

CHARLESTON COUNTY

ADULT DRUG COURT MANUAL

Revised April 2001
Revised March 2002
Revised April 2005

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What is Drug Court?

Drug Court is a treatment-focused program targeted to offer intensive rehabilitation services to criminal defendants identified by drug treatment professionals as drug addicts. The court creates an environment with clear, certain and definite rules that are easy to understand. These rules are based on the participant's performance and can be measured. Compliance is wholly within the individual's control.

Elements of Drug Court

The elements of Drug Court include:

- Rapid Intervention
- Immediate Access To Treatment
- Systematic and Coordinated Approach To Treatment
- Judicial Leadership
- Frequent and Direct Contact With Drug Court Judge, Program Coordinator and Treatment Provider
- Use of Incentives and Sanctions

Drug Court Make-Up

It is important that the "Drug Court Team"- (Judge, Solicitor, Public Defender/Defense Attorney, Program Coordinator, Financial Officer, Probation Officer and Treatment Providers) - present a united front in open court sessions. Any disagreements must be resolved prior to Drug Court Sessions.

1. Judicial-

Judge: Honorable Irvin G. Condon and the Honorable Tamara C. Curry. Judge Curry serves as backup to Judge Condon.

Program Coordinator: Elizabeth Anderson, Temporary ;

Mental Health Court Coordinator: Alison Atwood. Alison serves as backup to Drug Court Coordinator

Other Court Personnel: Financial Officer: Harry D. Cale, III; Clerk of Court of the Commitment Division: Regina LeBlanc. Regina serves as backup to Harry, Coordinator and Alison. Probation Officer: Dave Wahrer.

The Drug Court Judge is the central figure in a team effort that focuses on participant sobriety and accountability as the primary goals. Because the Judge takes on the role of trying to keep participants engaged in treatment through the use of incentives and sanctions, treatment providers can effectively focus on developing a therapeutic relationship with the participant. Because of this leadership position, the Judge will often be the final arbiter in disputes and problematic cases. To the participants the Judge assumes a variety of roles and stances, and they are all designed to encourage, punish, praise and motivate defendants to one end - the successful completion of the treatment program. The Judge will supervise treatment by reviewing reports from

the case manager and treatment providers. He will encourage compliance with treatment through the use of both positive and negative incentives. The Judge will have at his disposal a variety of sanctions in response to individual defendant behavior. Positive behavior will lead to rewards. Missed appointments, dirty urine screens and other negative behaviors will be punished.

The Drug Court Program Coordinator acts as a “spanner”, coordinating and facilitating the efforts of the other Drug Court team members. The Coordinator is responsible for all Court Orders regarding intermediate sanctions, Contempt of Court and termination of participants as well as case management.

The Drug Court Financial Officer is responsible for all financial and grant reports including the participants weekly payments.

The Probation Officer is responsible for monitoring those participants that are on Probation in addition to being in the Drug Court Program. The monitoring may include home visits, extra drug tests and additional case management.

2. **Prosecution-**

Solicitor: Ralph Hoisington, Esquire and Assistant Solicitor Ravi Sanyal, Esquire.

The Assistant Solicitor is responsible for working the program day-to-day. The Solicitor’s Office has an absolute veto with regards to any defendant recommended to participate in Drug Court. This veto cannot be appealed nor does its issuance require explanation. The Assistant Solicitor assigned to Drug Court is responsible for the identification, screening and approval of candidates for presentation to the Drug Court Judge. The Assistant Solicitor’s role in the screening process, in conjunction with the Program Coordinator, includes analyzing defendants’ criminal histories and examining the circumstances surrounding current arrests. The Assistant Solicitor must balance the public need for safety with the treatment needs of the defendant. After admission the Assistant Solicitor is a member of the team that advises the court on strategy and problem cases.

3. **Public Defender/Defense Bar-**

Public Defender: Jennifer Kneece Shealy, Esquire and Assistant Public Defender(s) Martha Dicus, Esquire and David Holton, Esquire.

The Assistant Public Defender(s) are responsible for working the program day-to-day. Members of the defense bar also refer possible candidates for the Adult Drug Court Program.

4. **Charleston/Dorchester Community Mental Health Center-**

Treatment providers: John Alexander and Victoria Upchurch

Treatment monitors each participant’s treatment, employment and housing status, family status, etc. Further, they coordinate drug treatment and keep all other members of the “Drug Court Team” informed of each participant’s overall progress so that rewards and sanctions can be provided.

Drug Court Eligibility Criteria

As a general rule, eligibility criteria promotes quality control, ensures consistency in selecting defendants and avoids widening the net for unqualified candidates or narrowing it to exclude qualified candidates. The following general factors are considered:

- Residency
- Severity of Crime
- Nature of Crime
- Specific Categories of Crime
- Prior Record
- Probation/Parole Status
- Outstanding/Pending Warrants
- Pending Cases
- Previous Record of Pre-trial Diversion

Who will be eligible for Charleston County's Adult Drug Court?

1. Defendants with Circuit Court drug charges including possession with intent to distribute, manufacturing, simple possession, etc. Trafficking charges will not be admitted.
2. Defendants with Circuit Court level property crimes related to drug use including shoplifting, forgery and theft.
3. Defendants whose criminal histories suggest a pattern of substance abuse problems.
4. A record that includes 2-3 felonies and the "likelihood that they are facing prison time".
5. Have a history of failed treatment attempts.
4. The Defendant must have a residence and it must be in Charleston, Berkeley or Dorchester Counties. In addition, the defendant must have a support system in place to assist them in completing the program i.e. family, spouse, church etc.
5. Individuals in the program cannot serve as under cover informants for any law enforcement agencies.

What factors may exclude a defendant from participation in Adult Drug Court?

1. Defendants with prior convictions for violent offenses are excluded.
2. Defendants diagnosed with active mental illness are excluded.
3. Defendants who are eligible for the Pre-Trial Intervention program are excluded.
4. Defendants involved in circumstances indicating drug distribution with no corresponding drug use are excluded.
5. Defendants with previous weapons charges or with weapons charges in their current offenses are not eligible.
6. Defendants with previously unsuccessful Drug Court discharges are not eligible.
7. Defendants charged with Housebreaking or Burglary 1st are not eligible.
8. Defendants with prior convictions for criminal domestic violence are not eligible.
9. Defendants whose current charges are for violent offenses are excluded.

How will crimes involving victims be handled in Drug Court?

Because of the sensitive nature of crimes involving victims, a refusal on the part of a victim to consent to a defendant's participation automatically bars admission into Drug Court.

What happens if a defendant is re-arrested while participating in Drug Court?

As long as a subsequent arrest is not for an offense that would have initially barred the defendant from admission into Drug Court, the Defendant is allowed to remain in the program subject to another guilty plea. The nature of addiction is such that one is expected to relapse during the initial stages of treatment/rehabilitation. The general rule is that an individual is dismissed if rearrested 2+ times while in the program depending on the mitigating circumstances. The Solicitor's Office has absolute veto power to terminate the Defendant's current participation in Drug Court if the Defendant is rearrested.

SANCTION

Sanctions are administered when a Defendant does not adhere to the Adult Drug Court Program guidelines. The behaviors warranting sanctions can range from arriving late to Court to testing positive for drugs. The severity of the sanction, of course, reflects the frequency and severity of the behavior, and the attitude of the Defendant. The Judge takes into consideration the overall behavioral patterns of the Defendant as well as the recommendations from the Drug Court Team, but ultimately it is the Judge who has the final say.

Written assignments are given for such things as arriving late to Court or treatment. They are also administered to those participants that have agreed to participate in the program and then use drugs before their first Court appearance. They can range from 250-1000 words and the subject of the essay is based on what the participant is being sanctioned for.

Community service can also be assigned for non-compliance and is usually the sanction the Judge assigns the first time a participant tests positive for drugs after they have been to Court at least once. The Judge generally requires that a participant complete eight hours on the weekend.

- The SPCA is available daily, and the contact person is Claudia Hawkins
- Charleston County Parks and Recreation offers work to be done for Community Service and it is also available daily. The local contact person is Melissa Garvin.
- Another source for Community Service is The Crisis Ministries, which is a local homeless shelter. It is available daily and the community service includes helping serve for the soup kitchen or other general help the organization may need.

Finally, after continued non-compliance or continual positive drug screens, a participant is incarcerated by Order of the Judge. The sanction could be for a weekend, or it could remain in effect until such time as an inpatient bed is available for the participant in one of the treatment facilities. A weekend in jail is the automatic sanction if an individual misses Saturday testing.

A Bench Warrant is issued for those participants that fail to show for treatment and Court without contacting someone from the program. After the Bench Warrant is served, the individual is interviewed to determine their status in the program.

TERMINATION

- If an individual has already been incarcerated or admitted into inpatient treatment and still fails to engage in treatment indicated by either noncompliance or their inability to remain drug free, then the participant is terminated from the program. Generally, there are two reasons a person is dismissed from the program, for legal reasons, and if it becomes apparent that they are no longer treatable.

OUTPATIENT TREATMENT

The Charleston County Adult Drug Court is a year long program dedicated to assisting adults who are experiencing difficulties with drugs and have a criminal history that is not of a violent nature. Substance abuse rehabilitation is a major part of the program. Educational, behavioral, cognitive and social goals are met through three phases, Phase I, Phase II and Phase III. Each Phase must last at least four months by standards set by the Solicitor's Office.

To move through Phases I and II they are required to test negative for drugs for one month, show a positive attitude towards their treatment, show that they are making efforts to gain employment, show up timely to group, remain current on court costs and get an AA or NA sponsor. They must also submit a proposal describing what they have learned in their current Phase, and what they have gained from the program thus far.

In Phase I the concentration is on living drug free and eliminating criminal behavior as well as improving family relationships.

In Phase II the twelve step programs learned in the AA and NA meetings are introduced and reviewed in the group sessions. The participants are required to prepare for the Court a bi-weekly summary of what they are getting from the AA/NA meetings. For those individuals who do not have at least a high school education or GED, Phase II is also considered the "education phase". Upon entrance into Phase II the participant is required to attend orientation at the Trident Literacy the following Monday after they are advanced. At that time they will be assessed on their GED needs.

In Phase III the concentration is on honing social, vocational and educational skills so that the participants can maintain a drug and crime free life after they graduate from the program. The participants eligible for graduation are to write to the arresting officer of the charges that got them into Drug Court. They are to invite them their graduation and explain what they learned from the program. A copy is delivered to the court before the graduation date.

Participants who test positive for drugs after progressing to Phase II and Phase III are heavily sanctioned. They also must return to Phase I until the individual reengages the program.

Thursday is usually when court is held, and a multi-family treatment session is held afterwards. In these sessions family members are given valuable information about drug use, relapse signs and symptoms and relapse prevention, etc. Everyone is encouraged to share and communicate.

Once a participant successfully reaches program goals and completes all three phases they graduate. The soonest an individual can graduate is one year, but it could take longer.

The Treatment schedule is as follows:

Phase I meets for intensive outpatient treatment Monday, Tuesday and Thursday mornings from 10:00 am to 12:00pm and evenings from 6:00 p.m. to 8:00 p.m.. They attend Court on a weekly basis. Court is held on Thursday from 4:00pm to 5:00pm.

Phase II meets for outpatient treatment Tuesday skills need honing) and Thursday mornings from 10:00 a.m. to 12:00 p.m. evenings from 6:00pm to 8:00pm. They attend Court on a weekly basis.

Phase III meets for maintenance treatment Monday evenings 6:00pm to 8:00pm. They attend court weekly. Treatment Counselors lead the sessions.

Note: Random drug testing is required throughout all three Phases including testing on Saturdays from 10:00am to 11:00am. The participants call a designated number Saturday morning to find out if they are on the drug-testing list. They are to report to the Charleston/Dorchester Mental Health Center between 10:00am and 11:00am if they are on the list. A missed test is considered a positive test and a weekend jail sanction is mandatory. No excuses. Treatment is also supplemented with one-on-one counseling and required AA and NA meetings.

Drug Court staffing is usually held every Wednesday from 2:30pm to 4:00pm. Court is then in session from 4:00pm to 5:00pm.

INPATIENT TREATMENT

Inpatient Treatment is available through the Charleston Center, the Charleston County Detention Center and the Earle Morris Treatment facility located in Columbia SC. It is for those individuals who, regardless of sanctions, continue to use drugs. They are voluntarily admitted into the treatment facilities, but they are still under the jurisdiction of the Charleston Adult Drug Court. The inpatient treatment is more intensive. It concentrates on eliminating drugs from the participants system and educating the client about drugs. The issues, which are hindering the individual's ability to remain drug free, are also addressed. A participant is usually in the facility for 30 days. Once they complete the inpatient treatment they continue with the Drug Court Program on an outpatient treatment plan.

RECORD KEEPING

An individual is entered onto the weekly maintenance sheet once they are recommended for Drug Court and enter a guilty plea in the South Carolina 9th Circuit Court. The individual's biographical information, present employment information, drug use information and whether they have had any prior treatment are some of the information included. Other information on the system includes Program status, any sanctions administered and other information the Court may find useful. All information is entered, and the system is updated on a weekly basis, by the program coordinator.

A Court file and a treatment file are maintained for each participant from when they begin the program until they graduate or are terminated. Treatment is responsible for the clinical file, which holds the initial assessment, drug test results and weekly status reports. Those weekly status reports are copied and put in the Court file as well. The Court file contains the initial Court documents the participant signs as a contract to enter the program as well all sanction sheets, Orders, Bench Warrants and other necessary documents presented in Court. The coordinator is responsible

for the Court file.

ANCILLARY SERVICES

One of the goals of the Adult Drug Court is to bridge the gap between the participants and the programs and services available to them in their transition to a drug free life.

A rich source of information in the Charleston area is the Trident One-Stop Career Center. It is a place where the participants can go to get access to training, jobs, continued education, and it provides access to many other local resources ideal for the Drug Court participants. The local contact person is Paul Connerty

The South Carolina Vocational Rehabilitation Department is also in the Charleston area. It offers services to help individuals get prepared to be a part of the work force. Interviewing is practiced and honed as well as proper dress and resume preparation. They also have a mock work place where the participants are paid an hourly wage while they strengthen their new skills. This enables them put to practice what they have learned in counseling. Finally, job placement is offered so they can put their skills to work in the real world. The local contact person is Amy Cantley.

The Trident Literacy Association is also a valuable resource. They offer GED assistance including testing, practice and aid in administration of the test. This assistance is offered in a wide range of locations and times for the convenience of those who need to complete their High School education. The services are free and the local contact number is 747-2223.

The Charleston area has local colleges and universities that are also available for participants who wish to further their education. The Drug Court personnel are available to aid in the admittance process including help with applications, financial aid etc.

ACUPUNCTURE

Acupuncture has proven to be an asset in the alleviation of cravings due to discontinued drug use. The Charleston County Adult Drug Court is in the planning stages of integrating this therapy into its already existing cognitive treatment program.

GUEST MOTIVATORS

Individuals from the local area are invited to come and speak to the participants at the conclusion of Drug Court sessions. Their focus is to motivate and encourage the defendants to succeed in the program and to continue on a positive path. The positive motivation results in a positive atmosphere within the courtroom as well.

REWARDS/CERTIFICATES

Certificates are awarded when an individual graduates from one phase into another. This is an ideal time to have guest speakers because it reinforces for all the participants, the importance of continuing to remain drug free and succeeding in the program.

GRADUATIONS

After an individual successfully completes at least one year of Adult Drug Court, and

progresses through all three Phases of the treatment program, then they can graduate from the program. Their guilty plea is withdrawn and the Solicitor's office dismisses the charges. The charges are also expunged from their record.

Charleston County Adult Drug Court Flow Chart

STAGE 1

1. The defense attorney starts the process:

- 1) Send the Assistant Solicitor assigned to Defendant's case a Processing Sheet for Defendant.
- 2) Call Assistant Solicitor to initiate initial screening.

2. Assistant Solicitor:

- 1) Review file to make sure the Defendant is eligible for Drug Court (see Drug Court Policy packet).
- 2) Review the Defendant's prior record in detail (looking for non-violent crimes directly related to drug use and addiction).
- 3) Based on the record, the Assistant Solicitor assigned to the case either accepts or rejects the Defendant for Drug Court, or the Assistant Solicitor may wait for further input from the Treatment assessment.

IF REJECTED: **The Assistant Solicitor** sends the Drug Court Rejection Memo.

IF ACCEPTED: **The Coordinator** then refers the Defendant to Treatment providers for screening.

STAGE 2

1. **Treatment providers from Charleston/Dorchester Community Mental Health Center** screen the Defendant using a six-page Clinical Assessment Summary Form. The Defendant is either accepted or rejected based on the clinical assessment. If accepted, the **Coordinator** notifies the Assistant Solicitor and the Defense attorney, and the individual is put on the docket to plea into the program.

STAGE 3

1. The **Defendant** pleads guilty.
2. The **Assistant Solicitor** assigned to the case agrees with the Defense attorney in STAGE1 as to which charges the Defendant will plead guilty to before entering Drug Court.

STAGE 4

1. The Assistant Solicitor recommends to the Judge that the Defendant's sentence be deferred and that the Defendant be released into the custody of Drug Court.
2. The **Circuit Court Judge** defers the Defendant's sentencing.
3. The **Defense Attorney** prepares a Personal Recognizance Bond for the Defendant.
4. The **Assistant Solicitor** prepares a Restitution Order if applicable.
5. The **Coordinator** assists the Defendant in completing the Basic Understanding, Waiver and

Agreement Form and the Consent for Release of Confidential Information.

STAGE 5

1. The **Defendant** reports to Drug Court on the regular meeting day. The Defendant is now in the custody of the Charleston County Adult Drug Court.

STAGE 6

1. **The Defendant completes the Drug Court Program:**
 - a.) The Defendant goes back in front of a **Circuit Court Judge**, and the guilty plea is withdrawn.
 - b.) The Defendant has his/her charges dismissed.
2. **The Defendant fails to complete the Drug Court Program:**
 - a.) The Defendant goes back in front of a **Circuit Court Judge** and is sentenced on the charges that he/she originally pled guilty to before entering Drug Court