

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