

I. WELCOME TO THE RUTLAND COUNTY DRUG COURT

A. Foreword

This document shall serve as a general framework for best practices, protocols and principles for the operation of the Rutland County Adult Drug Court. The primary purpose of the standards and policies is to define the roles and responsibilities of those involved in the management and operation of the Drug Court. This document is also intended as a guide to minimize the duplication of and ensure the coordination of efforts of those involved. Finally, this document is intended to facilitate the coordination of long-term planning for the continued operation of the Rutland County Drug Court [hereafter Drug Court].

B. Mission

The Rutland County Drug Court Initiative Committee, established by Act 128, is a Pilot Project for responding to drug crimes. The Committee has, as its fundamental goal, the development of an approach to provide accountability, assessment, and substance abuse treatment and other suitable services for adults who have been charged with committing a crime as a result of substance abuse. The Rutland County Drug Court will provide coordinated justice and treatment for Drug Court-eligible adult defendants (age 18 and older).

The drug court works with a cross-disciplinary team which includes the judge, state's attorney, defense attorney, case manager and drug court coordinator. The drug court team works toward improving outcomes for substance abusing offenders, lowering recidivism, and promoting safe and healthy communities. The Rutland County Drug Court is a coordinated program that emphasizes community-based supports and substance abuse treatment coupled with the authority, or "influence" of the court.

C. Goals and Objectives

Goal #1: Successfully treat defendants addicted to alcohol and other drugs.

- Having reached the goal of developing a fully-functioning drug court the goal is to maintain the drug court operations in Rutland County
- Reduce the time between arrest/arraignment and access to initial substance abuse services.
- Increase the number of defendants obtaining treatment
- Decrease the number of defendants who reinitiate use of drugs and alcohol
- Increase the number of persons in Drug Court who remain in continuing care and aftercare

Goal #2: Reduce alcohol and other drug-related crimes committed by substance abusing defendants.

- Reduce the rate of recidivism while participants are in the Drug Court program.
- Through effective treatment and supervision, reduce the rate of recidivism for those who graduate from Drug Court

Goal #3: Maximize the availability and efficiency of treatment resources in the community.

- Advocate for an increase in the number of community-based treatment units for defendants
- Advocate for expanding Drug Court participant treatment options consistent with Rutland Drug Court policies
- Maximize the use of available treatment and criminal justice resources

Goal #4: Provide the appropriate level of service while maximizing the efficient use of tax dollars and limited community resources.

- Continue to demonstrate a reduction of costs (e.g. corrections, court, health care) by referring eligible defendants to Drug Court
- Ensure that the Drug Court model continues to be an effective and efficient solution to the needs of non-violent offenders with substance abuse dependence

Goal #5: Increase the safety of the citizenry and improve the overall quality of life for the entire community.

- Improve the circumstances of referred defendants, their families and the community
- Improve outcomes through Drug Court monitoring and supervision
- Evaluate the impact of Drug Court on the program participants.

II. DRUG COURT ORGANIZATION

A. Management Structure of Drug Court

1. Oversight Committee

The Oversight Committee will be comprised of, at a minimum:

- The Drug Court Judge;
- State's Attorney;
- Defense Attorney;
- Treatment Provider(s);
- Drug Court Coordinator;
- Case Manager;
- District Court Manager
- Physician;
- Representative from Vermont Department of Corrections;
- Representative from Vermont Department of Public Safety/local law enforcement; and
- Representative from the Vermont Department of Health, Alcohol & Drug Abuse Program.
- State Treatment Court Coordinator
- Evaluator

The Drug Court Coordinator will serve as the Oversight Committee Secretary. The State's Attorney and defense attorney may be the same as

on the Drug Court Team, or they may be different representatives from their respective offices. The Committee will review Drug Court activities quarterly and make suggestions to improve the Drug Court program. In addition, the Committee will work as advocates for the program within the community, and attend cross-trainings with the Drug Court Team.

2. Drug Court Team

The Drug Court Team is comprised of (see attachment A for individual roles and responsibilities):

- The Drug Court Judge;
- State's Attorney;
- Defense Attorney;
- Drug Court Coordinator; and
- Case Manager.
- Treatment provider, as needed.

The Drug Court Team meets before every scheduled drug court hearing to discuss participants' cases and their successes and challenges. During drug court team meetings the case manager presents information on each defendant for discussion. Sanctions and incentives are discussed. The drug court team works in a collaborative manner to ensure participants receive their treatment and other needed services.

3. Drug Court Evaluation Team

- Reviews MIS data gathered by the drug court coordinator;
- Conducts process and outcome evaluations and drafts reports in compliance with reporting schedule;
- Meets with drug court team/oversight committee to review evaluation results;
- Provides recommendations for programmatic and MIS changes;
- Safeguards data integrity;
- Safeguards privacy and security of all records;
- Attends monthly/quarterly meetings with drug court team and/or oversight committee for evaluation reviews.

B. Drug Court Eligibility, Screening, Referral and Assessment

1. Eligibility Criteria (see Attachment B for more detail)

Participation in the Rutland County Adult Drug Court may be available to those defendants in the criminal justice system whose criminal offense is strongly tied to or arises from their addiction. There is a three part process to determine eligibility which involves:

- A. Assessing the crime with which they are charged;
- B. Assessing their substance dependence: Any defendant considered for drug court must exhibit generic criteria for substance dependence as listed in the DSM IV;

- C. A determination that they are not otherwise ineligible for drug court participation under either federal rule or Rutland Drug Court policy.

2. Referral to Drug Court

Drug Court referrals may be made by Law Enforcement, Office of the States Attorney, Office of the Public Defender, Department of Corrections, Treatment Providers

Using the Drug Court Eligibility Screening form, Law Enforcement identifies individuals for drug court participation, submits an affidavit of probable cause and related case with screening form to the State's Attorney's Office and cites for arraignment to occur the following Tuesday at 2:30 pm; or the States Attorney and/or Counsel submit Drug Court Referral form to the Coordinator; Referrals received before Friday at 4pm will be considered by the Drug Court Team at the next staffing. Lodgings will continue to be handled as per past practice.

3. Screening

All potentially eligible drug court participants shall be referred for a substance abuse screening with the GAIN Quick or other reliable screening tool. The screening will take place at the court, or if the defendant is lodged, at the correctional facility. The defendant will have the right to confer with counsel before making the decision to undergo a screening.

The defendant must sign an authorization to exchange information prior to participating in the screening. The results of the screening will be available to the drug court team for purposes of determining eligibility and cannot be used by law enforcement or the state's attorney to bring new charges against the defendant. The results of the screening will not be made available to the general public. When clinically necessary, defendants will be referred to detoxification or residential treatment prior to proceeding into the conditional period.

4. Assessment

As soon as possible after the initial screening, defendants who exhibit generic criteria for substance dependence as listed in the DSM IV (see Attachment C) will be assessed with the ASI or other validated, reliable assessment tool. A qualified substance abuse clinician will perform or sign off on the assessments. The assessment will be used by the treatment provider to develop the participant's treatment plan. The clinical team will determine that a mental health assessment is necessary, they will make the referral and the case manager will inform the Drug Court team of the results.

5. Conditional Drug Court Period

If the defendant decides he or she wishes to enter the conditional period in the drug court, he or she must complete the following steps:

a. Interim Case Plan

Based on the initial screening, and preliminary eligibility determination, the defendant will sign an interim case plan (see Attachment D). Conditions of release (Attachment E) shall include mandated compliance with the interim case plan and will include curfew and travel restrictions. Pursuant to the interim case plan, the case manager works to place the participant in appropriate care for stabilizing medical, mental health and substance abuse treatment needs. In the conditional period, case management services will be provided on a limited basis.

b. Responsibilities of the State's Attorney

During the conditional period, the state's attorney's office will obtain and provide a criminal record check and begin to determine restitution, if any. Written discovery is normally provided at arraignment, and the same procedure will be used in drug court. Should the State's Attorney find information that would render the defendant ineligible for the drug court pursuant to this manual, the State's Attorney shall immediately notify the drug court team. The State's Attorney will make a plea offer within 14 days of every defendant's entrance into the conditional period. The offer must be made before the referral is made to the Drug Court Team. It is recognized that some cases are more complex and may take longer to resolve.

c. Responsibilities of the Defense Attorney

The defendant's original attorney, supported by the drug court defense attorney, will review with the defendant all potential options for his/her case, including drug court programming and traditional criminal justice options. This review will take place when the defense attorney receives written discovery and other materials from the state's attorney, as well as results from the defendant's assessment. The defense attorney will advise the defendant of his/her rights, the merits of his/her case, options for disposition of the case, including plea offers, and the benefits and consequences of the various available options.

d. Responsibilities of the Case Manager

The case manager, with a completed record release signed by the defendant, and when practicable, will locate copies of any of the defendant's existing assessments. During the conditional period, the case manager will gather screening, assessment, drug test results, and the participant's interim case plan compliance information.

e. Responsibilities of the Court Coordinator

The drug court coordinator shall manage all data submitted for consideration by the drug court team, and keep the drug court team generally informed as to the defendant's status in the conditional entry period. The drug court coordinator will

share information on participant screening, urinalysis and interim case plan from the case manager to the drug court team.

F. Defendant's Discontinuance of Drug Court Programming During the Conditional Entry Period

Sanctions during the conditional period

Should the defendant choose to discontinue his/her participation during the conditional entry period, the case will immediately be scheduled for a review of the defendant's conditions of release. A bail review/conditions of release hearing must be held within 2 business days.

If a defendant completely fails to comply with the treatment plan during the conditional period they are considered withdrawn.

Any information gathered concerning the defendant during the conditional entry period, except for information about new crimes committed during this time, shall remain confidential and shall not form the basis for any request for bail, more restrictive conditions of release or be used for other evidentiary purposes. All treatment records generated within the conditional entry period will then be sealed subject to compliance with 42 CFR Part 2, the Health Insurance Portability and Accountability Act (HIPAA) and other applicable state and federal laws.

g. Adjudication Model

All eligible defendants will receive a plea offer from the State's Attorney's office within 14 days of entering the conditional period. With the drug court defense attorney's assistance, the defendant's original attorney will review the offer and the drug court contract with the defendant, paying particular attention to the details of the case. The case will be set for a change of plea hearing 2 weeks after the offer is made and the defendant and their attorney will use this time to decide whether to accept or reject the plea offer. If the defendant and their attorney need more time, they may extend this by 2 weeks.

Defendants with VOPs, VOPs and new charges, and drug possession cases are required to change their plea to enter drug court. They will have the following options:

- Accept the plea offer, change their plea and enter drug court
- Reject the plea offer, offer is withdrawn, and case is transferred back to district court
- Accept the plea offer, reject drug court and be sentenced immediately in district court
- Reject the State's offer, plead without a binding agreement as to sentencing, enter drug court and, if they are terminated, their case will be scheduled for contested sentencing

All other cases will have the following four options:

- Accept the plea offer, change their plea and enter drug court

- Reject the plea offer and proceed in district court (plea offer is withdrawn)
- Accept the plea offer, reject drug court and be sentenced immediately in district court
- Reject the plea offer (plea offer is withdrawn) and enter drug court without a binding plea agreement, having knowledge of the State's position

Changes of plea will occur on Tuesday mornings and the drug court defense attorney as well as the defendant's original attorney will be present for the defendant. The drug court contract will be signed at this hearing. Defendants who require the full two weeks or more may receive up to 7 days "clean time credit" to apply to their Phase 1 day count. Any defendant who rejects a plea offer will be informed that the offer they rejected will be withdrawn and may not be brought up in any later court proceeding.

h. Formal Acceptance into Drug Court & Contract (see Attachment F)

A hearing with the defendant and all drug court team members shall be held at the time of the defendant's acceptance into drug court, when they shall enter Phase 1. The judge will review with the defendant and the drug court team the defendant's conditions of acceptance into drug court on the record.

Before entering Phase 1, a defendant must execute a contract with the drug court team. The contract will set forth both the defendant's rights and obligations as a drug court participant, and the drug court team's obligations to the participant. The defendant will sign all appropriate documents, including waivers (see Attachment G) under Federal and Vermont laws as to confidentiality of records. Such waivers are irrevocable while enrolled in drug court. The waivers do not apply if someone is no longer involved in drug court. The contract will also require the defendant to affirm that to the best of his/her knowledge, he/she does not have any outstanding warrants in Vermont or any other state, and if the drug court team learns of the existence of such warrants, the defendant may be immediately expelled from drug court. Failure to sign the written contract will prohibit further participation in drug court. Restitution obligations will be addressed on a case by case basis.

III. DRUG COURT PROGRAMMING

Participation in the drug court will occur in three graduated phases. Each participant will have a treatment plan that is responsive to individual treatment needs. (Make up a treatment plan attachment here H) The participant and case manager, or the treatment providers designated by the case manager, will develop a goals statement that will include both short and long term goals. A community service and/or restitution component will be integrated into the treatment plan. If a participant has other court-ordered financial obligations, such as child support, these will also be a part of the treatment plan.

A. Treatment Service Delivery Plan

An individualized treatment plan will be developed with participant involvement, with a primary focus on behavior modification as it relates to substance abuse. The treatment plan will be a comprehensive, coordinated, individualized plan of treatment and rehabilitation services. Services are available for:

- Substance abuse;
- Family counseling;
- Mental health counseling (as needed);
- Gender-specific issues;
- Programs for young mothers and pregnant women;
- Aftercare for women;
- Family planning & STD awareness;
- Adolescent programs for young adults age 18-19;
- Anger management counseling;
- Violence prevention and victimization programs;
- Values formation through community-based support groups, mentors and outpatient treatment;
- Halfway houses;
- Recovery centers;
- Transitional housing;
- Child care;
- Educational and vocational rehabilitation; and
- Other services as they become available to the Rutland County community.

B. Drug Court Phase Advancement

Participants will advance through the phases of the drug court upon recommendation of the drug court team and upon the discretion of the drug court judge. This is conditional upon the participant satisfying the requirements of the program phase as outlined below. Days of consecutive abstinence do not carry over into following phases. As a participant moves from one phase to the next, he/she must complete that phase's abstinence requirement counting that day as day 1 of the new phase.

1. Phase 1

Phase 1, focusing on stability, intensive recovery and treatment, is designed to address the participant's initial efforts to successfully overcome substance addiction. The case manager will provide progress reports including information on the participant's attendance at treatment and recovery support meetings, drug test results, and compliance with other services incorporated into the individualized treatment plan.

Phase 1 requirements include, at a minimum:

- Compliance with treatment plan, including attendance at – community-based support groups;

- Detoxification (if necessary);
- Stabilizing the participant's medical and/or dental needs;
- Attendance at weekly status hearings;
- A minimum of one scheduled and one random drug test per week;
- Finding safe and drug-free housing;
- Vocational training, job search or education; and
- Demonstrating a minimum of 30 consecutive days of abstinence as demonstrated by negative drug tests.

2. Phase 2

During Phase 2, the participant should be benefiting from the increased stability resulting from successful completion of Phase 1. In Phase 2, the participant's treatment becomes less intensive, and becomes more focused on support group meetings, education, work, safe and sober housing and sober recreational activities. Maintained abstinence and compliance with the individualized treatment plan and other drug court components are necessary. Phase 2 requirements include, at a minimum:

- Full compliance with individualized treatment plan, including attendance at community-based support groups;
- Demonstrate a minimum of 60 consecutive days of abstinence as demonstrated by negative drug tests;
- Attendance at bi-weekly status hearings;
- Development of ongoing aftercare and relapse prevention plans;
- Up to two scheduled and one random weekly drug tests;
- Progress toward individualized short term educational and/or vocational goals;
- Participation in parenting or life-skills classes, if necessary;
- Maintaining safe and drug-free housing;
- Developing community support systems for social and leisure time needs.

3. Phase 3

During Phase 3, focus will be on the participant's transition to long term abstinence. Prior to graduation, the participant and case manager will develop an aftercare and relapse prevention plan. Phase 3 requirements include, at a minimum:

- Full compliance with treatment plan, and attendance at community-based support groups;
- Attendance at monthly status hearings;
- Demonstrating a minimum of 120 consecutive days of abstinence as demonstrated by negative drug tests;
- Focus is on long term abstinence;
- Up to two scheduled and one random drug tests each week but no less than one random drug test per month;

- Participant is encouraged to increase community-based recovery support group involvement; and
- Mentor new drug court participants.

C. Aftercare (see Attachment I)

After graduation, participants will have access to a weekly recovery support group, access to their case manager, support at recovery centers, and community-based support groups or other mentored support programs. The participant and case manager will coordinate aftercare and continuing care services.

In addition, all drug court graduates must participate in tracking surveys and drug tests, as specified in the drug court contract each participant signs when he/she chooses to enter drug court. Surveys and drug tests will be administered quarterly for at least 12 months following graduation. Information the participant shares regarding drug use or results of drug tests will not be shared with the drug court team, but participants who are struggling will receive support and referrals for appropriate treatment.

D. Program Fees

Participants may be required to make drug court participation payments to graduate, which will include a \$300 program fee. Ability to pay will not be a barrier to drug court participation. Participants with special circumstances or financial difficulties may be allowed, on a case-by-case basis, to do volunteer service to be credited against drug court fees and/or may “earn down” some fees for excellent program participation. The decision to allow this credit is the sole discretion of the drug court judge. Participants must make this request of the judge at a regularly scheduled court hearing.

Restitution language & Attachment J to insert here

Participants are expected to access all available health care insurance plans to underwrite treatment if applicable, including but not limited to private insurance and Medicaid.

The drug court participation fee and any restitution to victims or to a victim support fund must be paid by the time of graduation from drug court, and may include a court-directed installment schedule. Any other court-ordered obligations, such as child support payments, must also be current before graduation.

E. Judicial Supervision and Status Hearings

The drug court team will meet prior to scheduled status hearings to review and discuss participant progress. Prior to each team meeting, the Case Manager will fill out a Progress Report form (see Attachment K) for each participant, which will include information on attendance at individual and group treatment appointments, compliance and progress in treatment, and results of drug screens. The drug court coordinator will enter this information into the MIS.

The judge, state's attorney, defense attorney, drug court coordinator and case manager will attend each staffing and status hearing. Probation officers are welcome at status hearings but not required to attend unless required by the judge. Upon request, treatment providers will attend staffings and status hearings. The judge will review the participant's progress, and discuss any concerns he/she has with the participant and the drug court team. The judge then awards incentives or imposes sanctions as decided during the staffing.

Absences will be excused on a very limited basis. An absence may be excused when a valid, verified doctor's note is presented showing a serious illness of participant or immediate family member. Absence due to the death of a household or immediate family member may also be excused. Unexcused absences will result in a warrant for the participant's arrest.

F. Incentives and Sanctions

The Rutland County Drug Court uses behavior modification to assist participants in adjusting their behaviors to promote positive change. To support the goals of the program and each individual participant, the Rutland County Drug Court Team has developed incentives and sanctions as direct consequences to participant behavior.

Incentives may be awarded to recognize progress or positive behavior. Incentives are immediate acknowledgement that goals are being accomplished and will be promptly applied at the discretion of the judge upon recommendation from the drug court team. These goals include but are not limited to:

- Meeting or exceeding treatment goals (attending treatment, staying abstinent)
- Providing additional support to new participants

When properly administered, incentives can encourage a participant doing well in drug court to continue his/her progress. Incentives may include but are not limited to:

- Applause from those in the courtroom
- Gift certificates or passes from local merchants;
- Reduced frequency of drug testing;
- Reduction of required community service;
- Permission to travel out of the county or state;
- Relaxed curfew

Graduated sanctions will help participants recognize behaviors contrary to program requirements and their individualized goals. Engaging in noncompliant behavior will result in sanctions and ultimately program dismissal. Court-imposed sanctions are separate from treatment responses. Sanctionable behaviors include but are not limited to:

- Positive drug tests, which includes missed, tampered or diluted drug tests;
- Missed treatment or tardiness at treatment;

- Missed community based support group meetings or failure to bring meeting attendance verification;
- Missed call-ins;
- Tardiness or failure to appear for scheduled sessions of court;
- New criminal activity; and
- Other noncompliance with individualized treatment plan and/or other Drug Court requirements.

Depending on prior imposed sanctions, sanctions will include one or a combination of the following:

- Writing an essay on a drug court related topic
- Additional community based support group meetings;
- Increased frequency of drug testing;
- Increased frequency of court hearings;
- Requirement to sit in jury box;
- Time and/or place curfews;
- Community service;
- Incarceration;
- Demotion to an earlier phase; or
- Program expulsion.

If the drug court team receives information that a participant is not in compliance with their treatment plan and/or participant contract, the case manager shall contact the participant and discuss treatment options.

Sanctions and incentives will be carried out within 7 days of triggering behavior, or immediately where appropriate. If, during Phase 2 or Phase 3, the team receives information that a participant needs to be sanctioned but their next scheduled court date is more than 7 days away, the case manager will contact that participant and schedule him/her for the next available court date. Any positive drug tests will result in the participant's daily count of abstinence to reset to zero for that phase.

G. Drug Testing (see Attachment L)

All participants in the Rutland County Drug Court must agree to drug and alcohol testing as a component of program participation. All participants agree that at any time they must appear for a drug court-related event, including but not limited to hearings, treatment or any other time as indicated by behaviors, they may be subject to drug and alcohol testing.

H. Graduation Requirements

When a participant successfully completes the three consecutive phases of drug court, he/she will be considered for graduation by the drug court team and will complete a graduation application and/or pre-graduation questionnaire. A final status hearing will be held. For a participant to graduate, he/she must have:

- Completed the minimum consecutive days of abstinence for all phases;
- Not reoffended;
- Filled out an application for graduation to be reviewed and approved by the drug court team;
- Made all payments on participant fees and other required costs, such as restitution and child support;
- Scheduled and completed an exit interview with the drug court coordinator; and
- Agreed to participate in an aftercare plan and evaluation requirements.

I. Graduation from Drug Court

A graduation ceremony will be scheduled when the drug court judge determines that a participant should graduate from drug court. The participant's efforts at successful participation in drug court will be honored at the graduation ceremony. The participant will receive a drug court graduation certificate, as well as written confirmation that his/her criminal charges leading to drug court participation have been dismissed. Charges and drug court records will be sealed after successful completion of one year of aftercare. If the participant entered drug court as a result of a violation of probation, and the participant has otherwise completed his/her probation requirements, the violation will be dismissed and the participant will be discharged from probation.

Participants graduating from drug court will be expected to participate in aftercare programs, mentoring activities for newer drug court participants if feasible, and participate in post-graduation surveys and concurrent drug tests.

J. Program Expulsion (see Attachment L)

Expulsion may occur after the participant fails to comply with the contract and subsequent graduated sanctions. Participants may also be expelled when they:

- Have 2 consecutive unexcused absences from drug court hearings;
- Have a total of 4 unexcused absences from drug court hearings during their participation in drug court;
- Are a danger to the mental or physical well-being of other participants; and/or
- Create an issue of program integrity or public safety to the community.

As a decision to terminate/expel a participant is being considered, the Judge will give notice and a final chance for compliance during the next week. At the expulsion hearing, reasons for expulsion are explained and the defendant is allowed to respond. If a pre-adjudication participant is expelled from drug court, upon expulsion, a bail review/conditions of release hearing will be held. The matter will be set for resolution conference in misdemeanor cases or for a felony

status hearing. In post-adjudication cases, a bail review/conditions of release hearing will be held, and a sentencing date will be scheduled.

Participants may withdraw at any time and have their case(s) transferred back to District Court.

IV. MANAGEMENT INFORMATION SYSTEM AND EVALUATION (see Attachment M)

Evaluation serves a dual purpose of monitoring program operations and examining program outcomes. Information gathered from process and outcome evaluation activities is used to modify program procedure, approaches, or interventions, and to justify continuation or expansion of existing services.

Attachment A
Drug Court Team Roles & Responsibilities

Judge

- Chairs the drug court team and oversight committee;
- Attends montly/quarterly meetings with drug court team and/or oversight committee for oversight reviews;
- Is responsible for maintaining the collaborative atmosphere of the drug court;
- Regularly reviews participant case status on management information system (MIS);
- Engages participants during drug court hearings and holds the primary relationship with the participant;
- Confirms that all decisions and waivers are knowingly, intelligently and voluntarily made and otherwise protects the participants' constitutional rights;
- Participates in staffings and hearings;
- Participates in cross-trainings with other drug court team members;
- Engages in process and outcome evaluation reviews and evolution of program design;
- Based on drug court protocols, oversees program entry, sanctions and incentives, and final disposition of cases;
- Acts as program advocates within professional arena and community; and
- Informs legislature for changes in state law to meet proposed programmatic requirements.

State's Attorney

- Participates as a member of the drug court team;
- Attends monthly/quarterly meetings with drug court team and/or oversight committee for oversight reviews;
- Gathers completed Drug Court Eligibility Screenings from law enforcement;
- Promptly provides court and defense counsel with notice of potential eligibility at time of filing information and affidavit of probable cause;
- Obtains and provides a criminal record check on all participants in the conditional period, together with discovery at arraignment as per usual practice;
- Immediately informs Drug Court Team of any information that would make the participant ineligible;
- Provides a written offer to each defendant within 7 days of entry into the conditional period;
- When applicable, negotiates plea agreements within the conditional period time frame;
- Participates in staffings to provide input on eligibility, sanctions and incentives, termination and graduation recommendations;
- Attends hearings and maintains a collaborativce role during drug court hearings;
- Participates in cross-training with other drug court team members;
- Engages in process and outcome evaluation reviews and evolution of program design;

- Provides recommendations for any necessary changes in state law to meet proposed programmatic developments;
- Acts as program advocate within professional arena and community.

Defense Attorney

- Participates as a member of the drug court team
- Attends monthly/quarterly meetings with drug court team and/or oversight committee for oversight reviews;
- In conjunction with the defendant's attorney, counsels the participant on drug court and other available options for case processing, and at other decision-making points to assure that all decisions and waivers are signed knowingly, intelligently and voluntarily and otherwise protects the participants' constitutional and legal rights;
- Assures that the defendants' attorneys convey plea offers to defendants and when applicable, negotiate plea agreements within the conditional period;
- Participates in staffings to provide input on eligibility, sanctions and incentives, termination, and graduation recommendations;
- Attends hearings and maintains a collaborative role during drug court hearings;
- Participates in cross-training with other drug court team members;
- Engages in process and outcome evaluation reviews and evolution of program design;
- Provides recommendations for any necessary changes in state law to meet proposed programmatic developments;
- Acts as program advocate within professional arena and community.

Drug Court Coordinator

- General administrator of the drug court, including ensuring that the drug court's policies and protocols are followed;
- Develops and oversees adherence to the Memorandum of Understanding;
- Requests basic treatment information and weekly progress reports from the Case Manager;
- Maintains the drug court MIS and is responsible for disseminating weekly progress reports to the drug court team before the staffings, and providing MIS data to evaluators;
- Ensures maintenance of accurate court records and timely preparation of all court-related documents including, but not limited to notices of hearing, transport orders, docket entries and conditions of release;
- Financial management of state and federal funds for the drug court including maintaining the budget, collecting participant program fees as authorized by the court administrator, and acts as liaison to court administrator's office on financial matters;
- Develops community based resources, including employment, housing, community service and other opportunities that will enhance the drug court program;

- Conducts drug court orientation sessions and hands out program manuals for prospective participants and the court, jail, and the public defender's office;
- Assists with providing drug testing, as necessary;
- Participates in staffings to provide input on eligibility, sanctions and incentives, termination and graduations;
- Attends hearings and maintains a collaborative role during drug court hearings;
- Arranges for court-appointed interpreters for those not proficient in English or for the hearing impaired;
- Makes necessary arrangements for physically challenged individuals to participate in drug court hearings;
- Maintains the drug court docket and acts as liaison to court manager for transferred cases;
- Member of the drug court team and acts as secretary and reporter to the oversight committee;
- Attends monthly/quarterly meetings with drug court team and/or oversight committee for oversight reviews;
- Plans and participates in cross-training with other drug court team members and the oversight committee;
- Responds to programmatic concerns and ideas raised by drug court team members;
- Engages in process and outcome evaluation reviews and evolution of program design;
- Provides recommendations for any necessary changes in state law to meet proposed programmatic requirements;
- Prepares reports to the Court Administrator's Office, the Vermont Legislature, the Agency of Human Services, the Bureau of Justice Assistance, and any other agencies as necessary;
- Identifies and prepares necessary applications for new funding sources from state and federal sources;
- Arranges for "in court" tours for students, community groups and other jurisdictions planning drug courts and other community and media relations tasks;
- Monitors VCAS before every drug court hearing to ensure drug court participants have not been charged with new crimes in other areas of the state and alerts the Drug Court Team accordingly;
- In an effort to maintain communication and increase program efficiency, informs law enforcement why some potentially eligible offenders are not accepted into the drug court program;
- Sends weekly enrollment lists of Drug Court participants to aid officers in community supervision and positive reinforcement.

Case Manager

- Member of the drug court team, and provides information to the oversight committee;
- Attends monthly/quarterly meetings with drug court team and/or oversight committee for oversight reviews;

- Conducts drug testing;
- Refers participants for screening, assessment, appropriate substance abuse treatment and ancillary services as outlined in the treatment plan;
- Assists participants with life skills such as time management, job searches, budgeting, and sober recreation;
- Monitors services received by the participants to ensure they are in compliance with their individualized treatment plans;
- Encourages participants, and monitors their performance in treatment plans;
- Immediately informs the drug court coordinator of non-compliance in treatment and/or drug testing;
- Maintains records on each participant and provides weekly progress reports to the drug court coordinator;
- Represents the treatment team by participating in staffings to provide input on eligibility, sanctions and incentives, terminations and graduations;
- Attends hearings and maintains collaborative role during drug court hearings;
- Participates in cross-training with other drug court team members;
- Engages in process and outcome evaluation reviews and evolution of program design; and
- Provides input for recommendations for changes in state law to meet proposed programmatic developments.

Attachment B
Eligibility Criteria

Participation in the Rutland County Adult Drug Court may be available to those defendants in the criminal justice system whose criminal offense is strongly tied to their addiction. Or, “where there is a strong showing that the crime committed arises from their addiction.” There is a three part process to determine eligibility which involves:

A. Assessing the crime with which they are charged;

i. Includable offenses are:

Property Offenses, Title 13

A. Retail Theft, 2575

B. Theft of Services, 2582

C. Petit Larceny, 2502

D. Grand Larceny, 2501

E. Forgery, 1810, 1802

F. Embezzlement, 2531-2538

G. Stolen Property Offenses, 2561

H. Burglary of Business (not dwelling), 1201

I. Bad Check, 2022

J. False Token, 2003

K. False Pretenses, 2002

L. Violation of Conditions of Release, 13 VSA 7559(e) VCrP42

M. False Information to a Police Officer, 1754

N. Disorderly Conduct, 1026

O. Unlawful Trespass, 3705(a) and (c)

P. Fraudulent Use of Credit Card, 9 VSA 4043

Q. Unlawful Mischief, 3701 (a), (b), (c), (d)

Regulated Drug Offenses, Title 18

A. Prescription Fraud, 4223

B. Possession of Marijuana, 4320(a)(1) Misd. Or 4230 (a)(2) Fel.

C. Possession of Cocaine, 4231 (a)(1) Misd. Or 4231 (a)(2) Fel.

D. Possession of LSD, 4232 (a)(1) Misd. Or 4232 (a)(2) Fel.

E. Possession of Heroin, 4233(a)(1) Misd. Or 4233(a)(2) Fel.

F. Possession of Depressants, Stimulants or Narcotics,

4234(a)(1)Misd. Or 4234(a)(2) Fel.

G. Possession of Ecstasy, 4235(a)(1) Misd. Or 4235(a)(2) Fel.

H. Possession of Methamphetamine, 4234(a)(1) Misd. Or
4232(a)(2) Fel.

I. Possession of Hallucinogens other than LSD, 4235(b)(1) Misd.
Or 4235(b)(2) Fel.

ii. Excluded offenses: Persons with pending charges of any crime of violence as determined under federal rule¹, or any history of violence as determined by federal rule, or pending charges of sale or trafficking of any regulated drug, class 3 felony possession offenses under Title 18, any offense involving the possession or sale of a firearm, burglary of any dwelling, occupied or not, or any DUI, will be ineligible for participation in Drug Court. Except for cases where the underlying offense is sale of regulated drugs or Class 3 felony possession, violations of probation for otherwise non-violent offenses may be considered for drug court participation as per “c” below.

iii. All other offenses: A person charged with an offense not otherwise set forth above may be considered by the Rutland Drug Court Team for participation in drug court. That person may enter the conditional period, and shall then participate in the required assessments. If at the end of the conditional period the team determines that there has been a strong showing that the commission of the criminal offense alleged arises from the defendant’s drug dependence and that person is not otherwise ineligible for drug court, the defendant may be offered admission into the drug court. The final authority to offer admission into the drug court will rest with the drug court judge. In cases involving restitution, one of the team’s considerations will be the amount of the restitution to be paid and whether the defendant has a reasonable likelihood of paying that restitution in full while in the drug court program.

B. Assessing their substance dependence: Any defendant considered for drug court must exhibit generic criteria for substance dependence as listed in the DSM IV (see Appendix C).

C. A determination that they are not otherwise ineligible for drug court participation under either federal rule or Rutland Drug Court policy: No defendant classified as a violent offender by federal law, no defendant charged with the sale of any regulated drug, no defendant charged with a burglary of a dwelling, no defendant charged with any DUI, nor any defendant charged with the commission of any offense involving the possession or sale of any firearm shall be eligible for drug court participation. Moreover, no defendant is eligible for drug court if they are eligible for the Department of Corrections Intermediate Sanctions program or the Diversion program.

¹ For purposes of adult, family, and tribal Drug Courts, a “violent offender” is a person who either:

- 1. Is charged with or convicted of an offence during the course of which:
The person carried, possessed, or used a firearm or other dangerous weapon; or
- There occurred the use of force against the person of another; or
- There occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described above is an element of the offense or conduct of which or for which the person is charged or convicted; or

2. Has one or more prior convictions of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Attachment C

DSM IV Substance Dependence Criteria

DSM IV: Generic Criteria for Substance Dependence

The patient's maladaptive pattern of substance use leads to clinically important distress or impairment as shown in a single 12-month period by 3 or more of the following:

-Tolerance, shown by either of:

- markedly increased intake of the substance is needed to achieve the same effect or
- with continued use, the same amount of the substance has markedly less effect

-Withdrawal, shown by either of:

- the substance's characteristic withdrawal syndrome or
- the substance (or one closely related) is used to avoid or relieve withdrawal symptoms

-The amount or duration of use is often greater than intended.

-The patient repeatedly tries without success to control or reduce substance use.

-The patient spends much time using the substance, recovering from its effects or trying to obtain it.

-The patient reduces or abandons important social, occupational or recreational activities because of substance use.

-The patient continues to use the substance, despite knowing that it has probably caused physical or psychological problems.

Specify whether:

With Physiological Dependence. There is evidence of tolerance or withdrawal (see above).

Without Physiological Dependence.

Choose one or none to specify course:

Early Full Remission (months 2 through 12)

Early Partial Remission (months 2 through 12)

Sustained Full Remission (months 13+)

Sustained Partial Remission (months 13+)

Specify one, either or both of:

On Agonist Therapy (does not apply to Cannabis, Hallucinogens, Inhalants, PCP)

In a Controlled Environment (does not apply to Nicotine)

Attachment D
Rutland County Drug Court
Interim Case Plan

Participants Name _____

I will comply with the requirements of my Interim Case Plan:

- Remain Clean and Sober.
- Commit no new crimes.
- Set up and attend full evaluation with Evergreen Substance Abuse Services.
(775-2381 ask for Intake)
- Be screened for Medical Detox and follow recommendations.
- Make daily contact with Evergreen Substance Abuse Services and attend all UA's.
(Contact after 6:00pm for scheduling 775-5691 ext 201)
- Apply for Insurance at PATH Office/or provide Case Manager with proof of insurance.
- Set up and attend appointment for physical with primary care physician and provide Case Manager with names of D/D's and appointment times and dates.
- Report all prescribed medications to Case Manager.
- Attend next Drug Court.
- Attend recommended # _____ of 12 step support groups and provide verification of attendance.
- Contact my Case Manager in the event that I use substance.
- Comply with all my Conditions of Release
- Stay away from people and places where substances are being used.
- Other _____
- Other _____

By signing this I understand my Individual Case Plan and have received a copy.

Participant

Date

Case Manager

Attachment E

Sample Conditions of Release for Drug Court defendants in the conditional period:

1. You must come to court when you are told to.
2. You must give your attorney of the court clerk your address and phone number. If it changes, you must tell them immediately.
3. You must not be charged with or have probable cause found for a new offense while this case is open.
6. You must live in __ (Rutland) __ county. You cannot leave the county without the court's permission.
10. You must not buy, have or use regulated drugs without a prescription.
11. Curfew as directed: 24/7 at _____ residence, except as approved by Case Manager in advance.
37. You shall not purchase, possess, or consume any substance which contains any alcohol without a prescription from a licensed physician, and you shall have that prescription in your presence.
40. You must fully participate in all assessments as directed by the Drug Court Case Manager and Drug Court Treatment Team.
41. You must comply with the interim case plan developed by the Drug Court Team.
42. You must sign all releases necessary for the Drug Court Team to evaluate and monitor your performance during the conditional entry period.
43. You must submit to alcohol and drug testing as directed by the Drug Court Team through the Case Manager.

Attachment F
Rutland County Drug Court
Participant Contract

Participant Name _____

DOB _____ Docket Number _____

I, _____, agree to enter the Rutland County Drug Court. I understand and agree that I have certain obligations and responsibilities, and will follow orders given to me by the Judge, and directions from the Drug Court Case Manager and Coordinator. To assure my full participation in Drug Court, I agree to the following provisions:

1. I will help the Case Manager in developing recommendations for my individualized treatment plan that will be determined by the Drug Court team. I understand that my treatment plan may be changed depending on my progress in Drug Court. _____
2. I will follow my individualized treatment plan as ordered by the Drug Court. This may include, but is not limited to, attendance at community-based group sessions, individual counseling sessions, inpatient therapy, educational and vocational training, anger management or violence prevention, family counseling, or programs for young families with children. _____
3. I will not possess and/or use alcohol or other drugs and/or other mood altering substances except as prescribed by a physician. _____
4. I will identify myself as a Drug Court participant to my medical treatment provider(s) (to include, but not limited to, physicians, mental health professionals and dentists). I will notify the Case Manager immediately of any prescription medications I am currently taking, or of any medications prescribed to me while I participate in Drug Court. I will provide the name of the physician or treatment provider who prescribed the medication for me. I give permission for the Case Manager to verify my prescriptions with the prescriber and consistent with medical needs, to discuss a plan for non-narcotic treatment alternatives so that they may be introduced at the earliest possible point in medical treatment. _____
5. I will sign all authorizations to exchange treatment information by the treatment provider to the Court. I understand that information about my treatment plan, progress and results of drug tests will be communicated orally, in writing, and by electronic mail. I understand that this release will expire upon graduation or other termination from drug court or in one year, whichever occurs sooner. If one year lapses first, I will execute a new release for the remaining time that I participate in drug court, or up to one subsequent year. Revocation of any current releases or failure to execute a new release will result in Drug Court termination. Drug Court information, except information about a new crime, shall not be utilized by the State's Attorney for prosecution. _____
6. I understand that any statements or disclosures I make during the course of my participation in treatment, counseling or court proceedings, in regard to drug use or drug-

seeking behavior shall be held confidential according to Federal and State confidentiality laws. I understand that attendance at treatment appointments, results of drug screens, and treatment progress may be discussed in open court; however, detailed specific treatment information will not be disclosed. I am aware that the courtroom is a public place, and that anyone present in the courtroom can hear the information shared, including members of the media. If I am terminated from this program, the fact of my participation, the results of any testing, any statements I made during the course of this program, and the reason(s) for termination shall be privileged subject to appropriate waivers of said privilege. _____

7. I will submit to frequent scheduled and random drug testing for the presence of drugs in my body. I understand that all urine testing will be observed by a trained staff member of the same gender. I understand that I am subject to a combination of scheduled and random screenings. I further understand that at any time I may be required to submit to additional drug testing if the case manager has received information that raises cause to believe I have been using drugs. _____
8. I will not substitute another person's clean body fluids for my own, nor will I in any way try to change my body fluids to hide the presence of drugs in my system. I understand that if I am caught doing this prior to and/or during a drug test, the test will be considered positive. I understand that my drug test will also be considered positive if I am unable to produce a sample for testing, if I stall, or if I do not show up for my test. _____
9. I understand that the results of my drug testing cannot be used against me to bring new charges, but can be used for the purposes of modifying my individualized treatment plan, and for the Drug Court Judge to issue incentives and sanctions to me as consequences of my behavior. _____
10. I understand that noncompliant behavior may result in sanctions against me and that noncompliant behaviors may include: positive drug tests, missed treatment sessions or meetings, missed call-ins, tardiness or failure to appear for court sessions, failure to bring meeting attendance verification, or other noncompliance with my individualized treatment plan. Possible sanctions may include: a reevaluation of my treatment plan, writing an essay on a drug court related topic, attending more support meetings, increased frequency of drug tests, sitting in the jury box for ½ or full day, curfews, more frequent hearings, community service, incarceration, and/or expulsion from the program. _____
11. I understand that I may be rewarded for compliant behavior in Drug Court for meeting goals, such as: following my treatment plan, providing support to new participants, and exceeding treatment plan goals. _____
12. I will not possess or use firearms or other deadly weapons while I am in Drug Court. I will dispose of any and all weapons in my possession, and if there are firearms belonging to another member of my household, I will immediately notify the Drug Court Case Manager. Failure to dispose of my weapons and/or disclose others' weapons may result in termination from Drug Court and possible prosecution for any illegal possession of any weapon. _____

13. I will attend all Drug Court hearings that I am required to attend and I will be on time.

14. I understand that during Phase I of Drug Court I will have required hearings once a week. During Phase II of Drug Court I will have required hearings no less than every other week. During Phase III of Drug Court I will have required hearings no less than once a month. I understand that should I choose, I may schedule court hearings more often than required in Phase II and Phase III. _____
15. I will work with the Case Manager to find safe and sober housing to help facilitate my recovery process. _____
16. I will notify the Case Manager and my attorney within 48 hours of any change of address, telephone number or other contact information. _____
17. I will pay Drug Court costs up to \$300, and any required restitution before I am allowed to graduate from Drug Court. If I have other outstanding obligations, such as child support payments, those obligations will be incorporated into my individual treatment plan and will be met. _____
18. I will access all available health care insurance plans to offset the costs of my treatment services and drug testing, including private insurance, Medicaid and other appropriate sources. _____
19. I will not leave the county in which I reside, or the State of Vermont without written permission from the Drug Court Judge. _____
20. I understand for purposes of study or review of the Drug Court, some otherwise confidential information may be disclosed to third parties for program evaluation purposes, but under no circumstances will researchers disclose my name or other identifying information. _____
21. To the best of my knowledge, I do not have any outstanding warrants in Vermont or any other state, and if the drug court team learns of the existence of such warrants, I may be immediately expelled from drug court. _____
22. I agree that I will not act as a confidential informant or otherwise act as an agent for law enforcement in criminal investigations while I am a participant in Drug Court. _____
23. I understand that my participation in Drug Court is voluntary. If I decide to leave the Drug Court program, I understand that my failure to complete and graduate Drug Court will result in resumption of criminal proceedings against me. _____
24. I understand that if I fail to accept and perform a sanction, if I am a threat to my own safety or the safety of others, or if I repeatedly violate program rules and/or fail to comply with this contract, this constitutes a termination from Drug Court. I understand that 2 consecutive

unexcused absences from Drug Court hearings or a total of four unexcused absences from Drug Court hearings shall result in immediate termination from Drug Court. I also understand that if I am terminated, criminal proceedings against me will be re-instated. ____

- 25. I understand that if I leave Drug Court before graduation or am terminated, I may not be allowed to participate in Drug Court in the future. _____
- 26. I understand that in order to graduate from Drug Court, I must successfully complete all three phases of the program, pay my program fee and make any restitution to victims as directed by the Drug Court Judge. _____
- 27. I understand that participation in Drug Court involves a lengthy time commitment, and that after graduation I will be required to participate in at least one year of aftercare to include periodic drug tests, questionnaires, and quarterly meetings with the Drug Court Coordinator. _____
- 28. I understand that after final successful completion of all Drug Court requirements, at graduation, the charges that brought me into Drug Court will be dismissed. After successful completion of one year of aftercare, the drug court records pertaining to the charge that brought me into drug court will be sealed and I may be able to seek expungement of my arrest record on the criminal charge(s) that brought me into drug court. If I entered Drug Court on a violation of probation, and I otherwise satisfy all obligations of the underlying sentence, the violation will be dismissed, and probation will be discharged. _____

I have read the above contract and I understand what I have read. I am willing to enter into this agreement with the Rutland County Drug Court.

Participant's Signature

Date

Attorney for Participant

Date

(Deputy) State's Attorney

Date

Drug Court Judge

Date

Original to Court File, copies to case manager, defense attorney, state's attorney, coordinator, and participant.

Attachment G
RUTLAND DRUG COURT AUTHORIZATION TO RELEASE INFORMATION

I, _____, born on this date _____ hereby authorize the Rutland County Drug Court Team (Judge, State’s Attorney, Defense Counsel, Coordinator & Case Manager), 92 State Street, Rutland, VT 05701, to exchange information pertaining to my participation and progress in chemical dependency treatment with staff members at the following organizations/agencies: Rutland Mental Health Services, Inc., 78 S. Main St., Rutland, VT 05701.

(Name all persons and Agencies to which exchange is to be made)

Initial the following information that you want disclosed:

	Information Type		Information Type		Information Type
	Attendance		Diagnosis & Evaluation		Progress/monthly notes
	Treatment Recommendations		Medication Prescribed/ Medication Evaluations		Progress report on treatment/ support summaries
	Treatment Plan/Support Agreement		Behavioral Support Plans		Ongoing communication re: treatment coordination (verbal/written)
	Educa/Psyc. Testing/Reports		Discharge summary plan		Other (specify)

Include disclosure of future Information: Yes No

This authorization covers services from _____ to _____.

Other specifics related to the information to be disclosed:

The purpose of this disclosure:

Means of disclosure (check all that apply): Written Oral Any of these

I understand by my waiver that Drug and Alcohol information may be disclosed if it is contained in my record. I understand that I have the right to restrict this information should I choose. I understand that as a Drug Court participant, this information will be discussed by the Drug Court team. I understand that attendance at treatment appointments, results of drug screens, and treatment progress may be discussed in open court; however, detailed specific treatment information will not be disclosed in open court. I am aware that the courtroom is a public place, and that anyone present in the courtroom can hear the information shared, including members of the media.

I understand that federal regulations (42 CFR part 2) prohibit the redisclosure of drug & alcohol treatment information without my written consent or as allowed by the regulations. I understand that under Vermont statute, my health information can only be disclosed with my authorization or as mandated by an express provision of law. For disclosures of information made to organizations outside the State of Vermont, all other health information used of disclosed pursuant to the authorization may be subject to redisclosure by

the recipient and no longer protected by this rule (Privacy Standards of the Health Insurance Portability and Accountability Act of 1996).

I understand that my treatment/support is not conditioned upon authorizing this disclosure. I understand that I may revoke this authorization at any time except to the extent that the Drug Court Team, or other agency making the disclosure, has already acted in reliance on it. In general, revocation should be submitted in writing and sent to the Drug Court at the address above.

Date of event upon which this authorization will expire: _____. I understand if I do not note a date or event, then this authorization will expire one year from the date it was signed below or upon my termination from the Drug Court program.

Participants Signature: _____ Date: _____
Witness Signature: _____ Date: _____

*I hereby revoke this authorization on _____ (date) at _____ (time).
Do not release any further information under this authorization.
Signature: _____*

Attachment H
Individualized Treatment Plan

Attachment I

Rutland Drug Court Aftercare Agreement and Schedule for

Congratulations on your graduation today! You have completed a very tough program and the drug court team is extremely proud of you. Before you can graduate, however, you must agree to complete a year of aftercare. Aftercare requirements include:

• **Meeting with the court coordinator on the following dates:**

- Wednesday, March 23, 2005 at _____
- Wednesday, June 22, 2005 at _____
- Wednesday, September 21, 2005 at _____
- Wednesday, December 21, 2005 at _____

These meetings will be brief interviews and will include a UA. Results of your UA and/or reports of drug use cannot be used against you in any way. The purpose of aftercare is to continue to support you in your recovery. You will receive a small incentive for attending these meetings.

- Increase your participation in community based support groups (like AA/NA) and use your sponsor
- Attend court hearings and graduations when you can to mentor and support other participants
- Attend drug court group when possible to provide support to others
- Participate and/or help organize activities for drug court graduates and participants
- If you like, attend speaking engagements with staff to help educate the community about the drug court program
- And, most importantly, **ASK FOR HELP WHEN YOU NEED IT!**
The entire drug court team is still here to support you, and you are always welcome to access drug court services at any time.

I have read and understand the requirements listed above and I agree to them.

Drug Court Graduate

Date

Drug Court Judge

Date

Attachment J
Restitution Protocol/Agreement

Attachment K
Drug Court Progress Report

Attachment L
Drug Testing Protocol

1. Alcohol testing

Breath alcohol testing will be conducted using available breath testing equipment, including but not limited to Alco-sensors and Intoximeters. The equipment must be calibrated according to certification standards established by the department of Transportation, the Department of Health and Human Services, and/or the State Toxicologist. The test must be administered by individuals who are trained in the use and interpretation of breath alcohol testing equipment and their readings. If the result of the breath test is in dispute, the participant may request that a urinalysis be performed. If the urinalysis is positive, the participant must pay for the test and be subject to sanctions. If the resulting urinalysis is negative, the court pays, and the result of that test controls.

2. Drug testing

a. Saliva testing

Saliva testing will be included as the technology for this method of drug testing develops.

b. Drug screens, as verified by Panel Screens and/or Laboratory Testing

i. Schedule of testing

The following schedule of testing is in support of an overall treatment plan that is medically necessary to stop the participants' chronic and persistent substance use.

An initial, comprehensive, laboratory verified drug test will be performed at the time of screening for drug court.

In Phase 1, participants will submit to up to 2 regularly scheduled drug screens each week. In addition, participants will submit to at least 1 additional random drug screen per week.

In Phase 2, participants will undergo no less than one weekly scheduled test with up to two scheduled tests each week and random testing as appropriate.

In Phase 3, participants will be tested no less than once a month, with up to 2 scheduled tests each week, and random testing as appropriate.

Testing will be done more regularly than indicated above when drug court treatment and/or supervision personnel have cause to believe that the participant requires further testing.

ii. Randomization Mechanism

A "random" test is one that is unpredictable as to time, place and day of the week. Participants will know if they have to submit to a random test by phoning in. At time of entry into the drug court program, participants

will be given call-in times and testing hours. Should an unforeseen emergency occur, the participant will be required to produce a doctor's note or other evidence of emergency, subject to verification by the Case manager.

iii. Means of Testing

The treatment staff, the case manager and/or the coordinator will conduct the testing. All urine testing must be observed. Trained staff members of the same sex as the participant will conduct urine testing.

iv. Collection Procedure

Participants must bring a photo ID and be able to recite or produce other indentifying information, such as a Social Security Number or date of birth to verify that the participant is who he or she claims to be.

If the participant knows he/she will test positive before giving the sample, he/she may admit to drug use at that time. If the participant admits to drug use, the test will still be conducted. All positive tests will automatically require a treatment plan update.

If a participant refuses to provide a sample, it is considered a positive test for the purpose of sanctions. Not providing a sample in the allowed 2 hours is considered a refusal, and consequently a positive test.

v. Testing

All urine testing will be governed by the protocols of Dominion Laboratories.

Participants will be tested, at a minimum, for benzodiazepines, cocaine, opiates, amphetamines, and cannabinoids/THC. In addition, samples will be tested for adulteration, including water-loading. If it is shown to be necessary through the individualized treatment plan, participant-specific testing may include a greater array of substances.

All results from lab tests will be faxed back to the case manager within 24-48 hours. If there is a question about the test interpretation and/or levels, the case manager will consult the lab technicians for clarification.

If a participant tests positive and disputes the results of the test, he/she has the right to request that that specific sample be tested by an independent laboratory using the same cut-off level. If the second test comes back negative, the court will pay for the second test. If the second test comes back positive, the participant will pay for the second test.

All testing results are reported to the coordinator and filed in the drug court MIS.

vi. Drug Retention Times

Each person is different in how quickly he/she metabolizes substances, including drugs. Variations can occur based on the specific substances, the person's metabolism and organ functions, the frequency of drug use, and the amount of drugs ingested.

- Cocaine, opiates and methadone are generally excreted within 72 hours after ingestion.
- Benzodiazepines are excreted within 72 hours for therapeutic use. In the case of chronic use, it can occasionally take 4-6 weeks.
- Marijuana (THC) excretion times vary depending on many factors. THC is stored in the body fat and is released slowly over time. As a result, variations in excretion can occur, and it can take as long as 30 days to rid the body fully of THC. The average amount of time elapsing prior to consistently negative test results after the cessation of marijuana use is as follows:
 - Occasional smoker (1x/week): 3-5 days
 - Moderate smoker (4x/week): 5-10 days
 - Heavy smoker (daily): 10-15 days
 - Chronic (daily use over several months): 20-25 days

Poppy seeds and secondhand smoke are not valid reasons for positive tests.

Some prescription medications with chemical structures similar to illegal substances will produce positive tests. Any participants using medically necessary prescription drugs must notify the case manager and present a verifiable prescription. The case manager will verify the prescriptions or treatment schedules with the prescribing physician or treatment provider. Given this information, the case manager may request special urine testing authorized by a physician for these participants. Participants are advised to seek non-narcotic alternatives for pain medication whenever possible.

Adulteration of urinalysis/drug tests will not be tolerated. This includes sample substitution and water-loading/dilution.

Attachment M

Management Information System & Evaluation Plan

A. Management Information System Plan

A management information system is used to collect data for program operations and evaluation. The drug court coordinator works closely with evaluators, who make recommendations for changes to the system for data analysis.

B. Data Management

The drug court coordinator is responsible for providing data to evaluators. In addition, the court coordinator develops and oversees adherence to the memoranda of understanding for data sharing with drug court team and adheres to applicable local, state and federal confidentiality guidelines and requirements regarding treatment program records. Quality assurance is maintained by a thorough review of the data when disseminated to and reviewed by evaluators and the drug court team.

C. Review of Data

Evaluators will review MIS data gathered by the court coordinator. They will conduct process and outcome evaluations and draft reports to comply with reporting schedules. Evaluators will meet with the oversight committee to review evaluation and analysis results. Evaluators will be responsible for making recommendations for programmatic and MIS changes, safeguards to ensure data integrity, safeguards to ensure privacy and security of records, and generally ensure statistical analysis capability adheres to the highest standards.

D. Process Evaluation

The court coordinator will have access to a separate system, the Vermont Automated Docketing System (VTADS), which gathers information on criminal charges filed. As the electronic record of the court, VTADS contains a wealth of information about court cases including the specific charge, charge disposition, motions, sentencing, and data on various hearings as well as key case dates (e.g. filing date, sentencing date, etc.). VTADS data will be the major source of information derived from court cases.

The court coordinator will also have access to the Vermont Court Access System (VCAS). This component of the judiciary data warehouse provides the ability to look up a person's involvement in cases in all courts statewide.

The evaluators will look at data to review the following aspects of the process:

- Whether treatment providers are providing services consistent with participant treatment plans and the memoranda of understanding between the providers and the drug court;
- Whether the court is complying with the drug court protocols;
- Whether participant access to the program is happening in a timely manner; and
- Other areas as determined by the oversight committee in consultation with the evaluators.

The evaluators will conduct a process review every 6 months that will include evaluator recommendations and will be presented to the drug court oversight committee. This process evaluation will also serve to track treatment and court processes. It will track participants' experiences in dealing with:

- Screening;
- Assessment;
- Hearings;
- Collateral assessments;
- Treatment plan development;
- Collateral services offered;
- Conditional entry and the end of the conditional period; and
- Graduation through the phases of the program.

Evaluators will also track timeframes to see how long it takes for participants to advance through the various phases to graduation.

E. Outcome Evaluation

The final component of the evaluation will chart the outcomes of the participants in the Rutland Drug Court. Collecting comprehensive information as it pertains to the participants' progress after leaving drug court will greatly increase the success of the program.

1. Participant Tracking

All participants who enter the drug court, whether they graduate or not, will be tracked by the available tools. Through a combination of criminal justice data searches and post-graduation contacts, outcomes will be evaluated after 12 months from the date the participant graduates or otherwise leaves drug court. A planned post-graduation contact with incentives will be planned quarterly for at least the 12 months following the initial 1 year evaluation.

Participants will be tracked against a statewide database of all criminal charges filed and disposed in Vermont District Court. The criminal court database in the Vermont Center for Justice Research (VCJR) at Norwich University will be used to track new charges and convictions for participants. Participants will also be tracked in VCAS by looking for involvement in relief from abuse cases, divorce cases, outstanding child support obligations, juvenile cases, or probation violations in other cases that would not appear in the criminal court database.

To complement the court data, post-graduation participant surveys will be distributed to alumni. Alumni will participate in quarterly interviews and drug testing for at least 12 months. Additionally, those participants who did not graduate will be tracked, to the extent possible to record their reasons for not completing drug court. Reasons given for non-participation will be recorded and evaluated.

2. Recidivism of Participants

Recidivism will be measured from the time of graduation or termination until the date a new charge is filed against a former drug court participant. The Rutland Drug Court will use the following definition of recidivism:

“Instances in which criminal behavior has resulted in reentering the criminal justice system via formal misdemeanor and/or felony charges.”
Or, new charge resulting in a conviction??

3. Control Group

Options for creating a control group were discussed, and evaluators have recommended that, since there are fewer spaces in drug court available than the number of eligible defendants, control participants be taken from the pool of eligible defendants in Rutland County. Additionally, this will help to stagger enrollment, preventing a large influx of Phase 1 participants at the same time.

After a participant orientation and screening, eligible defendants who would choose drug court if it were available to them are randomly selected for drug court or court as usual. Eligible defendants will have a 50:50 chance of being selected for either process. All defendants who receive a screening are eligible for the same treatment services, regardless of selection for drug court. Once selected, recidivism in the control group will be measured using the same methods as used in the drug court participant group. Recidivism in the control group will be measured beginning from the sentencing date.

Specific data elements collected from the court database will include, but are not limited to:

- Key case dates
- Final charge
- Original charge filed based on Vermont Statutes Annotated, title and section;
- Socio-demographic and identification variables.

Specific data elements to be collected and analyzed for the outcome evaluation relevant to substance abuse and related socio-economic functioning indicators include but are not limited to:

- Treatment entry
- Treatment completion
- Rates of drug and alcohol abstinence verified by drug testing
- Participation in continuing care and self-help groups
- Change in employment status
- Relationship stability
- Use of other support services.

The court coordinator will disseminate evaluation reports to the members of the oversight committee. The oversight committee will review and design improvements to the court process and treatment services delivery consistent with

the Rutland Drug Court goals listed above. Evaluations are expected to produce information on:

- Indicators of successful drug court treatment assessed via the variables listed above;
- Percentage of participants who remain abstinent or substantially reduce drug and alcohol use;
- Rates of treatment completion;
- Rates of criminal recidivism;
- Relationship between substance abuse treatment outcomes and recidivism;
- Analysis of predictor variables to determine the type of individuals who are best suited to be drug court candidates;
- Estimate of time and cost of drug court relative to its outcomes.