

*Orleans Parish
Criminal District Court
Drug Court*

Policy and Procedure Manual

REVISED 5/11

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ORLEANS PARISH DRUG COURT PROGRAM

The Orleans Parish Drug Court was developed and implemented under the direction of then Chief Judge Frank Marullo and then Deputy Chief Judge Gerard J. Hansen. The current Chief Judge Terry Alarcon and Deputy Chief Judge Camille Buras strive to maintain a policy of high standards and professionalism in the New Orleans Drug Court. Judge Camille Buras, Judge Gerard Hansen, Judge Julian Parker, Judge Benedict Willard, Judge Darryl Derbigny, Judge Lynda Van Davis and Judge Karen Herman have all committed their time and resources to participate in New Orleans Drug Court.

The Drug Court of New Orleans Criminal District Court recognizes that addiction to alcohol and other drugs is a public health matter that has inundated the criminal justice system. Traditional case processing operates in a vacuum disregarding the fact that traditional, exclusively punitive sanctions have done nothing to restrain the escalation of substance abuse in our community. The costs of addiction include incarceration, medical expenses, decreased productivity in the work force, decreased tax base, and increased dependence on social services. The human cost to the individual, their children, families and victims of drug related crimes is astronomical.

The mission of the Drug Court of Criminal District Court is to provide an alternative to traditional case processing utilizing a treatment oriented, non-adversarial, multidisciplinary approach. The drug court regards the post arrest period as an ideal opportunity for intervention that will break the drug/crime cycle. Judicial review and supervision of the client's progress in treatment is central to the Drug Court. The court will employ graduated sanctions in response to noncompliance with treatment goals.

The primary goals of drug court are to reduce recidivism and the incidence and prevalence of chronic progressive disease of addiction to alcohol and other drugs as well as promote public safety. Objectives include providing a system of services to assist individuals in their recovery from addiction and decreasing the number of people at risk of becoming addicted.

The treatment modality of the Drug Court will emphasize the medical model of addiction. Accordingly clients will progress through the 12 steps and traditions of AA/NA throughout treatment. The Drug Court will incorporate aspects of cognitive-behavioral theory. Drug Court staff will promote the concepts of personal responsibility, self-reliance and empowerment to clients.

The Metropolitan Human Services District (MHSD) provides treatment services under contract with the Court. MHSD strives to assist individuals, screened by New Orleans Criminal District Court, with their recovery from addiction to alcohol and other drugs. MHSD and Criminal District Court recognize the immediate goals of cessation of substance abuse and illegal activity, and improving the quality of life of participants of the Drug Court. Additionally addressed are the long term goals of reducing recidivism and increasing productivity within our community.

In accordance with Louisiana state law and established federal drug court guidelines, Drug Court participants will not have a prior arrest history that includes prior convictions of crimes of violence. Multiple charges of felony distribution will also preclude participation in the drug court program. Drug Court participants will be individuals charged with or convicted of misdemeanor or felony offenses. Recognizing that substance abuse is conducive to criminal activity, property crimes, as well as drug offenses, will be included.

Drug Court cases will be screened by court personnel. Participants will have a history of substance abuse and must profess a desire for treatment. Participants will agree to all conditions of probation prior to their referral to Metropolitan Human Services District Drug Court Clinic.

Violations of conditions of probation will be reported to case management staff. An individual not in compliance will face a set of graduated sanctions that will include but not be limited to, increased supervision, community service work, increased urinalysis testing, short term incarceration or revocation of probation. Case management working with treatment staff may make a recommendation to the court regarding the most appropriate sanction, but the final authority for imposing sanctions is the presiding Drug Court judge.

This program provides early intervention and serves as a meaningful alternative to incarceration for the offender who can adequately function in the community with support. It is the goal of this program to realize a reduced recidivism rate for those offenders who successfully complete the program. This in turn will provide the offender the basis to build upon to become a productive member of our community.

ADMISSION TO DRUG COURT PROGRAM

Clients are identified as potential Drug Court candidates by New Orleans Criminal District Court Judges, Sections A through L and Magistrate Court. Potential candidates are referred to Case Management for an initial intake and are brought before the Drug Court Judge within seven days of the referral. All sections of court have the authority to make referral to Drug Court and those eligible clients are randomly re-allotted to the seven sections of Drug Court. The Drug Court Judge has the final authority for admittance into the Program.

DRUG COURT ENTRANCE CRITERIA

Louisiana Law states that Drug Court participants must meet the following criteria:

1. The defendant can have no prior felony convictions for offenses defined as crimes of violence.
2. The instant offense cannot be a crime of violence, including domestic violence.
3. The defendant can have no pending charges defined as crimes of violence.
4. The defendant can not have been convicted of aggravated burglary or simple burglary of an inhabited dwelling.
5. If the defendant has a record of one or more prior felony convictions, the crime before the court cannot be Driving under the Influence of Alcohol or any other drug or drugs that resulted in the death of a person.
6. The crime charge cannot be one of multiple counts of Distribution, Possession with Intent to Distribute, Production, Manufacture, or Cultivation of a Controlled Dangerous Substance.
7. Crimes of violence are prohibited. Crimes of violence are defined by the Louisiana Criminal Court as follows:

1. Solicitation for murder
2. First degree murder
3. Second degree murder
4. Manslaughter
5. Aggravated battery
6. Second degree battery
7. Aggravated assault
8. Mingling harmful substances
9. Aggravated rape
10. Forcible rape
11. Simple rape
12. Sexual battery
13. Second degree sexual battery
14. Intentional exposure to AIDS virus
15. Aggravated kidnapping
16. Second degree kidnapping
17. Simple kidnapping
18. Aggravated arson
19. Aggravated criminal damage to property
20. Aggravated burglary
21. Armed robbery
22. First degree robbery
23. Simple robbery
24. Purse snatching
25. Extortion
26. Assault by drive-by shooting
27. Aggravated crime against nature
28. Carjacking
29. Illegal use of weapons or dangerous instrumentalities
30. Terrorism
31. Aggravated second degree battery
32. Aggravated assault upon a peace officer with a firearm
33. Aggravated assault with a firearm
34. Armed robbery; use of firearm; additional penalty
35. Second degree robbery
36. Disarming of a peace officer
37. Stalking
38. Second degree cruelty to juveniles
39. Aggravated flight from an officer
40. Aggravated Incest
41. Battery of a police officer

INTERFACE OF DRUG COURT PROGRAM AND JUSTICE SYSTEM

Drug Court clients will continue supervision under the allotted section of drug court throughout the course of supervision. The Drug Court Judge will monitor the case, reduce supervision for continued compliance and impose a set of graduated sanctions for continued noncompliance. All Drug Court Judges will take steps to assure consistency of rewards and sanctions of Drug Court clients across all Drug Court sections.

PARTICIPATION IN DRUG COURT PROGRAM

Upon acceptance into Drug Court, clients participate in an administrative intake process consisting of the collection of identifying data and the signing of consent for treatment. In addition, each client participates in a clinical assessment consisting of the following: a psychosocial assessment, alcohol/drug use history, discussion of an initial treatment plan, a review of the program schedule, completion of appropriate release of information forms as well as any legal requirements for documentation and follow-up.

Drug Court clients will be screened for eligibility in court prior to sentencing. They will then complete a 3 step intake process prior to attending a one (1) day orientation to treatment and then begin three (3) hour sessions, three (3) days per week while in Phase 1 of the treatment program. Clients are assigned to either morning or afternoon groups. Clients are expected to attend weekly meetings with the case manager. The case manager prepares a weekly written report to be submitted to the drug court judge. The report includes the client's progress in treatment, employment status and general information regarding compliance issues. Clients in Phase 1 must attend weekly status hearings with the Drug Court Judge, Case Manager and Treatment Representative. Clients who are in compliance with program requirements will progress into Phase 2 during which they will attend two (2) hour treatment sessions twice each week. Clients also attend weekly meetings with their case manager and appear in court for biweekly status hearings with the Drug Court Judge, Case Manager and Treatment Representative. Upon satisfactory compliance with requirements of Phase 2, clients will progress into Phase 3. In Phase 3 clients attend one (1) two (2) hour treatment session each week and meet with the case manager on a monthly basis. They appear in court for a status hearing with the drug court team once per month. After completing Phase 3, clients are advanced to Phase 4, which requires membership in the drug court Alumni Association. Clients in Phase 4 see the case manager twice per month and have a status hearing in court each quarter. In order to advance from one phase to another, clients must receive the recommendation of the case manager and treatment representative and approval of the Judge. The entire program is at least approximately 2 years in length with the first 3 phases varying in length. Phase 4 of the program is approximately 6 months in length.

Clients must agree to abide by a curfew. The curfew at admission is 6:00 p.m. - 6:00 a.m. Clients may be excused from curfew on nights that they are to attend pre-approved treatment or educational classes. Curfews may also be extended on nights that the client is working, provided the clients schedule has been pre-approved by the case manager or the Drug Court Judge.

POST-Certified officers conduct curfew checks. The curfew team checks clients on random nights and submits documentation to case management staff. Case management then documents this in the clients file. Curfew checks shall be conducted on each client at least one night per week. Clients are expected to be physically inside their stated residence, unless prior arrangements have been made with their case manager.

Drug Court clients without a high school diploma will be referred to GED/literacy programs

as a condition of supervision. Clients with the necessary skills will be referred to a licensed GED Program. Client's educational/vocational goals will be evaluated on a case by case basis.

The New Orleans Drug Court recognizes the importance of clients becoming productive, contributing members of this community. Clients will be encouraged to set long and short-term employment goals. Individualized employment plans will be established for each client.

GRADUATED SANCTIONS

The court recognizes the importance of sanctions consistent with the individual case which increase with the severity of the violated rule. Clients will know and understand that sanctions will increase according to the severity of the violation and the totality of all violations. Clients will be able to observe the sanctioning of peers at weekly status hearings.

The Court appreciates the importance of maintaining a consistent set of graduated sanctions and rewards in all participating sections. The Drug Court Judges agree that communication and cooperation are crucial to maintaining an effective Drug Court in Orleans Parish. The Judges will meet regularly to review the use of sanctions and rewards being utilized in each section.

The Drug Court Team will review each case after a positive drug test. Recommendations will be made regarding treatment options. Clients will be evaluated for increased treatment needs, increased outside meetings or inpatient placement. Recommendations will be made on a case by case basis.

Clients are seen as individuals and the judge decides all sanctions on a case by case basis.

Clients who remain in compliance will be rewarded in any of the following ways:

Praise from Drug Court Judge

Extension of curfew

Decreased reporting instructions as defined by Drug Court Judge

PROFESSIONAL CONDUCT OF DRUG COURT PERSONNEL

Drug Court personnel have a responsibility both to clients and to the public to maintain high

standards of professional conduct.

Drug Court personnel do not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion sexual orientation, marital status or socioeconomic status.

Drug Court personnel will actively attempt to understand the diverse cultural backgrounds of the clients with whom they work.

Drug Court personnel are aware of their influential positions with respect to clients and must avoid exploiting the trust and dependency of clients. Personnel make every effort to avoid dual relationships with clients that could impair professional judgement or increase the risk of harm to clients.

Exploitive relationships with clients are never acceptable. Examples of exploitive relationships include, but are not limited to sexual relationships or financial or business arrangements. All contact with clients is professional and conducted within normal working hours and in professional settings.

Drug Court personnel will not accept tips, cash or gifts in any form from clients. Staff agree not to accept cash or gifts from any agency or individual in exchange for client referral(s) or the promise of client referral(s).

All clients are required to sign a release of information. The release will allow the exchange of pertinent information between court and treatment staff. The complexity and limitations of confidentiality should be clearly understood by staff. Drug Court staff understand their legal and ethical obligations to warn if a client presents a danger to himself or others. Treatment staff recognizes their responsibility to report violations or intended violations to case management staff. The limits of confidentiality should be clearly communicated to clients.

Drug Court staff agrees to make efforts to ensure that privacy and confidentiality of Drug Court clients is maintained by subordinates.

All Drug Court personnel should be available for at least one weekly multidisciplinary staffing.

CONTINUING EDUCATION

The New Orleans Drug Court recognizes that continuing interdisciplinary education promotes effective drug court planning, implementation and operations.

All Drug Court personnel will participate in a minimum of 12 hours annually of Drug Court specific education and/or training.

FEES

The New Orleans Drug Court recognizes payment of fines, fees and restitution as a part of the treatment process. Each Drug Court participant will be charged a one-time fee of \$200.00 to help defray supervision costs. Drug test fees will be assessed at the rate of \$10.00 per test. The court supervises payment of fees, fines and restitution.

TREATMENT SERVICES

Treatment Drug Court is a structured, therapeutic program. It is an organized service with credentialed personnel providing a planned regimen of treatment. The treatment provided will comply with all appropriate federal, state and local guidelines.

Treatment services are provided under contract with the Metropolitan Human Services District. The District assures that treatment will be provided in accordance with all applicable laws and regulations.

DRUG TESTING POLICY

Drug testing will be conducted by the drug screening lab located at Criminal District Court. Drug testing personnel will take appropriate steps to safeguard accuracy and timely reporting of urinalysis results. Drug testing procedures follow all state and federal guidelines.

Clients will be screened for a minimum 5-panel result to include detection of cocaine, marijuana, opiates, creatinine and alcohol. The screen will also include the clients' drug of choice as well as any other drug or drugs as ordered by the judge and/or case manager.

Clients will be tested a minimum of twice per week during Phases 1 and 2. In Phase 3, clients are tested at least once per week. Clients in Phase 4 are tested at least twice per month. All testing is conducted through a Random Drug Testing System by color. All clients must call once a day for the drug testing color. Failure to report for a drug test on a required day is considered a positive drug test. Drug testing is never discontinued and clients understand that they will be drug tested throughout their participation in Drug Court. Clients must submit to a drug test when instructed by the Drug Court Judge or Case Manager.

All positive tests regardless of the drug or drugs will be automatically retested by the drug screening lab. This retest will be conducted from the same urine sample as the original test. After the completion of the retest, this sample is retained in the drug screening lab and kept frozen for a period of 3 months. The drug screening lab will immediately notify the judge and the case manager of any positive test, any failure to submit to testing, any submission of the sample of another or any adulterated sample.

Fees are assessed at \$10.00 per test. The Drug Court Judge and Case Manager will monitor payment of fees.

ROLES AND RESPONSIBILITIES OF DRUG COURT TEAM MEMBERS

JUDGE - The judge is the leader of the Drug Court team. The Drug Court Judge oversees all aspects of each individual Drug Court case. The Drug Court Judges of New Orleans Criminal District Court are knowledgeable regarding treatment issues and Drug Court standards.

The Judge will explain the defendant's legal rights, options and the program requirements at the defendant's court appearance and just before admission into the program. The Judge has final authority for admission to and dismissal from the program.

The New Orleans Drug Court acknowledges the importance of frequent judicial interaction in the treatment process. The Drug Court Judge conducts weekly status hearings for all clients in Phase 1 treatment. Phase 2 clients will appear at status hearings bi-weekly while Phase 3 clients appear monthly. Phase 4 clients will appear at status hearings quarterly. The Judge reviews the reports from the case manager and treatment provider and will discuss progress directly with the client at these status hearings. The Judge will issue sanctions or incentives to the clients on case-by-case basis as appropriate.

New Orleans Drug Court recognizes the importance of continuity in treatment. Participants will remain under the supervision of the same Judge for the duration of their participation in drug court.

The Drug Court Judges will meet regularly to assure that the Drug Court Program maintains high professional standards among all court and treatment personnel. Guidelines and procedures will be reviewed periodically to assure compliance with the Louisiana Supreme Court Drug Court Program Office.

The Drug Court Judges will promote partnerships among drug courts, public agencies and community-based organizations.

COORDINATOR - The Drug Court Coordinator is responsible for the operation of the Drug Court. This includes supervisory authority over all personnel such as case managers, field agents and clerical personnel, financial oversight of the program including preparation of the yearly budget for the program and preparation of reports to the Supreme Court Drug Court Office on a monthly basis and as required. The Coordinator works closely with the drug court judges to see that they are operating their programs in accordance with Supreme Court Drug Court standards and is involved in community activities to promote the awareness of the effectiveness of drug court.

CASE MANAGER SUPERVISOR - The Case Manager Supervisor has direct supervision of all drug court case managers. On a daily basis, the Case Manager Supervisor reviews client inventories and discusses programmatic issues with each case manager to be sure that office policy and procedure are being followed. Other duties include the writing of periodic evaluations of case managers and any recommendations regarding job performance, the maintenance of records and statistics used in the production of reports to comply with federal and state requirements and the interaction between the program and substance abuse and other providers in the community.

CASE MANAGERS - The Case Managers explain the operation of the program to defendants who may participate and manage the court's inventory of drug court clients. The Case Managers coordinate the reports of treatment and ancillary providers in order to present the Judge with an

accurate report of client progress. The Case Managers provide information about community services available to the clients and refer them to the appropriate agency as needed including educational and vocational training programs. They are also responsible for entry of statistical data concerning clients in the program's case tracking system.

TREATMENT STAFF - The Metropolitan Human Services District provides treatment services to drug court clients under contract with the drug court. Staff members hold group treatment sessions with clients in accordance with Supreme Court Drug Court Program standards and provide individual counseling sessions as well. There is a staff member assigned to each section of drug court who works with the appropriate case manager to develop a treatment plan for each client in that section and monitor progress. Staff members attend all court status hearings to assist the case managers in reporting client progress to the judges.

FIELD AGENTS - Field Agents are responsible for checking curfews imposed by the drug court judges as part of the program for each client. Field Agents make home visits after curfew hours to determine if the client is in compliance with his court ordered curfew. The Field Agents report the results of each evening's curfew checks to the appropriate case manager on a daily basis. Other duties include field and office arrests, transportation of clients to court or treatment providers and office security. Field agents may also perform other duties as directed by the court.

DISTRICT ATTORNEY - The prosecutor has a duty under the law to ensure that prospective participants meet the requirements for program participation. The prosecutor, in his/her discretion, may attend drug court status hearings for those clients that are admitted to the program.

DEFENSE ATTORNEY – The defense attorney reviews the charges against the defendant and advises about constitutional rights and practical options available. The defense attorney may advise the client to participate in the program if eligible and, upon admission, will encourage and support the client's participation and compliance with program conditions.

DEPARTMENT OF CORRECTION PROBATION OFFICER - A Probation Officer employed by the Department of Corrections of the State of Louisiana is assigned to each client who participates in the program. The Probation Officers schedules visits with the client and attends court status hearings to report to the judge concerning the client's compliance with conditions of his/her probation.

GRADUATION CRITERIA

The following criteria is required for a client to be eligible to graduate from the program:

- Must have negative drug screens for 180 consecutive days.
- Must be enrolled in academic/vocational training or have obtained gainful, consistent employment.

- Must be maintaining a stable living arrangement.
- Must have paid all court fees.
- Must have completed all treatment requirements.
- Must have been given a recommendation for graduation by the drug court team.
- Must complete 6 Transition Meetings

Upon successful completion of the Drug Court Program, clients will officially graduate from the program and have the opportunity to participate in a graduation ceremony. Families and friends are invited to the graduation ceremony and their attendance is encouraged.