

Where Treatment and Accountability Meet Justice



## **DRUG TREATMENT COURTS**

Department of Judicial Services Office of the Executive Secretary, Supreme Court of Virginia

# **APPLICATION FOR PERMISSION TO ESTABLISH A DRUG TREATMENT COURT PROGRAM**

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**SUPREME COURT OF VIRGINIA**

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## **BACKGROUND**

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In 2004, the Virginia General Assembly enacted the Drug Treatment Court Act, Va. Code §18.2-254.1, in recognition of the growing success of many drug treatment courts across the Commonwealth. The Act designates the Supreme Court of Virginia as the administrative body with specific responsibilities for drug treatment courts. The Supreme Court operates the State Drug Treatment Court Advisory Committee, chaired by the Chief Justice. The Committee is required to (i) evaluate and recommend standards for the planning and implementation of drug treatment courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The Act further provides that no drug treatment court shall be established after March 1, 2004, unless the jurisdiction intending or proposing to establish such court has been specifically granted permission under the Code of Virginia.

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## **APPLICATION GUIDELINES**

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The Supreme Court, through the recommendation of the State Drug Treatment Court Advisory Committee, has established a standardized review process to use in evaluating requests from any locality seeking permission to establish a drug treatment court. This application should be completed by the local drug court advisory committee created pursuant to Va. Code §18.2-254.1(G). Applications should be submitted to the State Drug Treatment Court Advisory committee. The application deadline has been suspended. All application packages should be sent to:

State Drug Treatment Court Advisory Committee  
Supreme Court of Virginia  
Office of the Executive Secretary  
100 North 9<sup>th</sup> Street  
Richmond, Virginia 23219  
Attn: Paul DeLosh; [pdelosh@courts.state.va.us](mailto:pdelosh@courts.state.va.us)

Application packages will be reviewed by the State Drug Treatment Court Advisory Committee. The Committee will recommend granting or denying permission to establish a drug treatment court to the Chief Justice. In order to evaluate the quality, efficiency and fairness of programs requesting

permission to establish a local drug treatment court, the following information should be submitted by the requesting local drug treatment court advisory committee.

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## **I. STATEMENT OF THE PROBLEM**

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The locality must describe the nature and scope of the problem in the jurisdiction to be addressed by this project. The locality should:

- 1.1 Provide data on the race/ethnicity, age, and gender of the arrestee population in the community.
  - 1.2 Provide information on the specific substance abuse patterns among offenders, and how these substance abuse patterns negatively affect the community.
  - 1.3 Describe the volume of arrests and crime patterns for offenders in the community and how this relates to the number and kind of referrals that the drug court expects.
  - 1.4 Describe the problems associated with how the court system currently operates and with how cases involving substance abuse are handled in the existing system.
  - 1.5 Explain the community's ability to support the program, with some assistance, including whether the number of treatment slots available is sufficient to meet the need projected.
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## **II. GOALS AND OBJECTIVES**

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The locality must provide a statement that describes the goals of the project and identifies its specific objectives. Measurable performance indicators should be identified and an explanation provided for how results will be measured. Local agencies should articulate the benefits expected to flow to each agency from the operation of a successful drug treatment court.

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## **III. DESCRIPTION OF THE DRUG TREATMENT COURT PROGRAM**

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The locality must describe the drug treatment court program that will be implemented. The local advisory committee must provide all of the

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following information and address each key component in the description of how the court will operate.

**3.1 Screening and eligibility.** The local advisory committee must:

- a. Establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs.
- b. As defined in Va. Code §17.1-805 or §19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, shall not be eligible for participation in any drug treatment court.
- c. Describe the monitoring process that will be implemented to ensure that the targeted capacity of the program is reached and describe how the targeted capacity was determined.

**3.2 Structure of the drug court.** The local advisory committee must describe how the court will be structured (e.g., deferred prosecution, post-adjudication, or a combination) and provide a sample of the written plea agreement to be used pursuant to Va. Code §18.2-254.1(j).

**3.3 Length of the program.** The local advisory committee must indicate the planned and average length of program participation.

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## IV. SERVICE DELIVERY PLAN

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The local drug treatment court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals:

**4.1 Effective integration of drug and alcohol treatment services with criminal justice system case processing.**

- a. Describe the treatment philosophy and interventions employed in treatment (e.g., 12-step, cognitive-behavioral, group therapy vs. individual). Indicate whether the treatment protocols are in a manual or otherwise standardized format and, if so, how the protocol integrity is ensured and measured. Specify what training curricula, if any, the treatment professionals complete related to the treatment of

drug offenders and to integrating treatment services with the criminal justice system.

- b.* Indicate whether the drug court uses one treatment provider or multiple providers. Indicate the proportion of clients actually referred to various programs and the average and modal length of stay for each modality of treatment, if known.
- c.* Describe how the program will monitor the effectiveness and quality of the services and ensure that services are being provided based on proven practices.
- d.* Describe how individualized treatment plans are developed for each client to address the client's strengths and needs. State how often the plan is reviewed and/or revised.

#### **4.2 Enhanced public safety through intensive offender supervision and drug treatment.**

- a.* Explain how frequently written progress reports are submitted to the court and what minimum data elements are contained in the reports (e.g., urine results, counseling attendance, NA attendance.)
- b.* Describe how the program addresses anger management, violence prevention, and the formation of values.

#### **4.3 Prompt identification and placement of eligible participant.**

- a.* Explain the process by which a case enters the drug treatment court. Explain how a case is resolved, based on the client's successful or unsuccessful completion of the drug treatment court program.
- b.* Explain who and/or what agency is responsible for conducting a clinical assessment of the client and describe the criteria for assessment.
- c.* Explain how substance abuse and dependence are diagnosed, how level-of-care placements are determined, how symptoms of physiological tolerance and withdrawal are assessed, and how risk factors or predictors of success or failure in treatment are assessed.
- d.* Specify the time period for conducting and initial assessment and explain the assessment process.
- e.* Explain how the assessment is used to develop the treatment plan and to match treatment needs with treatment services.
- f.* Describe the instruments used to assess a client's needs for primary and mental health care services. Specify what variables are considered

by the drug treatment court program staff in linking primary and mental health care service referrals to a client's needs assessment.

- g.* Explain what available community resources are being leveraged by the drug court to help provide primary and mental health care services.
- h.* Describe the role of the local medical and mental health community in the drug court program.

#### **4.4 Efficient access to a continuum of alcohol, drug and related treatment and rehabilitation services.**

- a.* Describe in detail the treatment protocol (e.g., phase structure, criteria for progressing through the program, frequency and intensity of treatment services).
- b.* Indicate whether treatment services include group counseling sessions, individual counseling sessions, and/or family counseling sessions and, if so, how frequently.
- c.* Describe how the program will address the need for different treatment modalities to be responsive to client needs, as stated in the problem statement.
- d.* Describe the gender- and age-specific treatment that is available.
- e.* Indicate whether treatment providers have a recruitment strategy to ensure diversity that is reflective of the clients; describe how treatment services will serve clients from different cultures in the community.
- f.* Explain who is responsible for working with clients to develop their aftercare/continuing care plans; describe the client's role in developing the plan.
- g.* Describe the specific aftercare services available to clients. Specify what proportion of aftercare services are professionally administered, based on self-help, or delivered through an alumni association.
- h.* Describe the timeframe during which services are available. Indicate the average duration of aftercare.
- i.* Indicate who is responsible for coordinating and managing the aftercare/continuing care services. Explain the coordination and management process.
- j.* Explain how available community resources are leveraged by the drug court to provide educational and vocational services.
- k.* Describe the instrument(s) used to assess a client's need(s) for educational and vocational services. Specify what variables are

considered in linking educational and vocational service referrals to a client's need assessments.

- l.* Describe the role of the local educational institutions with the drug court.

#### **4.5 Verified participant abstinence through frequent alcohol and other drug testing.**

- a.* Indicate how frequently clients are tested for drug use. State what methods of analysis are used for the initial testing and for confirmation testing (e.g. test cups, EMIT, GCMS). Describe the quantitative methods, if any, used for assessing changes in levels of cannabis or other drugs and for assessing recent alcohol ingestion.
- b.* Indicate who will administer tests.
- c.* Explain the randomization process.
- d.* Explain the process/procedures used to guard against tampering and adulteration.
- e.* Specify the turnaround time for results.
- f.* Indicate for what drugs clients will be tested, and describe the rationale for determining the drugs for which to test.

#### **4.6 Prompt response to participant's noncompliance with program requirements through a coordinated strategy.**

- a.* Indicate whether the drug court team meets before regularly scheduled status hearings to review and discuss the progress of clients. If not, explain how this information is provided to the judge and communicated to the team. State how frequently written progress reports are submitted to the court and what data elements are routinely contained in the reports (e.g. urine results, counseling attendance records).
- b.* Specify how frequently the client appears before the judge. Describe how the initial schedule or frequency of court hearings is linked to a client's needs assessment or risk assessment. Explain what criteria are employed in determining whether to increase or decrease the frequency of court hearings.
- c.* Indicate who, in addition to the judge and the client, participates in the status hearings (e.g., prosecutor, defense attorney, probation officers, treatment counselors). Describe the role of each participant.
- d.* Indicate what graduated incentives and sanctions are used in the program.

- e.* Explain what target behaviors (e.g., positive urine tests, missed counseling sessions) are eligible for sanctions or incentives during each phase of the program. Indicate whether sanctions and incentives are applied differently for short-term behaviors such as counseling attendance than for long-term behaviors such as abstinence from drugs.
- f.* State the average and modal time intervals between infractions and sanctions and between accomplishments and rewards.
- g.* Describe the methods used to develop incentives and sanctions based on what is effective with the target population according to evidence/research.

**4.7 Ongoing monitoring and evaluation of program effectiveness and efficiency.**

**4.8 Ongoing interdisciplinary education and training in support of program effectiveness and efficiency.**

**4.9 Ongoing collaboration among drug treatment courts, public agencies and community-based organizations to enhance program effectiveness and efficiency.**

- a.* Describe the instruments used to assess a client's needs for collateral services. Specify what variables are considered by the drug court program staff in linking collateral service referrals to a client's needs assessments.
- b.* Describe what available community resources are being leveraged by the drug court to help provide collateral services.
- c.* Describe the relationship the court has established to meet the collateral service needs of clients. Collateral services may include, but are not limited to public housing, recovery housing, transportation, mentoring programs, community- service and job preparation.
- d.* Explain who is responsible for providing case management and how case management is defined. The locality should indicate what services are provided, how frequently cases are monitored, and the approximate caseload per case manager.
- e.* Identify and describe related governmental or community linkages that complement or will be coordinated with the program. (Community agencies and organizations may include, but are not limited to, bar associations, businesses, civic groups, community foundations, faith organizations, health and mental health agencies,



hospitals, media outlets, social service agencies and educational institutions.)

#### **4.10 Efficient use of resources.**

- a. Each participant must contribute to the cost of the substance abuse treatment he or she receives while participating in a drug treatment court pursuant to guidelines developed by the local advisory committee. Explain the procedure for collecting fees from participants.
- b. The locality should have a plan for sustainability of the program.

#### **4.11 Graduation requirements.**

- a. Provide details about the requirements for sobriety, employment, education, and life skills.

#### **4.12 Expulsion criteria.**

- a. Explain under what circumstances a client would be terminated from the program.

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## **V. BUDGET**

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Localities must provide a proposed budget that is complete and cost effective in relation to the activities to be undertaken and cite all funding sources requested and received. Provide itemized cost estimates for salaries, rent, supplies and all ongoing expenses.

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## **VI. ROLES AND RESPONSIBILITIES OF THE DRUG COURT TEAM**

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Localities should identify each member of the drug court team and describe his or her role and responsibilities. The mechanisms that have been, or will be, established to ensure effective communication and coordination among the team also should be described. Methods of conflict resolution should be identified.