

IN THE SUPERIOR COURT OF FORSYTH COUNTY
STATE OF GEORGIA

MAR 9 6 2015

CLERK SUPERIOR COURT

ADMINISTRATIVE ORDER 15-03 *nunc pro tunc* to March 3rd, 2015

IN RE: DRUG COURT

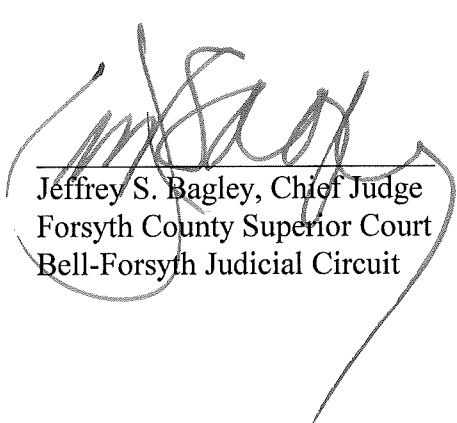
ORDER AMENDING
ADMINISTRATIVE ORDER 14-18

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The *Drug Court Policies and Procedures* were amended by agreement of the members of the Drug Court Planning Group on the 2nd day of February, 2015, and accepted and approved by the Court on said date. The changes reflected in the amended *Drug Court Policies and Procedures* were orally announced to the Drug Court participants on the 3rd day of March, 2015 and written copies of the updated *Participant Handbook*, which contained the changes to the *Drug Court Policies and Procedures*, were made available to all Drug Court participants. Nevertheless, pursuant to the terms of the Drug Court contract, all Drug Court participants are on notice that they are required to comply with all past and future Drug Court policies and procedures in effect. The most current *Drug Court Policies and Procedures* are on file with the Clerk of the Forsyth County Superior Court, which are available for review during normal business hours.

SO ORDERED, this 6th day of March, 2015, *nunc pro tunc* to March 3rd, 2015.


Jeffrey S. Bagley, Chief Judge
Forsyth County Superior Court
Bell-Forsyth Judicial Circuit

FORSYTH COUNTY DRUG COURT POLICIES AND PROCEDURES MANUAL

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PLANNING GROUP

PURPOSE:

This group is comprised of executive level personnel from each agency to facilitate the process, to expeditiously resolve issues and to provide buy-in at the upper echelon, so that later groups with non-executive level personnel will be comprised of people who are confident that the Head of each agency has made drug court a priority mission. The group has a clear purpose, roles of members are defined, and the group meets on a regular basis.

MEMBERS:

- Honorable Jeffrey S. Bagley, Chief Superior Court/Drug Court Judge
- Drug Court Coordinator
- Accountability Court Director
- District Attorney
- Criminal defense attorney representative
- State Probation representative
- Forsyth County Sheriff's Office representative
- Treatment representative
- Court Administrator
- Ninth District Court Administrator
- Pre-Trial Services representative

CONTINUING EDUCATION REQUIREMENTS:

All group members are required to adhere to their discipline-specific requirements for certification or licensure (listed below). Additionally, all group members must attend one Accountability Court training/conference every 2 years. New group members are required to the next state or national Accountability Court training/conference.

Attorneys: 12 hours of CLEs/year

Counselors: 35 hours of CEUs/biennially

Probation Officers: 20 hours of POST credit/year

Law enforcement: 20 hours of POST credit/year

STEERING COMMITTEE

A committee comprised of court officials, community organizations, healthcare providers, social service agencies, education providers, and business leaders will meet quarterly to review the progress of all Accountability Courts in Forsyth County. Additionally, this committee is tasked with connecting Accountability Courts with appropriate services available in the community, assisting in educating the community on Accountability Courts, aiding Accountability Courts in securing additional funding for ancillary services for indigent participants, etc.

MISSION STATEMENT

The mission of the Forsyth County Drug Court Program is to enhance public safety by providing a judicially supervised regimen of treatment and innovative case management to substance abuse offenders with the goal of returning sober, law-abiding citizens to the community and thereby closing the “revolving door” to the criminal justice system.

GOALS AND OBJECTIVES

Goals are general statements about what you need to accomplish to meet your purpose, or mission, and address major issues facing the drug court.

Objectives are specific activities or action steps to implement each goal. They define exactly what you will attempt to accomplish for whom and in what time period – a set of measurable situations, which when achieved will satisfy a need.

GOAL 1: To provide early screening, assessment and court intervention.

Objective 1:

Eligible offenders, who express interest and are referred to the program, will receive substance abuse evaluation/assessment of risk/needs within 14 days of arrest, subject to the policies of other circuits.

Objective 2:

Selected participants will receive court intervention within 14 days of arrest.

OUTCOME MEASURES:

1. Percentage of eligible offenders receiving substance abuse evaluations and assessments of risk/needs within 14 days of arrest.
2. Percentage of eligible offenders receiving court intervention within 14 days of arrest.

GOAL 2: To provide effective court supervision.

Objective 1:

100% of the participants will receive intensive court supervision including regular hearings, tracking of progress, and progressive sanctions and incentives.

Objective 2:

At least 85% of participants receiving program services will reduce the frequency of alcohol and other drug use as measured by urinalysis testing results.

Objective 3:

65% of eligible participants will complete the program successfully.

OUTCOME MEASURES:

1. Percentage of program participants who demonstrate reductions in alcohol and other drug use as measured by clean urinalysis test results.
2. Percentage of eligible participants completing the program.

GOAL 3: To provide an integrated program of drug treatment, substance abuse education, and rehabilitation services.

Objective 1:

100% of the participants referred will receive inpatient or outpatient substance abuse treatment at any given time as measured by treatment provider verification reports.

Objective 2:

90% of the participants who complete the program will be employed upon graduation as measured by employment verification reports.

Objective 3:

100% of the graduates with less than a high school degree will improve literacy skills or earn a GED prior to program completion as measured by educational verification reports.

OUTCOME MEASURES:

1. Percentage of program participants receiving outpatient and/or inpatient substance abuse treatment.
2. Percentage of program graduates who are employed
3. Percentage of program participants who have increased literacy skills and/or completed a GED.

STRUCTURE/MODEL

The Forsyth County Drug Court is a hybrid model of pre-adjudication and post-adjudication offered to eligible participants charged with felony drug offenses or other offenses deemed appropriate by the District Attorney's Office. Entry into the program is completely voluntary and is indicative of only one option available to defendants. Typically, those found guilty of first-time drug possession are sentenced to 3 years to be served on probation, automatic suspension of driver's license, fines, fees, community service, drug screens, a drug and alcohol assessment and follow-up to the recommendations made in that assessment, etc.

Drug Court is also offered as an alternative to revocation for eligible offenders who are on probation and subsequently test positive for drugs or obtain substance-related charges.

Drug Court offers a more forgiving program for those offenders who have a drug addiction and want help fighting it. For example, the first time a Drug Court participant tests positive for drugs or alcohol, the sanction will likely be 24 hours in jail. The sanctions will be progressive in severity if violations continue. However, if offenders test positive for drugs while on probation and is revoked, it is likely they will be sent to a Probation Detention Center for 90 to 120 days.

TARGET POPULATION

The target population for the Forsyth County Drug Court includes those charged with felony drug offenses, and those on probation who test positive for drugs or obtain substance-related charges. Additionally, participants must meet clinical criteria for having substance abuse or dependence with a focus on moderate to high risk/need offenders.

The Forsyth County Drug Court will not knowingly accept those known or thought to be involved with the sale or distribution of drugs or those previously convicted of violent felonies.

ELIGIBILITY CRITERIA

Eligible participants will meet the following criteria:

- Current felony drug charge and other charges as identified by DA*
- Meet clinical criteria for substance abuse or dependence, with a focus on moderate to high risk/need offenders
- Will consider felony convictions*
- At least 17 years old
- Presence in United States is legally documented

Probation Eligibility

- Must test positive for alcohol/drugs, obtain new alcohol/drug-related offenses, or refuse to provide specimen to be tested for alcohol/drugs
- Must have at least 36 months left on probation sentence to complete Drug Court program
- Must have at least 30 months left on probation sentence to receive Maximum Benefits Certificate
- Must complete 60-120 days at a Probation Detention Center before entering Drug Court if Drug Court was previously declined; if referred after previously declining on a probation revocation, must complete the RSAT program before Drug Court entry; such referrals are at the discretion of the Probation Office
- Must have no prior violent felony convictions
- Meet clinical criteria for substance abuse or dependence
- Must be at least 17 years old

*The District Attorney may use discretion on any referrals deemed appropriate for consideration in the Drug Court Program

DISQUALIFICATION CRITERIA

The following criteria disqualify an offender for the Forsyth County Drug Court Program:

- Violent convictions or history
- Multiple felony convictions as deemed inappropriate for the program by the DA's Office
- Involvement in sale or distribution of drugs
- Severe and/or untreated mental/physical health problem which would impede their ability to actively participate in and complete the intensive program
- Presence in the United States is not legally documented

ENTRY PROCESS

After arrest, defendants are identified by jail personnel and the District Attorney's Office, or by the Probation Officer, as potentially eligible for the Forsyth County Drug Court Program. They are given a bond in the usual manner with a return date of 9:00 AM on the second Monday following their arrest. Those unable to make bond, or those on probation, are given Drug Court information and referred to the Drug Court Coordinator to arrange for discussion with defense counsel and clinical screening.

On their bond returnable date, those who have made bond report to the Drug Court Coordinator's Office to meet with defense counsel regarding the specifics of their case and the requirements of the program. Those still in jail are brought to the Courthouse to meet with the defense attorney.

If they are not interested, they complete a hold over form and are placed on the regular trial track. Those on probation who decline Drug Court are placed on the next revocation calendar.

If interested in the program, defendants complete a clinical evaluation. Following that evaluation, interested defendants are told to return to Drug Court on Tuesday at 3:00 PM for a decision about their entry. Those still incarcerated are brought back to the Courthouse on Tuesday for a decision about their entry.

The Drug Court Treatment Team consists of the Judge, District Attorney, Drug Court staff, Felony Probation, law enforcement, Pre-Trial Services, Defense Attorney, and treatment representatives. The Treatment Team meets at 1:30 PM on Tuesday to determine who will be offered entry into the program. Those who are offered entry enter their plea in Drug Court at 3:00 PM. They will attend orientation on Wednesday and begin screening and groups immediately.

If a defendant is legally and clinically eligible but the Treatment Team deems them unsuitable, they will be asked to complete a hold over form and placed on the regular trial track or the next revocation calendar.

The anticipated maximum length of time between arrest and entry into the program is 14 days.*
The anticipated minimum length of time between arrest and entry into the program is 8 days.*
*these do not include those after violating probation

Upon request by another jurisdiction, cases will be considered for supervision or transfer. Such cases will be placed on the calendar and reviewed by the Drug Court Treatment Team.

PHASES

The Forsyth County Drug Court is a minimum of 24 months in duration (maximum of 4 yrs) and consists of five phases. Phase 1 is the Preparation Phase, Phase 2 is the Education Phase, Phase 3 is the Maintenance Phase, and the last phases are dedicated to re-entry into unsupervised society and aftercare.

Phase 1 is a minimum of 3 months in duration. Participants will attend court sessions weekly. Treatment groups will occur 3 times a week combined with a minimum of 2 random, observed drug screens each week.

Phase 2 requires a minimum of 6 months. Participants will continue to attend court weekly. Group attendance decreases to 2 times a week with random, observed drug screens remaining at a minimum of 2 per week.

Phase 3 will last a minimum of 6 months. Court sessions will be attended twice a month. Treatment groups will continue at 2 a week along with at least 2 random, observed drug screens.

Phase 4 will last a minimum of 5 months. Court sessions will be attended once a month. Treatment groups will decrease to 1 a week along with random, observed drug screens weekly.

Phase 5 will be at least 4 months in duration. Court sessions will be attended once a month. Groups will be reduced to twice month and random, observed drug screens will occur weekly.

The number of meetings, etc., listed here are minimum requirements. It may be necessary for participants to submit to additional groups, court sessions, and/or screens based on their level of commitment, progress, etc.

Leave requests must be submitted in writing to the Drug Court Coordinator on the Monday prior to the leave request. Participants in Phase 1 will not be granted leave for any reason other than emergencies and/or documented court appearances, etc. Phase 2 participants will be granted 2 leave requests. Phase 3 participants will be granted 2 leave requests. Phase 4 participants will be granted 2 leave requests. Phase 5 participants will be granted 2 leave requests. If group is missed during a leave, the participant must make up the group within two weeks of the leave being granted. Only 1 group may be missed per leave request. These requests are apart from any emergency, subpoena, court appearance, etc. Any questions may be directed to the Drug Court Coordinator for clarification.

Medical leave is defined as a period of time during which a medical doctor states that a participant cannot (either in hospital or on bed rest) attend/participate in Drug Court sessions of any kind outside of the hospital or home. Medical leave form will be completed by participant (in advance when possible) and reviewed by Treatment Team at Drug Court staffing for approval. Maternity leave will require similar documentation but the leave will be approved as follows (with the exception of extenuating circumstances): a female participant will be excused from all Drug Court participation for two weeks following birth. For weeks three and four, the female participant will be required to submit to screens as normal. At the conclusion of the fourth week following birth,

the participant shall return to their regular Drug Court schedule. For other medical leave situations, the status of the participant will be assessed by the staff at the four week (28 day) point to determine if further leave will be granted. If possible, the participant shall be required to attend court as directed by Drug Court staff during their medical leave.

Participants are charged monthly fees to help repay the county for court, treatment and defense attorney costs. Fees are expected to be paid in a timely manner. If a participant falls behind, sanctions will be imposed until they are current. For those in residential programs, minimum payments necessary to move from one phase to the next must be made before a phase move will be considered.

TERMINATION CRITERIA

Termination will be considered as a “last resort.” If termination becomes necessary, the State, in a Drug Court session, will give oral notice to the participant of a termination hearing with the expectation that the participant will contact the defense attorney and be prepared for said hearing the following week in Drug Court. The staff shall be provided access to all records, as allowed by the release of confidentiality, to be viewed in the Drug Court Office. Attorneys (prosecutor, Drug Court defense attorney, and/or retained counsel) may look at and take notes from the file of the participant facing termination but will not be allowed to make copies of or leave the Drug Court Office with the file.

The Forsyth County Drug Court has identified criteria to be used in deciding whether to terminate a participant from the program. The following will be used as guidelines only and the final decision rests with the trial Judge after a hearing.

- Commission of a new offense; felonies are presumed termination to be determined at hearing, misdemeanors will be at the discretion of the staff
- Substituting or otherwise tampering with a drug screen
- Chronic non-compliance evidenced by continued use, multiple missed groups, failure to follow program requirements, poor attitude, disruptive behavior, etc.
- Being AWOL from the program for over 3 months
- Threats/violence toward other participants or any Drug Court staff member
- Termination/discharge/or otherwise leaving a residential treatment program without prior permission from Drug Court (warrant to be issued upon Drug Court Office/DA Office/Probation notification)

GRADUATION CRITERIA

The following criteria must be completed prior to anticipated graduation:

1. Write a letter to the Judge regarding your progress in the Drug Court Program, letter must be submitted to and approved by Coordinator, and must include the following:
 - Background: Life before Drug Court
 - Arrest situation
 - Reflections on Drug Court success
 - Reflections on Drug Court struggles
 - Plans/Goals for future: personal and recovery
2. Complete Giving Back Project
 - Project/Site to be approved by Coordinator
 - Minimum of 24 volunteer hours
 - Documentation must be verified by Coordinator
 - Submit to Coordinator a written summary of how/why project was chosen, feelings while completing project, personal reactions after project completion
3. All Drug Court/Treatment fees must be paid in full or substituted community service work must be completed
4. Complete recovery plan with assistance of treatment staff and submit to Coordinator
5. Attend and document at least one Phase 1 group
6. Provide certification of having GED, high school diploma, or other educational improvement records
7. Complete a minimum of 6 months without a missed, positive, or diluted screen or use of unapproved substance; Complete a minimum of 3 months without a jail time sanction or from release from last jail sanction; Must not be placed on daily community support meetings within 4 weeks of anticipated graduation date
8. Must meet with Drug Court Coordinator or designated staff to review completed requirement.

Once participants have completed these criteria and reached their end date, they must continue to drug screen until the formal graduation date.

SANCTIONS

Sanctions are the imposition of consequences, perceived as negative by the receiver, as a direct result of a prohibited activity. Sanctions will be swift and appropriate. The Forsyth County Drug Court Team will determine sanctions on an individual basis as related to the current violation. Sanctions may include but are not limited to: a day in court, community service work, increased drug screens, and jail time. Unless otherwise specified herein or by the Court, all paperwork and monies from participants must be turned in to the Drug Court staff as directed in the Participant Handbook by Monday at noon for the week prior.

UNLESS OTHERWISE NOTED, ALL JAIL SANCTIONS ARE IMMEDIATE FROM COURT. NO CREDIT WILL BE GIVEN TOWARD CSW FOR BRING EQUIPMENT, USING PERSONAL VEHICLE, ETC. (If Drug Court discovers a participant did not work all hours assigned, the sanction will be determined on a case by case basis by the treatment team.)

Graduated Sanctions:

DRUG SCREENS

- 1st Missed/Positive Screen 24 hours of choice**
- 2nd Missed/Positive Screen 3 days**
- 3rd Missed/Positive Screen 7 days**
- 4th Missed/Positive Screen 14 days**
 - During the 4th screen jail sanction, the participant will have a therapeutic evaluation and their individualized treatment plan may be modified.

****If the participant denies use and the screen is confirmed positive, these sanctions will be doubled. A MISSED SCREEN IS TREATED AS POSITIVE WITH DENIAL**

A 2 hour window is provided for all drug screens. If a screen is announced at group (not on the daily call), the 2 hours begin at the time of check-in. Participants may screen until group begins and again for 15 minutes following the conclusion of group. Failure to submit a screen during those times will result in a missed screen for sanctioning purposes. This scenario applies even if one is late for or not allowed to enter group. Missing a screen announced at group will count as a missed screen for sanctioning purposes.

- EtG level is set at 350 ng/mL and EtS is set at 100 ng/mL to be considered a positive, EtS is the control so can sanction if EtS is at or above 100 ng/mL
- **Honesty Gift:** If participant admits a prior use not caught by the drug screen, the use will be treated as an admission. Additionally, a treatment response will be added. This will only be allowed one time and will not be used to terminate if the admitted screen is their 5th, etc.

- Upon entry, participants have 30 days to be negative for THC from their last admitted use as noted on the form they complete at orientation.
- Regarding THC use: Levels of drug reported by lab will not be used except to determine THC/creatinine ratio.

- **A ratio of 1.5 or higher will be considered a positive with denial screen**

Statute of Limitations: None in Phase 1; In Phase 2 and above, participants will be sanctioned for one less sanction than the total received IF participant has gone 6 months without a positive or missed drug screen. For example, if current screen would be third but participant has 6 months with no positive or missed screen, participant would be sanctioned as if the current was the second missed/positive screen. **No participant will receive this benefit more than 2x throughout their time in the program.**

- If a participant successfully completes residential treatment (minimum of 9 months), they receive 2 drug screen roll backs (ex.: 3rd would be treated as 1st)
- Dilution of UDS Treated as a denial of use if creatinine level is 11-20
 - If level is < or = 10.9, participant is asked for honesty
 - If admits: treat as denial of use
 - If denies: terminate from program
 - If creatinine level is under 50 but >20
 - 1st time: meeting with Drug Court Coordinator or staff
 - If creatinine level is over 250 (females) or over 300 (males)
 - Refer participant to physician
- Failure to turn in Physician Notification Form 8 hrs CSW
- Use of any substance (including supplements/meal replacements) without prior approval of the Drug Court Office 3 days in jail
- Failure to turn in remaining approved prescription medications and/or containers 3 days in jail
- Use of designer drugs, synthetic marijuana, bath salts, etc., regardless of chemical compound will be sanctioned as a use (not use without permission)
- Adulteration or substitution of UDS in Phases 1 or 2 will result in up to 30 days in jail or, at the discretion of the court, termination from the program. If such adulteration or substitution occurs in Phase 3 or higher, the participant will likely be terminated from the program.
- Failure to sign in for screen 4 hrs CSW
 - If there is no record of a screen=missed screen

- Failure to choose “admit” or “deny” on sign-in sheet
 - Will be treated as a denial if screen is confirmed positive
 - Must stand at sign-in sheet and remind others (1 time for full check-in/testing window)
 - Staff can impose greater sanction if deemed necessary

GROUPS AND INDIVIDUAL

- Failure to sign in at all to group Treated as a missed group
 - Late/missed group or SUCCEED program
 - If late for 30 minute check-in time
 - 0-15 minutes—work detail (to be created by fellow participants)
 - 15-30 minutes—work detail and a 2 page paper (handwritten) on promptness to be approved by Drug Court Office
 - 4th late check-in—4 hrs CSW
 - 5th late check-in—8 hrs CSW
 - If late for or miss actual group (decision regarding entry into group is left up to the discretion of the group leader)
 - If allowed to enter: must complete both sanctions for missing 30 minute check-in time
 - If not allowed to enter but participant remains until the conclusion of group:
 - 1st time=8 hours CSW + both sanctions for missing 30 minute check-in time + make up group*
 - 2nd time=8 hours CSW + both sanctions for missing 30 minute check-in time + forfeit leave (or 24 hours in jail if no leave is available) + make up group*
 - 3rd or more=discretion of the team
 - If missed completely** or participant leaves without the facilitator’s permission
 - 1st time=24 hrs in jail and make up group
 - 2nd time=3 days and make up group
 - 3rd time or more=discretion of the team
- *if in Phase 4 or 5, make up group must be a presentation to a lower phase group on the topic missed
- **Judge will waive jail sanction if a true emergency can be proven and documented.
- Failure to bring workbook to group \$5 rental fee
 - Lost workbook \$25 replacement fee
 - Being kicked out of group 3 days in jail

- Missed mandated individual appointment (must be ordered and removed by Judge)
 - Treated as missed group + missed appointment fee
 - Emergency situations will be considered by the team
 - If up to 15 minutes late, work detail
 - 16+ minutes late, treated as missed
 - Must call to notify of absence or reschedule in advance of appointment to avoid sanctions
- Missed voluntary individual appointment
 - Results in mandated individual counseling
 - If up to and including 15 minutes late, work detail
 - 16+ minutes late, treated as missed
 - Must call to notify of absence or reschedule in advance of appointment to avoid sanctions

AA/NA/SUPPORT MEETINGS

- If AA/NA/Support meeting sheet lacks proper documentation:
 - Credit for only 1 meeting per day unless otherwise directed or approved
 - **Clean slate is given after one week of successful completion of support meetings; accelerated sanctions may be implemented at the discretion of the staff.**
 - 1st time=extra meeting
 - 2nd time=2 extra meetings
 - 3rd time=3 extra meetings
 - 4th time=daily meetings until further notice
 - If no AA/NA/Support meetings are turned in:
 - Start at 2nd level of above tier
 - When placed on daily:
 - 1st time=28 days (4 weeks)
 - 2nd time=56 days (8 weeks)
 - 3rd time=84 days (12 weeks)
 - Miss attending a meeting=day in jail for each missed meeting
 - Sheet not completed correctly=4 hours CSW per meeting
 - In phases 4 and 5, the following sanctions will be imposed for inaccurate meetings:
 - 1st time=2 extra meetings
 - 2nd time=3 extra meetings
 - 3rd time=daily meetings (for 4, 8, or 12 weeks based on above)
 -
 - In phases 4 and 5, the following sanctions will be imposed for missed meetings (weeks must be consecutive):
 - 1st week=extra meeting + extra treatment group
 - 2nd week=2 extra meetings + extra treatment group + 1 day in jail from court on Tuesday (delayed phase move/graduation 4 weeks)

- 3rd week=delay phase move/graduation for 3 months

JOB SEARCH AND VERIFICATION

- Not allowed to start own business while in Drug Court
 - To be self-employed while in the program, business must have been set up and active at the time of entry into Drug Court
- Independent Contractor (1099)
 - If had a 1099 job in previous year, provide copy of 1099 by April 1
 - Failure to turn in 1099 Get a W-2 job
- Job search
 - Must be continuously employed for 28 days (4 weeks) before job search requirement is reset
 - Week 1 and 2=5 applications and SUCCEED Program
 - Week 3 and 4=report report to Drug Court Office daily at 8:30 am to complete job search, form must be completed and returned by close of business on the same day
 - Week 5 and on=4 hrs CSW daily until employed
- Job verification (due on the 1st Monday of each month)
 - Not turned in on time, insufficient documentation
 - PHASES 1-2
 - 1st week: 4 hours CSW
 - 2nd week: 8 hours CSW
 - 3rd week: one day of Court duty to be chosen and supervised by Drug Court Office
 - 4th week: 1 day in jail
 - PHASES 3-5
 - 1st week: 8 hrs CSW
 - 2nd week: one day of Court duty to be chosen and supervised by Drug Court Office
 - 3rd week: forfeit leave or day in jail from court on Tuesday
 - 4th week: response at the discretion of the treatment team

CONTRABAND

- Contraband found in house/seen on person
 - Ammunition 1 day in jail
 - Alcohol 3 days in jail
 - Paraphernalia 5 days in jail
 - Firearms 7 days in jail
 - Includes all firearms regardless of age/size/location
 - Using modified language from Federal Firearms Definitions 18 U.S. Code § 921, the term “firearm” means

- Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or provides an electrical charge;
 - The frame or receiver of any such weapon;
 - Any firearm muffler or firearm silencer; or
 - Any destructive device.
 - The term “destructive device” means –
 - Any explosive, incendiary, or poison gas –
 - Bomb
 - Grenade
 - Rocket having a propellant charge of more than four ounces;
 - Missile having an explosive or incendiary charge of more than one-quarter ounce,
 - Mine, or
 - Device similar to any of the devices described in the preceding clauses;
 - Any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
 - Any combination of parts either designed or intended for use in converting any device into any destructive device as described in the paragraphs above and from which a destructive device may be readily assembled.
-
- Marijuana or any other dangerous drug or controlled substance not legally prescribed to the participant or another person residing in the household
7 days in jail
 - Possession of mood altering substances, whether purchased legally or illegally
7 days in jail

CONTACT POLICIES

- Participants are not to have contact with persons on probation and/or parole, convicted felons, known drug users, known drug dealers, people incarcerated in any institution, without advance permission of the staff.
Staff's discretion including, but not limited to, jail time and termination
- Communications between or among participants, including but not limited to, sexting, having contact of a sexual nature, distributing photographs that may be deemed inappropriate, or communications that are otherwise inappropriate for the drug court setting, etc.

Communication and association between or among 2 or more participants is limited to Drug Court business, Drug Court requirements, and Drug Court sanctioned events.

Staff's discretion including, but not limited to, jail time and termination

PERSONAL INFORMATION POLICIES

- Incorrect address/not at provided address 2 days in jail
 - Staying away from provided address more than 1 night a week, owner of residence must agree to the search or participant will be sanctioned as above
- Being in an establishment where the primary purpose is alcohol or drug related and/or food is no longer served 3 days in jail
- Failure to provide vehicle information to Drug Court Office within 2 business days of possessing/changing vehicles 8 hrs CSW
- Failure to provide phone number where a message can be left on voicemail, answering machine or with a person 4 hrs CSW
- Attempting to or alerting another participant of actual or perceived investigative activity by drug court personnel or their agents (including, but not limited to law enforcement) 3 days in jail
- Curfew
 - Missed curfew/not calling before midnight
 - First=earlier curfew (TBD by staff)
 - Second=earlier curfew and 8 hours CSW
 - Third=earlier curfew, 8 hours CSW, and house arrest

FEES

- Progressive sanctions will be imposed for being behind in finances. Arrearage is defined as one and a half months (\$300) behind in fees.
- **No budget/payment plan until week 4!**
 - Week 1=4 hours of community service
 - Week 2=8 hours of community service
 - Week 3=16 hours of community service
 - Week 4=complete budget and placed on payment plan
 - Failure to complete budget 1 day in jail
 - Missed or insufficient payment=24 hrs in jail (Saturday 8pm to Sunday 8pm)
 - Deviation from payment may be requested in writing by the Monday deadline
 - Must pay minimums to transfer phases even if on payment plan
 - Consideration for a scholarship should be made for those on a payment plan and moving from Phase 3 to Phase 4

- Must meet indigent status using Indigent Defense Office standards
- Week 5 (if no budget necessary) 1 day in jail (8pm Saturday to 8pm Sunday)
- Week 6 (failure to pay) Subject to termination

OTHER

- Possession of weapon(s) at Drug Court facility/event 3 days in jail
- Failure to complete CSW 24 hours in jail
 - Up to 8 hours CSW is equivalent to 24 hours in jail
- Failure to complete CSW as directed (right time, correct paperwork, etc.) Redo CSW
- If participant leaves courthouse; a bench warrant will be issued for their arrest and participant will remain in jail at least until Drug Court convenes again
- Lying
 - when confronted by Drug Court staff who has independent information jail time (length in staff's discretion)
 - when confronted by the Judge sanction above is doubled
- Appearing in Court visibly high contempt – Judge's discretion (he knows it when he sees it)
- Late to Court or graduation 8 hrs CSW
- Failure to sign in for graduation 4 hrs CSW
- Missed graduation 24 hours in jail
- Arrest sanctions
 - Misdemeanor arrest not resulting in termination 30 days in jail
 - Civil arrest upon return to Drug Court 30 days in jail
- **Progressive Sanctions** will be imposed when participants do not move from one phase to another in a timely manner. Each phase has been assigned a minimum amount of time necessary for completion of the phase. However, it is possible for participants to need extra time to complete requirements. Therefore, a **4-week grace period** is allotted for any last minute completion to occur. After that time frame, progressive sanctions will be imposed to encourage participants to finish the requirements and move on to the next phase. These sanctions will be as follows:

- Week 5 participant must create and explain to the Drug Court Team a monthly budget showing income/expenses and include proper documentation if fee arrearage is the reason for the delay
 - Week 6 will result in 8 hours of community service
 - Week 7 will result in a weekend in jail
 - **If requirements are still not met by week 8, participation in the Forsyth County Drug Court Program could be terminated**
- Failure to report to court for anticipated sanction or if violation is not addressed by staff timely and participant fails to report it to the Treatment Team or Court
 - Double the sanction
 - Other minor infractions will result in Work Detail. This sanction will require the participant to perform certain duties as specified by the Drug Court Coordinator or other Drug Court Staff. Such duties could include cleaning up related-agency parking lots, completing additional paperwork assignments, etc. Failure to complete Work Detail will result in community service or some other additional sanction.

For those on PROBATION also: they must complete all conditions of probation in addition to their Drug Court requirements. Drug Court does not substitute for any condition or requirement of probation. Probationers will not be required to complete CSW during Phase 1 for probation. Upon completion of Phase 1, probationers must return to the CSW rate ordered in the original sentence. Any Drug Court CSW is still required and is in addition to the original sentence.

FEDERAL FIREARMS REPORTING: Upon each admission of use or positive lab confirmation, that participant's name will be submitted to the National Instant Criminal Background Check System (NICS) for entry into the NICS Index Denied Persons File for Controlled Substance Abuse as required by federal law. Report to NICS will initiate a 1 year prohibition on the possession or purchase of firearms or ammunition. Each report will restart the 1 year prohibition.

18 U.S.C. § 921 et seq., the Brady Handgun Violence Prevention Act (Pub. L. 103-159), the NICS Improvement Act of 2007 (Pub. L. 110-180), and implementing regulations as may be codified within the Code of Federal Regulations.

INCENTIVES

Incentives are responses to compliance, perceived as positive, by the participant. The Forsyth County Drug Court recognizes the importance of rewarding participants for good behavior. Incentives will also be swift to support program compliance. Incentives can range from praise from the Judge to having charges dismissed upon program completion.

- Free Passes will be granted for use on sanctions other than jail-time, those given for fee arrearage, or missed groups. They will be granted monthly to participants who have had no sanctions for the prior month. These incentives are non-transferable, do not expire, and can only be used 1 per Court session.

- Phases 4 and 5 may substitute one voluntary individual session for a required AA/NA/community support group meeting per week.

- For those who graduate with no sanctions: \$100 value gift/gift card

- Participants of the Month: 2 chosen per month, drawn from collection of names of participants who have had no sanctions for the prior month

Allowed to choose from a gift card or program perk

- Gold Star Award: 2 chosen per month, staff chooses 2 participants who have some extraordinary progress/improvement/attitude in the prior month

Allowed to choose both a gift card and a program perk

- Possible Additional Incentives: Phase move recognition
Grocery store certificates
Movie tickets
Fast food certificates
Graduation certificate

TREATMENT PROTOCOL

All Drug Court activities and locations may be viewed as an extension of the Forsyth County Drug Court. Participant behavior should reflect that understanding at all times. This includes treatment, community service sites, special events, and other functions associated with Drug Court activities. Violations of program rules can result in sanctions and/or new criminal charges. All staff members of the Forsyth County Drug Court are officers of the court, and participants are expected to follow their instructions.

1. No alcohol, drugs, weapons, or pocket knives will be brought to these facilities.
2. Groups will begin on time! Participants must be punctual, as tardiness will result in sanctions. Participants must attend and participate in the full session to receive credit.
3. Confidentiality is a must. What is said here stays here! There will be **severe consequences** for any violation of this rule.
4. Free expression of participant's thoughts and feelings is encouraged; however, violence, threats or intimidation will not be tolerated. Extreme use of profanity is not acceptable.
5. Leave group only in an emergency after notifying staff. No visitors allowed. Participants will be notified of scheduled exceptions to this rule. This includes children and pets.
6. Pairing up with another Drug Court participant for an intimate relationship is not permitted.
7. Smoking is permitted outside and away from buildings. **However, make sure cigarettes are extinguished and placed in the ash can provided.**
8. No littering in parking lot or in building. Participants will be responsible for assisting in maintaining the cleanliness of the building.
9. Destroying or defacing property will lead to sanctions.
10. Appropriate attire is required for all Drug Court related activities. No clothing or accessories with alcohol or drug related logos should be worn at anytime during Drug Court functions.
11. All cell phones, tablets, etc., must be left outside in a locked vehicle. They will be confiscated if they ring, beep, vibrate, etc., during group.
12. **No sexual harassment will be tolerated!**

GROUPS

Initially, Forsyth County Drug Court participants will meet three times per week for one and one-half hours per group. Group times are set and participants are made aware of schedules/changes by verbal and posted announcement the Drug Court Office.

TREATMENT PROVIDER REQUIREMENTS

The contracted treatment provider working with Forsyth County Drug Court participants must be licensed by the State of Georgia (LPC, LCSW, LMFT, etc.) and maintain licensure through required continuing education. As of 2014, licensee must have 35 hours of continuing education. Additionally, the contracted treatment provider shall adhere to the continuing education requirements of all Drug Court staff as noted on page 2 of this manual.

SUPERVISION PROTOCOL

Forsyth County Drug Court participant cases will be managed by the Drug Court Coordinator and staff. The Drug Court Office is responsible for maintaining client records regarding group attendance, meeting attendance, fulfillment of community service requirements, drug screen requirements and results, sanctions and incentives, demographic information, and all other pertinent information. The information will be stored in the drug court case management system. The Drug Court Office will gather such information from necessary agencies and then prepare weekly progress notes on each participant to be used in Treatment Team staffings and in court. This information must be as current and accurate as possible to ensure continuity and fairness in the sanctioning process. All communication between agencies shall be governed by the release of information signed by each participant. If an accusation of wrongdoing is made by a participant about a staff member, treatment provider, community service supervisor or others they have contact with through the requirements of the Drug Court Program, the receiving agency shall report it immediately (within no more than 24 hours) to the Drug Court Coordinator. This does not supersede any agency reporting requirements already in place. The Drug Court Coordinator will notify the Judge and District Attorney.

Throughout the program, Drug Court participants are subject to searches of their person, vehicle, residence, etc., by law enforcement pursuant to their waiver of 4th Amendment Rights. During such searches, deputies may perform breathalyzers, look in refrigerators, open cabinets, etc., to determine if the participant is in possession of drugs or alcohol. If a participant tests positive for alcohol/drugs during a search, the deputy will notify the Drug Court Office and the participant will be required to attend the next Drug Court session where sanctions may be imposed. Additionally, if illegal drugs, drug paraphernalia, or other contraband is located, the participant may be arrested on new charges or face sanctions, which may result in termination from the Drug Court Program.

TESTING PROTOCOL

All participants are required to have random drug screens and will be given drug screening instructions upon entry into the program. For the duration of Drug Court participation at New Hope Counseling, it is the participant's responsibility to check daily to determine if they are required to drug test that day. Drug testing is performed on a random basis; however, a breath or urine specimen may be required at any time. **Participants must call each day to determine if a screen is required. In the event that, for any reason, they cannot access this information by phone or the recorded message is not clear, it is their responsibility to report to the screening facility during scheduled drug testing hours.**

Each drug screen participant will be required to call on a daily basis to determine if they are to report for a UDS that day. When instructed to submit a random UDS, participants are provided a 2-hour window during which they should report to the screening facility to provide a specimen. Testing times are as follows but may be subject to change with notification: Sunday to Saturday 7:00 am to 9:00 am. The random UDS will be a Redwood Biotech stick test manufactured by Redwood Toxicology. Breathalyzing equipment is also on-site to allow for testing of participants for alcohol at any time. Ethyl glucuronide testing (EtG) is used to detect the ingestion of ethyl alcohol within the previous 3 – 4 days, or approximately 80 hours after alcohol has been consumed. EtG samples are sent to Redwood Laboratories for test results. Other laboratory tests may also be performed to ensure abstinence from prohibited substances. The random drug screen or EtG may be conducted any day of the week.

If a screen is announced upon arrival for group and not on the phone system, the 2-hour window starts at the beginning of check-in. Screens will be performed until group starts and then again for 15 minutes following the conclusion of group. Failure to provide a screen during those times will be considered a missed screen. If late or not allowed to enter group due to being late, the same time restraints apply.

Should a participant have a positive UDS utilizing the stick test, the urine will be forwarded to Redwood Laboratories for a confirmation lab report. Additionally, should a participant contest the results of a drug screen for any reason, the specimen will be forwarded to Redwood Laboratories for confirmation. Participants who deny substance use will be required to pay the lab confirmation cost if the specimen confirms as positive or is diluted.

All *regular, announced* drug testing will be conducted at the screening facility; however, other tests may be conducted at the Courthouse, Probation Office, Drug Court Coordinator's Office, or other Drug Court event location. Drug testing days will be randomly chosen with a two hour compliance window. **Late arrivals will not be allowed to test and failure to submit a specimen will be considered a positive screen. Tampering with or diluting a drug screen can be grounds for termination from the Forsyth County Drug Court Program.**

Upon reporting for a drug screen:

1. Only one participant is allowed in the testing area at one time. A same-sex staff member must accompany participants at all times during the drug screening process.

2. Participants must make sure that they hand their specimen to a staff member and watch them put the participant's label on the bottle/screen.
3. Participants must indicate an admission or denial of use prior to submitting the screen and grant permission for confirmation of results if appropriate. **Honesty is a crucial component for recovery and participation in the Forsyth County Drug Court Program. Self-disclosure of use will be considered by the court when sanctions are imposed.**
4. Participants will not be allowed to leave the testing area or drink excessive fluids until a specimen is received. It is suggested that clients not drink any fluids 2 hours prior to screening to avoid possibility of dilution.
5. A staff member of the same sex must always witness the sample being given.
6. Participants must not carry purses, coats, bags, etc. into the testing area.
7. Participant must wash hands thoroughly prior to providing specimen.
8. Shirt sleeves should be rolled up to the elbow and participants may be required to remove additional clothing to ensure validity of specimen.
9. The test cup must contain a minimum of 1/3 level to be adequate for testing.

If a drug screen is positive and a confirmation is requested, the specimen will be sent to Redwood Laboratory for GCMS testing. If the contested specimen is in fact positive/diluted/adulterated, a minimum \$25.00 confirmation fee will be billed to the client's account.

Participants may not be able to stop using drugs immediately and recovery may not occur overnight. However, all use of illegal drugs or alcohol will be sanctioned. This is not intended as a punishment, but to encourage sobriety. Thus, the ultimate goal of drug testing is to provide accountability and confirmation of an individual's progress towards recovery.

MEMORANDUMS OF UNDERSTANDING

MOUs signed with treatment counselors and screeners regarding expectations are available for review through the Purchasing Department.