



**Superior Court of New Hampshire**  
**Drug Offender Program**

---

**New Hampshire**  
**Adult Drug Court**  
**Policies & Procedures**

**Carroll County**  
**October 2023**

INTRODUCTION .....	3
MISSION STATEMENT .....	3
DRUG COURT STRUCTURE .....	3
LEGAL AND CLINICAL SCREENING .....	3
TARGET POPULATION .....	4
APPLICATION PROCESS .....	4
TEAM MEMBERS AND ROLES.....	5
Community Supervision .....	5
Case Management.....	6
Treatment .....	6
PROGRAM REQUIREMENTS .....	6
Phases.....	6
Confidentiality .....	7
Drug Treatment Court Program Rules .....	7
Fraternization, Sanctions, Incentives, and Therapeutic adjustments .....	8
Contesting Hearings.....	10
Friends of NH Drug Courts.....	10
New Offenses.....	11
TERMINATION FROM DRUG TREATMENT COURT .....	11
SEARCH AND ARREST REQUIREMENTS .....	12
Completion/Graduation/Rite of Passage .....	13
Urine Sample Collection and Testing .....	13-14
Absconding.....	15
Medically Assisted Treatment (MAT).....	15
Overnight / Furlough Criteria.....	16
Transitional Housing, Halfway House, Sober House; Overnight Requests .....	16
Restitution & Fee Agreement .....	17
Monitoring and Evaluation .....	18

## **INTRODUCTION**

This document will provide guidelines for the operating procedures, policies and practices of the New Hampshire Drug Treatment Court Programs. This document will be revised and modified as needed by the members of the drug court team(s) and /or the State Coordinator. Information in this document is based on research and best practices as indicated by All Rise trainings, and experience in the field. All Drug Treatment Court teams should follow the best practice standards; this policy manual will help teams in their mission. Additional documents can be found on the court web site: [NH Drug Offender Program](#).

## **MISSION STATEMENT**

Adult Drug Court is designed to reduce recidivism and enhance community safety by providing participants whose chemical dependence has resulted in criminal behavior with treatment and community supervision. As an alternative to incarceration, this judicially supervised program will provide participants with the opportunity to promote their recovery, will reduce crime, restore families, and successfully reintegrate participants into the community.

## **DRUG COURT STRUCTURE**

New Hampshire Drug Courts will use a post-plea model. Individuals determined to be eligible for the program will plead guilty to their offense and will be placed on probation and / or parole. As a condition of probation / parole, individuals will be required to successfully complete the drug court program and any aftercare recommendations. Participants can also be accepted into the program after pleading to a violation of probation if the law allows it.

## **LEGAL AND CLINICAL SCREENING**

Upon application, a legal screening will be conducted by the drug court team member of the county prosecutor's office to determine if the individual can legally be supervised by the Drug Court. This would typically also involve the arresting police department and or DTF, however, the ultimate decision for legal screening is to be made by the county attorney after consultation with the drug court team member of the county prosecutor's office.

If the applicant is not precluded from participation as a result of the legal screening, the individual will be clinically assessed using *an evidence based tool*. In addition, criminogenic risk will be assessed in collaboration with probation / parole.

Once the applicant is screened and found appropriate, a plea will be scheduled with the court. If the applicant is not found appropriate according to the results of the assessment, a notice will be sent out to all parties involved.

## **TARGET POPULATION**

The target population shall be individuals who are diagnosed as chemically dependent on one or more substances, and who have committed a crime or a combination of crimes (felony, misdemeanor, probation violation, parole violation) and who have not been diagnosed low risk or low need. The prospective participant:

1. Must be diagnosed as having a substance abuse disorder as defined by DSM V, moderate or severe.
2. Produce a validated risk assessment higher than low.
3. Must be at least 18 years of age.
4. Be a resident in the jurisdiction of the Drug Court.
5. May have a diagnosed mental health disorder, but if so must follow recommendations by a counselor.
6. Be a US citizen.

### **Participant Characteristics**

#### **Disqualifiers**

1. Offenders with serious medical conditions outside the resources of the Drug Treatment Court.
2. Offenders with mental health issues that cannot be stabilized within the resources of the Drug Treatment Court shall not be eligible for Drug Treatment Court.
3. Substance Abuser (Low Need).
4. Low Risk offenders.
5. Offenders with dual diagnosis, without medical management, treatment plan, or willingness for either.
6. Drug Profiteers.

#### **Qualifiers**

1. Adult offenders facing criminal charges.
2. Offenders who have failed probation and or other treatment programs.
3. Offenders with unstable housing, peers, and lack of employment.
4. US citizen.
5. Offenders with a mental health condition that can be managed through medication and or counseling.

## **APPLICATION PROCESS**

Anyone can make a referral to the program. This includes the prosecution, the defense, law enforcement, the court or any interested party, including the potential participant.

The individual will complete the application in full for background information and proper releases of information so all agencies can communicate with one another. Prosecution will conduct a legal screening to determine if there are any prior convictions or pending charges that would preclude the applicant from entering the program and provide a plea agreement with drug court as part of the offer.

Once the legal screening has been completed and there are no legal barriers to entering the program, a clinical assessment will be conducted by the clinical staff to determine if the individual qualifies for the program given his/her substance abuse, personal history and criminogenic needs (Risk and Need). The risk and need will be determined by validated assessment tools. In some programs, the risk assessment will be completed by the probation parole department, while the need assessment will be conducted by the clinical staff. Both will use validated assessment tools, and the results will be communicated to the coordinator. The Coordinator will inform the parties that the individual has qualified for drug court and will request the clerk of court to schedule a plea date. The coordinator will also update the team if there are additional conditions or a denial. The clinical staff will prepare a report and make recommendations to the team regarding the individual treatment goals including an IOP level of care. The team will accept the participant into the program unless there are extenuating circumstances that would prevent the person from participating. Upon entry of a

Application Process continued

plea of guilty, the participant will begin immediately in treatment, drug testing, probation parole, case management, and address the Judge at the next drug court session. If there are additional conditions that were raised during the assessment, those concerns should be addressed during the first phase of the program.

The participant's information shall be entered into a standard database that will include information required by the program throughout the referral process.

## **TEAM MEMBERS AND ROLES**

In accordance with the 10 key components of adult drug courts as stated by All Rise, a collaborative approach among representatives of several agencies will review, monitor and recommend courses of action on each individual case, bringing with them the perspective of their particular expertise.

The team will consist of but is not limited to:

- Drug Treatment Court Judge
- State Coordinator
- Drug Treatment Court Coordinator
- Case Manager(s)
- Representative(s) from treatment agency
- Representative(s) from state probation & parole and other community supervision officers
- Representative(s) from county prosecutor office
- Representative(s) from public defender
- Representative(s) from law enforcement and / or House of Corrections

Additional team members may be added from time to time depending on need and availability.

- Representative(s) from Transitional housing or shelter
- Representative(s) from the medical community
- Court Clerk

## **Community Supervision**

Probation & Parole will monitor Drug Court participants in the community through home visits. Prior to a participant's entry into drug court, the PPO may be responsible for conducting a risk assessment of the participant and re-assessing the participant as the program progresses. Whether home visits occur, and/or a determination of the appropriate number of home visits will depend on each individual's risk factor and compliance within the program. The level of supervision should be the most intense immediately after a plea has been entered, and step down thereafter through phase progression. Programs should consider increasing community supervision following a relapse or other event that could cause difficulty for program progress.

# Case Management

After the participant enters a drug court plea, the case manager or other staff will:

1. Review the participant handbook with the participant
2. Highlight again the rules of the program
3. Assign a color and call in numbers for random drug testing
4. Conduct a needs assessment to determine what each participant's immediate needs are and what their long term goals / needs will be once stabilized
5. Monitor case and gather reports from counselors, doctors, Probation/Parole, employers, laboratories, etc. and present information to the team during staffing
6. Be in contact with participant about their schedule and progress
7. Link the participant with services such as employment information, self-help meetings, recovery centers, etc.
8. Assist with housing, transportation, medical and dental care

## Treatment

Effective evidence based treatment will be offered through local or in-house providers that have been trained in Drug Court policies and procedures. If the treatment provider is from an outside agency, the Drug Treatment Court should have a Memorandum of Understanding in place which outlines the relationship between the treatment provider and the team. The individual treatment needs of each participant will be taken into consideration when developing a continuum of care. Services may include a detoxification program, short-term and long-term in-patient treatment, transitional living, intense outpatient, outpatient, group sessions, individual counseling, cognitive based therapy, self-help groups, after care planning and sobriety maintenance. In addition, job, educational services, and or family based counseling may be offered if appropriate.

## **PROGRAM REQUIREMENTS**

### Phases

Drug Court is a 18-24-month intervention program divided into multiple phases. In each phase participants will be held accountable if they fail to comply with program requirements. The team will distinguish between requirements that can be accomplished immediately, (proximal goals, ie: appearing on time for treatment and drug testing; participating meaningfully in treatment; being honest), and those that require more time and increasing stability to accomplish, (distal goals, ie: sobriety, housing, employment). A participant must successfully complete each phase before transitioning to the next phase. Each phase includes a specific set of requirements and reporting instructions, and permits step down in supervision as the participant progresses through the phases. After successful completion of the Intensive Outpatient Program component, a participant may transition after a graduation or rite of passage ceremony into a continuing care phase or aftercare. The phases shall include the following components:

1. Acute Stabilization Clinical Stabilization Pro-Social Habilitation
2. Adaptive Habilitation
3. Continuing Care

# Confidentiality

State licensing requires that participant identity and privacy be protected. In response to these regulations, the Drug Court staff, its case managers and treatment providers have developed policies and procedures that guard participant privacy. In accordance with the HIPPA Laws and Part 2 of Title 42 Code of Federal Regulations (C.F.R. 42 Part 2), participants will be asked to sign two Consents for Disclosure of Confidential Substance Abuse Information, one for the treatment provider and one for the case managers. This disclosure of information is for the sole purpose of hearings and reports concerning the participant's specific drug court case and is a mandatory requirement of Drug Court. Anonymous information regarding the participant's case will also be given to Evaluators to aid in Program Evaluation. In addition, team members will have to sign the team MOU which expresses confidentiality of team members and also read Policy and Procedure Appendix A.

Team MOU opening paragraph:

The Drug Court, having joined as a team, agree to collaborate in an effort to reduce substance abuse and drug related criminal activity in their jurisdiction by supporting a comprehensive program of services to meet the needs of the Drug Court participants. Therefore, we, the team members, commit to maintaining the confidentiality of client information in accordance with Part 2 of Title 42 Code of Federal Regulations (C.F.R. 42 Part 2) governing confidentiality of substance use disorder treatment records. Any information about program participants discussed at pre-court staffing or obtained by any member of the Drug Court Team in their role as a team member is confidential and should not be discussed outside of the Drug Court team. No information learned during pre-court staffing may be shared with any outside agency or any person who is not a member of the drug court team, nor may it be used for any purpose other than that required for the duties and responsibilities of the team, unless by court order. In addition, any information learned by members of the team during team meetings about an applicant to the Drug Court program shall not be used for any other purpose if the applicant is not accepted to the program or declines to participate, except by court order. The team members also commit to the following:

## Drug Treatment Court Program Rules

Participants are required to abide by the following rules, including, but not limited to;

1. Totally abstaining from the use of illegal drugs, alcohol, mind altering substances, supplements or synthetic drugs (e.g.: K2, bath salts, molly, inhalants, and flakka, kratom, or workout supplements). Participants are prohibited from selling, possessing, distributing, transporting or being in the presence of any controlled drugs, including synthetic substances.
2. Reporting directly to the closest Probation Parole office upon pleading into Drug Treatment Court.
3. Verbally informing treating physicians (doctor, dentist, etc.) that the participant is in recovery and may not take narcotic addictive medications or drugs. **BEFORE** taking **ANY** medications that are prescribed or over the counter the participant must confirm with the case manager that the medication is permitted. The participant must bring in any and all documentation from doctors' visits to the Case Manager.
4. Attending drug court sessions and treatment sessions as scheduled, submitting to random alcohol and drug testing, remaining sober and law abiding.
5. Refraining from associating with people who use or possess drugs. Refraining from associating with people who are on probation/parole, unless authorized by the Drug Court Team.

## Drug Treatment Rules continued

6. If a participant is going to be late for treatment, he/she must contact the counselor and case manager. If the participant needs to reschedule an individual treatment or case management session (only if a drug test is not scheduled) a twenty-four (24) hour advanced notice is required. Failure to provide a 24-hour notice (except in cases of emergency), will result in a missed IOP, individual treatment session, or case management session for that week, and could result in a sanction. What constitutes an emergency will be at the discretion of the team, and the participant should consult the case manager regarding the definition of an appropriate emergency. Group sessions cannot be rescheduled; therefore, if a participant misses a group session, this could result in a sanction.
7. Refraining from possessing any weapons while in the Drug Court program.
8. Participants are also expected to pay restitution, fees and fines as ordered by the court.
9. Keeping the Drug Court Team, case managers, treatment provider, and PPO informed of the participant's current address and phone number at all times. Participants must also obtain permission from the Probation Officer and Case Manager to change addresses/residences.
10. As a condition of participation in the Drug Treatment Court program, the participant's person, property, place of residence, vehicle or personal effects may be searched at any time with or without a warrant, and with or without probable cause, when required by a Probation Officer.
11. Participants are not permitted to travel outside of New Hampshire without permission from the assigned Probation/Parole Officer and case manager.
12. Participants must report police contact of any kind by phone to their Case Manager and PPO.
13. Dressing appropriately for court and treatment sessions.
14. Abiding by all other rules and regulations imposed by the Drug Court Team.

## Fraternization

1. Participants are prohibited from associating with other Drug Court participants outside of drug court events (i.e. court or group) unless they have obtained prior permission from the team.
2. Participants are not allowed to live or stay with each other while in the Drug Court. Participants temporarily residing in emergency shelters and sober living facilities are the only exception, when prior authorization has been given by the team.
3. Participants who are related or have a history together should inform the team.
4. Participants may not rely on other group members for transportation, without permission. Participants are expected to develop a transportation plan with the case manager. At the discretion of the assigned PPO and Case Manager, participants may be able to ride together to program requirements including court, probation/parole, treatment, self-help meetings, or work.
5. Participants are advised to not be involved in any business transaction with other participants.



# Sanctions, Incentives, and Therapeutic adjustments

Research is clear that establishing a gradual system of sanctions and incentives is critical for successful progress in the program. Proximal and distal behaviors will be considered when determining the appropriate sanctions and incentives. Each participant should know the different sanctions, incentives and therapeutic adjustments that are described in the hand book.

Each team should have a comprehensive grid to use as a guide for sanctions, incentives or therapeutic adjustments. Teams can adjust these goals based on individual circumstances, however, having a baseline on where to start is crucial to a participant's success.

Teams should aim to use all levels of behavior modification when creating sanctions, incentives, and therapeutic adjustments.

## Incentives

Upon the recommendation of the Drug Court Team, participants may be given rewards or incentives for healthy and appropriate behavior. Common behaviors and incentives include but are not limited to:

Behaviors	Incentives
<ul style="list-style-type: none"><li>• Honesty</li><li>• Starting employment/schooling</li><li>• Participating positively in IOP</li><li>• Getting a self-help sponsor or recovery coach</li><li>• Effective communication with the team</li><li>• Paying fines/restitution</li><li>• Stable housing</li><li>• Obtaining employment</li></ul>	<ul style="list-style-type: none"><li>• Judicial praise/congratulations</li><li>• Reduction of court appearances</li><li>• Early advancement between phases</li><li>• Called at the beginning of the docket</li><li>• Selection from the "fishbowl" or candy</li><li>• Bus passes</li><li>• Curfew extension</li><li>• Reduction of fees</li><li>• Gift card</li></ul>

## Sanctions

Sanctions will be imposed by the Drug Treatment Court Judges, upon the recommendation of the team, when a participant violates any of the Drug Treatment Court rules. Sanctions are imposed as immediately as possible, are sufficiently intensive to disrupt the negative behavior and are individualized to the participant and the behavior.

The response to the participant's non-compliant behavior may include any of the following sanctions by the Drug Treatment Court:

Behaviors	Sanctions
<ul style="list-style-type: none"><li>• Positive drug/alcohol test/tampering with urine sample</li><li>• IOP/court/drug testing no shows or tardiness (unexcused)</li><li>• Disruptive behavior in group/lack of participation</li><li>• Failure to comply with curfew/maintain appropriate residence</li><li>• Failure to comply with (if applicable) restitution/fines or fees</li><li>• Re-arrest</li><li>• Failure to make court appearances/disruptive behavior in court</li></ul>	<ul style="list-style-type: none"><li>• Increased court appearances</li><li>• Anger management</li><li>• Imposition of community service</li><li>• Apology letter</li><li>• Increased self-help requirements</li><li>• Extension/reduction of phase</li><li>• Imposition of electronic monitoring equipment</li><li>• Unemployment classes</li><li>• Employment search forms</li><li>• Incarceration at the House of Corrections</li><li>• Arrive early to IOP and or drug testing</li></ul>

**\*\*Participants who are dishonest may receive a more significant sanction than participants who are honest.**

### Contesting hearings

Drug Court participants do not waive every right to enter into the program. One of those rights is the right to have a contested hearing when they could be incarcerated. This does not mean the participant can contest the sanction, just the evidence that the event occurred.

These contested hearings must be conducted if the participant does not agree they committed the behavior that is leading to their incarceration. The hearing will be held at the end of the regular drug court session, and the defense attorney and prosecutor assigned to the team will represent the participant and the state during the hearing.

The Drug Court violation will precede by offer of proof, so in most instances, witness will not be required to testify at the hearing. Lab Analysts will not be required to testify at the contested hearings regarding positive urine tests, and dishonesty can result in a larger sanction if found to have violated and denied the conduct.

I understand that if I wish to contest a violation and the violation could result in a jail sanction, I can request a hearing on whether I committed the violation. However, I agree that this hearing will be limited in nature. I agree that in most instances, the hearing will proceed by offer of proof, meaning in most instances witnesses will not be required to testify at the hearing. I agree that lab analysts will not be required to testify at contested hearings regarding positive urine tests. I understand that dishonesty will result in larger sanctions if I am found to have violated and denied the conduct.

### **Friends of NH Drug Courts**

In an effort to assist Drug Treatment Court programs with their success, local NH community leaders have come together to form a non-profit organization. This organization, called the Friends of NH Drug Courts, has been created to fundraise with the goal of distributing those funds to the existing programs. Each Drug Treatment Court program should create and/or incorporate incentives / benefits into their programs to help enhance participant success.

Drug Treatment Courts teams may create additional incentive programs with the funds to help build on already existing incentives; this can include small gift cards, bus passes, micro loans, etc.

The type of behaviors that should be incentivized can include:

- Obtaining licensing as a Recovery Coach.
- Graduating or enrolling in school or specific higher education/certification programs toward career enhancement.
- Participating in recovery based work.
- Paying off restitution in full (or six consecutive payments).
- Obtaining a Driver's License (if suspended).
- Engaging/completing outside counseling without formal team referral.

## **New Offenses**

If a participant is arrested and charged with new offenses she/he may be subject to termination. If the participant is incarcerated pending the resolution of those charges and drug court termination has not been decided, the participant will be transported to the next available Drug Treatment Court hearing for a status conference. However, the participant will not return during the regular sessions thereafter until a resolution of the new charges has been reached. The case manager(s) will visit or call the participant periodically while incarcerated for status updates.

If a participant is released on bail, he / she shall be required to continue in the Drug Treatment Court program.

## **TERMINATION FROM DRUG TREATMENT COURT**

Warrants, new arrests or a significant violation of any aspect of a treatment plan may result in termination from the Drug Treatment Court Program. Other violations which could result in termination include the following:

- Drug Treatment Court participants can be subject to termination from Drug Treatment Court if they refuse substance abuse treatment or fail to give consent for release of information. Part of the treatment plan may require inpatient treatment. Failure to comply with the requirements of the recommended level of treatment may result in termination.
- Noncompliance with one's individualized treatment plan may be grounds for termination.
- Lying or dishonesty can be grounds for termination.
- Failure to comply with the drug testing policy, housing policy, or other court order can be grounds for termination.
- Failure to remain arrest free.
- Drug Treatment Court participants can be subject to termination if they commit a new criminal or violation-level offense or engage in illegal activity for which they have not been arrested.
- Drug Treatment Court participants can be subject to termination if they use violence or threats of violence directed at anyone.

The final decision to terminate a Drug Treatment Court participant from Drug Treatment Court will be at the discretion of a Judge after an evidentiary hearing on whether the participant should be terminated. Participants will have the right to representation at this hearing.

## **Termination Procedure**

The participant will be informed by the judge during a court session of a recommendation for termination. A hearing will be scheduled and counsel will be re-appointed. At the time of the recommendation the state will ask for release or incarceration pending a bail hearing and / or the termination hearing. The Participant will receive a written notice of the conduct triggering the recommendation for termination. The hearing should be held within 30 days of the recommendation for termination at which time the participant and his / her lawyer will have the opportunity to be

present, heard, and given the opportunity to cross examine witnesses. The participant can elect to waive his / her right to a hearing, however, it is encouraged they do so only after an opportunity to discuss his / her options with a lawyer has occurred.

## The written notice will include the following information

1. What Drug Court(s) rule has been violated (for example).
  - Failure to comply with treatment and or treatment plan.
  - Failure to comply with the drug testing policy.
  - Failure to comply with housing policy.
  - Failure to comply with court order.
  - Failure to remain arrest free.
  - Failure to refrain from criminal activity.
  - Failure to appear.
  - Failure to be honest.
2. A Summary of the violation
  - An explanation of each of the violations.
  - The date of the violation.
  - The facts supporting the filing of the violation and the court's response to the violation.
3. Recommendation
  - Typically, a recommendation will be provided to the court at the time of the hearing.
4. Pretrial credit that will apply to any sentence, modification or agreement.

## **SEARCH AND ARREST REQUIREMENTS**

As a participant in Drug Treatment Court and while on probation or parole, participants may have their person, vehicle, and/or place of residence searched by any probation officer for the presence of narcotics, drugs or other contraband at any time of the day or night, with or without a search warrant, without prior notice and without probable cause. Any Probation/Parole Officer who observes a current participant of Drug Court in any of the following circumstances is authorized to immediately arrest that individual:

- In violation of any criminal law.
- Ingesting/under the influence of a controlled substance or alcohol.
- Being in the presence of drug paraphernalia.
- Being in the presence of a person in possession of a controlled substance or alcohol.
- If a reasonable person in a like position would conclude that drugs are present.

*\*\*Participants detained in jail after arrest will be discussed by the team either in staffing or electronically and may be released according to the sanction policy or transported to the next drug court session.*

## **Completion/Graduation/Rite of Passage**

### **Ceremony**

In order to successfully complete the program, the participant must have satisfied all court requirements of all phases. Depending on the individual sentence, the participant may have additional time to serve on traditional probation or parole. This transition can happen with a ceremony to congratulate participants on their success.

## **Annulment**

Per State Law any Drug Treatment Court participant who successfully completes the program may file for early annulment of their charge one year after all supervision by probation parole. This is a reduction in the normal waiting period, however, the process is still the same and a participant is not guaranteed annulment.

Annulment paperwork can be reviewed online or at any clerk's office with instructions on how to file.

## **Aftercare**

After the completion of all phases of the Drug Court Program, the participants follow all aftercare recommendations and complete a plan that outlines appropriate activities during aftercare. An aftercare group may be formed for additional support.

## **Urine Sample Collection and Testing**

Policy: All participants will be monitored for substance use through random urine screens at the rate of probability of twice weekly. Designated team members will observe the collection and oversee the testing of urine samples of all participants. Urine samples will be tested onsite and/or sent out to a laboratory for analysis. When collecting and testing urine samples, designated staff will follow the procedures below.

### Purpose:

1. To provide effective monitoring for substance use by Drug Court participants.
2. To ensure that the results of tests are accurate and can be effectively relied upon by Team Members when determining treatment and sanctions.

### Procedures

1. Case Managers will assign each Drug Court participant a color and provide instructions regarding the use of the color phone line during their initial meeting.
2. The Coordinator will determine which colors are selected for testing each day by random selection, whereby each color has a good probability of being selected each day.
3. The Coordinator will ensure that instructions are provided to Drug Court participants on the color phone line.
4. If a participant requests an accommodation to reschedule a random urine screen due to work obligations or emergency, such as illness, the Case Manager may, in their discretion, reschedule the test provided that the participant reports for testing no more than 12 hours after being called. In addition, documentation of work obligation or emergency may be required at the Case Manager's discretion.
  - Screening may be held in the evening pending staff availability for those who need that accommodation based on their work schedule or for any other documented and valid reason. The Case Manager will notify all parties involved ie: jail staff, transitional housing, PPO, etc.
  - Screening done outside the normal screen window is up to the case manager's discretion and also based on program compliance and staff availability.
5. A staff member / team member may require the participant to submit a sample at any time.
6. Designated staff will follow agency policies regarding testing of samples to ensure health, safety, and proper documentation.

## Collection:

Designated staff will provide direction and observation when urine samples are given:

- Male staff will monitor male participants. Female staff will monitor female participants.
- The monitor will wear protective gloves when handling urine samples.
- The monitor will escort the Drug Court participant to the restroom and ensure that the participant leaves all coats, jackets, packages, backpacks, purses, etc. outside the restroom and that the participant thoroughly washes and dries his/her hands with water.
- The monitor will directly and fully observe all sample collections. This may involve the removal of certain items of clothing or pulling down pants, skirts, or undergarments or pulling up dresses, shirts, or undergarments. At the monitor's discretion, a pat-down may be conducted. Other equipment like mirrors may be fixed to the bathroom walls. The use of a urine hat for hands free collection from the participant may be used.
- The monitor must directly observe the passage of urine directly into the container.
- Upon completion, the monitor will ensure the participant wipes off excess liquid from the container and secures the lid on the container, placing a sealing strip around the container, and affixing the label to the outside of the container. The monitor will ensure the participant thoroughly washes and dries his/her hands with soap and water.
- The monitor will test the sample immediately when applicable and / or prepare sample to be sent to a laboratory.
- If it cannot be clearly determined whether a test is positive or negative (on an instant cup), then the sample should be run on a machine or sent to a laboratory for further testing.
- In the event of equipment malfunction the sample will be refrigerated until the equipment is running properly or sent out to a laboratory.

## Reporting and results:

1. In addition to a positive test for drugs or alcohol, the following will be considered a positive test result:
  - *Dilution* – adding liquid to a sample pre or post collection to achieve a drug concentration below the threshold.
  - *Adulteration* – adding a chemical masking agent to the urine or cup to inhibit the testing procedure.
  - *Substitution* – replacing a legitimate urine sample with an alternative.
  - *Refusal to produce* a sample.
  - *Inability to produce* a sample of *sufficient quantity*
  - *Inability to produce* a sample *after 60 minutes*.
  - *Missing* a urine screen, *late* for a screen if not authorized, failure to produce within an allotted amount of time.
  - Positive tests due to ingesting *prohibited OTC medications or poppy seeds*.
2. If admission of use happens before, during, or after the test is collected, the team will adjust recommendations based on the level of honesty.
3. Positive or negative samples may be sent to a laboratory for further testing in the following situations:
  - Consistent and random selection.
  - When treatment providers need to establish a baseline or current level for the substance.
  - When a participant reports use or received outside information of a substance being used not tested by other systems.
  - When a participant disputes the test result, it may be sent off unless already confirmed on another system.

4. Current medications should be listed on laboratory paperwork and drug court database.

Test results will be sent to the Drug Court Coordinator, who is responsible for determining who will be entering results into the database prior to the weekly team meeting and maintaining any records written or database entries involving drug testing (ie: chain of custody, laboratory request slips, etc).

## **Absconding**

If a Drug Treatment Court participant does not appear for any obligation of the program, staff will attempt to locate the participant. If a period of time determined by the team has passed and there has been no contact or refusal to report, the County Attorney will file with the court a warrant for the participant's arrest.

If there has not been a warrant issued and the participant does not appear for court without prior authorization, a warrant will be issued within 24 hours.

Once the participant has been detained on the warrant, the participant will be transported to the next Drug Treatment Court session. The team will consider the following when deciding the appropriate response for absconding:

1. Treatment history.
2. Length of time in the program.
3. Length of time absconding – case by case.
4. Whether the participant has absconded before.
5. Whether the participant returned to the program willingly or via law enforcement intervention.
6. Whether any new crimes were committed while absconding.

## **Medically Assisted Treatment (MAT)**

Prior to starting Drug Court, during participation in Drug Court, or while in aftercare, a participant may be on, or want to start, medically assisted treatment. Drug Treatment Courts are encouraged to have an MOU and a good working relationship with a doctor(s) and / or clinic that specialize in addiction and medically assisted treatment. Once a request either by the individual or team is made, staff will begin the process of referral for the participant to be assessed for MAT by a doctor.

## **Incarceration upon waiting for treatment bed/MAT**

Points to consider when deciding whether a participant should remain incarcerated:

1. Number of relapses and time frame for relapses.
2. Safety level.
3. Level of engagement in treatment.
4. Flight risk.
5. Drug of use.
6. Honesty around circumstances.
7. Current level / phase of program.
8. Whether other treatment adjustments can assure the safety of the participant and / or the public.

Courts may choose to transport the participant for regular drug court sessions while the participant is awaiting a MAT appointment.

## **Overnight / Furlough Criteria**

During the program, participants may request to stay outside of their approved residence and or out of state.

Points to consider when deciding to allow such request:

1. No overnights in phase I unless emergent circumstances.
2. Must be meeting current requirements if in phase II and beyond.
  - Attending school and/or is employed or actively searching for employment.
  - Attending IOP, court and drug testing as required.
  - Attending self-help meetings and is actively working a recovery program.
3. Must be sober for at least 30 days.
4. Must be making regular payments to restitution/Drug Court.
5. Must be up to date on assignments.
6. Must be engaged in IOP and one on ones.
7. Trip must not interfere with treatment.
8. Trip must not undermine recovery.

If an overnight request (s) is/are granted, a relapse prevention plan with the participant's individual counselor should be strongly considered. This can include:

1. Knowledge of local meetings.
2. Creating a support network they can call upon.
3. Ensuring sufficient financial security in the event of an emergency during the overnight stay.

## **Transitional Housing, Halfway House, Sober House; Overnight Requests**

If participant is living at a Transitional Housing unit, other restrictions may apply based on that program's rules.

## **Restitution & Fee Agreement**

### **Restitution (if applicable)**

1. Client will meet with their PPO upon acceptance into Drug Court.
2. A Restitution Payment Agreement will be developed. (This plan may not go into effect until a later phase or until employed; each plan may vary depending on Probation/Client agreement)
3. If client fails to make payments, they will address it at the next drug court session;
  - ♦ Why they were unable to make payment (emergent circumstances, loss of employment, etc.).
4. Client/Probation may meet to adjust payment plan based on circumstances.

### **Suggested responses to non-payment**

- ♦ No payment by regular scheduled court session = extra Court session to update court on circumstances.
- ♦ No payment by second scheduled court session = community service.
- ♦ No payment by third scheduled court session = increased community service.



### Drug Court Fees / Treatment fees (if applicable)

1. A Drug Court Fee Payment schedule will be explained by the Case Manager.
2. If client fails to make payments, they will address it at the next Drug Court session;
  - ♦ Why they were unable to make payment (emergent circumstances, loss of employment, etc.)
3. Client and Case Manager may meet to adjust payment plan based on circumstances.

### Suggested response to non-payment

- ♦ No payment by regular scheduled court session = Extra Court session to update court on circumstances.
- ♦ No payment by second scheduled court session = community service.
- ♦ No payment by third scheduled court session = increased community service.

Typically most fees should be paid off prior to graduation, but failure to do so will not automatically result in a delayed graduation.

## **Monitoring and Evaluation**

Drug Treatment Courts should monitor their adherence to best practice standards continually. This can be achieved through self-assessment surveys, program evaluations by review staff, and data analysis. The program should monitor participant outcomes during the program to measure attendance, test results, graduation rates, termination rates, and violations. The office of the NH Drug Offender Program can assist in the analysis.