

# FANNIN COUNTY DRUG COURT

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Policies and Procedures Manual

(Rev'd 10.01.24)

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## OUR MISSION STATEMENT

To assist and encourage participants in their substance abuse rehabilitation process through constructive and innovative court supervision.

To enhance the participants' lives through sobriety support and educational programs, employment and family reunification.

To more effectively use public funds and resources in dealing with offenders.

## DRUG COURT TEAM

336 <sup>th</sup> Judicial District Court Judge:	Laurine Blake
Coordinator:	Brandi Todd
Prosecutor:	Sara Steves
Public Defender:	Quiency Brannan
Treatment Representatives:	Matt Cook
Evaluator:	Corey Baker
Director of Community Supervision:	Corey Baker
Community Supervision Officer:	Patti Andrews
Law Enforcement:	Terry Edington

## OUR GOALS AND OBJECTIVES

**Goals:** To reduce substance abuse related crime.

### **Objectives:**

- 1) Provide intervention in the cycle of substance abuse.
- 2) Provide assessment of substance abuse offenders to the Court in a timely manner.
- 3) Facilitate a process of lifetime recovery and drug-free living among participants by encouraging positive changes in their behavior, health, attitudes, and relationships with others.
- 4) Reduce substance abuse recidivism through the implementation of substance abuse treatment and recovery strategies.
- 5) To improve public safety by holding participants accountable for their behavior and to respond immediately to evidence of program noncompliance with appropriate sanctions.
- 6) Decrease the work demands of the criminal justice system by breaking the cycle of repeat offenders.

## **Methods: Ten Key Components**

- 1) Drug Courts integrate alcohol and other drug treatment services with justice system case processing.
- 2) Using a non-adversarial approach, prosecution and defense counsel promotes public safety while protecting participant's due process rights.
- 3) Eligible participants are identified early and promptly placed in the drug court program.
- 4) Drug Courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
- 5) Abstinence is monitored by frequent alcohol and other drug testing.
- 6) A coordinated strategy governs drug court responses to participant's compliance.
- 7) Ongoing judicial interaction with each drug court participant is essential.
- 8) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- 9) Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
- 10) Forging partnerships among drug courts, public agencies and community-based organizations generate local support and enhance drug court effectiveness.

## **Desired Outcomes:**

- 1) Substance free and crime free life
- 2) Increase employment and education opportunities
- 3) Improved financial responsibilities
- 4) Substance abuse treatment program completion and Graduation
- 5) Successful completion of all Case Plan requirements
- 6) Family reunification and improved relationship skills with family and friends
- 7) Successful completion of community supervision
- 8) Contributing member of the community

## **STRUCTURE/MODEL**

Participation in Drug Court is through felony post-plea probation which may occur at original sentencing, through modification of community supervision requirements or as a result of a violation of felony probation.

## **TARGET POPULATION**

The target population consists of nonviolent adults who reside or work in Fannin or an adjoining Texas county and have a substance abuse related offense or repeated alcohol or other drug violations of community supervision.

## **ELIGIBILITY CRITERIA**

To be eligible for consideration for participating in Drug Court, the Defendant must meet the following requirements:

- Must have felony offense filed and disposed of in Fannin County.
- Must be a resident or work in Fannin County or an adjoining Texas county.
- Assessment shows a high probability of a substance dependence disorder with a history of substance misuse or abuse. (DWI history will also be assessed to determine eligibility)
- Motivated for treatment and has been approved by the treatment team.
- Must be a U.S. citizen.
- Must have the capacity to manage the structure of the Drug Court.
- Must be at least 18 years of age or older

## **DISQUALIFICATION CRITERIA**

1. Must not be a parolee currently on parole status.
2. Those with a history of violent offenses including:
  - Murder
  - Capital Murder
  - Aggravated Kidnapping
  - Aggravated Robbery

Additionally, a “violent offender” is a person who either is charged with or convicted of an offense during the course of which:

- The person carried, possessed, or used a firearm or another dangerous weapon and
  - 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 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.
3. Those with a history of sex related offenses.
  4. Those having undisposed criminal charges.
  5. Those that have a low probability of having a substance dependence disorder and not in need of drug treatment.
  6. Those who do not have the capacity to manage the structure of Drug Court.
  7. Persons unable or unwilling to terminate use of lawfully prescribed controlled substances or over the counter medications that affect the integrity or accuracy of drug screening where non-narcotic alternatives are available.

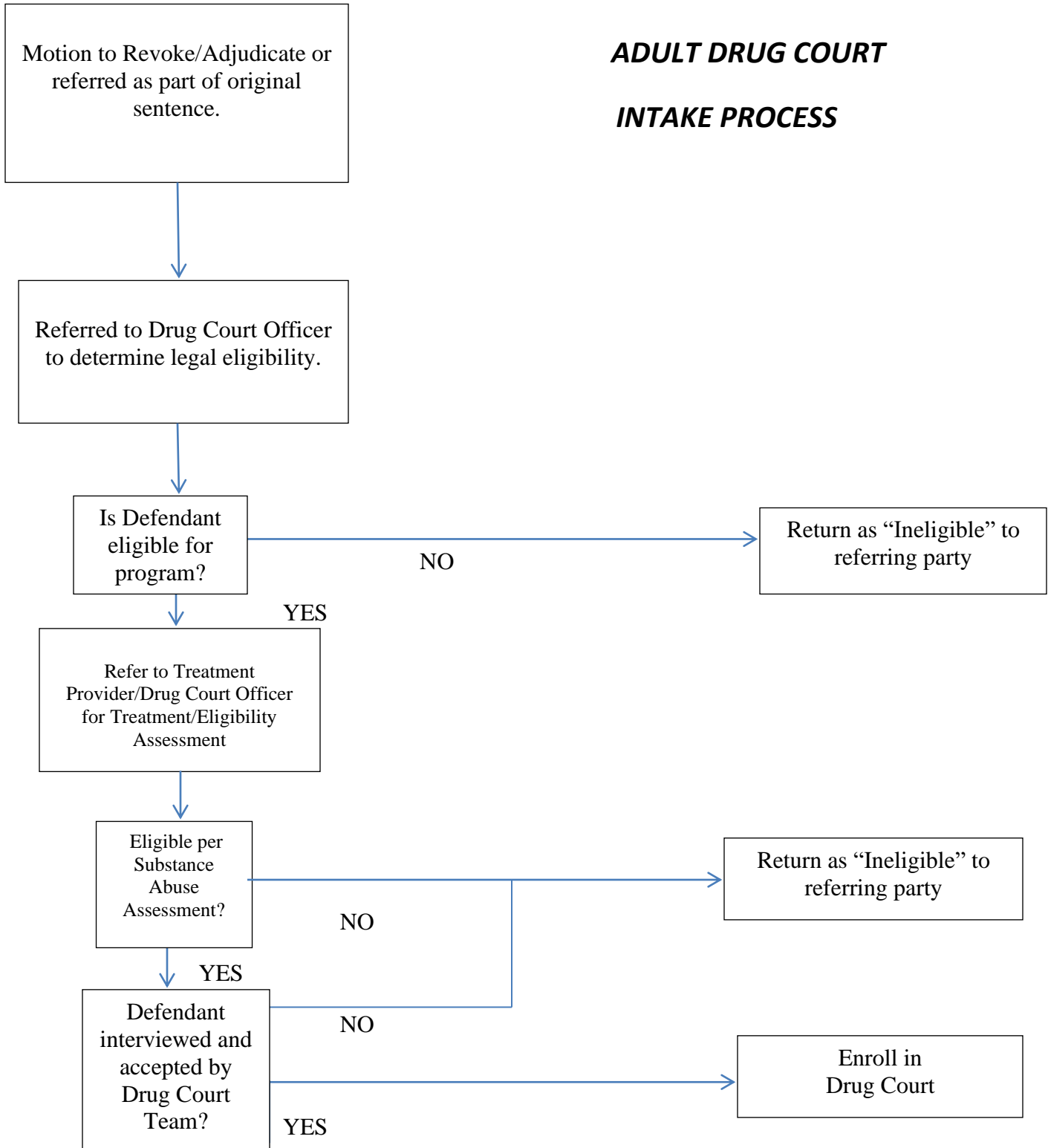
## **TERMINATION CRITERIA**

A participant may be terminated from Drug Court prior to completion if:

1. A participant commits any new offense.
2. The Drug Court Team determines that the participant has achieved maximum benefits.
3. A participant violates the conditions of community supervision that would result in a motion to revoke community supervision being filed.
4. A participant provides inaccurate or false information to the Drug Court Team.
5. A participant commits an act or threatens to commit an act of violence toward another participant or a member of the Drug Court Team.

# FANNIN COUNTY DRUG COURT

## ***ADULT DRUG COURT INTAKE PROCESS***



# POINTS SANCTION AND INCENTIVE RECOMMENDATIONS

Recommendations shown are for Phase 1 participants and they may be increased or decreased by the Drug Court team on a case-by-case basis. Sanctions may also be increased due to repeat violations or depending on a participant's current phase level.

## Sanctions

Missed AA/NA Meetings	-10 points
Missed Group or Individual counseling session	-10 points
Missed report to Community Supervision	-15 points
Positive UA	-15 points
Missed Drug Court CSR assignment	-15 points
Drug Court attendance	-20 points

## Incentives

Completion of Phase with no loss of points	+50 points
Community volunteer work	+50 points
Extra effort in treatment or program	+50 points



# **PROGRAM INCENTIVES, THERAPEUTIC ADJUSTMENTS, ADMINISTRATIVE SANCTIONS**

## **Incentives may include:**

- Decreased Reporting and/or Requirements
- Decreased Drug testing
- Recognition of sobriety
- Certificate for completion of each Phase (is this correct?)
- Drawings
- Awards and gift cards
- Probate Fees
- Credit for community service
- Additional points awarded

## **Therapeutic Adjustments may include:**

- Increase drug testing frequency or some type of substance abuse detection methods
- Attend additional groups or classes
- Additional AA/NA attendance
- Written assignments
- Pay for missed counseling sessions
- Homework
- Prepare talk/presentation to give to Court
- Loss of Points
- Commitment to residential treatment, including SAFPF (Substance Abuse Felony Punishment Facility)

## **Administrative Sanctions may include:**

- Additional recovery-related homework
- Increased drug testing
- Increased frequency of court appearances
- Additional community service
- Pay additional fees
- Return to earlier phase
- Increase reporting to community supervision.
- Loss of Points
- Time in jail
- House arrest, curfew, electronic monitoring, SCRAM
- Termination from Drug Court Program
- Revocation of community supervision and prison

# **TREATMENT PROTOCOL**

The Fannin County Drug Court Program is a post-conviction, voluntary program that utilizes a multi-faceted approach. It consists of intensive supervision of clients by primary counselor/community supervision officer, frequent appearances before the Drug Court judge, mandatory drug and alcohol counseling, regular attendance at a self-help group (NA, AA), and random drug testing. Upon completion the programs offer aftercare treatment as well as an alumni support group. Regardless of the drug of choice, all participants must adhere to the same strict requirements of the program.

The Fannin County Drug Court Program is an eighteen-month program with six phases lasting three months each. Phases can be extended or shortened depending on circumstances. Advancement from phase to phase is based on each participant's point total and approval by the Drug Court team.

Participants must acquire 1800 points to successfully complete the Drug Court Program. Points are awarded at the rate of 25 points per week. A person who is satisfactorily participating in the program may be awarded all points available upon their appearance in court. Participants who have not remained in compliance or have not met all their treatment requirements can lose points based on the severity of the violation or non-compliance. Participants may also earn additional points at the discretion of the court or team for extra effort or for extended periods of time without the loss of any points.

## **ORIENTATION**

*The participant's first appearance at Drug Court will be to observe a court session. The participant will be required to appear at a scheduled time and place, for a drug and alcohol assessment. This assessment will be used by the Drug Court team to design the treatment plan. At another court date, the participant will be interviewed by the Drug Court team and admitted to the Drug Court if the participant is deemed eligible by the Drug Court team*

## **PHASE 1 – ASSESSMENT AND STABILIZATION**

*All new participants begin in Phase 1 which begins after the signing of the Drug Court Order. Phase 1 is focused on helping the participant work toward a drug and alcohol free life and establish a foundation for abstinence. The objectives include detoxification and abstinence, referral and admission to treatment and early recovery work.*

Participants are required to:

- 1) Report in person to their community supervision officer one time per week;
- 2) Appear bi-monthly before the Drug Court Judge;
- 3) Attend Alcoholics Anonymous or Narcotics Anonymous daily, 90 in 90;
- 4) Be free from drugs and alcohol for at least 30 consecutive days;
- 5) Participate in group and individual counseling;
- 6) Search for suitable housing;
- 7) Seek appropriate employment on an ongoing basis;

- 8) Submit to testing to determine any use of illegal drugs and alcohol;
- 9) Comply with Drug Testing Protocol (Color Call-in Program);
- 10) Report all medical appointments and any medications;
- 11) Sign all releases to community supervision officer and treatment program;
- 12) Obtain and maintain an AA/NA sponsor; and
- 13) Earn 300 cumulative points.

## **PHASE II – PROBLEM SOLVING DEVELOPMENT**

*Phase II will concentrate on stabilizing the participant in treatment, helping the participant confront underlying issues surrounding their addiction, and motivate the participant to change their behavior. All Drug Court participants are expected to meet higher expectations and relapses will be treated in a stricter manner.*

Participants in Phase II are required to:

- 1) Report in person to their community supervision officer one time per week;
- 2) Appear bi-monthly before the Drug Court Judge;
- 3) Attend Alcoholics Anonymous or Narcotics Anonymous 4 times per week;
- 4) Participate in group and individual counseling;
- 5) Maintain suitable housing;
- 6) Maintain appropriate employment on an ongoing basis or attend school full time;
- 7) Remain drug and alcohol free for at least 90 consecutive days;
- 8) Comply with Drug Testing Protocol (Color Call-in Program);
- 9) Report all medical appointments and any medications.
- 10) Maintain an AA/NA sponsor and work on 12 step programs.
- 11) Earn 600 cumulative points.

## **PHASE III & IV – RELAPSE PREVENTION**

*The focus of Phase III and Phase IV are to help the participant rise to the challenge of recovery as a way of life, to promote continued challenges towards self-sufficiency while the participant reconnects with the community and to take responsibility for their actions.*

Participants in Phase III are required to

- 1) Report in person to their community supervision officer two times per month;
- 2) Appear bi-monthly before the Drug Court Judge;
- 3) Attend Alcoholics Anonymous or Narcotics Anonymous 3 times per week;
- 4) Attend group counseling;
- 5) Remain drug and alcohol free;
- 6) Comply with Drug Testing Protocol (Color Call-in Program);
- 7) Report all medical appointments and any medications;
- 8) Completion of GED if appropriate
- 9) Maintain an AA/NA sponsor and progress with work on 12 step programs; and
- 10) For Phase III, earn 900 cumulative points; and
- 11) For Phase IV, earn 1200 cumulative points for Phase IV.

## **PHASE V – TRANSITION TO A LIFETIME OF SOBRIETY**

Participants in Phase V are required to:

- 1) Report in person to their community supervision officer 1 time per month;
- 2) Appear bi-monthly before the Drug Court Judge;
- 3) Attend Alcoholics Anonymous or Narcotics Anonymous 3 times per week;
- 4) Remain drug and alcohol free;
- 5) Comply with Drug Testing Protocol (Color Call-in Program);
- 6) Maintain an AA/NA sponsor and progress with work on 12 step programs; and
- 7) Earn 1500 cumulative points

## **PHASE VI - AFTERCARE**

Participants in Phase VI are required to:

- 1) Report in person to their community supervision officer 1 time per month;
- 2) Appear bi-monthly before the Drug Court Judge;
- 3) Attend Alcoholics Anonymous or Narcotics Anonymous 3 times per week;
- 4) Remain drug and alcohol free;
- 5) Comply with Drug Testing Protocol (Color Call-in Program);
- 6) Maintain an AA/NA sponsor and progress with work on 12 step programs; and
- 7) Earn 1800 points for Graduation;

## **GRADUATION – A TIME TO CELEBRATE YOUR ACCOMPLISHMENTS**

*Once the participant has completed all the necessary requirements in Phases V and VI, the participant may be eligible to have their case dismissed and to graduate from Drug Court. The participant's recovery requirements are to assume responsibility for themselves and demonstrate the ability to make good choices.*

Participants eligible for graduation are required to:

- 1) Earn 1800 total points through the completion of Phase I through VI;
- 2) Complete an Exit Essay;
- 3) Pass hair follicle drug test; and
- 4) Be approved for graduation by the Drug Court Team.

## **DRUG TESTING PROTOCOL**

The purpose of drug screening is to deter substance abuse, identify defendants with chemical dependency, and protect the public. It is commonly held that persons under the influence of illicit drugs (including the abuse of alcoholic beverages) tend to make irrational decisions and choices, which often lead to criminal behavior. Through random drug screening and the application of punitive sanctions for positive results, it is hoped that participants will be deterred from abusing alcohol and drugs

Fannin County Drug Court (FCDC) utilizes urinalysis, oral swab, hair follicle, and breath tests that screen for Methamphetamines, Cocaine, Marijuana, Alcohol, Opiates, Amphetamines, Barbiturates, Buprenorphine, Benzodiazepines, Fentanyl, Methadone, and Oxycodone.

The Courts have ruled that the obtaining and testing of urine for the presence of drugs is a medical procedure and the rules of confidentiality formally used to safeguard the results of medical procedures apply. It is the policy of the FCDC that all drug test results will remain confidential. In addition to FCDC team members, the persons authorized to obtain the results are:

- a. The Defendant
- b. Defendant's Attorney (with signed release)
- c. The Court of Record (including community supervision staff)
- d. Prosecuting Attorney or Assistant
- e. Substance Abuse Treatment Provider (providing services for GCRC participants).

The defendant may authorize the release of a drug screening result to any other person, employer or organization of their choosing provided they sign a Release of Drug Test Results by specifying to whom the results are to be released.

### **Procedures**

All defendants are ordered, as a condition of community supervision, to submit to random drug tests shall voluntarily provide a urine sample upon request from the supervising officer. REFUSAL to comply with such request shall be documented as a violation. Tampering or attempting to tamper with a urine sample shall be documented as a violation.

All defendants participating in the FCDC will be required to participate in a Color Call-In program in addition to being subject to random drug and alcohol tests. All defendants will be admonished on the procedures of and sign an acknowledgment of understanding for the Color Call-In program.

