

## **ELIGIBILITY**

- Age - (12-16 years)
- All potential defendants (juveniles) must be charged with an eligible offense:
  - Public Offenses Drug offenses (including paraphernalia)
  - Possession of drugs
  - Violent offenses only if related to drug abuse
  - Theft related (including receiving)
  - Trafficking only if trading drugs (no profit motive)
  - Alcohol possession, intoxication, public intoxication
  - Disorderly Conduct
  - Minimal prior criminal public offense history
  - No weapons or sexual related offenses
- Abuse or Use diagnoses' only (no dependence criteria met)
- Co-occurring disorders referred to mental health professionals for evaluation and recommendations.
- Cooperation of defendant and parents
  - Accepted by JDC Advisory Team following assessment for participation

## **Program requirements:**

- All participants and parent or custodian shall sign JDC Participation Agreement
- Participant must complete successfully four phases lasting a total of 48 weeks: (description of phases attached)
  - Phase One - Stabilization (12 weeks)
  - Phase Two - Education (12 weeks)
  - Phase Three Self-Motivation (12 weeks)
- JDC will form classes or groups of eight to ten participants to begin, participants remains with class or group for a 48 week process.
- Parents and custodians shall participate in the family counseling portion of JDC. JDC may elect to work with only a portion of the parents or custodians.
- Participants, parents and custodians shall submit to random drug testing during all phases according to JDC protocol.

## **PHASE I (WEEKS 1-12)**

## ***Stabilization***

### **RESPONSIBILITIES:** (Adolescents, Parents, Team)

- Drug Screens 3x week
- Individual Therapy 1x week
- Treatment Group 1x week
- Family Group 1x week
- Court 1x week
- School-Passing Grades (tutoring possible)
- Comply with all orders (court, DCBS, DJJ, etc.)
- Comply with referrals to service agencies (Impact, CMHC, medical, etc.)

### **LIMITATIONS:**

- Curfew - 6 pm weekdays and weekends
- Overnights (home or away) – **NONE**
- Friends leave - 6 pm
- No Electronics after - 8 pm (internet, cell phone, games)
- Adult Supervision - 24 hours a day
- Must have JDC permission to leave county

**PRIVILEGES/REWARDS:** Field trips, Gift Cards

***Parents agree to abide by all responsibilities and limitations of child.***

## **Phase II (weeks 13-24)**

## **Education**

### **RESPONSIBILITIES:** (Adolescents, Parents, Team)

- Drug Screens 3x week
- Individual Therapy 1x week
- Aftercare Group 1x week
- Family Group 1x week
- Court 2x month
- School-Passing Grades (tutoring possible)
- Comply with all orders (court, DCBS, DJJ, etc.)
- Comply with referrals to service agencies (Impact, CMHC, medical, etc.)

### **LIMITATIONS:**

- Curfew – 8PM weekdays and 9PM weekends
- Overnights (home or away) – NONE
- Friends leave - 6 pm
- No Electronics after – 9:30PM (internet, cell phone, games)
- Adult Supervision - 24 hours a day
- Must have JDC permission to leave county

**PRIVILEGES:** Field trips, Gift Cards, increased electronics, curfew extension, fewer Drug Court attendance, overnights/stay over's

**Parents agree to abide by all responsibilities and limitations of child.**

## **Phase III (weeks 25-36)**

## ***Self-motivation***

### **RESPONSIBILITIES:** (Adolescents, Parents, Team)

- Drug Screens 6x month
- Individual Therapy 1x week
- Aftercare Group 1x week
- Family Group 1x week
- Court 1x month (as specified)
- School-Passing Grades (tutoring possible)
- Comply with all orders (court, DCBS, DJJ, etc.)
- Join school/church/community organization or team sport

### **LIMITATIONS:**

- Curfew – 9PM weekdays and 10PM weekends
- Overnights (home or away)
- Friends leave - 6 pm
- No Electronics after – 10:30 pm (internet, cell phone, games)
- Must have JDC permission to leave county

**PRIVILEGES:** Field trips, Gift Cards, increased electronics, Curfew Extension, fewer Drug Court attendance, overnights/stay over's, plan trips

**Parents agree to abide by all responsibilities and limitations of child.**

**DCJDC Team members:**

Claud Porter– Daviess County Attorney  
Judge Lisa Jones– Daviess District Judge  
Kyle Smith– Juvenile Drug Court Director  
Rachel Pate– Department of Public Advocacy  
Matt Meier -Department of Public Advocacy  
Lura Mcelhearn– Daviess County Public Schools  
Summer Bell– Owensboro Public Schools  
Misty Jones-EAGALA  
Jeff Harris– Lighthouse Counseling  
Keith Wells– Owensboro Day Treatment  
Lisa Burns-Kirby– Court Designated Worker  
Lonnie Lyles– Yewell’s Home

# DAVISS COUNTY DRUG COURT RULES AND PROCEDURES

In addition to the terms and conditions of their Juvenile Drug Court Contract, a juvenile must follow all Drug Court rules in order to advance through the phases and graduate. Honest communication with all Drug Court team members is expected of each participant at all times. Failure to comply with Drug Court rules will result in additional sanctions designed to correct behavior and guide each participant and family member(s) toward desired outcomes.

## 1. SOBRIETY, TREATMENT, TESTING AND ABSTINENCE:

Participants must not use alcohol or illegal drugs. They must remain sober, in substance abuse treatment, and submit to drug testing. Participants are striving for 9 months (270 days) of sobriety to graduate from Drug Court.

## 2. CLEAN AND SOBER DAY COUNT:

"Day 1" is the first day after acceptance into the Drug Court program or the first day after relapse (dirty test, refusal to test, diluted or adulterated specimen, or possession of alcohol or drugs, including any unauthorized prescription drug). The number of days a participant is clean and sober from mood-altering substances will be a key measure of progress throughout one's participation throughout the Drug Court program. A participant may transition to [a higher phase] provided:

- a. he or she has remained sober for 60 consecutive days with no relapses, AND
- b. the team agrees that the participant should move to the next phase considering his or her overall Drug Court performance.

Possession of drugs, including unauthorized prescription drugs or alcohol, equates to a relapse. Relapse includes testing positive for any non-prescribed mood-altering substance, failing to provide a urine sample, or submitting an adulterated or diluted specimen for self or another person. Any offending participant's "clean and sober" day count will revert to "0."

### Note to Phase III participants:

If the participant has one relapse while in Phase III, the participant's clean and sober day count reverts to "0" and the court may return participant to Phase I. Upon successful completion of Phase I, the participant is returned to Phase III. If the participant has a second relapse, his or her clean and sober day count again reverts to "0" and the participant returns to Phase I.

## 3. DRUG COURT ATTENDANCE:

Participants must attend Drug Court, fully participate, and remain for the entire session unless excused early by the Court. Unexcused failure to appear in Drug Court will result in the issuance of a bench warrant and possible sanctions. Participants who need to be excused from Court must call the Juvenile Drug Court Coordinator, Kyle Smith, on or before the date of their court hearing to request permission to be excused and provide a valid reason. Any scheduled appointments outside of the Court setting (i.e. school or regularly scheduled group therapy/teen recovery meetings) must also be communicated to the Coordinator.

## 4. SCHOOL:

Participants must attend school, participate fully, and pass all their classes. They may not receive any disciplinary marks, specifically:

- a. UNEXCUSED ABSENCES: Any unexcused absences will result in appropriate sanctions including, but not limited to,:
  - i. One day in Court holding cell up to 6 hours for each day missed.
  - ii. Community service or a written essay. Participants must bring proof of completion of the community service or writing project as directed to their Drug Court hearing.
- b. TARDINESS: Any tardy occurrences will result in appropriate sanctions including, but not limited to,:
  - i. Verbal warning in open court
  - ii. One hour of community service for each hour, or portion thereof that the participant is tardy. The participant must bring proof of completion of community service as directed to his/her Drug Court hearing.

- c. **DISCIPLINARY ACTIONS:** Misbehaviors in the school setting resulting in disciplinary actions such as demerits, detention, in-school suspensions, etc., will result in appropriate sanctions including, but not limited to:
  - i. Verbal warning in open court
  - ii. One hour of community service for each occurrence. The participant must bring proof of completion of community service as directed to his/her Drug Court hearing.

\*Additional Sanctions/Consequences will be appropriately matched with the severity of the behavior/offense based on active sanction/incentive level status as suggested below.

#### **5. TREATMENT AND COUNSELING:**

Participants must attend and fully participate in substance abuse treatment and counseling. Any unexcused absences at treatment or counseling could be sanctioned as suggested above for school settings. Confidentiality and the privacy of a participant's disclosures shall be held to the most-high respect for which all privacy laws shall apply.

#### **6. ILLNESS:**

Participants missing Drug Court, school or treatment due to illness must present a letter verifying their illness to the Drug Court Coordinator or to their next Drug Court hearing. The letter must be signed and certified by a doctor or the person with whom the participant is placed. Additionally, the participant and/or a parent must contact the participant's school, treatment program, and Juvenile Drug Court Coordinator the day of the absence.

#### **7. BEHAVIOR:**

Drug Court participants are required to behave appropriately in all circumstances.

- a. **HOME:** Participants must follow the rules and regulations of the person(s) with whom they are placed. The person(s) has a duty to inform the Court of any rule or probation violation.
- b. **DRUG COURT:** Participants must be respectful and attentive towards the Court, other team members and all other participants. For example, all persons within the Court setting shall respond with "yes sir, yes ma'am, no sir, no ma'am." Participants shall also not chew gum, use inappropriate language or gestures, snicker or tease other participants, or slouch in their chairs. When standing before the Judge, participants are expected to stand straight with hands by his or her side or behind the back.
- c. **SCHOOL:** Drug Court participants must follow all school rules and expectations (i.e. conduct, dress code, etc). Participants are expected not to receive any disciplinary actions.
- d. **TREATMENT PROGRAM:** Drug Court participants are expected to abide by the rules and requirements of their assigned treatment program.

#### **8. DRESS AND GROOMING:**

Any participant appearing at Drug Court must be dressed in appropriate courtroom attire. Drug Court participants may not wear gang attire or any apparel indicating drugs or alcohol, inappropriate logos or alterations. Participants may not expose their midriff, cleavage or underwear. In addition:

- a. **HATS** may not be worn.
- b. **SHOES** must be worn.
- c. **PANTS** must be full-length, may not be cut-off, and must be worn at the waist.
- d. **DRESSES AND SKIRTS** must be appropriate. The Drug Court Team will counsel participants who do not dress appropriately. Continued non-compliance will result in sanctions.

#### **9. DRUG TESTING GUIDELINES**

In addition to behavior and progress, drug testing will be a key focal point of the Drug Court program. Participants will be required to submit to random drug testing as follows:

- Phase 1 – Stabilization: 3x/week
- Phase 2 – Education: 3x/week
- Phase 3 – Stabilization: 6x/month

**The following is the drug screen procedure:**

1. PARTICIPANT will call **1-866-327-3421** between **4:30am-6am** to determine drug screen assignment for that day and allow enough time to complete the drug screening prior to school beginning. Participants will be asked to enter the last 6-digits of the participant's social security number.
2. Should the participant be assigned, he or she will have approximately 1 ½ hours to appear for the randomly scheduled drug screening. The testing site is located at M. Holbrook Judicial Center building, 2<sup>nd</sup> floor.
3. There shall be no excuse for failing to appear for a drug screening (i.e. transportation issues). Any issues related to a participant being unwilling or unable to appear for the drug screening shall be handled accordingly with a Court hearing. Determination of whose responsibility (i.e. the participant or the parent/guardian) shall be discussed and determined at that time.
4. Participants will be asked if there has been any drug usage prior to the official drug screening.
5. Collection of specimen will be observed to prevent tampering
6. The administrator of the urine sample collection shall witness the administration of the drug screen.
7. Results shall be documented on the drug screening form.
8. Participants may not leave the testing site until proper documentation has been completed.
9. Participants shall sign the drug screening form after the appropriate box concerning the results has been marked
10. The participant and the observer shall both sign the form
11. Results shall be communicated to the Juvenile Drug Court Coordinator and presented at the next Drug Court hearing. Should a parent/guardian wish to know the results of the drug screening, the parent/guardian can be present at the time of the collection and signature of results or call the Juvenile Drug Court Coordinator that day.

**Urine drug screens shall be recorded as a positive drug screen under the following conditions:**

- Use of any mood-altering substance resulting in a positive drug screen
- Failure to call for drug screen assignment determination
- Failure to show up for drug screen
- Failure to produce urine specimen

Drug screening provides a healthy measure of accountability toward how active a participant really is throughout the Drug Court process. As mentioned earlier, the number of active days a participant remains free of mood-altering substances shall be counted and recorded. Drug Court stands by the value of honesty being the best policy with regard to one's use patterns. Therefore, although consequences may be less likely subject to progressive "Levels" and severity (as described in the next section), sanctions/consequences of a positive drug screen shall include, but are not limited to:

- Resetting of "sober days" to '0'
- Loss of points
- Loss of privileges
- Verbal warning/acknowledgment within Court and therapy settings
- Case review of individual counseling treatment planning
- Assessment by a qualified mental health professional for short or long term inpatient participation

*\*Also refer back to section 2\**

## **10. DRUG COURT RESTRICTION VIOLATIONS**

Participants may be detained in Juvenile Detention or alternative to detention placement for any violation(s) to be brought before a Drug Court judge for a detention hearing. However, as an alternative to detention, a progressive stance on incentives and sanctions shall always be explored in as a first response.

## **Incentives and Sanctions**

In addition to intensive supervision, Drug Court utilizes a combination of *graduated* incentives and sanctions to assist a participant achieve and maintain sobriety. To encourage participants to work toward and maintain sobriety, the Drug Court awards incentives when the team agrees that an individual has reached a milestone. Sanctions are imposed for non-compliance during a minor's participation in the program. The attached spreadsheet represents a common, but not rigid, progression of incentives and sanctions.

*\*Incentive/Sanction Outline Attachment\**

## **11. POINTS AND PHASES**

Drug Court uses a phase system approach involving each of the different components of any substance abuse treatment process. Progression through each phase will be monitored through the use of a point system, which will provide specific expectations and guidelines for maintaining abstinence from mood-altering substances, monitoring positive/negative behaviors, and providing incentives and rewards for desired behaviors and outcomes. The following system is meant to focus more on the behaviors desired than on behaviors not desired. Each phase and outcome is described below:

The point system shall include a weekly tally of overall behaviors and progress reported by parents/guardians, school staff, treatment providers, and any other court appointed authority (i.e. CDW, DCBS, St. Joseph's personnel, etc.). This points system will be monitored and maintained by the Juvenile Drug Court Coordinator and reported weekly to Drug Court advisory team meetings and Court. A maximum total of 100 points shall be awarded each week throughout the program (but not limited to possible bonus points). Therefore, a possible maximum of 5200 points is possible which each phase requiring a specific number of points in order to graduate to the next phase. See below:

- Maximum 5200 points with each participant becoming *eligible* for graduation at 4240 points (Minimum total of 400 orientation points plus 80% of each phase possible).
- Phase I: Maximum of 1200 points allowed for graduation to Phase II. Participants may become *eligible*\* once 80% of the possible 1200 points available are earned (960 points).
- Phase II: Maximum of 2400 points allowed for graduation to Phase III. Participants may become *eligible*\* once 80% of the possible 1200 points available are earned (960 points).
- Phase III: Maximum of 3600 points allowed for graduation to Phase III. Participants may become *eligible*\* once 80% of the possible 1200 points available are earned (960 points).

*\*During this eligibility status of each phase, participants must present in Drug Court with '0' negative behavioral reports and '0' positive drug screens for 2 weeks.*

Points deductions shall occur when behaviors not desired are reported such as, but not limited to, violations to Drug Court contract, misbehaviors at home/school, positive drug screens, etc. The following describes how and when points may be deducted:

- Status occurrences, not charges (curfew violations, truancy): Minus 10-50 points
- Criminal occurrences, not charges (theft, assault, etc.): Minus 50-100 points
- Behavioral concerns (back talking, disrespect, not following rules at home, not giving effort in school or counseling settings): Minus 10-50 points per occurrence

Bonus points may be acquired at the discretion of the Drug Court Advisory Team for incidents of service, positive reports, recognition of good works, etc.

## IMPORTANT INFORMATION

- YOU MUST CALL THE DRUG TESTING LINE (1-866-327-3421 and enter the last 6 numbers of your SS#) EACH DAY **BEFORE 5:30AM**. You can call the line as many times as you like in order to know if you test that day! Listen carefully and ALL the drug testing is done in room 304, 3<sup>rd</sup> floor of the Judicial building
- DAILY SCHOOL ATTENDANCE IS **MANDATORY!** You should not have any unexcused tardies or absences **UNLESS** there has been a true emergency within you immediate family or with yourself. If you miss school, you need to call the JDC Coordinator (Kyle) at **685-5979** and leave a message if no answer.
- Attendance to drug court, family and/or individual and group counseling is **MANDATORY**. Again, if there is a true emergency, call JDC Coordinator (Kyle)
- The JDC Coordinator is the person you call to make arrangements with something, if you have not met your obligations or any other questions that may arise. **DO NOT CALL OTHER JDC TEAM MEMBERS** to answer your questions unless it is **directly** related to them. If you do call them about something unrelated to their role, they will direct you to call the JDC Coordinator.
- **NECCO**- their role on the JDC team is to place participants on ankle monitors if requested by the team! They have no other role.
- **PREMIER**- This is the drug testing company we contract with to provide drug testing services. They have no authority over drug court.
- **LIGHTHOUSE**- Lighthouse provides the treatment piece for drug court. They provide family and/or individual and group counseling for each family. Their role is strictly related to treatment.
- Please remember that if you **successfully complete** JDC, your previous charges can be dismissed!!! This program is designed to support and help each individual family/kid that is struggling with substance use, grades, school, home, criminal behavior and any other issues within the family! We are individualized and flexible if **YOU** allow us to help.

**PARENTS/GUARDIANS:** You need to keep in contact with JDC Coordinator if any issues arise that you may be confused about, not sure of, upset over or simply not sure what to do about something! It is **MY JOB** to assist you and try to get things resolved for everyone involved! I need to hear from the parents if the child is struggling, in trouble, not going to school, receives a new charge, etc.

*Kyle Smith, JDC Coordinator*

*[ksmith@daviessky.org](mailto:ksmith@daviessky.org)*

*(270) 685-5979 (fax and phone)*