

Fourth Judicial Circuit



Problem-Solving Courts of
Duval County, Florida

**Veterans Treatment Court
Policy and Procedural Manual**

This manual for the Duval County, Fourth Judicial Circuit Veteran’s Treatment Court is designed to structure, but not to eliminate, decision making for all those individuals who seek to join the program, as well as those who participate in it. The court reserves the right, in each individual case, to make discretionary decisions consistent with the law and public policy.

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Veteran's Treatment Court Duval County

Introduction

The Duval County Fourth Judicial Circuit Veteran's Treatment Court ("VTC") is a program designed to provide essential substance abuse, mental health services, or both, to current and former military service members who have been arrested for a criminal offense, in which a nexus between the offense or diagnoses and the veteran's military service exists. This program is modeled after existing local Drug and Mental Health Court programs utilizing multiple interventions, including a collaborative approach to treatment and rehabilitation, drug/alcohol testing, regular court appearances and educational opportunities that are intended to provide participants with the skills necessary to maintain a clean and sober lifestyle and to reconnect with their families and community. VTC will provide eligible veterans with the opportunity to receive specialized substance abuse and mental health treatment services, one-on-one veteran peer mentor support, assistance in gaining access to veteran healthcare and benefits from the US Department of Veteran Affairs ("VA"), including community supervision, thus ensuring public safety and accountability. VTC, as with other problem-solving courts, requires a non-adversarial courtroom atmosphere, in which dedicated multi-disciplinary teams work together toward the common goal of breaking the cycle of addiction and/or self-neglect.

The Fourth Judicial Circuit began operating problem-solving courts in 1994 through collaboration among the State Attorney, Public Defender, Department of Corrections, Jacksonville Sheriff's Office, City of Jacksonville and various substance abuse and mental health treatment providers. Since 1994, this collaboration has expanded to include the Clay County Sheriff's Office, Clay County Board of Commissioners, Nassau County Sheriff's Office, Nassau County Board of Commissioners and additional substance abuse and mental health treatment providers. These partnerships have proven effective in providing an opportunity to effect change within the community by following established best practices and utilizing evidence-based treatment initiatives. VTC is another example of the commitment to improve outcomes within the community. These long standing partnerships have been expanded to include veterans service agencies/Veteran Affairs, various veteran-based community entities, as well as the entire veteran community, in order to provide the best opportunity to improve outcomes for those who have honorably served our country.

Mission Statement

The mission of the Fourth Judicial Circuit Veterans Treatment Court is to provide an interagency, collaborative, non-adversarial treatment strategy for veteran defendants in the criminal justice system. VTC strives to serve a target population of veteran defendants, further referred to as "participants," who suffer from post-traumatic stress disorder ("PTSD"), traumatic brain injury ("TBI"), other psychological conditions, sexual trauma, or substance abuse problems that are identified as service-related conditions and that manifested themselves while the participant was in military service.

VTC is a problem-solving treatment court designed to identify individuals with qualifying criminal charges who are active military or who have an honorable, or general under honorable conditions, discharge from military service, and who also have a documented mental health diagnosis, including but not limited to, post-traumatic stress disorder, traumatic brain injury, and/or a substance abuse disorder; all conditions being recognized by ASAM/DSM diagnoses criteria. This court is designed to provide intensive supervision and treatment services for participants, as well as to offer a peer support/mentoring program designed specifically to enhance recovery and to reduce recidivism rates for veteran offenders. A VTC is appropriate not only to support those who have served our country, but it also provides multilevel benefits to the community, including substantial monetary savings and projected lower recidivism rates for VTC participants.¹

VTC strives to:

- Divert qualified veteran defendants from jail to court supervised treatment-based programs and VA/community-based services;
- Maintain treatment, housing, benefits, supervision, and community support;
- Provide qualified peer mentors who are also veterans; and
- Promote public safety by treating and providing close supervision and monitoring of veteran defendants with qualifying criminal charges and/or mental health diagnoses.

The **GOALS** of these activities are to:

- Reduce substance abuse and related criminal activity among veteran defendants;
- Enhance community safety;
- Reduce reliance on incarceration;
- Hold veteran defendants accountable for their actions;
- Integrate substance abuse and mental health treatment with criminal justice case processing;
- Reduce the impact of drug and mental health disorder related cases on criminal justice resources;
- Provide resources and support to assist the veteran defendant in the acquisition of skills necessary for the maintenance of sobriety; and
- Reward positive life changes while maintaining accountability for negative conduct.

The VTC Team

The VTC team is the decision-maker for the program and its participants. The VTC team is made up of many members including, without limitation, the VTC Judge, Drug & Mental Health Courts Director, Mental Health Court Coordinator, Problem-Solving Court Case Managers, VTC Coordinator, Public Defender, State Attorney, Department of Veteran Affairs staff, Department of Corrections/Probation, Veteran Peer Mentors and Substance Abuse and Mental Health Treatment Professionals.

¹ Statistics, Fifteenth Judicial Circuit, Palm Beach County Veterans Court Overview, November 10, 2011. Cost of pre-trial incarceration was reduced by 73% for the first 51 Veterans who entered the Criminal Justice System in Palm Beach County Pretrial Services in 2009.

The VTC team makes decisions regarding the participant's progress in the program, which include incentives, sanctions, phase changes, and graduation or termination. The VTC team meets prior to each scheduled court session to discuss and review all participant progress since the last court appearance. The team will make recommendations to the judge concerning needed actions based on their own knowledge, experience or role. All recommendations are required to be in the best interest of the participant, regardless of personal or professional disagreements or challenges. Furthermore, each veteran participant must be afforded his or her right to a hearing on the issues. After staffing is completed, the judge will conduct a review hearing with scheduled participants and address each participant individually with his or her attorney and mentor present. Once the outcome has been identified, the treatment team, in collaboration with the judge, will assist participants as necessary, including referrals to meet such needs as housing, education, vocational training, and job placement. A brief summary of the role of each team member is set forth below, followed by an acknowledgement of team rules.

The Judge

The focus and direction of VTC is provided through the effective leadership of the judge. The judge will be responsible for maintaining a non-adversarial atmosphere within the court. All team members must see their primary responsibility as the facilitation of the veteran defendant's rehabilitation within the framework of maintaining community safety.

The judge must be willing to serve as an advocate and will represent the program in the community and before government and other criminal justice agencies. The judge will lead a multi-disciplinary partnership among the courts, Department of Veteran Affairs, State Attorney's Office, Public Defender's Office, Department of Corrections/Probation and the City of Jacksonville. The judge is a key motivator in convincing the veteran defendant to achieve rehabilitation. Less formal and more frequent court appearances are scheduled to allow the judge to motivate and monitor each participant. The judge will conduct court proceedings, during which all VTC participants benefit by seeing their peers progress, or fail to progress, in specific treatment programs and observing the court conducting daily business.

Court Administration

Court Administration provides VTC case management and oversight. Case Managers will provide one-on-one case management to all VTC participants and will provide routine updates on progress, or lack thereof, to the court and VTC team. Case Managers co-ordinate with treatment providers, Veterans services and all community partners to ensure necessary services are being provided. Case Managers will provide recommendations to the Court and VTC team regarding participant needs, sanctions and incentives. VTC oversight is also provided by Court Administration. The Drug & Mental Health Court/VTC Director will keep the judge apprised of administrative procedures that affect court operations, monitor VTC budgets and expenditures, monitor team compliance, monitor provider compliance, provide recommendations to the Court and VTC team regarding participant needs, sanctions and incentives, and will ensure that services needed are made a part of the VTC program.

Treatment

The contracted-for treatment providers assign dedicated representatives to work with the Courts and VTC team. These representatives are required to obtain and disseminate information relating to the ongoing treatment being provided to each participant. Treatment representatives play an integral role within a VTC. The Court will make decisions on continued treatment and outcomes for participants based primarily on information reported by the treatment providers through their representatives. These representatives are also responsible for ensuring that needed services are provided in a timely manner. Additionally, effort will be made to link Veteran participants to VA services as indicated and available.

Veteran Services/Mentors

The Veteran's programs or organizations attached to the VTC program constitute the most significant component of the treatment team. A VTC cannot exist without a strong Veteran/Military presence. The VTC veteran teammates consist of VA staff including a Veterans Justice Outreach Specialist, a representative of the Public Defender's Office and many Veterans organizations within the community with trained volunteers that serve as VTC mentors. VTC mentors are veterans of the armed services willing to volunteer a significant amount of time to the VTC program. Mentors are expected to maintain contact, provide advice, personal experiences, guidance and recommendations to the participants in the VTC program. Mentors will also attend court hearings when necessary.

Experiences in other Courts have proven that veterans respond more favorably when provided the opportunity to interact with other veterans. While the burden of rehabilitation resides solely with the participant, mentors reinforce the military attributes of responsibility and accountability. The active and supportive relationship between the participant and the veteran mentor that is maintained throughout treatment increases the likelihood that the participant will remain in a treatment program, thus increasing their chances of achieving sobriety and re-entering society as productive, law-abiding citizens. To enhance continuity of care and program integrity, mentors are gender specific and matched with participants from the same branch of military service or who have similar military service experience. Mentors include, but are not limited to, those who have served in Vietnam, Desert Storm/Shield, and Operations Enduring Freedom and Iraqi Freedom.

Probation Officer

The Department of Corrections provides a dedicated probation officer to the treatment courts in the Fourth Circuit. The role of the probation officer is to provide community supervision of the participant, thus reinforcing the rules and policies of the VTC. Participants are subject to warrantless searches, home visits and employer verifications throughout their participation in VTC. The probation officer provides updates to the team on a weekly basis and is also an integral role in any VTC. The probation officer is required to complete, at minimum, monthly visits with each participant in a home or work setting.

Attorneys

The State Attorney's Office and Public Defender's Office each believe in the therapeutic process that has proven successful in treatment/problem-solving courts. Each office provides a dedicated staff member to the treatment courts in the Fourth Circuit to assist in maintaining program continuity and integrity. These representatives are trained in the program model and provide an essential element of any treatment court, including a VTC. All citizens are afforded certain rights and privileges that are protected. While the State Attorney is tasked with protecting and enforcing public safety and accountability, the role is slightly altered in a problem-solving court, in that the State Attorney is looking at the best interest of the participant aside and apart from the pending criminal offense.

The Public Defender represents a client by protecting his or her due process rights and shall attempt to defend clients in the hope of avoiding incarceration. However, in a treatment/problem-solving court, the Public Defender is looking at the overall best interest of the participant and not the pending criminal offense. There will be instances when the Public Defender will recommend incarceration if to do so could be a potential life-preserving measure and would serve the overall best interest of his or her client. This is of a piece with the "non-adversarial" atmosphere required in a treatment/problem-solving court.

Team Member Rules

VTC team members (direct or indirect) are prohibited from accepting gifts in any form from active participants. Any monetary gifts must be returned to the participant. Any program-related items (e.g., clothing, housewares or items of assistance for other participants) may be presented to the Court by the participant and accepted on behalf of the program by the VTC judge.

VTC team members, except those required by their role or employer, are prohibited from transporting participants in their personal vehicles for any reason. This prohibition does not apply to Veteran Mentors.

VTC team members (direct or indirect) are prohibited from engaging in relationships with any active program participant and/or participating in any non-program related function* with any active program participant (i.e.: family events, birthday parties) unless approved in advance by the VTC judge. **Appointments (such as medical, mental health, dental and/or financial) relating to the participation in the VTC program does not apply.*

VTC team members (direct or indirect) shall, at all times, display professionalism and courtesy to all participants and fellow team members. VTC team members are encouraged to discourage unprofessional or unethical advances from participants and/or participant family members and should report the same to the VTC judge.

Eligibility Criteria

Admissions are made on a pre-trial basis (diversion) or through a post-plea sentence (probation). Voluntary participation by a defendant is required. A referral may be made by any interested person who believes a defendant is appropriate for consideration. Referrals may be made by law enforcement personnel, defense counsel, jail personnel or the prosecuting attorney. For certain relevant offenses, such as assault, burglary or theft, victim consent must be obtained. Referrals made from sources other than the prosecuting attorney will be used only to consider eligibility for the VTC program. Actual program referrals must originate from the prosecuting attorney or the judiciary, with final program acceptance being determined by the VTC judge.

All cases considered for admission to VTC are pending criminal offenses within the Fourth Judicial Circuit in which a criminal case file has been generated by the State Attorney's Office. The VTC program is primarily targeted at second and third degree felony offenses with an expected term of supervision of 18-24 months. Misdemeanor offenses will also be acceptable as long as the expected term of supervision can be applied to the underlying offense. At no such time will a defendant charged with a first degree felony, regardless of status (PTI/Post-Plea), be accepted in VTC.

A defendant must be eighteen years or older, be subject to an eligible criminal arrest/offense, be a current member of the military in good standing or have been honorably or generally discharged, be eligible to receive VA Healthcare benefits and possess a qualifying physical or mental health diagnosis, including, but not limited to, post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), and/or a substance abuse disorder. Qualifying conditions could include recently documented psychological conditions such as:

- Schizophrenia
- Bipolar disorder
- Major depressive disorder
- Psychotic disorder
- Anxiety disorder
- Substance Abuse/Dependence Disorder

The facts and circumstances of the pending offense must be acceptable for VTC. There must be a reasonable basis to believe the defendant can successfully complete the VTC program after taking into consideration factors such as: the defendant's mental and/or physical health, living arrangements, income and/or family support, etc. If the defendant meets the qualifying criteria the VTC Judge will make the final determination regarding eligibility when a "reasonable basis" for successful completion is in question.

All referrals are reviewed on a case-by-case basis to determine whether they are appropriate for admission. Certain offenses may be acceptable in some instances but not others. Any defendant already sentenced to a term of incarceration, or who has negotiated a plea agreement calling for a term of incarceration, will normally not be eligible for VTC. If the pending offense has otherwise been deemed unacceptable for acceptance into VTC and defense counsel or the state

attorney negotiate a plea thus rendering a defendant acceptable, VTC will re-consider acceptance of that defendant.

Sentencing guidelines (if applicable) for the offense must meet the minimum acceptable criteria currently established for other state regulated court supervised treatment-based programs, such as Adult Drug Court and/or Mental Health Court as provided in § 397.334, Florida Statutes, (included in this manual). Significantly higher sentencing guidelines and/or prior criminal history, qualifying the defendant for a sentence of state prison incarceration under the guidelines, will prevent acceptance, as will mandatory sentences requiring state prison incarceration.

For participants being diverted to the VTC program, the diverted offense will be dismissed upon successful completion of the program. In the event a participant enters a plea and is sentenced to participate in and successfully complete the VTC program, the original offense will not be dismissed upon completion of the program. However, eligible participants may move to have their original plea withdrawn and sentence vacated, thus allowing for dismissal of the original offense if deemed allowable and acceptable by a court of law.

Disqualifying Criteria

- Defendant is not a resident of Duval County or the venue of the crime is not in Duval County
- Defendant is under a state detainer out of the 4th circuit or under a federal detainer
- Defendant has previously successfully completed a local problem-solving court program
- Defendant was unsuccessfully discharged from a local problem-solving court program less than five (5) years ago
- Defendant is charged with serious, violent and/or excluded crimes such as:
 - Homicide (any type)
 - Sexual offenses (any type)
 - Drug trafficking (intent to deliver)
 - Assault with a deadly weapon and/or serious injury and/or prior criminal history of violence
 - Burglary of a residence with a person present
 - Robbery with violence or weapon
 - Arson
- Victim and/or other party objects to diversion/sentence to VTC
- Victim is a minor child
- Defendant demands a jury trial
- Defendant refuses entry into VTC
- Charge(s) carries a mandatory prison sentence or the facts of the case are unacceptable for VTC policies

The following charges are reviewed on a case-by-case basis, but not specifically excluded:

- Aggravated Assault- no deadly weapon, no serious injury to protected class, no prior history of violence
- Robbery- no weapon (rarely if ever accepted)
- False information on firearms application

- DUI (generally excluded from problem-solving court consideration, may be reviewed in the case where serious mental health issues or documented service-connected disabilities are present)

VTC Referral Procedure

All VTC referrals must be submitted in writing using the VTC Referral Form (“Appendix A.”). This form can be obtained from VTC personnel, a VAJOS, the Public Defender’s Veterans Affairs Department, or online at the Public Defender’s website: <http://jacksonvilleveteranscourt.com>.

The prosecuting attorney will review the file for legal eligibility and may submit a referral form to the VTC Coordinator within the Public Defenders office for further review and/or screening for entry into VTC. Upon completion of the screening/assessment process, and if deemed eligible; the referred defendant will be instructed to report to the next VTC session for possible acceptance into VTC. If a referral originates outside of the prosecutor’s office, the VTC Coordinator will review the submitted referral form and determine if the pending criminal offense appears to meet the minimum acceptance criteria. If deemed acceptable, the VTC screening/assessment process will occur as usual. Upon determination of services eligibility, the VTC Coordinator will contact the referring party and/or send documentation that may be used to pursue actual program referral by the prosecuting attorney and/or the Court. If such referral and/or order to participate follow, the VTC Coordinator will contact the defendant and arrange the first court appearance to continue the acceptance process.

VTC Screening/Assessment Procedure

The screening procedure includes gathering information relating to the defendant’s military service, scheduling and completing an assessment for substance abuse services (if applicable), gaining consent to retrieve medical/mental health records as needed, and explaining the nature and purpose of VTC as well as the consequences of failing to abide by the rules. Upon completion of these steps, if the defendant appears to be eligible for VTC and is interested in pursuing acceptance, the next step will be to complete an assessment of eligibility by the VA Veterans Justice Outreach Specialist “VAJOS” to determine VA healthcare services eligibility, a required element for VTC consideration. The VTC Coordinator will notify the VAJOS to arrange for this assessment to be completed. After completion of the foregoing steps and a defendant is determined to be eligible for VTC, the VTC Coordinator will notify the prosecuting attorney that such eligibility exists and request the case to be transferred into the VTC division.

Upon agreement to transfer a defendant into the VTC division from either referral method, the VTC Coordinator shall contact the defendant to schedule the first VTC appearance. Prior to the defendant’s first VTC appearance or upon first appearance, the VAJOS will have identified the defendant’s eligibility and enrollment status in the VA or will provide necessary information to the defendant so that a copy of his or her DD214 may be obtained and taken to the local VA clinic so that further services eligibility can be determined. Before any VTC agreements are considered or signed by the defendant, defense counsel will explain all of the rights that the

defendant will temporarily or permanently relinquish and explain the potential benefits gained by successfully completing VTC.

VTC Participation- The Basics

VTC, whether pre-trial diversion or post-plea probation; includes specific tasks and services that must be completed for a participant to be considered compliant. Some specific tasks and services that may be utilized are listed below:

- Take prescribed medication(s)
- Attend all recommended or ordered treatment sessions/services including, but not limited to:
 - Anger Management
 - Drug/Alcohol evaluation and treatment
 - Inpatient drug/alcohol treatment
 - Pay Restitution
 - Electronic Monitoring
 - Parenting Classes
- Refrain from the possession of and use of illegal/prohibited substances including alcohol
- Submit to routine and spontaneous observed urine drug/alcohol screenings

VTC program participation begins upon the participant's first appearance at a VTC hearing. VTC participation lasts for no less than twelve (12) months and may continue for up to twenty-four (24) months or as long as the term of probation (if applicable) will allow. While program entry is voluntary (pre-trial diversion only), removal and/or termination of program participation is not. Each participant will be held accountable and is expected to participate in and complete the services being provided. Each service provided is intended to provide relief, treatment and/or further understanding and education of the participant's substance abuse and/or mental health condition.

Participants will be initially required to attend court weekly and will eventually transition to monthly court appearances. During these appearances, the VTC judge will be updated on all areas of progress, or lack thereof, and he or she will discuss these matters directly with the participant. Participants will be required to appear for random, observed urine testing at a minimum of twice per week to monitor for abstinence from alcohol and drugs (testing is required even if substance abuse/misuse is not a factor). Participants will be required to participate in mentor/peer support services (the core component of a VTC) which provide community support/services tailored to their experiences and expose them to peers that share a common background.

Participants who are complying with the program, attending all required meetings and routinely testing negative on drug/alcohol screens generally receive stepped-down reporting, and have fewer court reviews/status hearings, and require less frequent probation and behavioral health supervision. Participants who are testing positive for drugs/alcohol on random testing and/or are otherwise not doing well or not complying with their service plan receive stepped up reporting and will have more frequent court reviews/status hearings and/or reporting with probation and behavioral health support.

During the course of a participant's supervision, the VTC team is expected to keep the court and other VTC team members routinely apprised of a participant's progress by email. Team members are required to provide detailed status updates if a participant is not doing well, and the VTC team will conduct an "Emergency Review" at the soonest practicable time before the court. VTC will, at times, encounter participants who are doing poorly or not complying, thus requiring an increase in reporting to the VTC and additional drug/alcohol testing.

During a review hearing, participants who are out of compliance may receive sanctions which may include:

- Admonishment from judge
- SCRAM Alcohol Monitoring System and/or GPS
- More frequent reporting to probation officer
- More frequent drug/alcohol testing
- Phase down
- Participant may be incarcerated for a period as deemed suitable by the judge depending on the severity of the violation (under §948.08(6)(b))
- Participant may be remanded to an inpatient treatment program
- Participant may be placed on an electronic monitoring device
- Participant may have probation revoked and an extended period imposed
- Participant may incur a curfew or loss of liberties

During a review hearing, participants who are in compliance may receive reinforcement incentives which may include:

- Applause
- Praise from judge
- Early dismissal from court
- Removal of curfew
- Phase up
- Removal of fees
- Removal of community service
- Certificates

Regardless of program status, whether pre-trial or probation, each participant is supervised by a probation officer while in VTC. The probation officer will monitor the case until the participant graduates, is closed out, or the probation expires. The participant may be removed from the program if he or she fails to comply and show amenability to treatment. Participants who do not do well will, after repeated attempts to work with them, be removed from the program and sent back to the original division for prosecution, or for sentencing if in VTC as a condition of probation.

Treatment Design

The current licensed contracted treatment provider will provide treatment services to participants and families (as needed). This provider will work with the participant to address needs, build upon strengths using the following components:

- An individualized treatment plan will be created for each participant according to their individual needs based on their assessment for services and will be updated as needs arise.
- Participants will attend individual counseling sessions as determined by program phase.
- Participants will attend group counseling sessions as determined by program phase.
- Participants will attend other treatment recommended services as deemed appropriate by the provider and VTC team including services such as:
 - Case Management
 - Family Therapy
 - Anger Management
 - Parenting Classes
 - Residential Treatment
 - Psychological Services
 - Medication Management

The frequency of treatment will be based on the participant's individualized treatment plan and in accordance with the participant's current phase within the program. Participant conduct will be defined in the *Participant Handbook* and by the provider.

Random Drug/Alcohol Testing

Participants will be randomly tested for the presence of drugs and/or alcohol throughout VTC participation. Participants will be assigned a drug testing color upon VTC entry. Participants may also be directed to test at any time during participation in VTC by any VTC team member.

- General Information:
 - Testing will mainly be conducted using urinalysis screening via the use of an immunoassay analyzer provided by Thermo-Fisher Scientific. Testing may also be conducted via oral fluid devices (at certain times) and/or by utilizing the testing services of a toxicology laboratory that conducts specialized testing for substances unable to be detected in-house. All positive tests will be timely addressed in VTC. Additional testing costs necessary to perform random testing on participants necessitated by a participant may be assessed as fees against the participant. Testing may be conducted by trained Problem-Solving Court/Lab Staff only. Specimen collection procedures are incorporated herein by reference and included as Appendix B. All tests will be documented appropriately in the participant database and/or lab database.

- Observation:
 - Same gender, direct frontal observation will be utilized when collecting urine specimens as set forth in the Specimen Collection Policy & Procedures (“Appendix B.”). This method will be used to prevent adulteration or the use of “clean urine.” If same-sex observation is not available, staff will make every attempt to ensure that the specimen is not altered in any way. Temperature strips will also be utilized to ensure that the collected specimen has not been altered. Participants will be required to sign the “Drug Use and Testing Observation Agreement” upon entering VTC.

- Drug/Alcohol Testing Times/Locations
 - Participant must call the Drug Testing Color Line daily, 365 days per year, at (904) 291-5568 ext. 2159 to check if their color has been called. Colors are assigned upon program entry and are the responsibility of the client to remember. It is the participant’s responsibility to listen to the entire recording in order to follow the directives provided.
 - Participants will be tested throughout the duration of VTC a minimum of two (2) times per week.
 - Participants must report to the Duval County Courthouse’s Drug Testing Lab, located at 501 West Adams Street, Room 2321, Jacksonville, Florida 32202, between the hours of 8:00 a.m. and 5:00 p.m. when their color is called.
 - Testing may not occur at any other location unless approval has been obtained from the participant’s case manager in advance. (*This approval will only be made in limited instances*)

- Weekend Drug/Alcohol Testing
 - Participants are subject to weekend testing on a random basis. Testing that occurs on weekends and/or holidays may take place at an alternate location and may have reduced hours for reporting. It is the participant’s responsibility to listen to the entire recording to ensure they follow the directives provided.

- Negative Tests
 - Negative does not mean “no drugs” and negative tests do not indicate that a participant is “clean,” only that a participant is not positive for drugs or alcohol at that time. It is the responsibility of the participant to keep up with the “clean time” he or she may have by actively working a recovery/treatment program (if applicable). Negative tests are documented appropriately and used to calculate phase advancement criteria.

- Positive Tests
 - Positive tests are defined as tests whose results indicate a positive result for drugs, alcohol and/or specimen adulteration/dilution. When a participant’s test appears as positive the participant is added to the next available VTC hearing date. Participants have the opportunity to admit use prior to testing, at the time of testing or at the VTC hearing. Participants admitting use may face less severe sanctions than participants who deny use. If a participant denies use and is found to be untruthful or later admits to using, a greater sanction may be imposed.

- Missed Tests:
 - Participants who fail to appear for testing on the required day/time before the close of business will be considered as “Missed Positive.” If a participant fails to provide a specimen before the close of business, or within a reasonable time in the field, the test will be considered a positive test. Participants who deliberately avoid taking a test for any reason will be considered as positive and reported as such.
 - Participants who miss a test are required to appear for testing before 10:00am on the following day.

- Dilute (Flushed, Abnormal) or Altered Specimens:
 - When a participant’s urine specimen is dilute or “flushed” (“Abnormal Creatinine”), it is considered as a positive test, as the specimen is not valid for testing. Dilute positive tests are deemed intentional as a way to “mask” or “cheat” the testing process and/or VTC program and are sanctioned accordingly.
 - When a participant’s urine specimen is adulterated and/or substituted it is considered positive by adulteration (and may subject the participant to a new criminal offense).

- Continued Positive Specimens:
 - Alcohol Metabolite (ETG)
 - A detection window of two (2) days will be used to determine new use by the participant. Participants who test positive for ETG (alcohol) will be considered as an isolated use and sanctioned as such unless a positive result continues after two (2) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.
 - A detection window of two (2) days will be used to determine new use by the participant. Participants who test positive for ETG (alcohol) will be considered as an isolated use and sanctioned as such unless a positive result continues after two (2) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.
 - Problem-Solving Courts in the Fourth Circuit test for the use of alcohol by utilizing Ethyl-Glucuronide “ETG” testing. The use of alcohol, in any form, is prohibited in all programs, including VTC. Incidental alcohol exposure (hand sanitizer & liquid medications) is not a defense for a positive test. The Substance Abuse and Mental Health Services Administration (“SAMHSA”) has established detection cutoffs for all substances to specifically rule out this issue. A cutoff of 500ng/ml will be used in all ETG testing and ensures that positive tests are of the result of actual alcohol consumption.

 - Amphetamine
 - A detection window of three (3) days will be used to determine new use by the participant. Participant’s who test positive for amphetamine or methamphetamine will be considered as an isolated use unless a positive result continues after three (3) days following the initial positive test result.

Additional positive results will subject participants to additional responses based on a new event of use.

- Barbiturate
 - A detection window of seven (7) days will be used to determine new use by the participant. Participants who test positive for barbiturate will be considered as an isolated use and sanctioned as such unless a positive result continues after seven (7) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Buprenorphine (Suboxone)
 - A detection window of two (2) days will be used to determine new use by the participant. Participants who test positive for buprenorphine will be considered as an isolated use unless a positive result continues after two (2) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Benzodiazepine
 - A detection window of seven (7) days will be used to determine new use by the participant. Participants who test positive for benzodiazepine will be considered as an isolated use and sanctioned as such unless a positive result continues after seven (7) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Cocaine
 - A detection window of three (3) days will be used to determine new use by the participant. Participants who test positive for cocaine will be considered as an isolated use and sanctioned as such unless a positive result continues after three (3) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Methadone
 - A detection window of three (3) days will be used to determine new use by the participant. Participants who test positive for Methadone will be considered as an isolated use unless a positive result continues after three (3) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Opiate
 - A detection window of three (3) days will be used to determine new use by the participant. Participants who test positive for opiates will be considered as an isolated use and sanctioned as such unless a positive result continues after three (3) days following the initial positive test result. Additional positive

results will subject participants to additional responses based on a new event of use.

- Oxycodone
 - A detection window of three (3) days will be used to determine new use by the participant. Participants who test positive for Oxycodone will be considered as an isolated use and sanctioned as such unless a positive result continues after three (3) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- Phencyclidine (PCP)
 - A detection window of six (6) days will be used to determine new use by the participant. Participants who test positive for phencyclidine will be considered as an isolated use unless a positive result continues after six (6) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

- THC (Marijuana)
 - Upon VTC entry, participants who indicate use of marijuana as part of their substance use will be asked for the last day of use. Participants who indicate they are habitual users (moderate to daily use) will be given a detection window of twelve to twenty-one (12-21) days from the date of the last indicated use to provide negative specimens. Participants who indicate infrequent use will be given a detection window of seven (7) days from the date of the last indicated use to provide negative specimens.

For example, if a participant enters VTC on August 1st and indicates that the last use of infrequent marijuana was July 1st, the participant is expected to be entering VTC with a negative specimen. A positive test will indicate that use occurred that the participant was not honest about and may subject the participant to sanctions. If a participant enters VTC on August 1st and indicates that the last daily use of marijuana was July 31st, the participant is expected to begin providing negative specimens within twenty-one (21) days of program entry. Participants will then be required to provide three (3) negative specimens before being considered as “clean” and/or out of the range of detection for marijuana.

After achieving this status, participants can begin to calculate their phase required documented abstinence time. Participants who have been testing negative and then test positive during VTC for marijuana will be considered as an isolated use and sanctioned as such unless a positive result continues after three (3) days following the initial positive test result. Additional positive results will subject participants to additional responses based on a new event of use.

VTC Program Rules

All VTC Participants are required to abide by the following rules. A complete list of rules is provided to each participant in the Participant Manual.

1. Participant must not use or possess any drugs or alcohol.

- Participants may not use or possess any legal and/or illegal drugs and/or alcohol (in any form).
- Participants are prohibited from using or possessing certain prescription drugs/medications, i.e.: Amphetamines (e.g., Adderall, Pseudoephedrine); Barbiturates (e.g., Fioricet); Benzodiazepines (e.g., Valium, Xanax); Opiates (e.g., Tylenol 3, Lortab); Oxycodone (e.g., Percocet).
 - Participants are prohibited from using or possessing any prescribed and/or over the counter drugs/medications without obtaining approval from VTC prior to purchasing or ingesting anything. An example of the most common prohibited substances is found in the Prohibited Drugs & Medications List (“Appendix C.”)
 - If a participant must seek medical attention, he or she is required to inform the physician of his or her status in a treatment program and cannot be prescribed narcotic or addictive medications.
 - Copies of all medical documentation must be provided within twenty-four (24) hours of release from any medical facility or physician.
- Participants are strictly prohibited from using or possessing any and all “designer drugs” that can be purchased legally or illegally. Any and all “smoking mixtures” (other than products specifically designated to contain only tobacco) are strictly prohibited. Any and all products sold or marketed under false pretenses with the warning “not for human consumption” are strictly prohibited.
- Participants are strictly prohibited from using or possessing any alternative or “replacement” drugs such as Methadone and Suboxone (a/k/a buprenorphine) as well as any substance intended to replace an otherwise illegal substance.

2. Participants must report to Probation Officer as directed.

Felony level participants must report to a probation officer (PO) during the first week of each month. Failure to report may result in the filing of a Violation of Probation and subsequent sanctions.

3. Participant must maintain contact with his/her Veteran Peer Mentor.

Participants are required to maintain, at a minimum, weekly phone or face-to-face contact with their assigned Veteran Peer Mentor.

4. Participants must remain in Duval County.

Participants are required to remain in Duval County. The VTC judge may approve short-term travel within the State of Florida for valid reasons only if the participant is in compliance with VTC. No VTC participant may travel outside of the country.

5. Participants must attend all treatment sessions.

This includes individual and group counseling sessions, mental health appointments, educational sessions, sobriety support meetings, veterans' medical and/or mental health services appointment, appointments with veteran mentors and veteran events.

6. No threats toward other participants or staff or violent behavior.

Participants who threaten harm of any kind or display any violent or aggressive behavior (verbal and/or physical) toward any other participant or staff member will be immediately terminated from the VTC program.

7. New criminal arrests/offenses.

Warrants and/or new arrests could result in termination from VTC. This includes traffic related offenses. Participants that do not have a valid driver's license may not drive. If a participant would like to obtain and/or regain a driver's license, VTC will review the participant's history for possible assistance.

8. Six-Month Reviews

All participants will receive a review of progress after six (6) months in VTC to determine if their level of participation is meeting expectations.

VTC Fees

VTC participants are required to pay certain fees as listed below (minimum total of \$581.20). Failure to pay fees will affect ability to advance to the next phase and/or successfully complete this program.

- If participant is under any level of probation supervision, participant is required to pay the Department of Corrections a Drug Testing Fee of \$31.20.
- Participant will also be responsible for a \$500.00 mandatory VTC program fee payable in the following manner (must pay each phase balance to be eligible for advancement):
 - Phase 1: Must pay \$50.00 to the Clerk of Court
 - Phase 2: Must pay \$75.00 to the primary treatment provider
 - Phase 3: Must pay \$100.00 to the primary treatment provider
 - Phase 4: Must pay \$125.00 to the primary treatment provider
 - Phase 5: Must pay \$150.00 to the primary treatment provider
- Participants are responsible for a \$50.00 Public Defender application fee if represented by or receive the services of the PD while enrolled in VTC.
- Court Costs/Court Fines that are assessed against the participant at sentencing must be paid in full, considered compliant, waived, or converted to a judgment prior to program completion.
- Victim restitution must be paid in full prior to program completion.

Sobriety Support Meetings

Twelve-Step Meetings (AA/NA)

Attending 12-Step meetings such as Narcotics and/or Alcoholics Anonymous is required (as applicable) throughout VTC as is involvement with Community-based Veteran organizations. The frequency of attendance requirement is determined by phase. The minimum attendance requirement for each phase is below:

- Phase 1: Daily (1 per day) AA/NA meetings are required during this phase.
- Phase 2: 2 AA/NA meetings are required per week during this phase.
- Phase 3: 3 AA/NA meetings are required per week during this phase.
- Phase 4: 4 AA/NA meetings are required per week during this phase.
- Phase 5: 4 AA/NA meetings are required per week during this phase.

VTC PHASES

The VTC is a five-phase, highly structured treatment program lasting for a minimum of one year, depending upon individual progress. Each phase consists of specified treatment objectives, therapeutic and rehabilitative activities and specific requirements for advancement into the next phase. The core components for each phase are described below.

Phase 1: Intake, Assessment and Orientation

Length: 3 weeks (minimum)

In Phase 1, participants will be assigned a Veteran mentor, probation officer, case manager and/or peer specialist. Problems and needs will be assessed and a treatment plan and Veteran Services plan will begin to be developed, including scheduling of needed VA medical appointments. The actual treatment plan will be developed in phase 2. Participants will complete an orientation/overview of VTC and have an opportunity to ask questions before moving forward with treatment obligations.

Phase 2: Treatment and Personal Goals

Length: 8 weeks (minimum)

In Phase 2, a treatment plan will be developed by the participant and counselor based on needs and reported goals. Group treatment sessions and individual treatment sessions will help participants learn about triggers and how to appropriately respond to them in the future. Participants will be fully engaged in VA medical services and mentor services in this phase.

Phase 3: Ongoing Treatment and Life Skills

Length: 10 Weeks (minimum)

In Phase 3, the treatment plan will be updated by the participant and counselor to identify treatment goals and objectives. Counseling and meetings will begin to focus on relapse prevention issues and help participants identify ways of coping with stressful situations. Participants will continue to be fully engaged in VA medical services and mentor services in this phase.

Phase 4: Relapse Prevention/Treatment Completion

Length: 12 Weeks (minimum)

Phase 4 will focus on relapse prevention and identifying ways of coping with stressful situations. Phase 4 is the final phase of this intensive outpatient treatment program. Once completed, participants will transition into aftercare services as described in the next phase. This phase will begin to prepare participants for transition back into the community with the assistance of continued veteran mentor support, court supervision, drug and alcohol testing and active mental health services.

Phase 5: Aftercare and Alumni

Length: Up to 19 Weeks (8 weeks minimum attendance required to complete)

Phase 5 will address ongoing recovery needs to maintain abstinence from drugs and alcohol and maintain stability of mental health disorders. An increased focus will be placed on daily living skills. This phase will assist participants in the adjustment of returning to the unsupervised community as a productive, successful person able to care for themselves and others. Participants will be active in alumni (Veteran) functions in this phase to encourage continued involvement in the recovery and Veteran community after completion.

SANCTIONS AND INCENTIVES

SANCTIONS

If participants fail to comply with VTC, the Judge may order one or more of the following sanctions. Examples of infractions that lead to sanctions are included below for convenience. This is not a complete list and only represents possible sanctions which may be imposed.

Examples of Typical Infractions/Violations

- | | | |
|---|---|---|
| <ul style="list-style-type: none"> ● Behavioral issues in VTC (poor attitude and/or being disruptive) ● Providing a dilute/altered drug test ● Failing to attend Veteran scheduled events ● Failing to complete community service hours ● Failing to engage in services with Peer Mentor ● Failing to follow counselor/case manager instruction ● Failing to follow court instructions and/or orders | <ul style="list-style-type: none"> ● Failing to submit community service hours ● Failing to submit AA/NA meeting slips ● Filling prescribed medication without authorization ● Tardiness at and/or absence from pre-court AA meeting ● Tardiness to and/or absence from court ● Tardiness to and/or absence from treatment group sessions | <ul style="list-style-type: none"> ● Lying or deliberately omitting information to/from the court ● Missing drug test ● Missing treatment appointments ● Missing VA medical/Mental Health appointments ● Missing probation check-in ● Missing treatment group sessions ● Positive drug test ● Use of drugs and/or alcohol ● Use and/or Possession of synthetic and/or designer drugs |
|---|---|---|

Examples of Serious Infractions/Violations (may result in immediate removal from VTC)

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> ● Engaging in romantic/sexual relationship with any treatment court participant ● New criminal arrest/offense | <ul style="list-style-type: none"> ● Possession and/or Use of synthetic and/or replacement drugs ● Tampering/Falsifying drug test | <ul style="list-style-type: none"> ● Threats of violence or violent behavior ● Submitting falsified documents |
|--|---|---|

Examples of Possible Sanctions/Responses

<u>1st Occurrence:</u>	<u>2nd Occurrence:</u>	<u>3rd and/or Multiple Occurrences:</u>
<ul style="list-style-type: none"> •4-24 hours of community service •Admonishment from Judge •Curfew •Essay on topic related to infraction •Extra duty (max of 14 days) •Fines •Incarceration •Increased AA/NA meetings •Increased drug testing •Keeping a calendar •Phase extension •PT with mentor •Role reversal •Sit in jury box •Stay to the end of court •Verbal and/or written apology 	<ul style="list-style-type: none"> •10-40 hours of community service •Admonishment from Judge •Curfew •Educations workbooks •Essay on topic related to infraction •Extra duty (max of 14 days) •Fines •Incarceration •Increased contact with treatment •Increased court appearances •Increased drug testing •Increased level of treatment •Increased supervision •Phase extension •PT with mentor •Return to lower phase in ADC •Round table with VTC team 	<ul style="list-style-type: none"> •50-100 hours of community service •Admonishment from Judge •Extra duty (max of 14 days) •Fines •Incarceration •Increased contact with treatment •Increased court appearances •Increased level of treatment •Inpatient or in-jail treatment •Peer review •PT with mentor •Program removal •Re-start of VTC •SCRAM monitor

Automatic Sanctions/Responses to Certain Behaviors

<p>Missed/Positive drug test</p> <ul style="list-style-type: none"> • Automatic extension in phase regardless of progress (# of days is based on phase) 	<p>Missed court hearing</p> <ul style="list-style-type: none"> • Capias “warrant” issued for arrest 	<p><i>This page provides a list as an example only. The Judge makes the final determination of all sanctions based on individual history/previous progress.</i></p>
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INCENTIVES

VTC recognizes the effort that it takes in attempting to improve behaviors, choices and ultimately lifestyles. With that in mind, VTC recognizes all markers of success; even if in a small way. VTC is proud to support progress and do our part to keep spirits lifted as participants travel down the road to change. Examples of behaviors/accomplishments that lead to incentives are included below.

Behaviors/Accomplishments	Possible Incentives/Responses	
<ul style="list-style-type: none"> •1 day clean and sober •Assisting others •Infraction/Violation free for 60+ days •Maintaining employment •Monthly report of being clean and sober •Multi-day clean and sober •Obtaining drivers license •Obtaining employment •Obtaining GED or degree •Outstanding accomplishment •Perfect attendance •Phase completion/advancement •Recognition of investment in treatment program 	<ul style="list-style-type: none"> •Applause •VTC outings (game days) •Books •Candy •Coffee with the Judge and team •Curfew extension/removal •Decreased court appearances •Early dismissal from court •Early phase advancement •Fishbowl drawings •Gift certificate 	<ul style="list-style-type: none"> •Lunch with the VTC team •Praise from Judge •Recognition certificate •Recommendation letter for job •Reduction of community service hours •Reduction of Extra duty days •Reduction of supervision •Sobriety tokens •Standing Ovation •Travel privileges

Program Removal Procedure

If a defendant fails to complete the VTC program by failing to abide by the rules and procedures of the VTC program and is subsequently unsuccessfully discharged from the VTC program, the defendant's case will be returned to the originating Duval County division for further proceedings. If no such originating Duval County division exists, as may apply to certain cases transferred from other jurisdictions; such further proceedings shall occur in the VTC division.

Program Completion Procedure

Upon completion of all VTC requirements, including payment of all VTC program fees and victim restitution, the defendant is eligible for successful completion, a/k/a graduation from the VTC program. The VTC prosecutor shall provide notification of program completion to the Clerk of Court along with any applicable disposition notice. The VTC prosecutor shall also provide the defendant with a copy of such notice. The VTC program will conduct a program completion/graduation ceremony at which the defendant will be provided with a signed program completion certificate.

Completion of the VTC program for defendants sentenced to probation with a condition to complete such program will not automatically terminate such probation. All conditions of probation must be met prior to such completion being recommended by the Department of Corrections.

Defendants completing the VTC program on a pre-trial basis will be provided with the necessary information to petition to expunge or seal the criminal offense for which the program completion satisfied disposition of.

State of Florida Legislation Governing Problem-Solving Courts

Exerts from various statutes in Florida that govern treatment courts are provided for reference only. Please review full text for additional information.

§ 397.334, Florida Statutes. Treatment-based drug court programs

(1) Each county may fund a treatment-based drug court program under which persons in the justice system assessed with a substance abuse problem will be processed in such a manner as to appropriately address the severity of the identified substance abuse problem through treatment services tailored to the individual needs of the participant. It is the intent of the Legislature to encourage the Department of Corrections, the Department of Children and Family Services, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, and such agencies, local governments, law enforcement agencies, other interested public or private sources, and individuals to support the creation and establishment of these problem-solving court programs. Participation in the treatment-based drug court programs does not divest any public or private agency of its responsibility for a child or

adult, but enables these agencies to better meet their needs through shared responsibility and resources.

(2) Entry into any pretrial treatment-based drug court program shall be voluntary. When neither § 948.08(6)(a)1. nor 2. applies, the court may order an individual to enter into a pretrial treatment-based drug court program only upon written agreement by the individual, which shall include a statement that the individual understands the requirements of the program and the potential sanctions for noncompliance.

(3)(a) Entry into any post-adjudicatory treatment-based drug court program as a condition of probation or community control pursuant to § 948.01, § 948.06, or § 948.20 must be based upon the sentencing court's assessment of the defendant's criminal history, substance abuse screening outcome, amenability to the services of the program, total sentence points, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

(b) An offender who is sentenced to a post-adjudicatory drug court program and who, while a drug court participant, is the subject of a violation of probation or community control under § 948.06 shall have the violation of probation or community control heard by the judge presiding over the post-adjudicatory drug court program. The judge shall dispose of any such violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.

(4) The treatment-based drug court programs shall include therapeutic jurisprudence principles and adhere to the following 10 key components, recognized by the Drug Courts Program Office of the Office of Justice Programs of the United States Department of Justice and adopted by the Florida Supreme Court Treatment-Based Drug Court Steering Committee:

(a) Drug court programs integrate alcohol and other drug treatment services with justice system case processing.

(b) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

(c) Eligible participants are identified early and promptly placed in the drug court program.

(d) Drug court programs provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

(e) Abstinence is monitored by frequent testing for alcohol and other drugs.

(f) A coordinated strategy governs drug court program responses to participants' compliance.

(g) Ongoing judicial interaction with each drug court program participant is essential.

(h) Monitoring and evaluation measure the achievement of program goals and gauge program effectiveness.

(i) Continuing interdisciplinary education promotes effective drug court program planning, implementation, and operations.

(j) Forging partnerships among drug court programs, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

(5) Treatment-based drug court programs may include pretrial intervention programs as provided in §§ 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, post-adjudicatory programs as provided in §§ 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in § 397.311 or in a jail-based treatment program or serving a period of secure detention under chapter 985 if a child or a period of incarceration within the time limits established for contempt of court if an adult. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a treatment-based drug court program.

(6)(a) Contingent upon an annual appropriation by the Legislature, each judicial circuit shall establish, at a minimum, one coordinator position for the treatment-based drug court program within the state courts system to coordinate the responsibilities of the participating agencies and service providers. Each coordinator shall provide direct support to the treatment-based drug court program by providing coordination between the multidisciplinary team and the judiciary, providing case management, monitoring compliance of the participants in the treatment-based drug court program with court requirements, and providing program evaluation and accountability.

(b) Each circuit shall report sufficient client-level and programmatic data to the Office of State Courts Administrator annually for purposes of program evaluation. Client-level data include primary offenses that resulted in the drug court referral or sentence, treatment compliance, completion status and reasons for failure to complete, offenses committed during treatment and the sanctions imposed, frequency of court appearances, and units of service. Programmatic data include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.

(7)(a) The Florida Association of Drug Court Professionals is created. The membership of the association may consist of treatment-based drug court program practitioners who comprise the multidisciplinary treatment-based drug court program team, including, but not limited to, judges, state attorneys, defense counsel, treatment-based drug court program coordinators, probation officers, law enforcement officers, community representatives, members of the academic community, and treatment professionals. Membership in the association shall be voluntary.

(b) The association shall annually elect a chair whose duty is to solicit recommendations from members on issues relating to the expansion, operation, and institutionalization of treatment-

based drug court programs. The chair is responsible for providing on or before October 1 of each year the association's recommendations and an annual report to the appropriate Supreme Court committee or to the appropriate personnel of the Office of the State Courts Administrator.

(8) If a county chooses to fund a treatment-based drug court program, the county must secure funding from sources other than the state for those costs not otherwise assumed by the state pursuant to § 29.004. However, this does not preclude counties from using treatment and other service dollars provided through state executive branch agencies. Counties may provide, by interlocal agreement, for the collective funding of these programs.

(9) The chief judge of each judicial circuit may appoint an advisory committee for the treatment-based drug court program. The committee shall be composed of the chief judge, or his or her designee, who shall serve as chair; the judge of the treatment-based drug court program, if not otherwise designated by the chief judge as his or her designee; the state attorney, or his or her designee; the public defender, or his or her designee; the treatment-based drug court program coordinators; community representatives; treatment representatives; and any other persons the chair finds are appropriate.

§ 948.08(6)(a)1.,2. Pre-trial Intervention Program [as referenced in § 397.334(2),(5)]

(6)(a) For purposes of this subsection, the term “nonviolent felony” means a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in § 776.08. Notwithstanding any provision of this section, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud; who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to § 397.334, approved by the chief judge of the circuit, for a period of not less than 1 year in duration, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time prior to trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant's admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant's involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court shall deny the defendant's admission into a pretrial intervention program.

(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant is subject to a coordinated strategy developed by a drug court team under § 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in § 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under § 943.0585.

(c) At the end of the pretrial intervention period, the court shall consider the recommendation of the administrator pursuant to subsection (5) and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to § 397.334(4), if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in § 397.311 or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

(d) Any entity, whether public or private, providing a pretrial substance abuse education and treatment intervention program under this subsection must contract with the county or appropriate governmental entity, and the terms of the contract must include, but need not be limited to, the requirements established for private entities under § 948.15(3).

§ 948.08(7)(a) Veterans Treatment Court [as referenced in § 397.334(5)]

(7)(a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. [948.06\(8\)\(c\)](#), and identified as a veteran, as defined in s. [1.01](#), or service member, as defined in s. [250.01](#), who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, is eligible for voluntary admission into a pretrial veterans' treatment intervention program approved by the chief judge of the circuit, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial veterans' treatment intervention program at any time before trial and the defendant rejected that offer on the record, the court may deny the defendant's admission to such a program.
2. If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the pretrial veterans' treatment program.

(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic

jurisprudence principles and key components in s. [397.334\(4\)](#), with treatment specific to the needs of service members and veterans. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under s. [943.0585](#).

(c) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

§ 948.01 When court may place defendant on probation or into community control [as referenced in § 397.334(3)(a)&(b),(5)]

(1) Any state court having original jurisdiction of criminal actions may at a time to be determined by the court, with or without an adjudication of the guilt of the defendant, hear and determine the question of the probation of a defendant in a criminal case, except for an offense punishable by death, who has been found guilty by the verdict of a jury, has entered a plea of guilty or a plea of nolo contendere, or has been found guilty by the court trying the case without a jury.

(a) If the court places the defendant on probation or into community control for a felony, the department shall provide immediate supervision by an officer employed in compliance with the minimum qualifications for officers as provided in § 943.13. A private entity may not provide probationary or supervision services to felony or misdemeanor offenders sentenced or placed on probation or other supervision by the circuit court.

(b) The department, in consultation with the Office of the State Courts Administrator, shall develop and disseminate to the courts uniform order of supervision forms by July 1 of each year or as necessary. The courts shall use the uniform order of supervision forms provided by the department for all persons placed on community supervision.

§ 948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision [as referenced in § 397.334(3)(a)&(b),(5)]

(1)(a) Whenever within the period of probation or community control there are reasonable grounds to believe that a probationer or offender in community control has violated his or her probation or community control in a material respect, any law enforcement officer who is aware of the probationary or community control status of the probationer or offender in community control or any parole or probation supervisor may arrest or request any county or municipal law enforcement officer to arrest such probationer or offender without warrant wherever found and return him or her to the court granting such probation or community control.

(b) Any committing trial court judge may issue a warrant, upon the facts being made known to him or her by affidavit of one having knowledge of such facts, for the arrest of the probationer or offender, returnable forthwith before the court granting such probation or community control. In lieu of issuing a warrant for arrest, the committing trial court judge may issue a notice to appear if the probationer or offender in community control has never been convicted of committing, and is not currently alleged to have committed, a qualifying offense as defined in this section.

(c) If a judge finds reasonable grounds to believe that a probationer or an offender has violated his or her probation or community control in a material respect by committing a new violation of law, the judge may issue a warrant for the arrest of the person.

(d)1. At a first appearance hearing for an offender who has been arrested for violating his or her probation or community control in a material respect by committing a new violation of law the court:

a. Shall inform the person of the violation.

b. May order the person to be taken before the court that granted the probation or community control if the person admits the violation.

2. If the probationer or offender does not admit the violation at the first appearance hearing, the court:

a. May commit the probationer or offender or may release the person with or without bail to await further hearing, notwithstanding § 907.041, relating to pretrial detention and release; or

b. May order the probationer or offender to be brought before the court that granted the probation or community control.

3. In determining whether to require or set the amount of bail, and notwithstanding § 907.041, relating to pretrial detention and release, the court may consider whether the probationer or offender is more likely than not to receive a prison sanction for the violation.

This paragraph does not apply to a probationer or offender on community control who is subject to the hearing requirements under subsection (4) or paragraph (8)(e).

(e) Any parole or probation supervisor, any officer authorized to serve criminal process, or any peace officer of this state is authorized to serve and execute such warrant. Any parole or probation supervisor is authorized to serve such notice to appear.

(f) Upon the filing of an affidavit alleging a violation of probation or community control and following issuance of a warrant under § 901.02, a warrantless arrest under this section, or a notice to appear under this section, the probationary period is tolled until the court enters a ruling on the violation. Notwithstanding the tolling of probation, the court shall retain jurisdiction over the offender for any violation of the conditions of probation or community control that is alleged to have occurred during the tolling period. The probation officer is permitted to continue to supervise any offender who remains available to the officer for supervision until the supervision expires pursuant to the order of probation or community control or until the court revokes or terminates the probation or community control, whichever comes first.

(g) The chief judge of each judicial circuit may direct the department to use a notification letter of a technical violation in appropriate cases in lieu of a violation report, affidavit, and warrant when the alleged violation is not a new felony or misdemeanor offense. Such direction must be in writing and must specify the types of specific violations which are to be reported by a notification letter of a technical violation, any exceptions to those violations, and the required process for submission. At the direction of the chief judge, the department shall send the notification letter of a technical violation to the court.

(h) The court may allow the department to file an affidavit, notification letter, violation report, or other report under this section by facsimile or electronic submission.

(2)(a) The court, upon the probationer or offender being brought before it, shall advise him or her of such charge of violation and, if such charge is admitted to be true, may forthwith revoke, modify, or continue the probation or community control or place the probationer into a community control program.

(b) If probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he or she has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer on probation or the offender into community control.

(c) If such violation of probation or community control is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing, or it may dismiss the charge of probation or community control violation.

(d) If such charge is not at that time admitted by the probationer or offender and if it is not dismissed, the court, as soon as may be practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel.

(e) After such hearing, the court may revoke, modify, or continue the probation or community control or place the probationer into community control. If such probation or community control is revoked, the court shall adjudge the probationer or offender guilty of the offense charged and proven or admitted, unless he or she has previously been adjudged guilty, and impose any sentence which it might have originally imposed before placing the probationer or offender on probation or into community control.

(f) Notwithstanding § 775.082, when a period of probation or community control has been tolled, upon revocation or modification of the probation or community control, the court may impose a sanction with a term that when combined with the amount of supervision served and tolled, exceeds the term permissible pursuant to § 775.082 for a term up to the amount of the tolled period of supervision.

(g) If the court dismisses an affidavit alleging a violation of probation or community control, the offender's probation or community control shall continue as previously imposed, and the offender shall receive credit for all tolled time against his or her term of probation or community control.

(h)1. For each case in which the offender admits to committing a violation or is found to have committed a violation, the department shall provide the court with a recommendation as to disposition by the court. The department shall provide the reasons for its recommendation and include an evaluation of:

a. The appropriateness or inappropriateness of community facilities, programs, or services for treating or supervising the offender;

b. The ability or inability of the department to provide an adequate level of supervision of the offender in the community and a statement of what constitutes an adequate level of supervision; and

c. The existence of treatment modalities that the offender could use but that do not currently exist in the community.

2. The report must also include a summary of the offender's prior supervision history, including the offender's prior participation in treatment, educational, and vocational programs, and any other actions by or circumstances concerning the offender which are relevant.

3. The court may specify whether the recommendation or report must be oral or written and may waive the requirement for a report in an individual case or a class of cases. This paragraph does not prohibit the department from making any other report or recommendation that is provided for by law or requested by the court.

(i)1. Notwithstanding § 921.0024 and effective for offenses committed on or after July 1, 2009, the court may order the defendant to successfully complete a post-adjudicatory treatment-based drug court program if:

a. The court finds or the offender admits that the offender has violated his or her community control or probation;

b. The offender's Criminal Punishment Code scoresheet total sentence points under § 921.0024 are 60 points or fewer after including points for the violation;

c. The underlying offense is a nonviolent felony. As used in this subsection, the term “nonviolent felony” means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in § 776.08;

d. The court determines that the offender is amenable to the services of a post-adjudicatory treatment-based drug court program;

e. The court has explained the purpose of the program to the offender and the offender has agreed to participate; and

f. The offender is otherwise qualified to participate in the program under the provisions of § 397.334(3).

2. After the court orders the modification of community control or probation, the original sentencing court shall relinquish jurisdiction of the offender’s case to the post-adjudicatory treatment-based drug court program until the offender is no longer active in the program, the case is returned to the sentencing court due to the offender’s termination from the program for failure to comply with the terms thereof, or the offender’s sentence is completed.

(3) When the court imposes a subsequent term of supervision following a revocation of probation or community control, it shall not provide credit for time served while on probation or community control toward any subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses before the court for sentencing, would exceed the maximum penalty allowable as provided by § 775.082. No part of the time that the defendant is on probation or in community control shall be considered as any part of the time that he or she shall be sentenced to serve.

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, § 800.04(4), (5), (6), § 827.071, or § 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in § 775.21, § 943.0435, or § 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender’s or probationer’s release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender’s or probationer’s past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender’s or probationer’s family ties, length of residence in the community, employment history, and mental

condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

- (a) A violent felony offender of special concern, as defined in this section;
- (b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or
- (c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in § 775.084(1)(b), a three-time violent felony offender as defined in § 775.084(1)(c), or a sexual predator under § 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.
- (5) In any hearing in which the failure of a probationer or offender in community control to pay restitution or the cost of supervision as provided in § 948.09, as directed, is established by the state, if the probationer or offender asserts his or her inability to pay restitution or the cost of supervision, it is incumbent upon the probationer or offender to prove by clear and convincing evidence that he or she does not have the present resources available to pay restitution or the cost of supervision despite sufficient bona fide efforts legally to acquire the resources to do so. If the probationer or offender cannot pay restitution or the cost of supervision despite sufficient bona fide efforts, the court shall consider alternate measures of punishment other than imprisonment. Only if alternate measures are not adequate to meet the state's interests in punishment and deterrence may the court imprison a probationer or offender in community control who has demonstrated sufficient bona fide efforts to pay restitution or the cost of supervision.
- (6) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of §§ 947.22 and 947.23.
- (7) Any provision of law to the contrary notwithstanding, whenever probation, community control, or control release, including the probationary, community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his or her misconduct, shall be deemed to have forfeited all gain-time or commutation of time

for good conduct, as provided by law, earned up to the date of his or her release on probation, community control, or control release. This subsection does not deprive the prisoner of his or her right to gain-time or commutation of time for good conduct, as provided by law, from the date on which the prisoner is returned to prison. However, if a prisoner is sentenced to incarceration following termination from a drug punishment program imposed as a condition of probation, the sentence may include incarceration without the possibility of gain-time or early release for the period of time remaining in his or her treatment program placement term.

(8)(a) In addition to complying with the provisions of subsections (1)-(7), this subsection provides further requirements regarding a probationer or offender in community control who is a violent felony offender of special concern. The provisions of this subsection shall control over any conflicting provisions in subsections (1)-(7). For purposes of this subsection, the term “convicted” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld.

(b) For purposes of this section and §§ 903.0351, 948.064, and 921.0024, the term “violent felony offender of special concern” means a person who is on:

1. Felony probation or community control related to the commission of a qualifying offense committed on or after the effective date of this act;
2. Felony probation or community control for any offense committed on or after the effective date of this act, and has previously been convicted of a qualifying offense;
3. Felony probation or community control for any offense committed on or after the effective date of this act, and is found to have violated that probation or community control by committing a qualifying offense;
4. Felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in § 775.084(1)(b) and has committed a qualifying offense on or after the effective date of this act;
5. Felony probation or community control and has previously been found by a court to be a three-time violent felony offender as defined in § 775.084(1)(c) and has committed a qualifying offense on or after the effective date of this act; or
6. Felony probation or community control and has previously been found by a court to be a sexual predator under § 775.21 and has committed a qualifying offense on or after the effective date of this act.

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under § 787.01, false imprisonment of a child under the age of 13 under § 787.02(3), or luring or enticing a child under § 787.025(2)(b) or (c).
2. Murder or attempted murder under § 782.04, attempted felony murder under § 782.051, or manslaughter under § 782.07.

3. Aggravated battery or attempted aggravated battery under § 784.045.
4. Sexual battery or attempted sexual battery under § 794.011(2), (3), (4), or (8)(b) or (c).
5. Lewd or lascivious battery or attempted lewd or lascivious battery under § 800.04(4), lewd or lascivious molestation under § 800.04(5)(b) or (c)2., lewd or lascivious conduct under § 800.04(6)(b), lewd or lascivious exhibition under § 800.04(7)(b), or lewd or lascivious exhibition on computer under § 847.0135(5)(b).
6. Robbery or attempted robbery under § 812.13, carjacking or attempted carjacking under § 812.133, or home invasion robbery or attempted home invasion robbery under § 812.135.
7. Lewd or lascivious offense upon or in the presence of an elderly or disabled person or attempted lewd or lascivious offense upon or in the presence of an elderly or disabled person under § 825.1025.
8. Sexual performance by a child or attempted sexual performance by a child under § 827.071.
9. Computer pornography under § 847.0135(2) or (3), transmission of child pornography under § 847.0137, or selling or buying of minors under § 847.0145.
10. Poisoning food or water under § 859.01.
11. Abuse of a dead human body under § 872.06.
12. Any burglary offense or attempted burglary offense that is either a first degree felony or second degree felony under § 810.02(2) or (3).
13. Arson or attempted arson under § 806.01(1).
14. Aggravated assault under § 784.021.
15. Aggravated stalking under § 784.048(3), (4), (5), or (7).
16. Aircraft piracy under § 860.16.
17. Unlawful throwing, placing, or discharging of a destructive device or bomb under § 790.161(2), (3), or (4).
18. Treason under § 876.32.
19. Any offense committed in another jurisdiction which would be an offense listed in this paragraph if that offense had been committed in this state.

(d) In the case of an alleged violation of probation or community control other than a failure to pay costs, fines, or restitution, the following individuals shall remain in custody pending the resolution of the probation or community control violation:

1. A violent felony offender of special concern, as defined in this section;
2. A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or
3. A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in § 775.084(1)(b), a three-time violent felony offender as defined in § 775.084(1)(c), or a sexual predator under § 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act. The court shall not dismiss the probation or community control violation warrant pending against an offender enumerated in this paragraph without holding a recorded violation-of-probation hearing at which both the state and the offender are represented.

(e) If the court, after conducting the hearing required by paragraph (d), determines that a violent felony offender of special concern has committed a violation of probation or community control other than a failure to pay costs, fines, or restitution, the court shall:

1. Make written findings as to whether or not the violent felony offender of special concern poses a danger to the community. In determining the danger to the community posed by the offender's release, the court shall base its findings on one or more of the following:

- a. The nature and circumstances of the violation and any new offenses charged.
- b. The offender's present conduct, including criminal convictions.
- c. The offender's amenability to non-incarcerative sanctions based on his or her history and conduct during the probation or community control supervision from which the violation hearing arises and any other previous supervisions, including disciplinary records of previous incarcerations.
- d. The weight of the evidence against the offender.
- e. Any other facts the court considers relevant.

2. Decide whether to revoke the probation or community control.

- a. If the court has found that a violent felony offender of special concern poses a danger to the community, the court shall revoke probation and shall sentence the offender up to the statutory maximum, or longer if permitted by law.

- b. If the court has found that a violent felony offender of special concern does not pose a danger to the community, the court may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section.

§ 948.20 Drug offender probation [as referenced in § 397.344(3)(a),(5)]

(1) If it appears to the court upon a hearing that the defendant is a chronic substance abuser whose criminal conduct is a violation of § 893.13(2)(a) or (6)(a), or other nonviolent felony if such nonviolent felony is committed on or after July 1, 2009, and notwithstanding § 921.0024 the defendant's Criminal Punishment Code scoresheet total sentence points are 60 points or fewer, the court may either adjudge the defendant guilty or stay and withhold the adjudication of guilt. In either case, the court may also stay and withhold the imposition of sentence and place the defendant on drug offender probation or into a post-adjudicatory treatment-based drug court program if the defendant otherwise qualifies. As used in this section, the term "nonviolent felony" means a third degree felony violation under chapter 810 or any other felony offense that is not a forcible felony as defined in § 776.08.

(2) The Department of Corrections shall develop and administer a drug offender probation program which emphasizes a combination of treatment and intensive community supervision approaches and which includes provision for supervision of offenders in accordance with a specific treatment plan. The program may include the use of graduated sanctions consistent with the conditions imposed by the court. Drug offender probation status shall include surveillance and random drug testing, and may include those measures normally associated with community control, except that specific treatment conditions and other treatment approaches necessary to monitor this population may be ordered.

(3) Offenders placed on drug offender probation are subject to revocation of probation as provided in § 948.06.

§ 948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program [as referenced in § 397.334(5)]

(1)(a) A person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, prostitution under § 796.07, possession of alcohol while under 21 years of age under § 562.111, or possession of a controlled substance without a valid prescription under § 499.03, and who has not previously been convicted of a felony, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to § 397.334, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment plan for the offender, upon motion of either party or the court's own motion, except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.

(b) While enrolled in a pretrial intervention program authorized by this section, the participant is subject to a coordinated strategy developed by a drug court team under § 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in § 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under § 943.0585.

(2)(a) A veteran, as defined in Section 1.01, or service member, as defined in § 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program approved by the chief judge of the circuit, for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a misdemeanor pretrial veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

(b) While enrolled in a pretrial intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in § 397.334(4), with treatment specific to the needs of veterans and service members. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a misdemeanor pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the misdemeanor pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record of the dismissed charges expunged under § 943.0585.

(3) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to § 397.334(4) or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or

return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.

(4) Any public or private entity providing a pretrial substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. The terms of the contract shall include, but not be limited to, the requirements established for private entities under § 948.15(3). This requirement does not apply to services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

§ 397.311 Definitions [as referenced by § 397.334(5)]

As used in this chapter, except part VIII, the term

(1) "Ancillary services" are services that include, but are not limited to, special diagnostic, prenatal and postnatal, other medical, mental health, legal, economic, vocational, employment, and educational services.

(2) "Authorized agent of the department" means a person designated by the department to conduct any audit, inspection, monitoring, evaluation, or other duty imposed upon the department pursuant to this chapter. An authorized agent must be qualified by expertise and experience to perform these functions.

(3) "Beyond the safe management capabilities of the service provider" refers to an individual who is in need of:

- (a) Supervision;
- (b) Medical care; or
- (c) Services,

beyond that which the service provider or service component can deliver.

(4) "Clinical assessment" means the collection of detailed information concerning an individual's substance use, emotional and physical health, social roles, and other areas that may reflect the severity of the individual's abuse of alcohol or drugs. The collection of information serves as a basis for identifying an appropriate treatment regimen.

(5) "Court" means the court of legal jurisdiction in the context in which the term is used in this chapter.

(6) "Department" means the Department of Children and Family Services.

(7) "Director" means the chief administrative or executive officer of a service provider.

(8) "Disclose" or "disclosure" means a communication of identifying information, the affirmative verification of another person's communication of identifying information, or the communication of any information regarding an individual who has received services. Any

disclosure made pursuant to this chapter must be limited to that information which is necessary to carry out the purpose of the disclosure.

(9) “Fee system” means a method of establishing charges for services rendered, in accordance with an individual’s ability to pay, used by providers that receive state funds.

(10) “For profit” means registered as for profit by the Secretary of State and recognized by the Internal Revenue Service as a for-profit entity.

(11) “Habitual abuser” means a person who is brought to the attention of law enforcement for being substance impaired, who meets the criteria for involuntary admission in § 397.675, and who has been taken into custody for such impairment three or more times during the preceding 12 months.

(12) “Hospital” means a hospital or hospital-based component licensed under chapter 395.

(13) “Identifying information” means the name, address, social security number, fingerprints, photograph, and similar information by which the identity of an individual can be determined with reasonable accuracy directly or by reference to other publicly available information.

(14) “Impaired” or “substance abuse impaired” means a condition involving the use of alcoholic beverages or any psychoactive or mood-altering substance in such a manner as to induce mental, emotional, or physical problems and cause socially dysfunctional behavior.

(15) “Individual” means a person who receives alcohol or other drug abuse treatment services delivered by a service provider. The term does not include an inmate pursuant to part VIII of this chapter unless expressly so provided.

(16) “Law enforcement officer” means a law enforcement officer as defined in § 943.10(1).

(17) “Licensed service provider” means a public agency under this chapter, a private for-profit or not-for-profit agency under this chapter, a physician or any other private practitioner licensed under this chapter, or a hospital that offers substance abuse services through one or more licensed service components.

(18) Licensed service components include a comprehensive continuum of accessible and quality substance abuse prevention, intervention, and clinical treatment services, including the following services:

(a) “Clinical treatment” means a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle. As defined by rule, “clinical treatment services” include, but are not limited to, the following licensable service components:

1. “Addictions receiving facility” is a secure, acute care facility that provides, at a minimum, detoxification and stabilization services; is operated 24 hours per day, 7 days per week; and is designated by the department to serve individuals found to be substance use impaired as described in § 397.675 who meet the placement criteria for this component.

2. “Day or night treatment” is a service provided in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.
3. “Day or night treatment with community housing” means a program intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day for a minimum of 25 hours per week.
4. “Detoxification” is a service involving subacute care that is provided on an inpatient or an outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the placement criteria for this component.
5. “Intensive inpatient treatment” includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided 24 hours per day, 7 days per week, in a highly structured, live-in environment.
6. “Intensive outpatient treatment” is a service that provides individual or group counseling in a more structured environment, is of higher intensity and duration than outpatient treatment, and is provided to individuals who meet the placement criteria for this component.
7. “Medication-assisted treatment for opiate addiction” is a service that uses methadone or other medication as authorized by state and federal law, in combination with medical, rehabilitative, and counseling services in the treatment of individuals who are dependent on opioid drugs.
8. “Outpatient treatment” is a service that provides individual, group, or family counseling by appointment during scheduled operating hours for individuals who meet the placement criteria for this component.
9. “Residential treatment” is a service provided in a structured live-in environment within a nonhospital setting on a 24-hours-per-day, 7-days-per-week basis, and is intended for individuals who meet the placement criteria for this component.
 - (b) “Intervention” means structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems.
 - (c) “Prevention” means a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles.
- (19) “Medication-assisted treatment (MAT)” is the use of medications approved by the United States Food and Drug Administration, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance abuse.
- (20) “Medical monitoring” means oversight and treatment, 24 hours per day by medical personnel who are licensed under chapter 458, chapter 459, or chapter 464, of individuals whose

subacute problems are so severe that the individuals require intensive inpatient treatment by an interdisciplinary team.

(21) “Not for profit” means registered as not for profit by the Secretary of State and recognized by the Internal Revenue Service as a not-for-profit entity.

(22) “Physician” means a person licensed under chapter 458 to practice medicine or licensed under chapter 459 to practice osteopathic medicine, and may include, if the context so indicates, an intern or resident enrolled in an intern or resident training program affiliated with an approved medical school, hospital, or other facility through which training programs are normally conducted.

(23) “Physician assistant” means a person licensed under chapter 458 or chapter 459 to practice medicine under the supervision of a physician or psychiatrist whose specialty includes substance abuse treatment.

(24) “Private practitioner” means a physician or a physician assistant licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a clinical social worker, marriage and family therapist, or mental health counselor licensed under chapter 491.

(25) “Program evaluation” or “evaluation” means a systematic measurement of a service provider’s achievement of desired individual or service outcomes.

(26) “Qualified professional” means a physician or a physician assistant licensed under chapter 458 or chapter 459; a professional licensed under chapter 490 or chapter 491; an advanced registered nurse practitioner having a specialty in psychiatry licensed under part I of chapter 464; or a person who is certified through a department-recognized certification process for substance abuse treatment services and who holds, at a minimum, a bachelor’s degree. A person who is certified in substance abuse treatment services by a state-recognized certification process in another state at the time of employment with a licensed substance abuse provider in this state may perform the functions of a qualified professional as defined in this chapter but must meet certification requirements contained in this subsection no later than 1 year after his or her date of employment.

(27) “Quality improvement” means a systematic and organized approach to monitor and continuously improve the quality of services in order to maintain, restore, or improve outcomes in individuals and populations throughout a system of care.

(28) “Recovery” means a process of personal change through which individuals achieve abstinence from alcohol or drug use and improve health, wellness, and quality of life.

(29) “Recovery support” means services designed to strengthen or assist individuals to regain skills, develop the environmental supports necessary to help the individual thrive in the community, and meet life goals that promote recovery from alcohol and drug use. These services include, but are not limited to, economic, vocational, employment, educational, housing, and other ancillary services.

(30) “Screening” means the gathering of initial information to be used in determining a person’s need for assessment, services, or referral.

(31) “Secure facility,” except where the context indicates a correctional system facility, means a provider that has the authority to deter the premature departure of involuntary individuals whose leaving constitutes a violation of a court order or community-based supervision as provided by law. The term “secure facility” includes addictions receiving facilities and facilities authorized by local ordinance for the treatment of habitual abusers.

(32) “Service component” or “component” means a discrete operational entity within a service provider which is subject to licensing as defined by rule. Service components include prevention, intervention, and clinical treatment described in subsection (18).

(33) “Service provider” or “provider” means a public agency, a private for-profit or not-for-profit agency, a person who is a private practitioner, or a hospital licensed under this chapter or exempt from licensure under this chapter.

(34) “Service provider personnel” or “personnel” includes all owners, directors, chief financial officers, staff, and volunteers, including foster parents, of a service provider.

(35) “Stabilization” means:

(a) Alleviation of a crisis condition; or

(b) Prevention of further deterioration, and connotes short-term emergency treatment.

(36) “Substance abuse” means the misuse or abuse of, or dependence on alcohol, illicit drugs, or prescription medications. As an individual progresses along this continuum of misuse, abuse, and dependence, there is an increased need for substance abuse intervention and treatment to help abate the problem.

(37) “Substate entity” means a departmental office designated to serve a geographical area specified by the department.

(38) “System of care” means a coordinated continuum of community-based services and supports that are organized to meet the challenges and needs of individuals who are at risk of developing substance abuse problems or individuals who have substance abuse problems.

(39) “Treatment plan” means an immediate and a long-range plan based upon an individual’s assessed needs and used to address and monitor an individual’s recovery from substance abuse.

§ 29.004 State courts system [as referenced in § 397.334(8)]

For purposes of implementing § 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows:

(1) Judges appointed or elected pursuant to chapters 25, 26, 34, and 35.

- (2) Juror compensation and expenses.
 - (3) Reasonable court reporting and transcription services necessary to meet constitutional requirements.
 - (4) Construction or lease of facilities, maintenance, utilities, and security for the district courts of appeal and the Supreme Court.
 - (5) Court foreign language and sign-language interpreters and translators essential to comply with constitutional requirements.
 - (6) Expert witnesses who are appointed by the court pursuant to an express grant of statutory authority.
 - (7) Judicial assistants, law clerks, and resource materials.
 - (8) General magistrates, special magistrates, and hearing officers.
 - (9) Court administration.
 - (10) Case management. Case management includes:
 - (a) Initial review and evaluation of cases, including assignment of cases to court divisions or dockets.
 - (b) Case monitoring, tracking, and coordination.
 - (c) Scheduling of judicial events.
 - (d) Service referral, coordination, monitoring, and tracking for treatment-based drug court programs under § 397.334.
- Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court.
- (11) Mediation and arbitration, limited to trial court referral of a pending judicial case to a mediator or a court-related mediation program, or to an arbitrator or a court-related arbitration program, for the limited purpose of encouraging and assisting the litigants in partially or completely settling the case prior to adjudication on the merits by the court. This does not include citizen dispute settlement centers under § 44.201 and community arbitration programs under § 985.16.
 - (12) Basic legal materials reasonably accessible to the public other than a public law library. These materials may be provided in a courthouse facility or any library facility.

- (13) The Judicial Qualifications Commission.
- (14) Offices of the appellate clerks and marshals and appellate law libraries.

VTC TEAM CONTACT INFORMATION

Main Problem Solving Courts Office

Duval County Courthouse
501 W. Adams St., # 2321
Jacksonville, FL 32202
Phone: (904) 255-1040
Fax: (904) 255-1051
Color Line: (904) 255-1050

Teri Roark, Director
Phone: (904) 255-1046
Cell: (904) 412-5808
troark@coj.net

Heather Hosmer, Case Manager
Phone: (904) 255-1041
hthosmer@coj.net

Stacy Roberts, Case Manager
Phone (904) 255-1045
stacyo@coj.net

Stacey Smiley, Case Manager
Mental Health Coordinator
Phone: (904) 255-1044
scobbin@coj.net

Public Defenders Office

407 North Laura Street
Jacksonville, Florida 32202

Richard Gordon
Assistant Public Defender
Phone: (904) 255-4771
Cell: (904) 271-9695
rbg@pd4.coj.net

John Holzbaur
Director of Military Affairs
Phone: (904) 255-4886
jsh@pd4.coj.net

State Attorneys Office

220 East Bay Street, 2nd Floor
Jacksonville, Florida 32202

Mike Hrin, SAO Representative
Phone: (904) 630
Fax: (904) 630-
mhrin@coj.net

Florida Department of Corrections

592 Ellis Road S., Ste. 114
Jacksonville, Florida 32254

Sue Dolinsky, Probation Officer
4613 Phillips Hwy., Ste. 221
Jacksonville, Florida 32207
Phone: (904) 448-4335
Dolinsky.sue@mail.dc.state.fl.us

River Region Human Services

390 Park Street
Jacksonville, FL 32202
or
2981 Parental Home Rd.
Jacksonville, FL 32216
Phone: (904) 899-6300

Kenneth Arnold
Senior Director of Court Services
Phone: (904) 899-6300 ext. 4444
karnold@rrhs.org

Jackie Williams
Director of Court Services
Phone: (904) 899-6300 ext. 4345
Cell: (904) 881-9792
jacqueline.williams@rrhs.org

Veterans Administration

Charlotte Matthews
Veterans Justice Outreach Specialist
Phone: (352) 538-5418
charlotte.matthews@va.gov

Wendy Snee
Veterans Justice Outreach Specialist
Phone: (904) 477-4161
wendy.snee@va.gov

ANCILLARY SERVICES/COMMUNITY RESOURCES

Trinity Rescue Mission

622 W. Union St.
Jacksonville, Florida 32202
Phone: (904) 355-1205 or 356-4033
www.trinityrescue.org

Sulzbacher Center

611 E. Adams St.
Jacksonville, Florida 32202
Phone: (904) 359-0457
www.sulzbachercenter.org

Operation New Hope/Ready4work

1830 N. Main St.
Jacksonville, Florida 32206
www.operationnewhope.com

Second Harvest Food Pantry

1502 Jessie Street
Jacksonville, Florida 32202
Phone: (904) 353-3663
www.wenourishhope.org

Dignity-U-Wear

136 Myrtle Avenue North
Jacksonville, Florida 32204
Phone: (904) 636-9455
www.dignityuwear.org

Jacksonville Vet Center

300 East State Street, Ste. J
Jacksonville, Florida 32202
Phone: (904) 232-3621

Jacksonville OPC

1536 N Jefferson Street
Jacksonville, FL 32209
Phone: (904) 475-5800 or 877-870-5048

Clara White Mission

613 W. Ashley St.
Jacksonville, Florida 32202
Phone: (904) 354-4162
www.clarawhitemission.org

Duval County Health Department

Phone:
900 University Blvd. North
Jacksonville, Florida 32211
Phone: (904) 253-1000
Various Health Services Offered- Medicaid and
Uninsured Accepted
<http://www.dchd.net>

APPENDIX A.
Veterans Treatment Court
Referral Form

Return Form To:
John Holzbour, LCDR, USN (ret)
Veteran & Military Affairs Director
Office of the Public Defender
Phone: (904) 255-4886
Fax: (904) 255-4701
Email: jsh@pd4.coj.net

Date of Referral: _____

Section 1: Referring Party Information

Defendant Referred By: _____ Agency: _____

Phone #: _____ Fax #: _____ Email: _____

Section 2: Defendant Information

Name: _____ Known Alias?: _____

DOB: _____ Gender: Male / Female Race: _____

SSN: _____ Phone #: _____ Email: _____

In Jail: Yes / No Jail No.: _____ Jail Location: _____

Pending Case No.: _____ Next Court Date: _____

Pending Charge(s): _____

Current or Last Known Address: _____

Branch of Military Service/MOS (Military Occupational Specialty): _____

Dates of Service: _____ Combat Zone & Dates: _____

Discharge Type: _____ Do you have your DD-214: Yes / No

Registered with VA: Yes / No Date/Location of last VA Visit: _____

Service Connected with VA: Yes / No

List any services you are currently receiving (treatment, counseling, housing, medical, etc.): _____

Mental Health Diagnosis: Yes / No If yes, what: _____

Drug and/or Alcohol Use: Yes / No

APPENDIX B.

Fourth Judicial Circuit Drug Testing Lab Specimen Collection Procedure

The integrity of our urine specimen collection and lab testing is paramount to our continued successful operation. All Problem-Solving Court programs, Judges, Community Agencies and Stakeholders depend on the accuracy of our specimen collections and testing. All records are confidential and cannot be released or discussed without proper consent/approval. Only authorized employees are permitted to enter the lab. Employees of outside agencies may not enter the lab at any time. All employees must follow the procedures set forth herein. All specimen collections and testing is subject to inquiry by the Court, therefore, any deviation from the procedure set forth herein may be subject to disciplinary action.

Identity Verification

- ✓ **Verify the identity of anyone appearing for a drug test.**
 - Individuals not connected with the Problem-Solving Court Programs must have photo identification available at each visit or have a photo stored electronically in the lab.
 - In the event identification is not available, the Department of Children & Families, Attorney of Record or the Bailiff escorting the individual for testing may verify identity.
 - Problem-Solving Court participant identities, if not known by the collector, must be verified by photo identification or verified by another staff member.

Initial Set-Up

- ✓ **Problem-Solving Court/General Testing:**
 - Input all demographic information and assign the correct agency. For Problem-Solving Court participants only, print a Program identification card if the participant has no other form of identification. Provide this card to the participant.
 - File the order for testing or referral form/email, if applicable, alphabetically.
- ✓ **Agency testing:**
 - At the first visit, provide the client information form to the individual appearing to test. This form must be completed and signed.
 - Take a photo, input all demographic information, assign the correct agency and print a drug testing identification card. Provide this card to the individual appearing to test.
 - File the client information form alphabetically.

Preparation for Specimen Collection

- ✓ **Label Printing:**
 - Input the client ID for the individual appearing to test.
 - Verify that the correct client record is opened.
 - Input the correct collection date/time, collector, testing reason and testing panel.
 - Input case number/any other pertinent case information for any individual ordered to appear by a Judge.
 - Print the label and affix one label to a sealed specimen collection container
 - Affix the additional label to a test tube to be used when the specimen is tested.

Collector/Collection Procedure

- ✓ **General Specimen Collector Instructions:**
 - All specimen collectors must be gender appropriate (same gender as the individual appearing to test).
 - All specimen collections must be directly observed. The specimen collector is to accompany the individual into the restroom and/or directly into the stall if the restroom is a multi-stall restroom.

- Specimen collectors are required to wear gloves at all times during the specimen collection and specimen transport process.
- The specimen collector must maintain custody of the specimen collection container until it is provided to the individual to produce the specimen.
- After the specimen has been provided, the specimen collector must regain custody of the specimen collection container, secure the lid and transport the specimen to the lab.
- The specimen collector must secure the specimen in the lab for future testing.
- ✓ **Specimen Collection Instructions:**
 - The specimen collector must accompany the individual appearing to testing directly into the restroom and/or directly into the restroom stall if the restroom is a multi-stall restroom.
 - The specimen collector must instruct the individual to wash his/her hands with soap and water.
 - The specimen collector must ensure that the individual verifies the name on the specimen container as their own and require the individual to initial the specimen container.
 - The specimen collector must instruct the individual to lower bottoms to the ankle.
 - In the event the individual is wearing a top that is below the waist or a dress/skirt, the specimen collector must instruct the individual to raise the top to verify there is no device attached to the body.
 - For dresses/skirts: the specimen collector must instruct the individual to raise the dress and keep the dress raised throughout the specimen collection process.
 - The specimen collector must visually check for foreign objects or devices either outside or inside of the body.
 - For Males, this means visually inspecting the front and back of the individual by requiring the individual to turn in a circle to verify there are no objects that may be used to provide substituted urine
 - For Females, this means visually inspecting the front and back of the individual as well as visually inspecting the vaginal area for any devices that may be inserted to be used to provide substituted urine.
 - For Females, the specimen collector must instruct the individual to squat and cough 3 times.
 - After confirming no foreign objects are present, the specimen collector must instruct the individual to start and stop urination.
 - Once the individual has performed a start and stop of urination, the specimen collector may break the seal on the specimen collection container and provide the specimen collection container to the individual.
 - The specimen collector must observe the urine leaving the body of the individual and entering the specimen collection container.
 - Upon completion of urination, the individual must return the specimen collection container to the specimen collector.
 - The specimen collector must inspect the specimen for obvious signs of tampering, must inspect the temperature of the specimen to ensure it is between 90-100 degrees.
 - The specimen collector will then secure the lid on the specimen collection container.
 - The specimen collector must inspect the toilet after the specimen has been provided for any obvious signs of adulteration.
 - The specimen collector must flush the toilet.
 - The specimen collector will transport the specimen to the lab for secure storage until testing occurs.
 - In the event the individual fails to provide a specimen, the collector must delete the order from the computer and discard the specimen collection container.
 - Once the seal has been broken on the specimen collection container, a new specimen collection container is required if the individual leaves the presence of the specimen collector for any reason prior to providing a specimen.
- ✓ **Foreign Objects/Devices and/or Substituted Urine**
 - In the event the specimen collector observes any foreign object or device to be used in an attempt to falsify or defraud the specimen collection process, the specimen collection process stops.
 - If the device is still on the individual (or inside), the specimen collector must immediately request that the individual restore clothing to its original position and escort the individual out of the restroom.

- The specimen collector must notify the security officer at the front desk and request the presence of a gender appropriate officer.
- The individual is to remain seated in the presence of the security officer or specimen collector until an appropriate officer arrives.
- Upon arrival of the appropriate officer, the specimen collector is to return to the restroom with the individual and the officer and the officer shall be informed of the situation.
- The officer will question the individual and will search the individual if no object is produced upon request.
 - If a device is located in an area of the body not revealed by a standard search, i.e.: inside of the individual; the officer will instruct the individual to remove clothing and will visually inspect the individual to determine the presence of a foreign object.
- Upon such a device being detected, the officer will place the individual under arrest and transport the individual to the Sheriff's Office under Florida Statute 817.565.
- The specimen collector is to maintain a record of the event on the appropriate log for any program participant and/or email the agency/court that sent the individual for testing.

Specimen Collection Logs

✓ **Problem-Solving Court Logs:**

- Lab employees must print the log each day for the colors called that day for each program.
- Lab employees must highlight the name of each participant after they have provided a specimen.
- Lab employees must note on the log next to a participant's name if the participant is not expected to appear, i.e.: is in residential treatment, jail/matrix or given permission to submit a specimen at an alternate location.
 - Any specimen collected at an alternate location must be listed on a log at that location. A copy of this log must be placed in the Problem-Solving Court binder for future review.
 - Lab employees must highlight the participant's name on the original lab log when the specimen is delivered to the lab.
- Lab employees must note next to a participant's name if the participant failed to provide a specimen or failed to appear (missed).
- All logs must be filed in the Problem-Solving Court binder for future review.

✓ **All Other Logs:**

- Lab employees must print the log each day for the colors called that day for any non-Problem-Solving Court agency.
- Lab employees must highlight the name of each individual after they have provided a specimen.
- Lab employees must manually write in any new individuals that appear for specimen collection on that day and highlight the name after the specimen has been collected.
- Lab employees must submit a weekly email to the agency indicating what colors were called the week before.
- Lab employees are not required to report any individuals that failed to appear, however, are required to report any individual that appeared and failed to provide a specimen.

APPENDIX C.

Fourth Circuit Problem-Solving Courts Prohibited Drugs/Medications

The list below provides an example of substances and medications that are prohibited in the Problem-Solving Court Programs within the Fourth Judicial Circuit. This is not a complete list. For further clarification of any medication not listed please contact the Problem-Solving Court’s Office at 904-255-1040 or your treatment provider.

Maintaining a drug free lifestyle is very important in your recovery process. Aside from illegal drugs and alcohol (in any form) you are prohibited from using certain prescription drugs and are required to have all prescriptions or over the counter drugs approved by your treatment provider prior to purchasing or ingesting anything.

Any and all “designer drugs” that can be purchased legally or illegally are strictly prohibited. Any and all “smoking mixtures” (other than products specifically designated to contain only tobacco- for Adults only) are strictly prohibited. Any and all products sold or marketed under false pretenses with the warning “not for human consumption” are strictly prohibited. In addition, using and/or being in possession of any alternative or “replacement” drugs such as Methadone and/or Suboxone as well as any substance intended to replace an otherwise illegal substance is strictly prohibited and may result in immediate expulsion from the VTC program.

Examples of Prohibited Substances/ Medication Classifications	Examples of substances prohibited in ALL Problem-Solving Court Programs For medications, the brand name is in () if the generic name is also listed. Many OTC Medications are also listed. For illicit drugs, examples of “street” names are included.
Alcohol (In Any Form)	Alcoholic beverages, All medications containing alcohol (Cough Syrups/Liquid-Caps such as Nyquil and Robitussin), Energy drinks containing alcohol
Amphetamine	Adderall, Adipost, Benzedrine, Dexedrine, Dexatrim, Didrex, Phentermine (Adipex), Preludin, Pseudoephedrine (Alka-Seltzer Cold, Claritin-D, Comtrex Acute, Contac Cold Maximum, Dayquil/Nyquil, Dristan Maximum, Kolephrin, Maxiflu, Robitussin, Sinarest, Sudafed, Tavist Allergy, Tylenol Cold or Allergy- <i>There are NON-pseudoephedrine “D” versions available in almost all</i>), Ritalin, Vyvanse
Barbiturate	Allobarbitol, Barbitol, Butalbital (Fiorinal), Phenobarbital (Luminal)
Benzodiazepine	Alprazolam (Xanax, Niravam), Clonazepam (Clonopin), Chlordiazepoxide (Librium), Diazepam (Valium), Flunirazepam (Rohypnol), Lorazepam (Ativan), Oxaprozin (Daypro), Oxazepam (Serax)
Cocaine	Big C, Crack, Powder, Rock, Snow
Dextromethorphan “DM”	Cold medications such as Alka Seltzer Cold, Coricidin, Dayquil, Dimetapp, Nyquil, Robitussin, Sudafed, Triaminic, Tylenol Cold, Vicks 44. <i>There are NON-dextromethorphan “DM” versions available in almost all.</i>
Hallucinogens	DMT, Ecstasy, Ketamine, LSD, Mushrooms, PCP, Tryptamine
Methamphetamine	Black Beauties, Chalk, Crank, Crystal, Glass, Ice, Meth, Tweak, Uppers
Miscellaneous Substances	Appetite Suppressants -most are prohibited, Buprenorphine (Buprenex, Subutex, Suboxone), Caffeine Pills, Meperidine (Demerol), Fentanyl (Actiq, Duragesic), Inhalants, Kratom, Methadone, Propoxyphene (Darvocet, Darvon), Steroids, Soma, All Synthetic Substances (includes anything labeled “Not for Human Consumption”), Xyrem (GHB)
Opiate	Codeine (Cough meds, Tylenol 3), Heroin, Hydrocodone (Lortab, Loracet, Norco, Vicodin, Vicoprofen), Hydromorphone (Dilaudid), Morphine
Oxycodone	Oxycodone (Oxycontin, Percodan, Percocet, Roxicet, Roxycodone)
Thc (Marijuana)	Blunt, Bud, Dope, Grass, Herb, Joint, Mary Jane, Pot, Reefer, Roach, Weed