

## **THE LEE COUNTY FELONY DRUG COURT PROGRAM DRUG COURT TEAM OPERATIONAL HANDBOOK**

**Mission:** To improve the lives of substance abusers and restore the individuals to be productive members of society.

**Purpose:** To break the cycle of addiction and reduce the rate of recidivism.

**Identification and Referral Process-**The Pretrial Services Intake and Investigation Unit identifies potential candidates for diversion programs during the interview process at booking. A list of those identified with substance abuse needs that appear to meet eligibility criteria will be forwarded to the pretrial officer assigned to drug court. The pretrial officer will prepare and send a list of eligible participants to the SAO and PD coordinators and addictions specialist after researching all available resources, including Odyssey, CJIS, CJMS and NCIC, to ensure the potential participants meet eligibility criteria and that any pending cases are identified. A potential participant must have a pending non-violent felony charge or be on probation for a non-violent felony charge and have a violation of probation pending and must not have a current charge that carries a minimum mandatory sentence. In addition, there could be other factors, at the discretion of the State Attorney's Office, that may preclude entry into the program. Pending misdemeanor charges may or may not be included.

Referrals outside of First Appearance will be sent directly to Pretrial Services and the State Attorney's Office for review on the Lee County Felony Drug Court Program Referral Data Sheet. Participants wishing to transfer from another Drug Court Program shall be forwarded through the standard referral process. Representing counsel will make necessary arrangements for transfer of paperwork if entry is approved by the State Attorney's Office. Participants wishing to transfer to another Drug Court Program will be advised to make a formal request via counsel for discussion amongst the drug court team.

An addictions specialist will attempt to screen all potential participants in custody within twenty-four hours of being notified. At the time of screening, if interested and recommended for the program, the addictions specialist will review and explain the "General Consent for Release of Confidential Information" to the participant to release and share all treatment related information with the drug court team. The addictions specialist will obtain the potential participant's signature for further consideration into the program. Any medical conditions or prescriptions that could prohibit the ability of a participant from completing drug court requirements or that place another participant or team member at risk, and any propensity for anger or violence, must be provided to the drug court team by the addictions specialist via the drug court database. The addictions specialist will inform the participant that certain prescriptions, even when prescribed, and all substances containing alcohol are not permitted in the program. The addictions specialist will also inform the participant that he or she cannot ingest or possess a prescription drug without obtaining prior permission from the drug court team. Additionally, any waivers utilized by any other treatment provider that the participant may be receiving services from must include release to the drug court team. The addictions specialist will enter all initial assessments into the drug court database when recommending the potential participants to the program. The initial screening must include the defendant's current employment, educational level and job skills, housing situation and driver's license status.

The SAO coordinator will conduct an initial review to ensure cases referred have been filed on and will investigate all current and related cases that might affect the participant's status. If a participant appears to qualify, the SAO coordinator will notify the pretrial officer and defense counsel when applicable. The SAO coordinator will notify the pretrial officer, private counsel when applicable and the Public Defender (PD) coordinator of any participants disqualified from the program from the initial review, and the pretrial officer will remove said participants from the pending referrals list, along with a reason and date for such.

Contact will be attempted with participants by the Public Defender's Office when appointed, and by Pretrial Services when self represented, to explain the program in detail to potential participants in custody within five business days of notification and within ten business days when out of custody. Potential participants interested in being considered for the program will be provided the Felony Drug Court Program Handbook. Potential participants out of custody will be instructed to report to the addictions specialist for screening within seven business days, and notice will be provided to the treatment provider. When a potential participant is represented by private counsel, the SAO coordinator will contact the attorney to advise that his or her client is being considered for the program.

**Final Referral List-**The pretrial officer will prepare a final referral list of participants who have been contacted, have confirmed interest and have been recommended for the program by the addictions specialist. The pretrial officer will provide the final list to the assistant state attorney at staffing for consideration. The pretrial officer will provide a summary of the criminal history to the State Attorney's Office upon request.

The assistant state attorney will review the booking report and criminal history within seven business days for initial approval, and will make a final offer after filing and completion of a score sheet. The assistant state attorney makes the final determination for acceptance into the program, after filing and a score-sheet is received, and will relay all offers with potential entry dates. The SAO coordinator will inform defense counsel of any offers.

**Staffing-**The pretrial officer will prepare and distribute a staffing agenda, by 0930 on the day of staffing, and will facilitate following the agenda during staffing.

The drug court team will meet weekly to discuss current and potential participants. The drug court team includes representatives from Pretrial Services, the offices of the State Attorney and Public Defender, Southwest Florida Addiction Services and the Department of Corrections.

The treatment provider will provide notification to the pretrial officer of any participants being recommended for phase advancement by the day prior to staffing and will provide phase checklists at staffing. The treatment provider will bring files to staffing for all participants scheduled for review due to non-compliance in the program.

The assistant state attorney will advise of any participants removed from consideration for the program and indicate a reason for such. The assistant public defender may oppose the disqualification and advocate for further discussion and consideration. The PD coordinator will make further contacts to establish a need for the program when applicable. The PD coordinator will advise the referring source and/or participant of the disqualification. Any participant unable to be contacted within thirty days will automatically be removed from the pending referrals.

**Court Preparation-**The assistant public defender will prepare and review the agreement, plea form and release of information will all participants represented by the Public Defender's Office prior to the scheduled entry date. Private Counsel is expected to prepare and review the agreement, plea form and release of information, with all necessary signatures in place, prior to the scheduled entry date.

The Clerk of Court prepares and distributes the docket for each scheduled court date to the designated distribution list by noon the day prior to court. Any member of the drug court team may request that the docket be amended only as absolutely necessary. The treatment provider will make any requests for

participants to be added to the docket via the pretrial officer, who will provide the Clerk of Court with the full name and case number.

The pretrial officer will ensure summary reports are distributed via email to the drug court team by 1400 the day prior to court.

**Drug and Alcohol Testing in court-**The treatment provider will appear one hour prior to court staffing and ensure all active participants are tested, while observed, for drugs and alcohol, unless otherwise instructed by the drug court judge. The treatment provider will report all results to the drug court team at court staffing.

**Court Staffing-** The drug court team will appear for court staffing to discuss progress of participants one hour prior to the scheduled court time. The pretrial officer will provide summary reports for each participant scheduled on the docket to the drug court judge. The treatment provider will provide a progress report at court staffing for all non-compliance issues and any updates since weekly staffing. The treatment provider will also be prepared to provide treatment history on each participant scheduled for a violation of probation hearing. The treatment provider will coordinate progress reports and verify compliance from other treatment providers utilized, whether in person or in writing, and will relay such in court. The probation officer will also update the judge on any participants' non-compliance issues. The drug court team will provide recommendations to the drug court judge for incentives, sanctions and/or altered treatment utilizing the Sanctions and Rewards Guidelines.

**Court Procedures-** The pretrial officer will announce future court dates for all participants on the docket. The PD coordinator and/or secretary will provide future court dates in writing to each participant on the docket.

The PD coordinator will complete all sanction logs for participants represented by the Public Defender's Office and provide such to the applicable participants. The pretrial officer will complete all sanction logs for participants represented by private counsel and provide such to the applicable participants. The pretrial officer will collect all sanction logs to provide to the drug court team. All proof of employment, involvement in a vocational or educational setting, or performance of community service hours will be collected and verified by the supervising officer. The PD coordinator will coordinate all rewards relating to the "fishbowl".

The pretrial officer will document all court outcomes, including drug test results from testing in court, violations, rewards and/or sanctions imposed and work, involvement in a vocational or educational setting or performance of community service hours. The pretrial officer will ensure all court outcomes are entered into the drug court database.

The pretrial officer will ensure a reassignment order is completed within one business day for all cases that enter the Felony Drug Court Program. If a misdemeanor case is resolved without entering the program, it will not be included on the reassignment order.

**Case Management -** The pretrial officer will monitor all participants' program compliance with phase requirements based on information provided by the treatment provider. The pretrial officer will also ensure information is exchanged between the drug court team, the treatment provider and the drug court judges.

**Case Supervision-** The probation officer will monitor and supervise all participants. The probation officer will require written reports from all supervised participants. The probation officer will conduct visitations at participants' place of residency and employment, or elsewhere as necessary, and will enforce curfew orders. The probation officer will submit a violation report or warrant to the drug court judge for any participant who violates the conditions of probation and will notify the drug court team of such as soon as possible.

**Treatment and Case Management-** The treatment provider will prepare individualized treatment plans for each participant in the drug court program. The treatment provider will ensure participants participate in required meetings, treatment, counseling and random drug and alcohol screens in accordance with the Lee County Felony Drug Court Program Handbook and will notify the court otherwise. The treatment provider will make recommendations for phase advancements after completion of the corresponding phase checklist and will present such at staffing. The treatment provider will input all treatment notes into the drug court database no later than twenty four hours prior to scheduled court and by noon the following business day when occurring after hours, or will relay such in court. The treatment provider will notify the drug court team via email of any positive or diluted result within twenty-four hours of knowledge. Treatment notes will include the following, when applicable, along with the date for each and any other pertinent treatment related requirement or note:

1. Drug and alcohol screens, what was tested for and the result.
2. Group therapy or basic education session with the topic discussed.
3. Individual counseling or case management appointment.
4. Housing, employment and/or education update.
5. General progress and any outstanding issues.

The treatment provider will also provide linkage within the community as appropriate, such as mental health treatment or services, assisting in finding a place to live, finding a job, entering job training, attending life skills classes and keeping doctor's appointments. The treatment provider will provide such information to the drug court team.

**Pre-Graduation Interviews-**The treatment provider will submit completed pre-graduation questionnaires to the pretrial officer one week prior to expected graduation. The pretrial officer will staff the questionnaires with the drug court team to reach a consensus. The graduation will be delayed if all criteria are not met. The pretrial officer will schedule the pre-graduation interview the following week if available and agreed upon by the drug court team and will ensure the questionnaire results are maintained in the drug court database. The pre-graduation interview should include the following team members at minimum:

1. The participant and the judge.
2. The primary counselor or his or her designee.
3. The pretrial officer.
4. The probation officer.
5. The PD coordinator, when the Public Defender is appointed.
6. The SAO coordinator.