



# Section I

## Adult Drug Court Standards

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## Section I Adult Drug Court Standards

### 1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.

**1.1** Pursuant to O.C.G.A. § 15-1-15, each drug court shall establish an accountability court team to create a work plan for the court. The work plan shall “address the operational, coordination, resource, information management, and evaluation needs” of the court, and shall include all policies and practices related to implementing the standards set forth in this document.

**1.2** The drug court team should include, at a minimum, the following representatives: judge, public defender, prosecutor, program coordinator, law enforcement, and treatment provider/substance abuse professional.

**1.3** The drug court team shall collaboratively develop, review, and agree upon all aspects of drug court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, program structure guidelines) prior to commencement of program operations.

**1.4** This plan is executed in the form of a Memorandum of Understanding (MOU) between all parties and updated annually as necessary.

**1.5** Each of these elements shall be compiled in writing in the form of a Policies and Procedures Manual which is reviewed and updated as necessary no less than every two years.

**1.6** The goals of adult drug court programs in Georgia shall be abstinence from alcohol and other illicit drugs and promotion of law-abiding behavior in the interest of public safety.

**1.7** All members of the drug court team are expected to attend and participate in a minimum of two formal staffings per month.

**1.8** Members of the drug court team should attend drug court sessions.

**1.9** Standardized evidence-based treatments, as recommended in the Adult Drug Court Treatment Standards (see Section II), shall be adopted by the drug court to ensure quality and effectiveness of services and to guide practice.

**1.10** Drug courts should provide for a continuum of services through partnership with a primary treatment provider(s) to deliver treatment, coordinate other ancillary services, and make referrals as necessary.<sup>1</sup>

**1.11** The court shall maintain ongoing communication with the treatment provider. The treatment provider should regularly and systematically provide the court with written reports on participant progress; a reporting schedule shall be agreed upon by the drug court team and put in writing as part of the court's operating procedures. Reports should be provided on a weekly basis and within 24 hours as significant events occur. Significant events include but are not limited to the following: death; unexplained absence of a participant from a residence or treatment program; physical, sexual, or verbal abuse of a participant by staff or other clients; staff negligence; fire, theft, destruction, or other loss of property; complaints from a participant or his/her family; requests for information from the press, attorneys, or government officials outside of those connected to the court; and participant behavior requiring attention of staff not usually involved in his/her care.

<sup>1</sup>Ideally, treatment providers should be limited to no more than two.

**1.12** Participants should have contact with case management personnel (drug court staff or treatment representative) at least once per week during the first twelve months of treatment to review status of treatment and progress.

## **2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.**

**2.1** Prosecution and defense counsel shall both be members of the drug court team and shall participate in the design, implementation, and enforcement of the program's screening, eligibility, and case-processing policies and procedures.

**2.2** The prosecutor and defense counsel shall work to create a sense of stability, cooperation, and collaboration in pursuit of the program's goals.

**2.3** The prosecution shall: review cases and determine whether a defendant is eligible for the drug court program; file all required legal documents; participate in and enforce a consistent and formal system of sanctions in response to positive drug tests and other participant noncompliance; agree that a positive drug test or open court admission of drug use will not result in the filing of additional drug charges based on that admission; and make decisions regarding the participant's continued enrollment in the program based on progress and response to treatment rather than on legal aspects of the case, with the exception of additional criminal behavior.

The defense counsel shall: review the arrest warrant, affidavits, charging document, and other relevant information, and review all program documents (i.e., waivers, written agreements); advise the defendant as to the nature and purpose of the drug court, the rules governing participation, the merits of the program, the consequences of failing to abide by the rules, and how participation or non-participation will affect his/her interests; provide a list of and explain all of the rights that the defendant will temporarily or permanently relinquish<sup>2</sup>; advise the participants on alternative options, including all legal and treatment alternatives outside of the drug court program; discuss with the defendant the long-term benefits of sobriety; explain that the prosecution has agreed that admission to drug use in open court will not lead to additional charges, and therefore encourage truthfulness with the judge and treatment staff; and inform the participant that they will be expected to take an active role in court sessions, including speaking directly to the judge as opposed to doing so through an attorney.

**2.4** Pursuant to O.C.G.A. § 15-1-15, drug courts may accept offenders with non-drug charges.

**2.5** For any participant whose charges include a property crime, the court must comply with the requirements and provisions set forth in the Crime Victim's Bill of Rights (O.C.G.A. §15-17-1, et seq.).

**2.6** All participants shall receive a participant handbook upon accepting the terms of participation and entering the program. Receipt of handbook shall be acknowledged through a signed form, developed by the Judicial Council Accountability Court Committee, with an executed copy placed in the court file maintained locally.

**2.7** Each drug court shall develop and use a form, or adopt the model created by the Judicial Council Accountability Court Committee, to document that each participant has received counsel from an attorney prior to admittance to a drug court, including the receipt of the local participant agreement with an executed copy placed in the official court file maintained locally.

**2.8** The decision to participate in a drug court shall be made solely by the eligible participant. There shall be no coerced participation in a drug court, such as by giving eligible offenders the choice between an onerous disposition and participation in the program.

**2.9** The decision to participate in a drug court shall not be influenced by offering a dispositional alternative more grueling or demanding to eligible offenders than that which is offered in cases where drug court participation is not an option.

<sup>2</sup>Each right that will be temporarily or permanently relinquished as a condition of participation in drug court shall be distinguished and explained separately to ensure the defendant fully understands the rights being waived.

**2.10** The judge, on the record, must apprise a participant of all due process rights, rights being waived, any process for reasserting those rights, and program expectations.

**2.11** Terminations from drug court require notice, a hearing, and a fair procedure. Not covered by this requirement is when a participant self-terminates and this situation does not require any type of pre-termination hearing.

**2.12** The consequences of termination from a drug court should be comparable to those sustained in other similar cases before the presiding judge. The sentence shall be reasonable and not excessively punitive solely based on termination from drug court.

**2.13** Termination hearings conducted for drug court participants shall include all due process rights afforded to any offender serving a probated sentence under the supervision of the Georgia Department of Corrections.

**2.14** In jurisdictions where the drug court judge will also sit as the judge performing a termination hearing, this situation needs to be communicated to offenders in writing at the time where program participation is being considered.

**3. Eligible participants are identified early and promptly placed into the drug court program.**

**3.1** Participant eligibility requirements/criteria (verified through legal and clinical screening) shall be developed and agreed upon by all members of the drug court team and formally included in writing as part of the program's policies and procedures.

**3.2** Courts may admit eligible participants pre-plea, post-plea, or operate under a hybrid model.

**3.3** Screening for program eligibility shall include the review of legal requirements and clinical appropriateness, including the administration of a risk and needs assessment.

**3.4** The target population for drug courts is offenders assessed as low-moderate to high-risk for rearrest and with moderate-to-high treatment needs.

**3.5** Members of the drug court team and other designated court or criminal justice officials shall screen cases for eligibility and identify potential drug court participants.

**3.6** Participants being considered for a drug court shall be promptly advised about the program, including the requirements, scope, and potential benefits and effects on their case.

**3.7** Participants should begin treatment as soon as possible; preferably, no more than 30 days should pass between a participant being determined eligible for the program and commencement of treatment services.

**3.8** Assessment for substance abuse and other treatment shall be conducted by appropriately trained and qualified professional staff, using standardized assessment tools.

**3.9** Drug courts shall maintain an appropriate caseload based on their capacity to effectively serve all participants according to these standards.

**3.10** No potential participant shall be excluded solely on the basis of sex, race, color, religion, creed, age, national origin, ancestry, pregnancy, marital or parental status, sexual orientation, or disability.

**4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.**

**4.1** A drug court shall require a minimum 18 months of supervision and treatment for felony offenders to be considered as a drug court.

**4.2** Felony programs should last a minimum of 18 months and should not exceed 24 months. Exceptions to the 24-month maximum may be made based on participant progress following a 24-month evaluation and assessment, to be followed up every four months thereafter and not to exceed a total program length of 36 months. A formal report of each assessment following 24 months shall be added to the participant's file to justify extension of the program.

**4.3** Drug court programs should be structured into a series of phases. The final phase may be categorized as "aftercare/continuing care."

**4.4** Drug court programs shall offer a comprehensive range of core alcohol and drug treatment services. These services include:

- (1) Group counseling
- (2) Individual counseling
- (3) Drug testing.

**4.5** Drug court programs should ideally offer:

- (1) Family counseling
- (2) Gender specific counseling
- (3) Domestic violence counseling
- (4) Health screening
- (5) Assessment and counseling for co-occurring mental health issues.

**4.6** Ancillary services are available to meet the needs of participants. These services may include but are not limited to:

- (1) Employment counseling and assistance
- (2) Educational component
- (3) Medical and dental care
- (4) Transportation
- (5) Housing
- (6) Mentoring and alumni groups.

**4.7** Case management plans shall be individualized for each participant based on the results of the initial assessment; ongoing assessment shall be provided according to a program schedule, and treatment plans may be modified or adjusted based on results.

**4.8** Treatment shall include standardized, evidence-based practices (see *Section II, Adult Drug Court Treatment Standards*) and other practices recognized by the Substance Abuse and Mental Health Services Administration National Registry of Evidence-Based Policies and Practices (NREPP).

**4.9** A set of quality controls/review process shall be in place to ensure accountability of the treatment provider.

**5. Abstinence is monitored by frequent alcohol and other drug testing.**

**5.1** Participants shall be administered a randomized drug test a minimum of twice per week during the first two phases of the program; a standardized system of drug testing shall continue through the entirety of the program.

**5.2** Drug testing shall be administered to each participant on a randomized basis, using a formal system of randomization.

**5.3** All drug courts shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, and saliva testing and electronic monitoring.

**5.4** All drug testing shall be directly observed by an authorized, same sex member of the drug court team, a licensed/certified medical professional, or other approved official of the same sex.

**5.5** Drug screens should be analyzed as soon as practicable. Results of all drug tests should be available to the court and action should be taken as soon as practicable, ideally within 48 hours of receiving the results.

**5.6** In the event a single urine sample tests positive for more than one prohibited substance, the results shall be considered as a single positive drug screen.

**5.7** A minimum of 90 days negative drug testing shall be required prior to a participant being deemed eligible for graduation from the program.

**5.8** Each drug court shall establish a method for participants to dispute the results of positive drug screens through either gas chromatography-mass spectrometry, liquid chromatography-mass spectrometry, or some other equivalent protocol.

**5.9** Creatinine violations and drug screens scheduled and missed without a valid excuse as determined by the presiding judge shall be considered as a positive drug screen.

**6. A coordinated strategy governs drug court responses to participants' compliance.**

**6.1** A drug court shall have a formal system of sanctions, including a system for reporting noncompliance, established in writing and included in the court's policies and procedures.

**6.2** A drug court shall have a formal system of rewards.

**6.3** The formal system of sanctions and rewards shall be organized on a gradually escalating scale and applied in a consistent and appropriate manner to match a participant's level of compliance.

**6.4** Courts should implement a system for a minimum level of field supervision for each participant based on their respective level of risk. Field supervision may include unannounced visits to home or workplace and curfew checks. The level of field supervision may be adjusted throughout the program based on participant progress and any reassessment process.

**6.5** Regular and frequent communication between all members of the drug court team shall provide for immediate and swift responses to all incidents of non-compliance, including positive drug tests.

**6.6** There shall be no indefinite time periods for sanctions, including those sanctions involving incarceration or detention. Incarceration or detention should only be considered as the last option in the most serious cases of non-compliance.

**6.7** Participants shall be subject to progressive positive drug screen sanctions prior to being considered for termination, unless there are other acts of non-compliance affecting this decision.

**7. Ongoing judicial interaction with each drug court participant is essential.**

**7.1** A single superior court judge or senior superior court judge must preside over an individual felony drug court program and should be committed to serving in this role long-term.

**7.2** A judge of the superior court must preside over a felony drug court program; provided, however, that a judge from another class of court may be the presiding judge of a felony drug court program if that judge is specially designated as such by the chief judge of the judicial circuit in which the court operates and is approved for such by the Judicial Council Accountability Court Committee.

**7.3** The presiding judge may authorize assistance from other judges, including senior judges and judges from other classes of court, on a time-limited basis when the presiding judge is unable to conduct court.

**7.4** The judge shall attend and participate in all pre-court staffings, sessions, and/or meetings.

**7.5** A regular schedule of status hearings shall be used to monitor participant progress.

**7.6** There shall be a minimum of two status hearings per month in the first phase of felony drug court programs and, dependent on participant needs, this minimum schedule may continue through additional phases.

**7.7** Frequency of status hearings may vary based on participant needs and benefits, as well as judicial resources. Status hearings should be held no less than once per month during the last phase of the program.

**7.8** Status review shall be conducted with each participant on an individual basis; to optimize program effectiveness, group reviews should be avoided unless necessary based on an emergency basis.<sup>3</sup>

**7.9** The judge, to the extent possible, should strive to spend an average of three minutes or greater with each participant during status review.

<sup>3</sup> Insufficient time based on program census does not constitute an emergency.

**8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.**

**8.1** Participant progress, success, and satisfaction should be monitored on a regular basis through the use of surveys and participant feedback, most importantly at the program entry point and graduation.

**8.2** Participant data should be monitored and analyzed on a regular basis (as set forth in a formal schedule) to determine the effectiveness of the program.

**8.3** A process and outcomes evaluation should be conducted by an independent evaluator within three years of implementation of a drug court program, and in regular intervals as necessary, appropriate, and/or feasible for the program thereafter.

**8.4** Feedback from participant surveys, review of participant data, and findings from evaluations should be used to make any necessary modifications to program operations, procedures, and practices.

**8.5** Data needed for program monitoring and management are easily obtainable and are maintained in useful formats for regular review by program management.

**8.6** Courts should use the preferred case management program, or compatible equivalent, as designated by the Judicial Council Accountability Court Committee, in the interest of the formal and systematic collection of program performance data.

**8.7** Courts shall collect, at a minimum, a mandatory set of performance measures determined by the Judicial Council Accountability Court Committee which shall be provided in a timely requisite format to the Administrative Office of the Courts as required by the Judicial Council Accountability Court Committee, including a comprehensive end-of-year report. The minimum performance measures to be collected shall include: recidivism (re-arrests and reconvictions), number of moderate and high risk participants, drug testing results, drug testing failures, number of days of continuous sobriety, units of service (number of court sessions, number of days participant receives inpatient treatment), employment, successful participant completion of the program (graduations), and unsuccessful participant completion of the program (terminations, voluntary withdrawal, death/other).

**9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.**

**9.1** Drug court programs shall have a formal policy on staff training requirements and continuing education.

**9.2** All members of a drug court team shall receive training through the National Drug Court Institute.

**9.3** Completion of the National Drug Court Planning Initiative shall be required prior to implementation in order to attain certification.

**9.4** Existing programs should participate in Operational Tune-Up, specific to their team, as needed.

**9.5** Court teams, to the extent possible, should attend comprehensive training on an annual basis, as provided by the Judicial Council Accountability Court Committee or the National Association of Drug Court Professionals (NADCP).

**9.6** Drug court judges and staff should participate in ongoing continuing education as it is available through professional organizations [Institute of Continuing Judicial Education (ICJE), NADCP, Georgia Council of Court Administrators (GCCA), etc.].

**9.7** New team members shall attend formal orientation and training administered by the Judicial Council Accountability Court Committee or the National Association of Drug Court Professionals.

**10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.**

**10.1** Pursuant to O.C.G.A. §15-1-15, each drug court shall establish a planning group to create a work plan for the court. The work plan shall “address the operational, coordination, resource, information management, and evaluation needs” of the court, and shall include all policies and practices related to implementing the standards set forth in this document.

**10.2** A local steering committee consisting of representatives from the court, community organizations, law enforcement, treatment providers, health providers, social service agencies, and the faith community should meet on a quarterly basis to provide policy guidance, fundraising assistance, and feedback to the drug court program.

**10.3** Drug courts should consider forming an independent 501(c)(3) organization for fundraising and administration of the steering committee.

**10.4** Drug courts should actively engage in forming partnerships and building relationships between the court and various community partners. This may be achieved through facilitation of forums, informational sessions, public outreach, and other ways of marketing.

**10.5** Drug court staff should participate in ongoing cultural competency training on an annual basis.