The regulations also permit disclosure without the participant's consent in several situations, including medical emergencies, program evaluations, and communications among program staff. Participants who refuse to sign consent forms permitting essential communications can be excluded from treatment or may be provided treatment temporarily in the hope that the participant will agree to consent as treatment proceeds.

Drug Court's confidentiality policy states all information regarding the participant shall be kept confidential unless otherwise ordered by the Court. In addition, no information disclosed shall be the basis for prosecution of new crimes and the participant shall not be required to testify to any information discussed or disclosed during Drug Court hearings.

Upon admission to the program, the participant is required to sign a consent/waiver authorizing the transfer of information among Drug Court's participating agencies and court-approved observers for the duration of program participation.

DATA COLLECTION

Drug Court maintains data to measure the program's performance outcomes. The program uses a case management system⁸ to record data to assist with maintaining participant information.

The program currently maintains data on the following: race, ethnicity, gender, marital status, employment, education, terminations, and successful completions.

⁸ The data collection method used by Drug Court is subject to change.

APPENDIX

Appendix A: 12-steps of Alcoholics Anonymous/Narcotics Anonymous

Appendix B: Best Practice Standards

APPENDIX A

Step 1: Powerlessness. During step one, you acknowledge that you are powerless in your drug/alcohol addiction. Admitting to yourself that you have a drug/alcohol problem and are powerless on your own is the key to recovery.

Step 2: Hope. Next, step two asks you to look to a higher power for guidance and support. This higher power can be religious, such as a god or deity, or it can be a powerful concept that reminds you that you don't have all the answers.

Step 3: Surrender. By surrendering to a higher power, you admit that there is something out there that is greater than you are. It also reminds you that there is more to life outside of your addiction.

Step 4: Inventory. Doing an inventory is an exercise in self-reflection. During step four, you examine the mistakes you have made throughout your addiction.

Step 5: Confession. Step five takes place shortly after step four and asks you to be honest about your mistakes. Speaking your truth might seem hard at first, but is an important part of living with integrity during recovery.

Step 6: Acceptance. Once you acknowledge your flaws and mistakes, you will then take time to accept yourself for who you are. Everyone has good and bad characteristics, and our mistakes do not define us.

Step 7: Humility. Step seven asks you to turn to your higher power for support and inspiration. You might pray for guidance or examine a deeply held philosophy and see how it inspires you to acknowledge that you don't have to carry the weight of the world on your shoulders.

Step 8: Amends List. During step eight, you will make a list of the people you might have hurt as a result of your drug/alcohol addiction.

Step 9: Make Amends. Now that you have created a list of those you have wronged, step nine asks you to reach out to those people and offer them an apology. (Sometimes, people on your list may not be open to having a conversation. It is more important that you tried to make amends rather than received forgiveness.)

Step 10: Maintain Inventory. Step ten encompasses your entire recovery process. You will continually check in with yourself during your recovery journey and remain honest about your progress.

Step 11: Reflect. For step eleven, you will engage in prayer or meditation to consider your life's purpose.

Step 12: Be of Service. Many people likely helped you throughout your recovery journey. Step twelve asks you to take the new chance at life that you've been given and use it to help others.

APPENDIX B

For a complete copy of All Rise's Adult Treatment Court Best Practice Standards, visit https://allrise.org/wp-content/uploads/2024/05/Adult-Treatment-Court-Best-Practice-Standards-I-VI_VIII_X-final.pdf