
2017 MATCP Conference Treatment Court 101

Presented by: 23rd District Sobriety Court Team

Graduation Requirements at 23rd District Sobriety Court

- Clean and sober for a minimum of 90 days (Best Practice)
- Possess valid driver's license (Ignition Interlock in Drug & Veteran's Courts, Best Practice)
- Possess High School Diploma or G.E.D.
- Employed full-time or full-time student (Best Practice)
- Successful completion of all probation terms
- Community Giveback

What are you trying to accomplish?

Communication- Best Practices

- Team members share information as necessary to appraise participants' progress in treatment and compliance with the conditions of the drug court. Partner agencies execute memoranda of understanding specifying what information will be shared among team members.
 - Several studies have indicated that participants and staff alike rate communication among team members as one of the most important factors for success in drug court. (National Association of Drug Court Professionals, Best Practices Vol. II, 2015, p. 42)

Communication- Best Practices

Team members contribute relevant insights, observations, and recommendations based on their professional knowledge, training, and experience. The judge should consider perspectives of all team members before making decisions that affect participants' welfare or liberty interests and explains the rationale for such decisions to team members and participants.

- Studies in more than 10 drug courts found that implementing a model designed to improve team communication skills increased job satisfaction and improved program measures such as admission rates, wait times for treatment, and no-show rates. (National Association of Drug Court Professionals, 2015, p.45)

Using Staffing Notes

Details:

Date	Notes
03/02/2017	[REDACTED] and I discussed his plan for how he can get his 236 hours of community service done as quickly as possible. As it stands now, he has Sundays off of work. It really isn't a matter of possibility for him to take any more time off in order to meet his financial responsibilities. He is going to try and start working 4 hour shifts at Salvation Army in between jobs when he can and see if he can put hours in at his church on Sundays in order to get as much done as possible. He also talked about Ford shutdowns as possible chances to get a lot of hours done in single weeks. He still has a great attitude and is really doing everything that he can to maintain his family and work as much as he possibly can to support them. He takes time to make meetings and pay attention to his sobriety so that there is no chance for him to slip back in to old habits.
02/16/2017	[REDACTED] continues to have his patience tested with his job at Ford. He constantly monitors the potential routes he can take there to get to full time status. In the meantime, he is working at the cable job as much as he can. He said that he will get going on his community service but he will definitely need a friendly push from the court at the next opportune time. He is doing a great job of balancing things out and being able to make it to his obligations right now in spite of being run ragged most of the time. Said that he is working with his son on reading comprehension and he has certainly embraced his role as family man as opposed to party goer.
01/31/2017	Due to weather and time constraints, I canceled our regular 7am appt. [REDACTED] sent me pictures of his AA sheet. We will meet in two weeks.
01/19/2017	[REDACTED] continues to struggle with financial responsibilities and everything that comes with that. He hates that his time is so constrained on the weekends when his kids have activities that he'd love to be a part of. He maintains a really great attitude in the face of these challenges and he is committed to working on himself and his relationships. He remains hopeful that he'll be hired full time at some point at Ford and he will be able to put these challenges behind him.

TREATMENT RECOMMENDATION

Provider	Date	Recommendations
Community Care Services - LP	01/17/2017	Last Payment Date: Balance Due: [REDACTED] appearing somewhat overwhelmed relating current pressures and stressors relative to dealing with his financial, legal and familial issues; i.e., currently going through a bankruptcy, working two jobs to make ends meet, having to drive his mother-in-law's car for transportation to work cable job and auto plant, facing uncertain legal consequences from the auto crash(court hearing in Livonia 01/17/2017, auto coverage lapsed). Focus of session identifying strategies and tools to handling of finances and family debt, marital counseling referrals provided for addressing of marriage problems, lack of communication, and etc. [REDACTED] has been provided with marital counseling resources. In spite of all the above indicated issues, he has remained compliant with court mandates and maintaining his sobriety from alcohol use. Next session 02/13/2017 @ 7:00 pm.

Role of Probation Officer in Sobriety Court

- Best Practices per Michigan Drug Courts: Standards and Best Practices Manual
 - Probationers on 50:1 caseloads received significantly more probation office sessions, field visits, employer contacts, telephone check-ins, and substance abuse and mental health treatment. As a consequence of receiving more services, they also had significantly better probation outcomes, including fewer positive drug tests and other technical violations. (Jalbert & Rhodes, 2012)

Role of Probation Officer in Sobriety Court

- Probation appointment frequency
 - Weekly to Bi-Weekly
 - Is participant fully compliant?
- Rapport building
 - Participants are not easily trusting of court staff
- Community Supervision
 - Who is doing home checks?

Target Populations

- What is the defendant's eligible drug court charge?
 - Will your program admit OWI offenders only or drug related offenses as well?
- High Risk High Needs
 - Mixing low and high risk offenders can serve as deviancy training for lower risk individuals (Rice, Harris, & Cormier, 1992).
- Standardized substance abuse and risk assessments.
- Team input when necessary.

Role of a Therapist in D/C

Services

- Relapse prevention- triggers, cravings, environment cues, implementation of coping skills
- Assessing for Mental Health- diagnosis and referrals
- Psycho education- ex. understand PAWS
- Vocational services including case management
- Referrals- PCP, psychiatry, and community supports

Special considerations

- Trauma informed and trauma specific care
- Gender based classes- ex IOP
- Address Co-Occurring disorders
- Evidence Based Treatment
 - Examples of manualized CBT curricula that have been proven to reduce criminal recidivism among offenders include Moral Reconciliation Therapy (MRT), Reasoning and Rehabilitation (R&R), Thinking for a Change (T4C), Relapse Prevention Therapy (RPT), and the Matrix Model. (National Association of Drug Court Professionals, 2013)

Best Practices Manual

- Assuming drug courts are treating individuals who are addicted to drugs or alcohol, and are at a high risk for criminal recidivism or treatment failure, studies show that, on average, participants will require **6 to 10 hours of counseling per week in the first phase** and **200 hours over the course of treatment**. (National Association of Drug Court Professionals, 2013)
- The best outcomes are achieved when addicted offenders complete a course of treatment extending over approximately **9 to 12 months**. (Peters, 2011) (Cobbina & Huebner, 2007)

Confidentiality

- Mandated Reporter and safety considerations
- Treatment courts may receive or release information or records of participants only with the specific knowing, voluntary, and written consent of the participant, or under certain very limited exceptions. (42 CFR, Sections 2.22 and 2.31(a))
- • Consent must include (42 CFR, Sections 2.14-2.35):
 - The specific name or general designation of the program or person permitted to make the disclosure, The name of the participant permitting disclosure, The name or title of the individual(s), or the name of the organization, to which (re)disclosure is to be made.
 - The purpose of the (re)disclosure.
 - How much and what kind of information is to be disclosed.
 - The participant's signature and the signature of a person authorized to give consent for a minor.
 - The date on which consent is signed.
 - A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it. Acting in reliance includes the provision of treatment services in reliance on a valid consent to disclose information to a third-party payer. (Note: this element, concerning the revocation of consent, should not be included in consent forms in criminal drug courts. It must be included in juvenile and family drug court waivers.)
 - Date, event, or condition upon which the consent will expire. The date, event, or condition must insure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

Release of Information

- Prior to meeting with therapist client signs a release of information and discusses with PO the limits to confidentiality
 - Court staff will tell therapists anything they know, that they think might be useful for therapists to know in talking with you.
 - Therapists must report any substance use you tell them about, or that they notice because of the way you act, look, sound, or smell.
 - Therapists must make sure the Court knows whatever they find out about why you use, and what triggers you to use. They will encourage on you to tell the Court about this, but must report it separately if you don't.
 - Therapists must report it if it appears you intend to harm yourself or anyone else, you have committed a felony since starting RDWI Court, or you intend to commit a felony.
 - Therapists must make sure the Court knows about changes in your life it will take for you to live a clean and productive life. They will encourage you to tell the Court about these things first, and also will freely discuss these things with Court staff themselves.
- Details you share with a therapist about things that happened to you before you got into RDWI Court, and how you feel about them, will be kept confidential.
- Your therapist is expected to recommend how Court staff can be most helpful to you in living a clean and productive life. They will let you know what they are going to say before they make those recommendations.
- Therapists must make sure the Court knows about changes in your life it will take for you to live a clean and productive life. They will encourage you to tell the Court about these things first, and also will freely discuss these things with Court staff themselves.
- Details you share with a therapist about things that happened to you before you got into RDWI Court, and how you feel about them, will be kept confidential.
- Your therapist is expected to recommend how Court staff can be most helpful to you in living a clean and productive life. They will let you know what they are going to say before they make those recommendations.

Team Meetings and Documentation

- Limits to confidentiality discussed at the beginning of therapy
- Biweekly treatment team meetings
- Documentation on secure, password protected network
- Less is more- respect therapeutic relationship



The Role of The Judge in Sobriety Court

■ Staffing Meetings

■ The Judge attends staffing meetings

- Drug courts were able to significantly reduce recidivism and improve cost-savings when the judge, attorneys, treatment, probation, and coordinator all attended status review hearings .(Carey, Mackin, and Finigan, 2012)

■ The Judge actually listens to the opinions of the team members, including dissents.

■ The Judge must make the final decision, based on the evidence, and the team members input.

The Role of The Judge in Sobriety Court

- Status Hearings

- Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. The frequency of status review hearings may be reduced gradually after participants have initiated abstinence from alcohol and illicit drugs and are regularly engaged in treatment.

The Role of The Judge in Sobriety Court Status Hearings

- The Judge spends time with each participant- The 3 Minute Rule
 - Recidivism was reduced, by as much as 153 percent, in drug courts where judges spent at least three minutes interacting with each participant. (See studies cited in SCAO Best Practices for Adult Drug Court 2017)

Ongoing Judicial Interaction

“I got to be honest- a man wearing a black dress controlling two years of my life bothered the bejesus outa me...but our meetings [review hearings] were lighthearted. And I appreciate what you had to say- the jokes, the realism and the attaboy...You told me what you honestly thought.”

Letter from Brian P., Sobriety Court graduate, To Judge Michael S. Haley(Retired) 86th District Court, Traverse City, Michigan

Due Process

1. At the arraignment on the alleged probation violation, the court must
 1. Ensure that the probationer receives written notice of the alleged violation,
 2. Advise the probationer that
 1. The probationer has a right to contest the charge at a hearing, and
 2. The probationer is entitled to a lawyer's assistance at the hearing and at all subsequent court proceedings, and that the court will appoint a lawyer at public expense if the probationer wants one and is financially unable to retain one,
3. If requested and appropriate, appoint a lawyer,
4. Determine what form of release, if any, is appropriate, and
5. Set a reasonably prompt hearing date or postpone the hearing.
6. At the hearing, evidence against the probationer must be disclosed to the probationer. The probationer has the right to be present at the hearing, to present evidence, and to examine and cross-examine witnesses. The court may consider only evidence that is relevant to the violation alleged, but it need not apply the rules of evidence except those pertaining to privileges. The state has the burden of proving a violation by a preponderance of the evidence.

Due Process: SCAO and MATCP Best Practices Manual, March 2017, pp. 28 & 29

- Due process requires that, like a probation violation hearing, rudimentary due process rights are provided.

Due Process

- Written copy of charges.
- Appointment of interpreters.
- A hearing equivalent to an arraignment to advise of the allegations.
- An opportunity to admit or deny the allegations.
- Admission (plea) meets the due process requirements for termination from the program as long as the respondent was advised of termination from the program as a consequence.

Due Process

- In the absence of an admission, a hearing with the following procedural rights:
 - The moving party has the burden to prove by a preponderance of evidence that one or more allegations in the charging document are true.
 - A record of the hearing should be made.
 - Like a probation revocation, the respondent shall be afforded the opportunity to have an attorney.
 - The respondent shall have a right to be heard, present evidence, and cross examine.

Role of Prosecuting Attorney in Sobriety Court

- Prosecutor as entry point into program
- Confidentiality of records/ public court file
- Prosecutor's interaction w/ victim of Defendant who is entering Sobriety Court Program
- Role of Prosecutor in Team Meetings
- Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting participant's due process rights. MCL 600.1060 (c)(i)
- Sanctions for violation of probation
 - What should the prosecutor recommend?

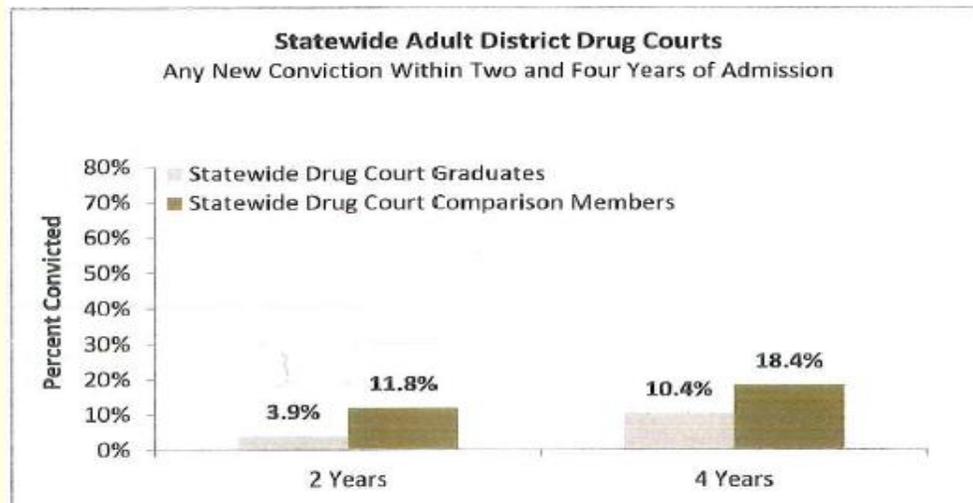
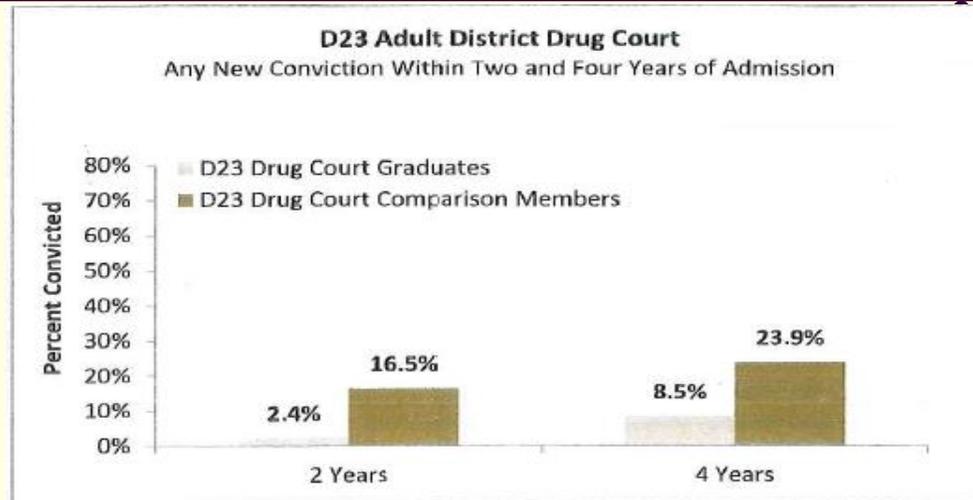
Role of Defense Counsel In Sobriety Court



Role of Defense Counsel in Sobriety Court

- Defense Attorney as entry point into program; continued interaction with Defendant through sentencing
- Confidentiality of records/ public court file
- Defense Attorney's interaction w/ victim of Defendant who is entering Sobriety Court Program
- Role of Defense Attorney in Team Meetings
- Use of a non-adversarial approach by prosecution and defense that promotes public safety while protecting participant's due due process rights. MCL 600.1060 (c)(i)
- Sanctions for violation of probation
 - Defense Attorney's role in VOP proceedings
 - What/When should the Defense Attorney recommend/make recommendations?

Tell the community and your funding unit about your successes!



- Recidivism reduction
- Jail cost savings
- Collection rates

Addressing Barriers in Opiate Addicted Population at 23rd District Sobriety Court

- Inpatient/Residential/Detox
 - GPS Tether
- Continuity of Care
 - Participants taken to treatment by drug court staff
 - Monthly face to face contact required of probation staff
 - Daily contact post treatment
- Med Checks
 - MAT or Psych meds while in treatment
- Community Supervision
- Patience dealing with non using violations

Visit Other Sobriety Courts

- If you are new, visit an established sobriety, veteran's, or mental health court, and observe a staffing meeting or status hearing.
- If you are established, visit other courts to gain perspective back and refresh your mindsets to get back to basics from time to time.

Contact Information

- Hon. Geno D. Salomone
 - (734)374-1331
 - gshalomone@ci.taylor.mi.us

- Steve DeSmet- 23rd District Sobriety Court Coordinator
 - (734)374-2747
 - sdesmet@ci.taylor.mi.us