

# **ROCKLAND COUNTY MISDEMEANOR DRUG COURT**

## **POLICY AND PROCEDURE MANUAL**

### **TABLE OF CONTENTS**

- I. MISSION STATEMENT**
- II. GOALS**
- III. ADMISSION**
- IV. URINE COLLECTION**
- V. DRUG COURT PHASES**
- VI. COMMUNITY PROJECT**
- VII. DRUG COURT INCENTIVES**
- VIII. DRUG COURT SANCTIONS**
- IX. DRUG COURT PRE-COURT MEETINGS**
- X. COURT SESSION**
- XI. COMPLETION OF DRUG COURT**
- XII. DRUG COURT EXECUTIVE COMMITTEE**
- XIII. PERSONNEL**
  - A. DRUG COURT JUDGE**
  - B. PROSECUTOR**
  - C. DEFENSE COUNSEL**
  - D. DRUG COURT COORDINATOR**
  - E. CASE MANAGER**

## **MISSION STATEMENT**

The Rockland County Misdemeanor Drug Court is a program that brings together the justice system with the chemical dependency treatment system to assist substance abusers with criminal charges that meet program criteria to treat their drug problem benefiting both themselves and the community. The Rockland County Misdemeanor Drug Court Team works with each participant to provide assessment of their chemical dependency problem, referral to an appropriate treatment provider, and management of their criminal case. The goal is to help participants break the drug-crime cycle through recovery from addiction and become productive law-abiding members of the community.

## **GOALS**

1. To reduce the number of drug-related crimes through pretrial identification of defendants with chemical dependency problems followed by referral to a continuum of chemical dependency and mental health treatment.
2. To bring together multiple systems including the Judiciary, District Attorney, Public Defense Bar, Probation, law enforcement, the chemical dependency treatment community, and mental health service providers in a collaborative effort to move drug-involved offenders from the criminal justice system to becoming healthy productive members of the community.
3. To reduce recidivism and insure successful outcomes through judicial monitoring of treatment compliance including rewards and sanctions.
4. To be responsive to local needs and feedback from community organizations.

## **ADMISSION**

### **Policy:**

Admission to the Rockland County Drug Court is voluntary. Referrals are accepted from all sources including, but not limited to: local Magistrates, the District Attorney's Office; the Public Defender's Office; the private defense BAR; the Behavioral health Unit at the Rockland County Jail; arresting Police Officers, Probation Officers and treatment providers.

All defendants interested in the Rockland County Misdemeanor Drug Court program must first meet the Admission Criteria as follows:

1. Be a resident of Rockland County
2. Be at least 16 years of age
3. Have no history of violent criminal convictions as defined by Title I, Subchapter XII-J of the Omnibus Control and Safe Streets Act
4. Be diagnosed with a substance abuse problem

The defendant's case must be reviewed and approved by the Rockland County District Attorney's Office. The defendant must undergo an extensive assessment completed by a Misdemeanor Drug Court Case Manager to determine eligibility and potential treatment placement. During the session with the Misdemeanor Drug Court Case Manager, the defendant is informed of the requirements and responsibilities of participating in the Misdemeanor Drug Court program. Defendants are required to plead guilty to their charge(s) to be accepted into Misdemeanor Drug Court.

### **Procedure:**

1. When a defendant is to be referred to the Rockland County Misdemeanor Drug Court from any source, a Referral Form (Attachment A) is completed.
2. Completed Referral Forms are faxed to the District Attorney's Office.
3. The case is reviewed by the District Attorney's Office to evaluate the current charge(s), and research their criminal history.
4. 4.a. If the defendant does not meet the criteria for Misdemeanor Drug Court, their case remains in the court of origin.  
4.b. If the defendant is accepted by the District Attorney's Office, the appropriate area of the Referral Form is completed.
5. The defendant's referral form is given to an assigned Case Manager.
5. The Case Manager attempts to contact the defendant to have the defendant observe Misdemeanor Drug Court at the next session.
6. If a defendant cannot be contacted after several tries via telephone and mail, the appropriate section of the Referral Form is completed regarding the inability to reach this person. The form is given to the District Attorney's Office and their attorney is notified.
7. A defendant who is contacted observes the next Misdemeanor Drug Court session. If the defendant is interested, an appointment is made for an assessment with the Misdemeanor Drug Court Case Manager.

8. The Case Manager completes an assessment.
  - a. If the defendant is found to be unacceptable, the case remains in the court of origin.
  - b. If the defendant is eligible and willing, appropriate Consent to Release Confidential Information to Treatment Provider form (Attachment B) is completed. A referral for Medicaid is given to those defendants requiring assistance.
9. An appointment is made to meet with the Drug Court Team's Public Defender or, if the defendant has private Defense Counsel, the Stipulation and Order forms (Attachment C) is given to the defendant to review and sign with defense counsel.
- 10.. A Transfer Order (Attachment F) is signed by the Drug Court Judge, once the defendant has pled in
11. A date for the defendant to plead into Drug Court is set
12. When defendant pleads into Drug Court the Waiver of Right to Appeal (Attachment E) is signed.
13. A defendant who complies with all requirements of Drug Court prior to his or her plead in date is given credit for that period of time.

# V

## URINE COLLECTION

### **Policy:**

All participants of the Rockland County Drug Court are subject to scheduled and random observed drug screening. All samples for urine drug screens will be collected by Drug Court staff. If a sample shows a positive result on the test cup and does not admit use, the sample will be sent to the laboratory for confirmation testing.

### **Procedure:**

1. The participant is informed of the need for a drug screen sample.
2. The participant is directed to leave all outer clothing and bags, totes, etc. either in the waiting area or with the Drug Court staff.
3. A Drug Court staff member of the same gender is to observe the production of the urine sample and escorts the participant into the bathroom.
4. The Drug Court staff, in view of the participant, opens the test cup seal.
5. The participant provides the sample in view of the Drug Court staff.
6. The cup is given to the Drug Court staff to read the results.
7. If the results are negative, the test cup is emptied by the participant and thrown into a 'red bag' container.
8. If the results are positive:
  - a. The participant is given an opportunity to disclose any drug use. If the participant admits to drug use, the test cup is emptied by the participant and thrown into a container.
  - b. If the participant denies use, the cup is sealed, a laboratory Chain-of-Custody form (Attachment A) is completed, the sample is poured into a laboratory supplied container, placed in a plastic laboratory bag with the Chain-of-custody form and deposited into the laboratory pick-up box.

## **MISDEMEANOR DRUG COURT PHASES**

### **Policy:**

The Rockland County Misdemeanor Drug Court program admits misdemeanor has a set of phase criteria. There is also a Re-Entry Phase for those participants returning after a minimum of six months at a residential treatment facility.

The phases are steps with behavior indicators of progress towards living alcohol and drug free lives. Movement from one phase to the next is exemplified through the presentation of a certificate of completion to reward the participant for achieving those behavioral markers.

The phases delineate behavioral goals that are achievable within a set period of time. The minimum time constraints are set to help the participant pace their recovery process to the required length of stay of the Misdemeanor Drug Court program. Progression through the phases should parallel the participant's recovery and level of Misdemeanor Drug Court supervision.

Completion of Misdemeanor Drug Court results in the ability to withdraw the guilty plea and have the charges adjourned in contemplation of dismissal.

### **Procedure:**

1. Once the defendant has plead into Misdemeanor Drug Court, their information is entered into the database which produces a projected date for phase movement.
2. As the participant completes the requirements for each phase, the Case Manager marks off the Phase Worksheet (Attachment A).
3. Participants ready to move phases have their progress reviewed by the Misdemeanor Drug Court Case Manager during the development of the weekly Misdemeanor Drug Court calendar.
4. Certificates for phase completion are generated by the Misdemeanor Drug Court Case Manager and presented to the participant by the Misdemeanor Drug Court Judge in court.
5. When a participant completes Phase IV, the participant signs the Conditions of the Adjournment in Contemplation of Dismissal form (Attachment B), the plea is withdrawn and the charges are adjourned in contemplation of dismissal.
6. The Misdemeanor Drug Court Judge presents Certificates of Graduation at the graduation ceremony.

## FELONY TRACK

Defendants meeting eligibility for Drug Court have their cases transferred in one of two ways; if pre-indictment then the defendant pleads guilty to a felony charge through an Superior Court Information SCI, if post-indictment the defendant waives pleads guilty to a felony charge. Once the defendant has plead guilty, s/he becomes a Drug Court participant and must meet the requirements of the four phases to graduate.

The Standard Phases for felony offenders are as follows. The minimum amount of time allowed to complete these phases is eighteen months.

### *Phase I – Orientation*

Each participant is expected to remain in Phase I for a minimum of four weeks. The criteria for completion of Phase I are as follows:

- Abstinence from all substances for at least two weeks
- Attendance at required treatment program
- Attendance at Drug Court Case Management at least weekly
- Attendance at Drug Court weekly
- Attendance at four Self-Help groups weekly
- No serious sanctions for at least four weeks

### *Phase II – Integration*

Each participant is expected to remain in Phase II for a minimum of six months. The criteria for completion of Phase II are as follows:

- Abstinence from all substances for at least ninety days
- Attendance at required treatment program
- Attendance at Drug Court Case Management at least weekly
- Attendance at Drug Court weekly
- Attendance at four Self-Help groups weekly
- No serious sanctions for at least six months

### *Phase III – Action*

Each participant is expected to remain in Phase III for a minimum of nine months. The criteria for completion of Phase III are as follows:

- Abstinence from all substances for at least nine months
- Attendance at required treatment program
- Successful completion of treatment program if applicable
- Attendance at Drug Court Case Management at least weekly for the first month and at least bimonthly thereafter
- Attendance at Drug Court bimonthly
- Attendance at four Self-Help groups weekly
- Attainment of home group, sponsor, and commitment
- Attendance at educational or vocational training as required



- Attendance at other treatment interventions as required
- Demonstrated progress towards other life goals if applicable
- No serious sanctions for at least nine months

#### *Phase IV – Transition to Graduation*

This is the final phase and may vary in length. If a participant relapses back to substance use in Phase IV they are placed at the beginning of Phase III. The criteria for completion of Phase IV are as follows:

- Abstinence from all substances for at least one year
- Successful completion of treatment program
- Attendance at Aftercare Program if applicable
- Attendance at Drug Court Case Management at least monthly
- Attendance at Drug Court monthly
- Attendance at four Self-Help groups weekly
- Attendance at educational or vocational training as required
- Proof of employment or school enrollment
- Attendance at other treatment interventions as required
- Demonstrated progress towards other life goals if applicable
- No serious sanctions for at least one year
- Submission of the Pre-Graduation Questionnaire

Once a defendant has completed the four phases successfully, the defendant is permitted to withdraw the previously entered guilty plea to the felony and enter a guilty plea to a Class A Misdemeanor. The defendant is sentenced to a one year conditional discharge with the following requirements.

- ◆ To continue to be randomly drug tested
- ◆ To be required to receive Drug Court permission to leave the State of New York
- ◆ To have at least monthly contact with the Drug Court Office; type of contact to be determined by the Drug Court Case Manager
- ◆ To remain crime free, drug free and alcohol free
- ◆ To continue to attend and successfully complete aftercare treatment
- ◆ To maintain employment/education status
- ◆ To notify the Drug Court Office immediately upon change in address, contact numbers, or employment/educational status
- ◆ To notify the Drug Court Office immediately upon contact with law enforcement
- ◆ To continue to maintain appropriate housing
- ◆ I will continue to attend self-help groups

## MISDEMEANOR PHASES OVERVIEW

Defendants meeting eligibility for Misdemeanor Drug Court have their cases transferred in through a Transfer Order (Attachment 1) from the Justice Court of origin. Once the defendant has pled guilty, s/he becomes a Misdemeanor Drug Court participant and must meet the requirements of the four phases to graduate.

The Standard Phases for misdemeanor offenders are as follows. The minimum amount of time allowed to complete these phases is one year.

### *Phase I – Orientation*

Each participant is expected to remain in Phase I for a minimum of four weeks. The criteria for completion of Phase I is as follows:

- Abstinence from all substances for at least two consecutive weeks
- Attendance at required treatment program
- Attendance at Misdemeanor Drug Court Case Management at least weekly
- Attendance at Misdemeanor Drug Court weekly
- Attendance at four Self-Help groups weekly for four consecutive weeks
- No serious sanctions for at least four weeks
- No missed random drug tests for four consecutive weeks

### *Phase II – Integration*

Each participant is expected to remain in Phase II for a minimum of ninety days. The criteria for completion of Phase II are as follows:

- Abstinence from all substances for at least ninety days consecutively
- Attendance at required treatment program
- Attendance at Misdemeanor Drug Court Case Management at least weekly
- Attendance at Misdemeanor Drug Court weekly
- Attendance at four Self-Help groups weekly
- No jail sanctions for at least ninety days consecutively

### *Phase III – Action*

Each participant is expected to remain in Phase III for a minimum of six months. The criteria for completion of Phase III are as follows:

- Abstinence from all substances for at least six months consecutively
- Attendance at required treatment program
- Successful completion of treatment program if applicable
- Attendance at Misdemeanor Drug Court Case Management at least weekly for the first month and at least bimonthly thereafter
- Attendance at Misdemeanor Drug Court bimonthly
- Attendance at four Self-Help groups weekly
- Attendance at educational or vocational training as required
- Attendance at other treatment interventions as required
- Demonstrated progress towards other life goals if applicable
- No jail sanctions for at least six months consecutively

#### *Phase IV – Transition to Graduation*

This is the final phase and may vary in length. If a participant relapses back to substance use in Phase IV they are placed at the beginning of Phase III. The criteria for completion of Phase IV are as follows:

- Abstinence from all substances for at least eight months consecutively
- Successful completion of treatment program
- Attendance at Aftercare Program if applicable
- Attendance at Misdemeanor Drug Court Case Management at least monthly
- Attendance at Misdemeanor Drug Court monthly
- Attendance at four Self-Help groups weekly
- Attendance at educational or vocational training as required
- Proof of employment or school enrollment
- Attendance at other treatment interventions as required
- Demonstrated progress towards other life goals if applicable
- No jail sanctions for at least eight months consecutively
- Submission of the Pre-Graduation Questionnaire

Once a defendant has completed the four phases successfully, the defendant is permitted to withdraw the previously entered guilty plea and the charges are adjourned in contemplation of dismissal with the following conditions until graduation from Misdemeanor Drug Court:

1. S/he must notify the Misdemeanor Drug Court of any changes in address or phone number.
2. S/he must notify the Misdemeanor Drug Court if going out of town.
3. S/he must attend at least three (3) self-help meetings per week.
4. S/he must maintain a meeting list and provide it to the Misdemeanor Drug Court upon request.
5. S/he is subject to random urine checks and must report to the Misdemeanor Drug Case Manager within 24 hours of being notified.
6. S/he must attend the Misdemeanor Drug Court graduation

## **RE-ENTRY PHASE**

The Re-Entry Phase is for those participants who have completed at least six months in a residential treatment facility. At the completion of the Re-Entry Phase, the participant will be placed in the appropriate Phase III, dependant on their charge(s).

The Re-Entry Phase lasts a minimum of four weeks. The criteria for completion of the Re-Entry Phase is as follows:

- Abstinence from all substances for at least four weeks
- Attendance at required treatment program
- Attendance at Drug Court Case Management at least weekly
- Attendance at Drug Court weekly
- Attendance at four Self-Help groups weekly
- No serious sanctions for at least four weeks

## **COMMUNITY PROJECT**

### **Policy:**

Each participant of the Rockland County Misdemeanor Drug Court will complete a minimum of 40 hours in the community. Each participant is to develop his or her plan with the Case Manager as to the type of community work to be done and present this for approval to the Misdemeanor Drug Court Team. The goal of this project is to help these participants reconnect with their communities in a positive and productive manner.

### **Procedure:**

1. During Phase III the participant will develop a community project plan within their own community with the Case Manager
2. The participant will complete the Community Project Plan form (Attachment A)
3. The participant will complete a Consent for Disclosure of Confidential Information for the agency with which the participant is proposing to work.
4. The Misdemeanor Drug Court Team reviews the proposed community project plan.
5. The Case Manager communicates with the designated agency to initiate contact.
6. The participant provides documentation on agency letterhead of the time worked for the community-based agency.
7. The Case Manager completes the Community Project Plan form verifying that the participant has completed 40 hours of community work

## **MISDEMEANOR DRUG COURT INCENTIVES**

### **Policy:**

The Rockland County Misdemeanor Drug Court utilizes incentives to reward participants for their progress in their recovery and behavior change. The use of these incentives provides the participants with increased motivation to continue the progress they have made to date.

Incentives are provided to the participants during the Misdemeanor Drug Court session. The Misdemeanor Drug Court Team, during the pre-court meeting, generates the recommendation for incentives.

### **Incentives**

The list of incentives includes, but is not limited to:

- Verbal acknowledgement from the Judge
- Handshake from the Judge
- Applause from the Misdemeanor Drug Court Team and gallery
- Hug from the Judge and/or Misdemeanor Drug Court Team members
- Certificates
- Decreased Court and/or case management appearances
- Books/Journals/Calendars
- Pins/Medallions/Key Chains/ Coins
- Tickets to movies or recreational activities
- Scholarship to a seminar
- Gift Certificates

### **Procedure:**

1. When a Misdemeanor Drug Court Team member becomes aware of a significant sign of progress for a participant, the rest of the Team is informed.
2. The case is discussed at the pre-court meeting and a Team decision as to the appropriate incentive is made.
3. The participant is given his/her incentive by the Misdemeanor Drug Court Judge
4. The Case Manager completes the Rewards/Sanctions Form (Attachment A)

## **MISDEMEANOR DRUG COURT SANCTIONS**

### **Policy:**

The Rockland County Misdemeanor Drug Court utilizes sanctions to help participants change their unhealthy behaviors. Sanctions are tied to infractions of Misdemeanor Drug Court rules and are progressive. There are certain infractions that may result in automatic expulsion from the Misdemeanor Drug Court program: bailing oneself out of jail, conviction of a violent crime, and verbal or physical threats/acts of violence toward Misdemeanor Drug Court Team members, participants or treatment staff.

The use of sanctions is to implement consequences proximate to rule infraction. The Misdemeanor Drug Court Team, during the pre-court Team meeting, determines the level and type of sanction. The Misdemeanor Drug Court Judge states the sanction to the participant during the Misdemeanor Drug Court session.

### **Sanctions**

The list of sanctions includes, but is not limited to:

- Essays
- Meeting reports
- Community service
- A day in felony criminal court
- Special projects
- Sheriff's Work Release
- Jail

### **Procedure:**

1. When a Misdemeanor Drug Court Team member becomes aware of a participant's rule infraction, the rest of the Team is informed.
2. The case is discussed at the pre-court meeting and a Team decision as to the appropriate sanction is made.
3. The participant is told of his/her sanction by the Misdemeanor Drug Court Judge
4. At the following Misdemeanor Drug Court session, the participant demonstrates completion of sanction, i.e. reads essay, provides documentation
5. The Case Manager completes the Rewards/Sanctions Form (Attachment A)

## **MISDEMEANOR DRUG COURT PRE-COURT MEETINGS**

### **Policy:**

The Rockland County Misdemeanor Drug Court Team meets each week prior to the Misdemeanor Drug Court session to review the cases on the calendar for that day. The Misdemeanor Drug Court Team consists of the Misdemeanor Drug Court Judge, the Assistant District Attorney, the Assistant Public Defender, the Misdemeanor Drug Court Coordinator, and Misdemeanor Drug Court Case Manager(s). Decisions regarding incentives, sanctions, responses to problems in treatment and issues with case management are determined following Team discussion and interdisciplinary agreement.

### **Procedure:**

1. Case Manager(s) complete a Progress Report Form (Attachment A) for each participant on the Misdemeanor Drug Court calendar.
2. Case Managers attach Treatment Report Forms/Letters, completed by the treatment provider, to the Progress Report Form of the participant.
3. The Case Manager(s) make packets of completed forms for each Misdemeanor Drug Court Team member.
4. The packets are distributed at the beginning of the pre-court meeting to each Misdemeanor Drug Court Team member.
5. Each participant case on the calendar is reviewed and determinations made.
6. Misdemeanor Drug Court Team members make suggestions to the Misdemeanor Drug Court Judge as to topics on which to focus and questions to ask of the participants
7. Persons pending admission to the Misdemeanor Drug Court program are reviewed



## **COURT SESSION**

### **Policy:**

The Misdemeanor Drug Court Judge runs the court session. S/he calls each participant individually to the bench and reviews his or her progress. If the participant provides information previously unknown to the Misdemeanor Drug Court Team, a brief Team conference is implemented to reassess any sanctions or incentives.

The Misdemeanor Drug Court courtroom is itself a theater. The participants are required to stay through the entire session to see and hear what happens with each participant. The group is sometimes addressed as a whole to provide information or to affect a group process.

### **Procedure:**

1. The Misdemeanor Drug Court Judge calls a participant by their first name to the bench, usually following the calendar list.
2. The Misdemeanor Drug Court Judge asks the participant questions pertaining to their treatment, recovery, and/or other life issue as reviewed in the pre-court meeting.
3. The Misdemeanor Drug Court Judge presents certificates or other incentives, when appropriate, to participants.
4. When all participants on the calendar have been called, the Misdemeanor Drug Court Judge states that all participants may leave.
5. The Misdemeanor Drug Court Judge reviews the session with each observer and directs him or her to the Misdemeanor Drug Court Coordinator and/or Case Manager for further information.

## **COMPLETION OF MISDEMEANOR DRUG COURT**

### **Policy:**

Participants are terminated from the Misdemeanor Drug Court program either by graduating or through expulsion. When a participant meets all of the criteria and completes Phase IV, they are slated for the next graduation. All participants must attend the graduation ceremony to be successfully terminated from the Misdemeanor Drug Court program.

Participants are expelled from the Misdemeanor Drug Court program for failing to follow the guidelines and requirements of Misdemeanor Drug Court. A participant who bails him or her self out of jail during a sanction is automatically expelled. A participant who is convicted of a violent crime while in the Misdemeanor Drug Court program is immediately expelled.

### **Procedure for Graduation:**

1. When a participant is in Phase IV, s/he completes the Pre-Graduation Questionnaire (Attachment A)
2. The participant is scheduled to be graduated at the next graduation
3. The participant signs the Conditions of Adjourment in Contemplation of Dismissal form (Attachment B)
4. The participant receives an Adjourment in Contemplation of Dismissal (ACD) at the completion of Phase IV
5. The participant is required to attend the graduation ceremony

### **Procedure for Expulsion:**

1. Once the determination is made to expel a participant from the Misdemeanor Drug Court program, whether automatically or by Team decision, the participant is scheduled for the next Misdemeanor Drug Court calendar
2. When the participant is called to the bench, the Misdemeanor Drug Court Judge states that the participant is being expelled from Misdemeanor Drug Court and a termination hearing date is set
3. Participants have the right to waive the termination hearing, at which time a sentencing date is set
4. The participant is scheduled for a Pre-Sentence Investigation with the Rockland County Department of Probation if required.
5. The participant is sentenced in Misdemeanor Drug Court

## **DRUG COURT EXECUTIVE COMMITTEE**

### **Policy:**

The Drug Court Executive Committee is chaired by the Felony Drug Court Judge (who supervises the Misdemeanor Drug court Judge). It meets on a monthly basis to determine the direction both philosophically and operationally that the Drug Courts will take. Policies and procedures are reviewed and approved by this committee. Issues regarding income generation through grants and private sector funding are reviewed and approved by this committee.

Members of this committee include: the Drug Court Judges, representative(s) of the Magistrates Association, an Assistant District Attorney (or designee), an Assistant Public Defender, the Drug Court Coordinators, the Supervising Probation Officer, the Director of Chemical Dependency Services for the Rockland County Department of Mental Health, a representative from the Rockland County Department of Social Services and community representatives.

The Drug Court Executive Committee provides advocacy; governmental and administrative support; guidance with policies and procedures; facilitation with issues or problems; and development of new programming and activities for the Rockland County Drug Courts. A primary role of the Executive Committee is to interface with the community, provide education and information, and develop a feedback system with the many and varied cultural groups within Rockland County.

## **PERSONNEL**

### **Policy:**

The Misdemeanor Drug Court is a grant-funded program with the District Attorney's Office as the lead agency. The Drug Court Team is made up of employees from the District Attorney's Office, the Public Defender's Office, the Village of Spring Valley and EAC, Inc. Each agency/department is responsible for the hiring of its staff. The District Attorney identifies the jurisdiction and Magistrate through a survey of interested Magistrates.

## **MISDEMEANOR DRUG COURT JUDGE**

### **ROLE**

The Misdemeanor Drug Court Judge oversees the judicial responsibilities of the Misdemeanor Drug Court. S/he leads the weekly pre-court meeting acts as a member of the Misdemeanor Drug Court Team. The Misdemeanor Drug Court Judge is a member of the Drug Court Executive Committee. S/he represents the Misdemeanor Drug Court program at Magistrates Association meetings and when presenting in the community.

The role of Misdemeanor Drug Court Judge includes the development of a unique therapeutic relationship with each of the Misdemeanor Drug Court participants (Therapeutic Jurisprudence). This is attained in the manner with which the Misdemeanor Drug Court Judge speaks with each participant as they approach the bench during each Misdemeanor Drug Court session. Although the information on current events in the lives of the participants is provided by the Misdemeanor Drug Court Team, it is the Misdemeanor Drug Court Judge that engages the participants in eliciting information, providing support and positive reinforcement, and enforcing consequences through sanctions and sentencing.

### **RESPONSIBILITIES**

The duties of the Rockland County Misdemeanor Drug Court Judge are as follows:

- ◆ To preside over the Misdemeanor Drug Court sessions
- ◆ To lead the pre-court Team meetings
- ◆ To provide judicial information to the Misdemeanor Drug Court Team
- ◆ To meet with prospective participants when they observe Misdemeanor Drug Court to review their experience and provide an overview of the Misdemeanor Drug Court session
- ◆ To sign and execute all required participant documents
- ◆ To adjudicate participant pleas and allocutions in their admission to the Rockland County Misdemeanor Drug Court program
- ◆ To review case documentation as provided by the Misdemeanor Drug Court Team, treatment providers, and/or participants

- ◆ To speak with each participant regarding their current state of recovery, treatment, meeting attendance, etc. as prepared in the pre-court Team meeting
- ◆ To implement incentives and sanctions as discussed in the pre-court Team meeting
- ◆ To review all documents provided by the Misdemeanor Drug Court Team and the Pre-Sentence Investigations Reports, if required, provided by the Department of Probation prior to sentencing
- ◆ To decide the sentence for participants who do not complete the Misdemeanor Drug Court program
- ◆ To attend Misdemeanor Drug Court Team meetings
- ◆ To attend Drug Court Executive Committee meetings when available
- ◆ To preside over graduation ceremonies
- ◆ To represent the Misdemeanor Drug Court at Magistrate Association meetings and other community organizations
- ◆ Attend professional training and conferences

## **PROSECUTOR**

### **ROLE**

An Assistant District Attorney will be assigned to the Drug Court Team by the District Attorney to act as Prosecutor for the Drug Court program. The Prosecutor provides the first level of admission screening on all defendants interested in attending the Drug Court program. S/he reviews all referred cases to insure that they meet the legal eligibility criteria and gets approval for their transfer to Drug Court from the District Attorney.

The Prosecutor is a member of the Drug Court Team attending all pre-court and Team meetings. S/he is the Co-chair of the Drug Court Executive Committee.

### **RESPONSIBILITIES**

- ◆ Reviews all court cases for potential referrals to Drug Court
- ◆ Screens all referred cases to determine legal eligibility for transfer to Drug Court
- ◆ Performs prosecutorial function at all allocutions and pleas into Drug Court
- ◆ Insures all documents and waivers are signed and witnessed by the court
- ◆ Maintains case files on all participants
- ◆ Prosecutes those participants who do not complete the Drug Court program
- ◆ Attends all pre-court and Team meetings
- ◆ Liaison to District Attorney's Office
- ◆ Participates in community outreach
- ◆ Attends professional training and conferences

## **DEFENSE COUNSEL**

### **ROLE**

The Public Defender will assign an Assistant Public Defender to the Misdemeanor Drug Court program to act as Defense Council for those Misdemeanor Drug Court participants who cannot afford a private attorney. The Assistant Public Defender will provide legal counsel to those participants on his/her caseload from the Misdemeanor Drug Court program. S/he will review cases for referral to the Misdemeanor Drug Court Program.

The Defense Counsel is a member of the Misdemeanor Drug Court Team yet maintains the ethical and legal bounds of the client-attorney relationship.

### **RESPONSIBILITIES**

- ◆ Reviews all court cases for potential referrals to Misdemeanor Drug Court
- ◆ Performs legal defense function at all allocutions and pleas into Misdemeanor Drug Court for the Public Defense caseload
- ◆ Insures all documents and waivers are signed and witnessed by the court
- ◆ Maintains case files on all participants
- ◆ Provides legal defense counsel for those participants on the Public Defense caseload who do not complete the Misdemeanor Drug Court program
- ◆ Attends all pre-court and Team meetings
- ◆ Attends the Misdemeanor Drug Court Executive Committee
- ◆ Liaison to Public Defender's Office
- ◆ Participates in community outreach
- ◆ Attends professional training and conferences



## **MISDEMEANOR DRUG COURT COORDINATOR**

### **ROLE**

The Misdemeanor Drug Court Coordinator oversees and coordinates the daily operations of the Misdemeanor Drug Court program. S/he is responsible for the administration of referral and intake systems, case management systems, court related concerns, financial and budgetary issues, internal communications, interdepartmental relations, community relations, and team development. The Misdemeanor Drug Court Coordinator represents the Misdemeanor Drug Court at professional associations, conferences and trainings, as well as at community functions.

### **RESPONSIBILITIES**

The following are the duties of the Rockland County Misdemeanor Drug Court Coordinator:

- ◆ Administrative oversight of the Misdemeanor Drug Court Program.
- ◆ Development and revision of Misdemeanor Drug Court mission, goals, policies and procedures including clarification of regulations and development of appropriate forms.
- ◆ Facilitation of Misdemeanor Drug Court Team process and Team meetings.
- ◆ Development of relationships and ongoing liaison with all town and village magistrates and court staffs, including court attendance.
- ◆ Develop and maintain relationships with county departments, political leaders, law enforcement, criminal-justice system, private attorneys and community agencies.
- ◆ Develop and maintain relationships with treatment providers and assess quality of care to insure appropriate referral sources, including site visits and treatment review.
- ◆ Develop working relationships with local community leaders, grass roots organizations and religious leaders.
- ◆ Provide education on the Misdemeanor Drug Court through public speaking engagements.
- ◆ Research and develop funding streams and collaborative relationships with other agencies to secure additional funding.
- ◆ Develop documentation and filing systems.
- ◆ Maintain financial and budgetary records and assist in annual budget development.
- ◆ Oversee purchasing of furniture, equipment, and supplies.

- ◆ Interview and recommend staff in coordination with EAC, Inc.
- ◆ Provide clinical consultation to the Misdemeanor Drug Court Team, Executive Committee and other county departments.
- ◆ Orient new Misdemeanor Drug Court Judges upon assignment to Misdemeanor Drug Court.
- ◆ Provide clinical and administrative supervision to Case Managers.
- ◆ Review all referents and assign cases to Case Managers.
- ◆ Develop database for all Misdemeanor Drug Court related information.
- ◆ Collect data and provide statistical information.
- ◆ Develop brochures and informational materials for dispersal to professionals, media, and the public.
- ◆ Develop systems of operation and continuous quality improvement.
- ◆ Participate in Misdemeanor Drug Court Team meetings, Executive Committee meetings and interagency committee task force meetings.
- ◆ Organize events and trainings.
- ◆ Complete all surveys, required reports, etc.
- ◆ Attend professional conferences and trainings.
- ◆ Work with Alumni Group as part of continuous quality improvement, community outreach including discussions with jail inmates identified as potential participants, new participant orientation and mentoring.

### QUALIFICATIONS

The *minimum* requirements for the position of Rockland County Misdemeanor Drug Court Coordinator are:

- ◆ Bachelors Degree (Masters preferred)
- ◆ Supervisory/educational experience in the chemical dependency or social services field
- ◆ Experience/education with the criminal-justice system
- ◆ Experience/education with computer technology
- ◆ CASAC Certification

## **CASE MANAGER**

### **ROLE**

The Case Manager has the primary responsibility to make appropriate assessments and referrals of all Misdemeanor Drug Court participants on their caseload. The principal focus of this role is to provide close supervision of the participants on their caseload to insure treatment compliance and progress while making changes in level of care when required. Frequent communication and/or contact with treatment providers is a primary part of the caseload supervision.

### **RESPONSIBILITIES**

The duties of the Case Manager at the Rockland County Drug Court are as follows:

- ◆ To contact potential participants cleared by the District Attorney to provide information and screen for interest in the Drug Court Program.
- ◆ To complete an assessment of the referred defendant to provide a recommendation for acceptance to or rejection from the Misdemeanor Drug Court Program.
- ◆ Develop a treatment plan from the information provided during the assessment and make the appropriate level of care referral, and revise as needed with appropriate changes in level of care.
- ◆ Coordinate all services including treatment, social services, housing, education, vocational training, medical, psychiatric, and legal to insure that the participant meets all criteria for phase movement and graduation.
- ◆ For those clients in residential treatment settings, maintain at least monthly contact with the participant and treatment provider. Collect and review Treatment Reports from treatment providers on a weekly basis. Complete Misdemeanor Drug Court Progress Reports for the Misdemeanor Drug Court Team on a weekly basis.
- ◆ For those clients in outpatient treatment settings, maintain at least weekly contact with the participant and treatment provider. Collect and review Treatment Reports from treatment providers on a weekly basis. Complete Misdemeanor Drug Court Progress Reports for the Misdemeanor Drug Court Team on a weekly basis.
- ◆ Provide collection of observed urine samples for drug screening.
- ◆ Provide names for random drug screening.
- ◆ Maintain Drug Court Program case files.

- ◆ Maintain phase status, phase change dates and court dates on all participants on caseload.
- ◆ Liaison with private attorneys, insurance companies, and significant others.
- ◆ Attend site visits and case conferences at treatment programs.
- ◆ Participate in Misdemeanor Drug Court Team meetings.
- ◆ Attend professional conferences and trainings.
- ◆ Assist with outreach efforts to the local communities.

### QUALIFICATIONS

The *minimum* requirements for the position of Drug Court Case Manager are:

Bachelors Degree

Experience in the chemical dependency and/or criminal justice field

Familiarity with computer technology

**ROCKLAND COUNTY MISDEMEANOR DRUG COURT  
COURT ORDER FOR TREATMENT**

Date:

Chapter 649 of the Laws of 1996 amended section 364-j of the New York Social Services Law includes provisions relating to court-ordered care (Soc.Serv.Law 364-j (4)(r)):

The following individual:

---

CLIENT NAME

has been ordered by the Rockland County Misdemeanor Drug Court to receive mental health, alcohol or substance abuse treatment or other medical care at:

---

PROGRAM NAME AND ADDRESS

under Drug Court supervision for the duration of involvement with the Rockland County Misdemeanor Drug Court.

If this individual is enrolled in a managed care plan, and the treatment or care to be provided is included under such person's managed care basic benefits package and is a Medicaid-eligible service, the law requires that the managed care plan reimburse the provider for the provision of the treatment or care. Reimbursement is required whether or not the provider is a member of the managed care plan's provider network.

---

Judge

---

Court

NOTE: Upon receiving this letter, the treatment provider must contact the Managed Care Organization to register the court-ordered treatment plan.

## **ADMISSION CRITERIA FOR ATI**

### Drug Court

All defendants interested in the Rockland County Drug Court program must first meet the Admission Criteria as follows:

1. Be a resident of Rockland County
2. Be at least 18 years of age
3. Have no history of violent criminal convictions as defined by Title I, Subchapter XII-J of the Omnibus Control and Safe Streets Act
4. Be diagnosed with a substance abuse problem

The defendant's case must be reviewed and approved by the Rockland County District Attorney's Office. This includes a review of all prior convictions and current charges to insure that there is no history of violent crimes.

The defendant must then undergo an extensive assessment completed by a Drug Court Case Manager to determine clinical eligibility and potential treatment placement. During the session with the Drug Court Case Manager, an indepth history of medical, psychiatric, social, family, drug/alcohol use, and drug/alcohol treatment is taken. This information, as well as the defendants overall behavioral presentation, are used to analyze clinical approval for Drug Court.

Once a defendant has met both legal and clinical eligibility, the defendant is required to plead guilty to their charge(s) to be accepted into Drug Court.

### DTAP

All defendants interested in the Rockland County DTAP program must first meet the Admission Criteria as follows:

1. Be a resident of Rockland County
2. Be at least 18 years of age
3. Have a felony charge
4. Have no history of violent criminal convictions as defined by Title I, Subchapter XII-J of the Omnibus Control and Safe Streets Act
5. Be diagnosed with a substance abuse problem requiring residential treatment

The defendant's case must be reviewed and approved by the Rockland County District Attorney's Office. This includes a review of all prior convictions and current charges to insure that there is no history of violent crimes or drug sales.

The defendant must then undergo an extensive assessment completed by a TASC Case Manager to determine if the defendant meets the clinical requirements for residential treatment placement.

Once a defendant has met both legal and clinical eligibility, the defendant is required to plead guilty to their charge(s) to be accepted into the DTAP program.

# Rockland County Misdemeanor Drug Court

**HON. CHRISTINE THEODORE**  
DRUG COURT JUDGE

**JUDY ROSENTHAL, Ed.M.**  
DRUG COURT COORDINATOR

## ADMISSION CONTRACT

I, \_\_\_\_\_, understand that the following behaviors are considered violations of the Rockland County Misdemeanor Drug Court Program. I understand that if I am involved in any of these behaviors I may be sanctioned or ejected from the Rockland County Drug Court Program and sentenced to incarceration at the discretion of the Rockland County Misdemeanor Drug Court Judge.

The behaviors include but are not limited to the following:

- ◆ Taking medications without informing the Drug Court Staff first
- ◆ Falsifying information
- ◆ Providing adulterated or falsified urine specimens
- ◆ Loss of contact with the Drug Court Staff
- ◆ Bailing yourself out of sanctioned incarceration
- ◆ Ingesting substances that may falsify urine screen results
- ◆ Refusing treatment
- ◆ Re-arrest for a violent crime
- ◆ Verbal or physical threats of violence against the Drug Court Team or treatment staff

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## RANDOM URINE TELEPHONE SCRIPT

*When the participant answers the phone:*

Hello \_\_\_\_\_, this is Officer \_\_\_\_\_ from the  
PARTICIPANT'S NAME YOUR NAME  
\_\_\_\_\_. You need to come to the \_\_\_\_\_  
POLICE AGENCY POLICE AGENCY  
police station by \_\_\_\_\_.  
3 HOURS FROM TIME OF CALL

I will see you when you get here. Thank you.

*When you get voicemail:*

Hello \_\_\_\_\_, this is Officer \_\_\_\_\_ from the  
PARTICIPANT'S NAME YOUR NAME  
\_\_\_\_\_. Please call me back as soon as possible at \_\_\_\_\_,  
POLICE AGENCY PHONE NUMBER  
or come to the \_\_\_\_\_ station. You must contact me by \_\_\_\_\_.  
POLICE AGENCY END OF SHIFT

Thank you.



**ROCKLAND COUNTY DRUG COURT**  
**CONSENT FOR DISCLOSURE OF CONFIDENTIAL INFORMATION**  
**TO TREATMENT PROVIDERS**

I, \_\_\_\_\_, hereby consent to communication between  
\_\_\_\_\_ and the Rockland County Drug Court Team.

The purpose of this disclosure is to inform the Rockland County Drug Court of the following:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Assessment     | <input type="checkbox"/> Attendance         | <input type="checkbox"/> Participation             |
| <input type="checkbox"/> Treatment Plan | <input type="checkbox"/> Progress           | <input type="checkbox"/> Attitude toward treatment |
| <input type="checkbox"/> Medications    | <input type="checkbox"/> Toxicology Results | <input type="checkbox"/> Law Violations            |

Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, the undersigned, have read the above and authorize the staff of the disclosing/releasing facility named to disclose/release such information as herein contained. I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the Rockland County Drug Court program, whether through graduation or formal termination from the Drug Court program. I also understand that any disclosure/release is bound by Title 42 of the Code of Federal Regulations governing the confidentiality of alcohol and drug abuse patient records, as well as the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") 45 C.F.R. Pts. 160 & 164; and that redisclosure of this information to a party other than the one designated above is forbidden without additional written authorization on my part.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PARENT/GUARDIAN/AUTHORIZED PERSON  
(WHEN APPLICABLE)

\_\_\_\_\_  
WITNESS

**THE STATE OF NEW YORK  
COUNTY OF ROCKLAND**

**THE PEOPLE OF THE STATE OF NEW YORK**

**STIPULATION AND ORDER**

**-against-**

**DOCKET:**

**Defendant.**

---

**THE ABOVE NAMED DEFENDANT HAVING APPLIED TO ENTER INTO THE ROCKLAND COUNTY MISDEMEANOR DRUG COURT PROGRAM IN OPEN COURT, AND; AS PART OF THE CONSIDERATION FOR ENTRY INTO THE MISDEMEANOR DRUG COURT, AND AS A FIRST STEP IN THE EFFORT TO REMAIN SOBER AND DRUG FREE, THE DEFENDANT ADMITS GUILT TO THE FOLLOWING CHARGES AS WRITTEN BELOW AND ON THE RECORD IN OPEN COURT:**

---

**THE DEFENDANT, DEFENDANT'S ATTORNEY, AND THE DISTRICT ATTORNEY HEREBY STIPULATE AND AGREE AS FOLLOWS:**

### **SECTION ONE**

I agree to enter the Rockland County Misdemeanor Drug Court Program, and by doing so I understand that I will have certain obligations and responsibilities and I will have to follow the orders given to me by the Judge, treatment personnel, case managers, and other persons associated with the Misdemeanor Drug Court Program. I understand and agree to the following:

#### **DEFENDANT'S RESPONSIBILITIES**

**My responsibilities are:**

1. I must tell the truth;
2. I must remain drug and alcohol free;
3. I must attend all court sessions as ordered and I understand that if I miss any court sessions a warrant may be issued for my arrest;
4. I must remain in contact with my Case Manager as directed;
5. I must follow the treatment plan as developed by my treatment provider,

6. I must obey all laws, and I understand that if I engage in any criminal act, I may be prosecuted for any new charge(s);
7. I must inform my Case Manager and the Court before I change my address or change my telephone number or disconnect my telephone or any change in my employment;
8. I must notify the Misdemeanor Drug Court and my Case Manager prior to leaving Rockland County for more than twenty-four hours and provide contact information;
9. I must get the Court's permission to leave Rockland County for more than 48 hours;
10. I must submit to scheduled and random urine samples and/or other drug testing upon direction by the Court or my Case Manager, and may not leave the Courtroom or Case Manager's office until I have given a specimen;
11. I must seek and maintain employment and/or attend any education or job training as required by my Case Manager and/or the Court;
12. I agree to accept the validity of any drug or alcohol tests.
13. I understand that if I enter a plea of guilty to a misdemeanor charge, I will be required to participate in the Misdemeanor Drug Court Program for a minimum of twelve (12) months;
14. I understand that stable housing is necessary for my recovery and it must be approved by the Court;
15. I agree to comply with all recommendations and restrictions from the Court or Misdemeanor Drug Court Team;
16. I understand the need for confidentiality and will not discuss the program nor disclose information about any participant without specific approval from the Court;
17. I understand that I may be required to pay for the cost of treatment;
18. I understand the therapist or counselor/patient confidentiality protections will not apply because information will be shared openly among all the Misdemeanor Drug Court staff including the Judge and my attorney if present. I understand by participating in this Misdemeanor Drug Court program I waive doctor/therapist and/or patient/counselor confidentiality. I give permission for members of the Misdemeanor Drug Court Team and the Judge's staff to discuss my case with my attorney.
19. I understand for purposes of study or review of this program, some otherwise confidential information may be disclosed to third parties, but under no circumstances will this statistical data include my name, address, or other personal identifying information;
20. I understand that any treatment provider and members of the Misdemeanor Drug Court Team will share information that may affect my status in the Misdemeanor Drug Court program;
21. I understand I can quit the Misdemeanor Drug Court Program at any time, but I also understand that if I do so, I will be sentenced on the charge(s) pending against me; See Section Four.

22. I understand that any restitution must be paid in full or all community services hours completed before I am able to complete the Misdemeanor Drug Court program;
23. I understand if I fail to follow the terms of my agreement, the Judge may impose any appropriate sanctions that may include but are not limited to:
  - a. community service;
  - b. essay;
  - c. observe Court proceeding or increase in Court appearances;
  - d. attend extra self-help meetings;
  - e. change in treatment including residential care;
  - f. Change in bail status or remand resulting in a period of incarceration as determined by the Judge;
  - g. revocation of driving privileges or imposition of alcohol monitoring devices including but not limited to the SCRAM unit, Interceptor, or alcohol ignition interlock device, and the costs associated with such use I will be responsible for.
  - h. termination from the Rockland County Misdemeanor Drug Court Program.
24. I understand the staff of the Misdemeanor Drug Court, which may include the Judge presiding over my case, will be meeting at regularly scheduled staffing to discuss my ongoing progress and participation in the Misdemeanor Drug Court program, and that such meetings may include my substance abuse treatment provider. I understand that my attorney is invited to these staffing and may or may not attend them at his or her discretion. I agree that any non-appearance by my attorney at a staffing shall be deemed a waiver of his or her participation for that particular staffing. I further understand and agree that communication during these staffing may take place in the absence of myself or my attorney and that the Judge may consider such communications.

## **SECTION TWO**

### **DEFENDANT'S RIGHTS AND BENEFITS**

1. I can talk to a lawyer at any time, and if I cannot afford a lawyer, I can ask the Court to appoint a lawyer to represent me;
2. I can terminate my participation in the Misdemeanor Drug Court program at any time, but I also understand that if I do so, I will be sentenced as described in Section Four.
3. That if I quit the Misdemeanor Drug Court program, or I am terminated from the Misdemeanor Drug Court program, anything I have said concerning my drug use while in the program cannot be used against me in Court.
4. I understand that the validity of this contract is conditioned upon my eligibility for the Misdemeanor

Drug Court program. If at any time after the execution of this agreement and in any phase of the Misdemeanor Drug Court program, it is discovered that I am, in fact, ineligible to participate in the program, I will be terminated from the Misdemeanor Drug Court program and I am permitted to make a motion to withdraw my plea of guilty or proceed with sentence.

5. I understand that if I enter this program and fail to complete it, I may be barred from future participation.
6. I understand that I may not work as a confidential informant with any law enforcement agency while I am in the Misdemeanor Drug Court program.
7. I may not participate in Misdemeanor Drug Court if I am currently a gang member.
8. I hereby knowingly, and voluntarily agree that the time spent in Misdemeanor Drug Court shall be excluded for "speedy trial" purposes. I have been informed by my attorney that I have a right to a speedy trial and what the effect of this agreement is.

### **SECTION THREE**

#### **ACKNOWLEDGMENT OF PROHIBITED BEHAVIORS**

I understand that the following behaviors are considered violations of the Rockland County Misdemeanor Drug Court program. I understand that if I am involved in any of these behaviors I may be sanctioned or ejected from the Misdemeanor Drug Court program and will be sentenced to any legally permissible sentence in the discretion of the Misdemeanor Drug Court Judge.

The behaviors include but are not limited to the following:

- taking medications without first informing the Misdemeanor Drug Court staff
- falsifying information
- providing adulterated or falsified urine specimens
- bailing out of jail when I have been sanctioned to incarceration
- ingesting any substance that may falsify urine screen results
- missing treatment or case management appointments
- driving without a license or against a Court order
- refusing treatment or leaving treatment without consent from the Misdemeanor Drug Court program
- re-arrest
- verbal or physical threats of violence against the Misdemeanor Drug Court Team or treatment staff

### **SECTION FOUR**

Upon successful completion from the program I, \_\_\_\_\_, acknowledge that the Misdemeanor charge of \_\_\_\_\_, PL section, a class \_\_\_\_\_ misdemeanor will be adjourned in contemplation of dismissal.

Upon termination from the program through either self-termination or termination by the Court, I, \_\_\_\_\_, acknowledge that the misdemeanor charge as stated above will remain, and I will be sentenced up to one-year in the Rockland County Jail.

Agreed and consented to this \_\_\_\_\_ Day of \_\_\_\_\_, 20

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Defendant's Attorney

\_\_\_\_\_  
Defendant's Name (Printed)

\_\_\_\_\_  
Assistant District Attorney

\_\_\_\_\_  
So ordered: Hon. Christine Theodore

**JUSTICE COURT OF THE OF  
COUNTY OF ROCKLAND**

-----  
**THE PEOPLE OF THE STATE OF NEW YORK**

**-V-**

**Defendant**  
-----

:  
:  
:  
:  
:  
:

**Docket No.** \_\_\_\_\_

**TRANSFER STIPULATION  
AND ORDER**

I, \_\_\_\_\_ the above named defendant, having  
been charged with the crime(s) of

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
in the \_\_\_\_\_ of \_\_\_\_\_, County of  
Rockland, State of New York, do hereby knowingly, intelligently and voluntarily request  
the transfer of the above case(s) to the Rockland County Misdemeanor Drug Court,  
located in the Village of Spring Valley.

I have conferred with my attorney and acknowledge that I have the right to have  
my case remain and be adjudicated in the \_\_\_\_\_ of \_\_\_\_\_  
Justice Court.

I hereby agree to transfer my case to the Rockland County Misdemeanor Drug  
Court with the understanding that I must plead guilty to the following charge(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
I understand that upon successful completion of the Rockland County  
Misdemeanor Drug Court Program, I will be entitled to the following disposition of my  
charge(s) (list charge and penal law section):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**I UNDERSTAND THAT IF I AM TERMINATED UNSUCCESSFULLY FROM THE  
ROCKLAND COUNTY MISDEMEANOR DRUG COURT PROGRAM, I MAY BE  
SENTENCED TO THE MAXIMUM SENTENCE PUNISHABLE UNDER THE LAW.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant District Attorney

**So Ordered**

**this      Day of                      , 20      .**

\_\_\_\_\_  
**Town/Village Justice**



**Rockland County Drug Court**  
Phase Worksheet - Misdemeanor

Participant: \_\_\_\_\_

PHASE CRITERIA	4 or N/A	COMMENTS
<b>PHASE I: ORIENTATION</b>		
Negative toxicology for 2 weeks (consecutively)		
Attend treatment program as required		
Attend weekly Case Management session		
Attend Drug Court weekly		
Attend at least 4 Self-Help groups per week for 4 weeks		
No Missed randoms		
No sanction for 4 weeks (excluding essay or court session)		
Complete 4 weeks in Phase I		
<b><i>Date of Phase Completion</i></b>		
<b>PHASE II: INTEGRATION</b>		
Negative toxicology for at least 90 days (consecutively)		
Attend treatment program as required		
Attend weekly Case Management session		
Attend Drug Court weekly		
Attend at least 4 Self-Help groups weekly		
No Jail sanction for at least 90 days (consecutively)		
Complete 90 days in Phase II		
<b><i>Date of Phase Completion</i></b>		
<b>PHASE III: ACTION</b>		
Negative toxicology for at least 6 months (consecutively)		
Attend treatment program/intervention as required		
Attend Case Management sessions as directed		
Attend Drug Court every other week or as directed		
Attend at least 4 Self-Help groups weekly		
Educational/vocational training or employment as directed		
Demonstrate progress toward other life goals		
No Jail sanction for at least 6 months (consecutively)		
Complete 6 months in Phase III		
<b><i>Date of Phase Completion</i></b>		
<b>PHASE IV: Transition to Graduation</b>		
Negative toxicology for at least 8 months (consecutively)		
Successful completion of treatment		
Attend aftercare program as required		
Attend other treatment interventions (if applicable)		
Attend Case Manager session monthly or as directed		
Attend Drug Court monthly or as directed		
Attend at least 4 Self-Help groups weekly		
Educational/vocational training or employment as directed		
Proof of employment or school enrollment		
Demonstrate progress toward other life goals		
No Jail sanction for at least 8 months (consecutively)		
Submit Pre-Graduation Questionnaire		
Complete at least 12 months in program		
<b><i>Date of Phase Completion</i></b>		

# Rockland County Misdemeanor Drug Court

## SELF-HELP MEETING REPORT

---

Type of Meeting: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Format/Topic of Meeting: \_\_\_\_\_

Did you share?     Yes     No, why not? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

What did you get from attending this meeting? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How did you feel during this meeting? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Why do you think you felt this way? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

**ROCKLAND COUNTY DRUG COURT  
CONDITIONS OF ADJOURNMENT IN CONTEMPLATION OF  
DISMISSAL (ACD)**

I, \_\_\_\_\_, understand that I am subject to the following conditions until I graduate from the Drug Court Program:

1. I must notify my case manager if I change my address or phone number.
2. I must notify my case manager if I leave Rockland County for more than 48 hours.
3. I must attend at least three (3) self-help meetings per week. I must maintain a meeting list and provide it to my case manager upon request.
4. I must remain crime, alcohol, and drug free.
5. I must notify my case manager if I have any police contact.
6. I must attend my Drug Court graduation
7. I understand that I am subject to random drug testing and I must report to the drug court office, or designated location, within 24 hours of notification.
8. I must attend the relapse prevention workshop prior to graduation.
9. I must continue to attend aftercare treatment as directed by my case manager.

Date: \_\_\_\_\_

Defendant: \_\_\_\_\_

Attorney for Defendant \_\_\_\_\_

Behavior Rewarded	Incentive	Treatment Response	Level
<b>Level One</b>			
First two weeks of clean drug screens.	Candy, Food Voucher's, Voucher for early leave one day at Drug Court		1
First month of keeping all required appointments.			1
First two months of keeping curfew.			1
Completing two months of job readiness group.			1
Phasing up to Phase Two			1
<b>Level Two</b>			
Phasing up to Phase Three	Candy, Food Voucher's, Voucher for early leave one day at Drug Court, Extended Curfew for one day		2
Effectively communicating with the drug court staff about unexpected changes in participants schedule's.			2
Following protocol for authorized use of OTC medications.			2
Being honest and forthcoming to the Drug Court Team			2
Being able to recognize the triggers of your addiction.			2
<b>Level Three</b>			
Gaining employment	Candy, Food Vouchers, 5 hour decrease in community service, 6 hour decrease in an incarceration sanction, extended curfew for one day, extra weekend jail sanction.		3
Obtaining your birth certificate			3
Reporting a change of address or other necessary information in a timely manner.			3
Delivering a request off form in a timely manner to the Coordinator or Court Case manager.			3
Providing all the required documents for a curfew extension.			3
Developing a specific plan or strategy for recovery and being able to verbally report it to the Judge.			3
Obtaining your driver's license			3

Communicating effectively with the Drug Court Staff.			3
Being honest and forthcoming to the Drug Court Team			3
<b>Level Four</b>			
Presenting a thought out and detailed " Relapse Prevention Plan".	Candy, Food Voucher's, letter of commendation from a member of the Drug CourtTeam, curfew extension for one day, a leave request for one day, a temporary decrease in your parole reporting requirements, 8 hour decrease for community service, 8 hour decrease for incarceration,		4
Maintaining employment for more than six months.			4
Being honest and forthcoming to the Drug Court Team			4
Following protocol for authorized use of OTC medications.			4
Obtaining your driver's license			4
Obatining your GED			4
<b>Level Five</b>			
Completing a group from Project Adam and applying those principles in life.	Letter of reference or commendation from a member of the Drug Court Team, Curfew extension for one day, a leave request for one day, a temporary decrease in your parole reporting requirements, 8 hour decrease for community service, 8 hour decrease for incarceration		5
Obtaining a sponsor			5
Receiving a chip in NA or AA			5
<b>Level Six</b>			
obtaining your GED	consideration by the Drug Court Team for early graduation, Public recognition at graduation for your success.		6
Completing a group from Project Adam and applying those principles			6
Completing the 12 steps of NA or AA			6