

Livingston County Treatment Court



Handbook

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MISSION STATEMENT

The Livingston County Treatment Court (LCTC) is designed to provide defendants an opportunity to break the cycle of addiction and crime. Through judicial monitoring and collaboration between the criminal justice system and community agencies, immediate and intensive intervention and treatment is provided to participants. The LCTC links participants to substance abuse treatment, vocational, educational, and other community-based services to promote their success.

The mission of the LCTC is to enhance public safety, ensure participant accountability, eliminate future criminal behavior and reduce the costs to society. By addressing criminal thinking, substance/alcohol use disorders, trauma, and mental and physical health, the participants will realize an improved quality of life.

The following Team Members/Stakeholders have endorsed the above-stated mission of the LCTC: the Livingston County Treatment Court Judge, Livingston County Court Clerk's Office, Livingston County, Livingston County District Attorney's Office, Livingston County Probation Department, Livingston County Public Defender's Office, Council on Alcohol and Substance Abuse of Livingston County-Trinity, Livingston County Sheriff's Office and Livingston County Community/Mental Health Services. A meeting of all Stakeholders (or their representatives) will occur at least annually to discuss the status of the LCTC, potential new or sustaining funding sources and any proposed programmatic modifications.

For the goals and mission of the LCTC to be successful, participants must be **truthful and honest** at all times.

THE LEVEL/PHASE SYSTEM

The Level/Phase System is the primary mechanism by which participants are monitored through the Treatment Court. All participants are designated to a “level” or “phase” of supervision based upon their progress.

The inability of a participant to meet any of the LCTC ordered “in person” requirements (court appearances, treatment appointments, approved sober-support activities, etc.) due to a pre-approved, excused reason (out-of-county residential treatment, verified medical conditions, unforeseen transportation issue, etc.) does not relieve the participant of the mandate. With prior, advanced notice, the participant may receive permission to use viable alternatives (i.e. electronic or telephonic appearances, reporting to an out-of-county treatment court).

IMPORTANT BASIC REQUIREMENTS FOR EVERY LEVEL/PHASE

All Participants Shall:

- Be honest and truthful at all times
- Abstain from the use and possession of drugs and alcohol
- Only use and possess prescription medications that are prescribed to the participant and only use in the dose and frequency prescribed
- Appear at all scheduled court proceedings
- Attend all appointments (treatment, mental health, vocational, etc.)
- Comply with all time/manner/place conditions (i.e. curfews, travel restrictions, prohibitions on activities, limitations on contact with others)
- Attend three (3) approved sober support activities per week and may be asked to discuss and/or submit written summaries about the activities
- Maintain regular, scheduled contact/communication with Treatment court coordinator, Probation Officer, and treatment providers
- Comply with all drug/alcohol screening protocols
- Refrain from all criminal behavior
- Reside in Livingston County

Level/Phase 1: Choice

The focus of Level/Phase 1 is the establishment of the participant’s choice to start being honest, to work towards a drug and criminal-free lifestyle and to establish a foundation of recovery. This Level/Phase will help to stabilize the participant in treatment and in the community.

In addition to the basic requirements outlined above, during this Level/Phase participant will be expected to:

- Meet with the, Probation Officer, and all other service providers as directed
- Complete a chemical dependency evaluation and follow through with all recommendations
- Complete an educational/vocational/mental health assessment, if appropriate, and follow through with any recommendations
- Comply with the randomized drug screening procedure
- Report to LCTC **weekly** (Court meets on Wednesdays. You must arrive to Court by 2:30 PM. Court begins at 3:00 PM)
- Begin working toward a stable housing arrangement

To advance to Level/Phase 2, a participant must achieve the following:

- A minimum of **90 days sober**
- No un-excused absences from treatment, court, or other mandated appearance
- Participant must be able to demonstrate change/progress in treatment and have met all other Level/Phase 1 requirements.

Once his/her Level/Phase advancement is approved by the Judge, the participant will be asked to present in Court, their accomplishments in Level/Phase 1 and what his/her goals are for Level/Phase 2.

Level/Phase 2: Challenge (Decision Making and Change)

The focus of Level/Phase 2 is to challenge participants to confront the underlying issues surrounding their addiction and the impact on their family and/or on the community at large. The participant will use the tools they learned in Level/Phase 1 to help them work on changing negative behaviors. This Level/Phase will assist them in meeting the challenges of recovery and teach them how to make healthy decisions as a way of life. In this Level/Phase, the participant will learn to effect continued change toward self-sufficiency and begin to reconnect as a productive member of the community.

In addition to the basic requirements outlined above, during this Level/Phase the participant will be expected to:

- Meet with the, Probation Officer, and all other service providers as directed
- Continue compliance with all LCTC requirements, including continued participation in substance abuse or other treatment through successful completion
- Continue randomized drug screening
- Report to LCTC **bi-weekly** (Court meets on Wednesdays. Participant must arrive to Court by 2:30 PM. Court begins at 3:00 PM)

- Continue attending approved sober-support activities as directed
- Maintain stable housing
- Begin planning volunteer work and submit a written proposal for approval

To advance to Level/Phase 3, the participant must achieve the following:

- At least **180 days sober**
- No un-excused absences from treatment, court, or other mandated appearance

Once his/her Level/Phase advancement is approved by the Judge, the participant will be asked to present in Court, his/her accomplishments in Level/Phase 2 and what his/her goals are for Level/Phase 3.

Level/Phase 3: Transition

The focus of Level/Phase 3 is the participant's transition to life after the LCTC. The participant must demonstrate the ability to assume personal responsibility, to sustain their recovery and to lead a safe, drug/alcohol-free lifestyle.

In addition to the basic requirements outlined above, during this Level/Phase the participant will be expected to:

- Meet with the and Probation Officer as directed
- Continue compliance with LCTC requirements
- Successfully complete treatment programs.
- Continue randomized drug screening procedure
- Report to LCTC every **three (3) weeks** (Court meets on Wednesdays. Participant must arrive to Court by 2:30 PM. Court begins at 3:00 PM)
- Continue attending approved sober-support activities as directed
- Work toward completion of 25 hours of approved volunteer work
- Obtain/Maintain employment or involvement in vocational/educational goal, as approved by the LCTC Team

To advance to Level/Phase 4, the participant must have:

- At least **270 days sober**
- No un-excused absences from treatment, court, or other mandated appearance
- Must have completed at least five (5) volunteer hours

Once his/her Level/Phase advancement is approved by the Judge, the participant will be asked to present in Court, his/her accomplishments in Level/Phase 3 and what his/her goals are for Level/Phase 4.

Level/Phase 4: Maintenance

The focus of Level/Phase 4 is for the participant to continue demonstrating the ability to assume personal responsibility for sustaining recovery and maintaining a safe, drug/alcohol-free lifestyle. **In this Level/Phase the participant should be self-monitoring and able to interrupt any negative behaviors without the assistance of sanctions.**

In addition to the basic requirements outlined above, during this Level/Phase the participant will be expected to:

- Discontinue randomized screening
- Report to LCTC every **six (6) weeks**
- Continue approved sober-support activities
- Meet with the and Probation Officer as directed
- Maintain employment or involvement in vocational/educational goal, as approved by the LCTC Team
- Maintain stable housing
- Complete required 25 hours of volunteer work
- Remain clean and sober from all substances

Participants that obtain a successful completion of the program will receive a certificate and are given public recognition during Court with a graduation ceremony. Please note that the decision for graduation eligibility and the ceremony date is at the discretion of the Judge and Treatment Court Team.

Discharge, termination, or involuntary withdrawal from the Court will result in violation of probation and a sentence imposed by the LCTC Judge in accordance to the law and the ***LCTC Contract***.

INCENTIVES AND SANCTIONS

SANCTIONS

INCENTIVES

- Verbal Admonishment
- Essay/Apology letter
- Additional Volunteer Hours
- Curfew
- More reporting/communication
- Increased meeting/attendance requirements
- More frequent drug/alcohol testing
- Electronic Home Monitoring (EHM)
- Home Confinement/EHM Lock Down
- Higher level of treatment
- Reduction of Level/Phase
- Jail
- Warrant
- Praise/Recognition/Applause
- Certificate(s)
- Reduction in Volunteer Hours requirements
- Suspended prior sanction
- Early reporting and early exit from LCTC appearances
- Level/Phase Advancement
- Graduation

TERMINATION FROM TREATMENT COURT

Termination from the LCTC program shall be determined by the LCTC Judge with input from all members of the LCTC Team. Conduct by participants that jeopardize public safety or threaten the welfare of staff members or other participants will be grounds for immediate termination. Examples of that type of conduct include committing new crimes, driving while impaired, selling or providing drugs to other participants in the program, and threatening staff. Termination from the program may also result as a graduated sanction for repeated violations of LCTC policies and requirements.

The participant, the assigned Assistant Public Defender and the participant's original attorney will be notified of the LCTC's intent to seek termination.

All participants facing potential termination are entitled to representation by an attorney of their choosing. Participants may utilize the services of the assigned Assistant Public Defender, their original counsel or another attorney.

After having an opportunity to consult with counsel, the participant may request a termination hearing to challenge the allegations that form the basis of potential termination. The participant or the participant's counsel must inform the LCTC in writing of any request for a termination hearing within one (1) week of receiving notice of the LCTC's intent to seek termination.

In the event a termination hearing is held, hearsay evidence is admissible for the purpose of establishing a violation of the terms and conditions of the LCTC contract. The standard of proof at the termination proceeding will be the preponderance of the evidence standard.

A. LCTC COURTROOM PROCEDURES

All LCTC participants must be in Courtroom A (or other designated area) no later than 2:30 PM on the day scheduled/ordered by the LCTC Judge. Participants should come to court prepared to provide a urine sample if asked. Participants should dress appropriately for court: no tight, revealing clothing; no bare shoulders or half shirts; pants should be worn at waist level; and no drug or alcohol related clothing is permitted. Participants should sit in the center section (or other designated area) of the courtroom and are expected to remain in the courtroom until advised that they can leave by the Judge. If a participant needs to leave the courtroom during the session they need to inform the Treatment court coordinator prior to the commencement of LCTC.

Prior to LCTC beginning, participants will be drug and alcohol screened. If a participant is positive (or deemed positive) the Treatment court coordinator will inform the LCTC Judge before court begins.

The courtroom should remain quiet during the court session. If the Treatment court coordinator or counsel needs to speak with a participant during the court session, an office is available in the entryway of the courtroom to meet with participants privately.

B. OTHER LCTC REQUIREMENTS

Volunteer Work Requirement

The LCTC encourages all participants to “give back” to their community. Therefore, all participants in LCTC must complete a minimum of 25 hours of volunteer work. Participants may begin their hours when they are in Level/Phase 2. Before beginning any hours, participants must submit a written proposal to the Treatment court coordinator that includes: where they want to complete their hours; type of work they will be doing, and a contact name and number of the individual who will be monitoring the hours. The proposal must be approved by the Treatment Court Judge and/or LCTC Team. Volunteer work is **not** limited to Livingston County, but must be completed through a non-profit organization. All 25 hours must be completed before the participant graduates from the program.

Sober-Support Activities

Each participant will be required to attend three (3) approved sober-support activities weekly. Verification forms will be submitted to the Treatment court coordinator each week.

Outside Treatment Providers

Any agency used for treatment must be licensed by OASAS or similar regulatory agency with clear guidelines to facilitate the delivery of professional, appropriate, effective, and confidential services to participants who are referred to them by the LCTC. Said agency must provide the LCTC with regular treatment updates.

C. DRUG/ALCOHOL SCREENING PROTOCOLS

Random Testing

The Treatment court coordinator maintains and monitors a random call-in testing system. Each participant engaged in the LCTC will be assigned a case number (#) for random call-in participation (See Attachment 1). The Treatment court coordinator will meet with the participant and explain the process. After all questions are answered the participants will sign a document that states they have been given the instructions regarding the random urine screening procedures and have read the instructions and understand their responsibilities (See Attachment 2).

Participants in residential programs will not be required to participate in the random call-in system but may be required to submit to an equivalent alternative. Random testing does not substitute for weekly testing at an outpatient treatment agency unless approved by both the Treatment court coordinator and treatment provider. Participants must comply with all testing requests from the Probation Department and the LCTC Team.

When feasible, all LCTC testing shall be directly observed by an authorized individual of the same gender as the participant. Testing protocols require frontal observation and one-handed collection for female participants.

Please note that LCTC Testing will also include testing by the participant's treatment provider and probation officer.

D. CONFIDENTIALITY AND RECORDS RETENTION

The LCTC and its members shall comply with all federal, state, and local confidentiality requirements. In particular, the confidentiality of the participants' alcohol and drug treatment

records is protected under the federal rules and regulations contained in the Confidentiality of Alcohol and Drug Abuse Patient Records regulations (42 CFR Part 2) and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (45 CFR 160, 162, and 164).

A LCTC participant case file will contain all documents relating to the participant including all paperwork forwarded from the originating court. The file contents shall include: referral/intake forms and data sheet(s); the LCTC Contract; copies of all court orders; treatment and mental health reports; all LCTC updates; all essays/summaries; treatment monitoring reports; medical records; authorizations/releases of information; copies of pharmaceutical prescriptions; counseling letters; alien and visa cards; toxicology reports; school records; certificates for treatment program completions and probation reports.

All LCTC records must be retained for six years after graduation, discharge or until completion of all requirements of participants' plea agreement/contract, whichever is longer, then they may be destroyed.

Participant Drug Testing Information (Attachment One)

1. Upon entry to Livingston County Treatment Court (LCTC) you will be assigned a number. This number will remain the same as you advance through Level/Phases.
2. You need to call **585-371-3942** at the beginning of every weekday (Monday through Friday) to hear what number will be tested that day.
3. If your number is chosen you need to report for urinalysis (or other) testing that day.
4. You may report to the Livingston County Courthouse for testing. However, if Treatment Court staff is not available to complete your test you can get screened at the following locations:
 - * Livingston County Probation between **8:00am-11:50am and 1:00pm-3:45pm.**

OR

 - *If you are presently receiving chemical dependency treatment at CASA of LC you may go there for your screen as long as you provide Treatment Court verification that you were tested at that location. **(PLEASE BE AWARE OF CASA'S HOURS OF OPERATION)**
5. It is your responsibility to make yourself available during urine testing hours:
Monday through Friday, 9:00am - 4:00pm.
6. Failure to follow the directions of the random drug testing process may be considered a violation of the Livingston County Treatment Court contract and you may be sanctioned for non-compliance.

Notes:

- If your number is picked and you fail to show for testing it will be considered a positive test. This could subject you to a sanction, which will be determined by the treatment court team. Upon completion of the sanction, the LCTC team will **consider** restoring your clean time if you were screened the previous day as well as the day after the missed screen. The Judge makes the ultimate decision to restore clean time.
- Ingestion of excessive amounts of fluids can result in a diluted urine sample and I understand that my urine sample will be tested to ensure the sample is not diluted.
- If a sample is questionable **appears to have been altered or compromised in anyway**, the individual testing the sample may opt to discard it and request another specimen for testing. Participants will be required to produce another sample, without leaving the building.

Helpful Hints:

- Be prepared to produce a urine sample.
- Allow enough time for the testing to be done since it is possible that you will not be the only one there for testing.

STATE OF NEW YORK
LIVINGSTON COUNTY TREATMENT COURT
2 COURT STREET
GENESEO, NY 14454
585-371-3904
Fax Number: 585-371-3940

I _____, have been assigned a number by the LCTC staff. I have been given the instructions regarding the random screening procedures and have read the instructions and understand my responsibilities.

I understand that if I fail to comply with this procedure, the urine screen will be considered positive and I will lose my clean time. This could also subject me to a sanction.

I understand that if I am late for a test or miss a test, it may be considered as a positive test for alcohol or other drugs and that I may be sanctioned.

I understand that if I fail to produce a urine specimen or if the sample provided is not of sufficient quantity, it may be considered as a positive test and that I may be sanctioned.

I understand that if I produce a diluted urine sample it may be considered as a positive test for alcohol or other drugs and that I may be sanctioned.

I understand that substituting or altering my specimen or trying in any way to modify my body fluids or other specimens for purposes of changing the drug-testing results will be considered a positive test for drugs/alcohol and will result in sanctioning and may be grounds for immediate termination from drug court.

I understand that the individual who is completing the drug screen will have open communication with the LCTC staff, my treatment providers, and my Probation Officer. I understand that I must report all medications.

If I have any questions or concerns, I will notify the LCTC staff immediately.

Participant's Signature

Date

Treatment Court Staff Signature

Date