

**Cecil County  
Circuit Court  
Adult Drug Court**

**Participant Handbook**



**Cecil County Circuit Courthouse  
3<sup>rd</sup> Floor West  
129 E. Main Street  
Elkton, Maryland 21921**

**Updated 11/2017**

## TABLE OF CONTENTS

<b>Introduction</b>	<b>Page 3</b>
<b>Mission</b>	<b>Page 3</b>
<b>Program Description</b>	<b>Page 4</b>
<b>Drug Court Team</b>	<b>Page 4</b>
<b>Drug Court Status Hearings</b>	<b>Page 4-5</b>
<b>Case Management</b>	<b>Page 5</b>
<b>Probation and Parole</b>	<b>Page 5</b>
<b>Drug Testing</b>	<b>Page 6</b>
<b>Substance Abuse Treatment</b>	<b>Page 7</b>
<b>Drug Court Phase System/Charts</b>	<b>Page 8-15</b>
<b>Drug Court Sanctions</b>	<b>Page 16</b>
<b>Drug Court Program Rules</b>	<b>Page 17</b>
<b>Program Fees</b>	<b>Page 18</b>
<b>Termination</b>	<b>Page 18</b>
<b>Confidentiality</b>	<b>Page 18</b>
<b>Conclusion</b>	<b>Page 18</b>
<b>Drug Court Phone Numbers</b>	<b>Page 19</b>
<b>Protocols</b>	<b>Pages 20-31</b>
• Drug Court Capacity	Page 20
• Drug Court Cases	Page 20
• Drug Court Schedule	Page 20
• Contempt of Court	Page 21
• Drug Court Phases	Page 21
• Phase Movement	Page 21
• Court Week Defined	Page 21
• Program Status's	Page 22
• Controlled Substances	Page 22
• Medication	Page 23
• Testing	Page 24
• Testing Procedures	Page 24
• Test Confirmation	Page 25
• Treatment	Page 26
• Standard Sanctions	Page 27
• New Criminal Charges	Page 27
• Warrants	Page 28
• Ex Parte Communication	Page 29
• Appeal	Page 30
• Imposing Sanctions/Incentives	Page 30
• Credit Time	Page 31
<b>Receipt of Handbook/Quick Tips</b>	<b>Page 33</b>

## **INTRODUCTION**

Welcome to the Cecil County Circuit Court Adult Drug Court Program. This handbook is designed to answer questions, address concerns and to provide overall information about the Adult Drug Court Program. **As participants, you will be expected to follow the instructions given by the Drug Court Judge and the Drug Court Team and to comply with the treatment plan developed for you by your treatment provider.** The core components of Drug Court that you will be expected to comply with include regular substance abuse treatment, drug testing, regular case management meetings, probation meetings, and court appearances.

## **MISSION**

The Mission of the Cecil County Adult Drug Treatment Court is to reduce drug use and recidivism within the community by implementing a post-plea, court-based program, which includes supervision, evaluation, treatment, and monitoring for its participants, with the goal of promoting productivity; development of potential; and a safer, healthier community.

*The Drug Court Team wishes you well as you begin your journey to living a clean, sober and responsible lifestyle.*

## **PROGRAM DESCRIPTION**

The Cecil County Circuit Court Adult Drug Court Program is a supervised, sanction/incentive-based, comprehensive treatment program for non-violent offenders. If deemed eligible, the defendants would enter the program **voluntarily**. Participants are required to attend regular court hearings before the presiding Judge, participate in substance abuse treatment, undergo frequent drug testing all while benefitting from support and guidance from the entire Drug Court Team. They will receive assistance in setting goals to focus on a life of sobriety and becoming a productive, law abiding citizen.

The Drug Court Program is divided into **four (4) phases**. Progression through the phases is contingent on participants completing specific tasks. Participants are assigned a case manager that will meet with them regularly to assist them in reaching program and life goals. Compliance with program rules and requirements will result in progression through the phases and ultimately graduation.

Upon entering the Drug Court Program, the Judge will ensure the participants understanding of the program and confirm that the participant is entering the program voluntarily. **The minimum required time to successfully complete and graduate from Drug Court is one year. The maximum time you may spend in Drug Court is three years.** The time spent in the program can be increased as a result of sanctions and/or program non-compliance.

## **THE DRUG COURT TEAM**

The Drug Court Judge will make all final decisions regarding your participation in the Drug Court Program with input from the Drug Court Team. Your Drug Court Team includes: The Presiding Drug Court Judge, Public Defender (or your private attorney), an Assistant State's Attorney, Drug Court Coordinator, two Case Managers, Treatment Provider, Probation Agent, and two representatives from the Sheriff's office.

Prior to the Drug Court session, the Drug Court Team members familiarize themselves with your progress so that they may discuss that progress with you during the Drug Court session.

## **DRUG COURT STATUS HEARINGS**

As a Drug Court participant you will be required to appear in Drug Court on a regular basis. **Court begins at 1:30 pm**, unless otherwise directed, in Courtroom 4 on the second floor of the Courthouse. At each appearance the Drug Court Judge will be given a progress report prepared by your case manager regarding your drug test results, attendance and participation in treatment, meetings with your case manager, and any other Drug Court requirements. The Judge may ask you questions about your progress and discuss any specific problems or successes you may be experiencing. If you are not doing well, the Judge will discuss this with you and the Drug Court team to determine further action.

**Failure to appear in court on the date and time you are scheduled could result in the issuance of a warrant for your arrest. If you cannot appear in court you must notify your Case Manager immediately.**

## **CASE MANAGEMENT**

As a Drug Court participant you will be assigned a case manager that will meet with you regularly to monitor your progress and participation in the Drug Court Program. Your case manager will work with you to develop an Individualized Case Management Plan that will focus on enhancing life areas.

In addition to monitoring your progress and assisting with the development of your Case Management Plan your case manager is also available for the following:

- ✓ Supportive Counseling
- ✓ Referrals and Linkages to Substance Abuse Treatment
- ✓ Referrals and Linkages to Community Resources
- ✓ Employment & Job Training Referrals
- ✓ Education Assistance
- ✓ Housing Assistance
- ✓ Medical & Dental Programs
- ✓ Transportation Assistance
- ✓ Emergency Services when indicated

## **PROBATION AND PAROLE**

As a Drug Court Program participant you have been placed on probation and will be supervised by a community supervision manager. Your level of supervision will be reviewed routinely and will be adjusted if necessary.

**The Probation Agent must authorize an out of State request.** Your request to leave the State overnight must be brought to your case manager AND your Probation Agent **at least one week prior** to travel.

**Unauthorized travel violations may result in a sanction request.**

## **DRUG TESTING**

You are required to submit to scheduled and/or random drug tests through your entire participation in the Drug Court program. You are required to refrain from any alcohol use, illegal drug use, and the following that may interfere with the accuracy of your drug test results and program compliance. This includes but is not limited to use of any controlled substance, illicit drugs, and/or designer drugs:

- Refrain from consuming excessive amounts of liquids immediately before or for extended periods prior to submitting urine for drug test. Please understand that you should consume no more than 8 ounces of liquid (1 glass) of liquids 1 hour prior to your drug test. If you exceed this amount, your sample may be considered **adulterated or dilute** unless it is the result of a documented medical issue. Adulterated or diluted samples can/will be considered a reason for sanction request.
- Refrain from entering and/or remaining in environments where illegal drugs are being used or kept.
- Refrain from any physical contact with or handling of illegal drugs. Understand that packaging or handling illegal drugs may constitute a violation of the law.
- Do not ingest over-the-counter cough medications that contain Dextromethorphan (DM).
- Do not consume any product that is considered a 'designer drug' or that is labeled 'Not for Human Consumption.'
- Provide the Program with valid documentation of all prescribed medications, and any over-the-counter medications before taking them.

### **Failure to Submit a Urine Sample**

If you fail to appear for a drug test as required, it will be considered positive. If you fail to submit to a requested random sample, it will be considered positive. You may be sanctioned for failing to drug test without prior authorization from your Case Manager to reschedule. Generally each missed test will result in a one day jail sanction per test missed.

### **Diluted Samples**

If you submit a diluted sample it may be considered for sanction. Generally two dilutes in a row or three in a month will result in a sanction.

### **Positive Drug Tests**

A positive or "dirty" test does not automatically mean discharge from the Drug Court Program. It is preferable to submit a positive sample rather than refuse to submit a sample because it indicates a willingness to address issues.

### **Conclusive Test Results**

As a participant in this program, you have agreed that drug analysis is admissible in Court and you waive any hearsay objections to the admission of drug testing conducted by or through Drug Court.

## **SUBSTANCE ABUSE TREATMENT**

Upon entering the Drug Court Program you will be referred to a treatment provider to determine your treatment needs. The results are not to be used against you but are important for your treatment planning. Following your assessment, a determination will be made as to what level of treatment is appropriate. This could range from outpatient to residential/inpatient treatment depending on your needs. This may also change during your involvement in the Drug Court Program depending on your needs/behavior. You are required to follow all recommendations provided by the treatment provider(s) up to and including halfway house placement.

### **Treatment Plans:**

Your treatment plan will serve as a guide. It will include your goals, methods for meeting those goals and target dates for achieving those goals. It will address substance abuse specific areas.

### **Treatment:**

Substance abuse treatment may include individual and/or group sessions. Your attendance at treatment sessions is required and will be reported to the Drug Court Team as part of your progress report. You must have prior permission from your treatment counselor to be excused from a treatment session.

Your Drug Court Case Manager is also available to meet with you to discuss any problems you may be experiencing. If you are unable to achieve abstinence from substances in outpatient counseling, residential/inpatient treatment may be required.

# **Cecil County Circuit Court Adult Drug Court Phase System**

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## **Phase I -Orientation Phase**

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- 1 Month Phase
- Drug Court Orientation Group
- Referral and Admission to Substance Abuse Treatment Program
- Drug Testing as Required
- Group/Individual Counseling as Directed
- Case Management (CM) Meeting- Minimum of 1 Time Per Week
- Develop Case Plan
- Attend Court Status Hearings
- Attend a minimum of 4 Self Help or Support Group Meetings
- Meet with Probation Agent as Directed

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## **Phase I -Requirements to Progress to Phase-II**

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- Completion of Drug Court Orientation
- 12 Consecutive Negative Test Results
- No Unexcused Absences from Treatment or CM Meetings for 30 days.
- Meet with Probation Agent as Directed
- 10 Hours of Community Service Work Completed
- Documentation of a minimum of 4 Self Help or Support Group Meetings
- No Sanctions 14 days prior to Phase Movement
- Completion of Phase I Movement Form.

# ORIENTATION PHASE 1

Participant Name: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

REQUIREMENT	PARTICIPANT SIGNATURE	DATE	PROVIDER SIGNATURE	DATE
Completed Drug Court Orientation				
Attended all CM appointments for 30 days (NO more than 1 misses.)				
12 Consecutive (-) Test Results				
Documentation of 4 Self-Help/Support Groups				
Community Service Hours Completed – 10				
No Sanction for a minimum of 14 days				
Completed/Submitted Phase 1 Form				
Drug and Alcohol Treatment				
Compliance with Probation				

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## **Phase II -Treatment Planning and Implementation Phase**

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- 2 Month Phase
- Drug Testing as Required
- Drug Treatment Services as Directed
- Meeting with Case Manager, Update Case Plan – minimum of 1 Time Per Week
- Meeting with Probation Agent as Directed
- Complete 10 hours of Community Service Work
- Attend a minimum of 8 Self-Help/Support Groups
- Attend Court Status Hearings
- Enroll and Participate in G.E.D Courses, if applicable
- Attend services (MH, Life Skills, Etc.), as recommended by Drug Court Team

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## **Phase II -Requirement to Progress to Phase-III**

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- ❑ 24 Consecutive Negative Drug Tests
- ❑ No More Than 2 Unexcused Absences from Services or Meetings
- ❑ Update Case Plan with Signatures
- ❑ 10 hours of Community Service Work Completed
- ❑ Documentation of 8 Self-Help/Support Groups
- ❑ Enroll and Attend GED Classes
- ❑ Attended Services as recommended
- ❑ No Sanctions for 21 days prior to Phase Movement
- ❑ Complete Phase II Movement Form

## TREATMENT PLANNING AND IMPLEMENTATION PHASE II

Participant Name: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

REQUIREMENT	PARTICIPANT SIGNATURE	DATE	PROVIDER SIGNATURE	DATE
24 Consecutive Negative Drug Tests				
Attend all Treatment Sessions				
Attended Case Mgt. appointments for 45 days				
Attended Probation appointments for 45 days				
No more than 2 unexcused absences from any meetings/services within 45 days				
Community Service Hours Completed – 10				
Documentation of 8 Self-Help/Support Groups				
Enroll in and Attend GED Classes				
Attended Services Recommended				
No Sanction for a minimum of 21 days				
Completed/Submit Phase II Form				

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### **Phase III - Ongoing Treatment Phase**

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- 3 Month Phase
- Drug Testing as Required
- Drug Treatment Services Determined by Treatment Provider and/or Drug Court Team
- Meeting with Case Manager at least every other week and Update Case Plan
- Meet with the Probation Agent as Directed
- Complete 10 hours of Community Service Work
- Attend 12 Self Help/Support Groups
- Attend Court Status Hearings
- Participating in GED Program, Parenting, Anger Management or Other Life Skills Courses Required by your Drug Court Team
- Employed or in Job Training or Approved Educational Placement

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### **Phase III - Requirements to Progress to Phase IV**

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- Consecutive Negative Drug Test Results for 3 months
- No More Than 2 Unexcused Absences from Services or Meetings
- Updated Case Plan updated and Signed
- 10 hours of Community Service work Completed and documented
- Documentation of 12 Self-Help/Support Groups
- Verified Employment or Job Training or Educational Placement
- Attend services as recommended
- No Sanctions for 28 days prior to phase movement
- Complete Phase III Movement Form

## ON-GOING TREATMENT PHASE III

Participant Name: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

<b>REQUIREMENT</b>	<b>PARTICIPANT SIGNATURE</b>	<b>DATE</b>	<b>PROVIDER SIGNATURE</b>	<b>DATE</b>
Update Case Plan				
Attended all CM and Probation appointments for 60 days				
No more than 2 unexcused absences from meetings or services within 60 days				
3 Months of Negative (-) Test Results.				
Documentation of 12 Self-Help/Support Groups				
Verifiable Employment; Job training or educational placement				
Community Service Hours Completed – 10				
No Sanction for a minimum of 21 days				
Attended All Services Recommended				
Attended GED Classes				
Completed/Submit Phase III Form				
Compliance with Treatment				

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## **Phase IV - Aftercare Phase**

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- 6 Month Phase
- Drug Testing as Required
- Drug Treatment Services as Directed
- Meeting with Case Manager Monthly
- Monthly Court Status Hearing
- Employed or in Job training for a minimum of three months
- Attend 24 Self-Help/Support Group Meetings
- Complete Journal Sections as directed
- Meet with Probation Agent as Directed
- 10 hours of Community Service Work

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## **Phase IV - Requirements to Complete Drug Court Program**

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- Consecutive Negative Drug Test Results for 180 Days
- Successfully Complete Substance Abuse Treatment
- Case Plan Updated/Completed and Signed
- 10 hours community Service Completed and Documented
- Provide a Copy of High School Diploma, GED or Confirmation from an Acceptable Source that the GED is Not Attainable and Why
- Demonstrated Efforts to Pay Restitution and/or Child Support, if applicable
- No Sanctions for a minimum of 30 days prior to graduation
- Continued Employment for at Least 3 Months at Time of Graduation
- Complete Graduation Questionnaire and Exit Interview Satisfactorily
- Complete Relapse Prevention Plan

## AFTERCARE PHASE PHASE IV

Participant Name: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

<b>REQUIREMENT</b>	<b>PARTICIPANT SIGNATURE</b>	<b>DATE</b>	<b>PROVIDER SIGNATURE</b>	<b>DATE</b>
Negative Drug Tests for 6 Months				
Complete Substance Abuse Treatment				
Case Plan Updated				
Attended all CM and Probation appointments for 90 days (NO more than 2 misses.)				
Documentation of 24 Self-Help/Support Groups				
Community Service Hours Completed – 10				
No Sanction for a minimum of 30 days				
Attended ALL Services Recommended				
Provided Education Documentation				
Payment Schedule				
Employment for a minimum of 3 months				
Complete Graduation Questionnaire, Relapse Prevention Plan and Exit Interview				

## **DRUG COURT SANCTIONS**

The Drug Court Judge as the result of a prohibited activity or behavior imposes Drug Court sanctions. Drug Court sanctions are imposed, appropriate for the infraction, and delivered immediately. Drug Court sanctions maybe imposed for failure to appear for appointments (which include but is not limited to drug testing, court, case management, probation, and treatment appointments), positive drug tests, possession of drugs or other intoxicants, traveling out of state, treatment non-compliance, and failure to comply with supervision requirements. This list does not include all possible infractions. If you have any questions, please contact your case manager. Possible Drug Court sanctions include, but are not limited to:

- Judge Reprimand
- Written Essays
- Community Service
- Increased Court Appearances
- Program Behavioral Contract
- Program Participation extension
- Increased Community Supervision
- Increased Support Group Attendance
- Increased Drug Testing
- Higher Level of Treatment
- Increased Outpatient Treatment
- Detoxification
- Inpatient Treatment
- Jail Time
- Termination from the Program

## **DRUG COURT PROGRAM RULES**

As a Drug Court participant, you will be required to abide by the following rules.

- 1. Do not use or possess any drugs or alcohol or any mind-altering product labeled 'not for human consumption':**  
Sobriety is the primary focus of this program. Maintaining a drug-free lifestyle is very important in your recovery process.
- 2. Attend all ordered treatment sessions:**  
This includes individual and group counseling, educational sessions and Self-Help/Support Groups, as recommended by Treatment provider and/or the Drug Court Team. If you are unable to attend a scheduled session, you must contact your Treatment Provider AND Case Manager.
- 3. Submit to urinalysis as directed:**  
You are subject to scheduled and random requests to provide a urine sample for testing.
- 4. Report All Prescribed Medications to Your Case Manager:**  
Participants are required to contact their case manager as soon as possible if prescribed medication by their doctor. Participants MUST follow the Medication Protocol effective 1/1/11.
- 5. Do not make threats toward other participants or staff or behave in a violent manner:**  
Violent or inappropriate behavior will not be tolerated and will be reported to the court. This may result in termination from the Drug Court Program.
- 6. Dress appropriately for court sessions:**  
As a participant you will be expected to dress appropriately. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sunglasses and/or hats are not to be worn inside the courtroom.
- 7. While in Court remain seated and quiet at all times:**  
It is very important to observe appropriate courtroom behavior for your benefit and as a courtesy to others present.
- 8. Report ALL Police Contact:**  
Notify your case manager and probation agent immediately of any contact with the police or any new arrest.

## **PROGRAM FEES**

As a participant in the Drug Court program, you will be required to pay Supervision Fees, if not waived by the Courts, and Restitution, if applicable, to the Department of Probation and Parole and any cost for Substance Abuse Treatment as determined by the Treatment Provider. Payment will be made directly to these agencies or their designees. Participants may choose to pay \$25 for Community Service Services; however you may choose to seek Community Service placement on your own without paying the fee. No participant will be denied entry into the program because of an inability to pay fees.

## **TERMINATION**

Warrants and/or new arrests could result in termination from the Drug Court Program. If you receive a warrant and remain on that status for **four months**, you may be terminated from Drug Court (upon warrant service or in your absence from the program.) Other violations, which could result in termination, include missing drug tests; missing court and/or counseling appointments; demonstrating a lack of program response by failure to cooperate with treatment, case management and/or behavior plans; adulterated urine samples; and violating the program rules or directing threats of violence at the Drug Court team or other Participants/Clients. All decisions regarding termination from the program will be made by the Drug Court Team.

## **CONFIDENTIALTY**

During your inclusion in this program, your identity and privacy related to your participation in any drug treatment program will be protected consistent with Maryland and Federal Law. In response to these regulations, policies and procedures have been developed which guard your confidentiality. You will be asked and are required to sign a waiver authorizing the transfer of information among all participating agencies in order to be admitted to the program.

## **CONCLUSION**

The Drug Court Program has been developed to help you achieve total abstinence from illicit and illegal drugs and criminal activity. The program is designed to promote self-sufficiency and to return you to the community as a productive and responsible member. The program is voluntary and is your personal choice. The Judge, Drug Court staff and the treatment team are present to guide and assist you, but the final responsibility is yours. You must be motivated to make this change and commit to be drug free.

**DRUG COURT PHONE NUMBERS:**

Judge Keith A. Baynes	Drug Court Judge	
Sheri Lazarus	Drug Court Coordinator	(410) 996-3018
Gary Hinkle	Drug Court Case Manager	(410) 996-3180
Ashley Petruno	Drug Court Case Manager	(410) 996-3181
Jennifer Berry	Drug Court Case Manager	(410) 996-3021
Walt Rice	Drug Court Peer Advocate	(410) 996-3179
Thomas Klenk, Esq	Public Defender	(410) 996-2850
Joan Grabowski, Esq	Assistant State's Attorney	(410) 996-5335
Jenny Burris	Probation Agent	(410) 996-2890
Mark Byam	Cecil County Detention Center	(410) 996-5810
Sgt. Guy Miller	Cecil County Sheriff's Office	(410) 996-5500
Sgt. Shawn Mahan	Warrant/Home Checks	(410) 996-5500
Cpl. Don Alexander	Warrant/Home Checks	(410) 996-5500

**Drug Testing Line (443) 406-1400**  
**Drug Court Cell Phone (443) 807-8410**

**Drug Court Office Location:**

Cecil County Circuit Court Building  
3<sup>rd</sup> Floor West

**Testing Location:**

Cecil County Detention Center

**Local Treatment Agencies:**

**Cecil County Health Dept.**

401 Bow Street  
Elkton, Maryland 21921

**410-996-5106**

**Project Chesapeake**

111 East Main Street, Ste B  
Elkton, MD 21921

**443-406-3234**

**Ashley Outpatient**

Union Hospital Prof. Bldg  
111 W. High Street, Suite 109  
Elkton, Maryland 21921

**Elkton Treatment Center**

212 Blue Ball Ave  
Elkton, Maryland 21921

**410-620-6077**

**Serenity Health**

203 W. Pulaski Hwy  
Elkton, Maryland 21921

**(443) 485-6358**

**Department of Probation and Parole  
Office of the Public Defender**

120 E. Main Street  
Elkton, Maryland 21921

# PROTOCOLS

## DRUG COURT CAPACITY

The Cecil County Drug Court Program may accept 125 participants in the Program. After that capacity is met, a waiting list will be started.

## DRUG COURT CASES

A defendant who has been accepted into the Cecil County Drug Court Program will, at maximum, be able to have THREE (3) cases supervised by the Drug Court Program. Additional cases, in excess of three, will not be considered by the Drug Court Team.

## COURT SCHEDULE

Drug Court Review Hearings are held each Friday at 1:30 PM. Prior to the Drug Court Review Hearings, the Drug Court Team meets to review the cases on that day's docket. Due to the increase in the number of participants that are in the Drug Court Program, there is the potential of Drug Court encompassing all day each Friday.

At this time, Drug Court Participants can ask for a '207 Hearing' which is the appeal-type hearing. \*See Appeal Protocol. These hearings will be heard at 8:30 AM each Friday morning following the Drug Court Review Hearing where the sanction request is made. Participants will be required to appear at 8:30 AM with their attorney to be heard on the issue that led to the sanction request. Any additional infractions will be discussed and may increase the initially requested sanction. The Judge will make a decision at that time.

### Friday Drug Court Schedule

8:30 AM – 207 hearings, VOP hearings

12:00 Noon – Drug Court Team Meeting

1:30 – Drug Court Review Hearings

Includes: Review Hearings, New Admissions

*\*\*Note: Additional changes may occur as deemed necessary by the Drug Court Judge and/or the Circuit Court Administrator to ensure appropriate management of the Circuit Court Docket.*

## CONTEMPT OF COURT

All participants are subjected to instant testing when they appear for a Drug Court hearing. If a participant tests positive on an instant test, or is unable to produce for said test, in Court, they will be held in Contempt and taken to jail forthwith. This time is not credited toward their credit time. Participants held in contempt will be held at CCDC until Monday morning at 8 AM.

## DRUG COURT PHASES

The Cecil County Drug Court Program is a four phase program that lasts for a minimum of ONE year. The program must be completed within THREE years or the participant may face a Violation of Probation. The phases are outlined in the Participant Handbook, as well as the Policy and Procedure Manual.

Below is a table showing the length of each phase, as well as the maximum amount of time that a participant may remain in the phase. If the participant does not complete the phase within the maximum time allotted, the team will review the progress of the participant and make a recommendation to the Judge.

PHASE	MINIMUM TIME	MAXIMUM TIME
1	30 Days (1 month)	120 days (6 months)
2	60 Days (2 months)	180 days (8 months)
3	90 Days (3 months)	270 days (12 months)
4	180 Days (6 months)	510 days (10 months)
TOTAL TIME	1 year (12 months)	3 years (36 months)

## PHASE MOVEMENT

In order to move phases you will need to bring your phase movement sheet, which is in your handbook, to your Case Manager who will verify the signatures and give to the Coordinator for testing verification. Phases will be moved only on the Court record on Drug Court hearing days. **NOTE:** Forms will NOT be signed on Drug Court Hearing days.

## COURT WEEK DEFINED

In regards to the Cecil County Drug Court, a Drug Court week runs from Friday until Thursday. All sanctions, treatment groups, essays, phase movement forms, etc. **MUST** be received in the Drug Court office by Thursday at 4 PM. *\*\*Note: Due to some treatment schedules, Treatment groups attended Thursday night will be counted in the same week they occur, some are counted in the next week. Serenity Treatment counts any treatment on Thursday evening as the next week's treatment.*

## PROGRAM STATUS

The following Status' will be utilized when referring to a Drug Court Participant:

1. Active Participant – a participant who is engaged in the program and is working with the guidelines of the program.
2. Placement – a participant who is engaged in the program and is placed in an inpatient program, halfway house, or long-term program outside of the County. Releases are to be signed and progress will be reported to the Case Manager on a regular basis.
3. Incarcerated – a participant who cannot participate in the Drug Court Program due to being incarcerated in Cecil County or in another detention center/jail.
4. Warrant – a participant who has received a Drug Court, VOP or new charge warrant, and is not actively engaged in the Drug Court Program. \*see Drug Court Warrant protocol.
5. Pending – a participant who was on warrant status for less than 90 days or who is serving a sentence that is greater than three months on a non-drug court related case. The participants slot in the Drug Court Program may be filled if there are eligible defendants qualified to participate in the program. If the slot is not filled, the participant may re-engage in the program upon completion of the sanction and/or sentence.
6. Inactive – a participant who is on warrant status or who has not been actively engaged in the Drug Court Program for more than 90 days. The participant is then eligible for termination. This participants' slot in the Drug Court Program will be filled if there are eligible defendants qualified to participate in the program who are on a waiting list. The participant would have to reapply to the Drug Court Program.

## CONTROLLED SUBSTANCE PROTOCOL

The Cecil County Adult Drug Treatment Court Program is interested in maintaining drug free participants. Therefore:

1. No controlled substances will be used by any participant, nor are participants to have contact with any controlled substances. This includes, but is not limited to, the following – Participants may not compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or introduce into the human body any controlled substance.

*Definition of Controlled Substance: a generic term for drugs which declared by federal or state law cannot be legally possessed, sold, or transported except for medicinal uses for which a physician or dentist's prescription is required. For the*

*purposes of Drug Court, this includes all ‘designer’ or synthetic drugs or anything labeled ‘not for human consumption.’*

2. Participants are not permitted to use or consume alcohol or any product that contains alcohol while they are participants in the Drug Court Program.
3. If a participant wishes to take any type of over the counter product, including but not limited to medication, vitamins, herbal supplements, energy products, or sleep aids, they must discuss this with their case manager prior to taking said product. They may be asked to provide the packaging of any product they wish to take or have taken.
4. Prescription Medications: See ***Medication Protocol***.

### MEDICATION PROTOCOL

*Effective 1/1/2011*

The Cecil County Adult Drug Treatment Court Program acknowledges that, at times, an entering participant or one already in the program may, under doctor’s orders, be prescribed a potentially addictive controlled substance (other than those medications prescribed to combat the disease of addiction). For this reason the Cecil County Drug Treatment Court Program will respond to these situations as follows:

1. A candidate seeking program entry will not be admitted into the program if they are taking a controlled substance on a regular basis.
2. If a participant is placed on a controlled substance, by a doctor, while in the program due to injury or another medical condition that presents itself, the team may allow the participant to take the medication for a limited time. During this period, the participant will NOT receive additional credit towards their clean time in their present phase. Progress in the phase will resume once it is determined that the participant is no longer taking the medication.
3. A participant who is prescribed **any type** of medication must provide written documentation of the diagnosis, medication, and dosage signed by the prescribing doctor. The doctor’s name shall be printed and a telephone number shall be provided for the doctor. If the medication is prescribed by the Emergency Room, a discharge summary, as well as the bottle of any medication given/prescribed must be presented to the Drug Treatment Court Office on the next business day.
4. If a participant’s time in a phase remains frozen for more than sixty (60) days, they may be considered for termination from the Drug Treatment Court Program.
5. The only medications that will be permitted in the Drug Treatment Court program, that may appear positive on a drug test, will be those that are

prescribed for the sole purpose of combating the disease of addiction (MAT). However, if there is a concern regarding the level of these medications, Rule 2 may be utilized.

6. Any participant taking ANY type of medication shall sign releases for all prescribing doctors, including but not limited to, ER/hospital, doctors and dentists.
7. Medications, that are required for mental health purposes, will be handled on a case by case basis. Medications which are not permitted in the program, must be diagnosed and prescribed by a psychiatrist to be considered by the team.

*\*\* Note: A controlled substance would be any medication that will appear as a positive result on a drug test.*

### TESTING PROTOCOL

The Cecil County Drug Court urinalysis testing is generally completed at the Cecil County Detention Center. Because of staffing coverage, testing for Drug Court Participants will occur as follows:

6 AM until 7 AM – any participant may appear

8:30 AM until 12:30 PM – any participant who is not working

7 PM until 9:45 PM – any participant who has been approved to test due to work schedule verified by their case manager.

1 PM – 3 PM – at the Drug Court Office on days that the Courthouse is open to the public.

**NOTE: IF THERE IS NOT A CORRECTIONAL OFFICER AVAILABLE TO PROVIDE TESTING, YOU MUST CONTACT YOUR CASE MANAGER OR THE DRUG COURT CELL PHONE FOR FURTHER INSTRUCTION. FAILURE TO DO SO WILL CONSTITUTE A MISSED TEST.**

### TESTING PROCEDURES PROTOCOL

**ALL DRUG COURT PARTICIPANTS** are required to call the Drug Court Testing Line at 443-406-1400 BETWEEN 5:00 AM and 7:00 PM each day to determine if they are to test that day. If the participant is scheduled to report for testing, he or she **MUST REPORT** to the Cecil County Community Corrections Center or when applicable, to the Drug Court Office, at the times listed under the *TESTING PROTOCOL*.

**ANY** Participant who appears at the Cecil County Community Corrections Center (CCDC) with **ANY TYPE** of contraband (including but not limited to: Cell Phones, Medication, Weapons) **OR** any participant who attempts to tamper with or alter their urine sample will be taken immediately into the custody of the Cecil County Sheriff's

Department and will be held at the Cecil County Detention Center until the next drug court hearing.

Please note, if suspected of alcohol use, the participant will be alcho-monitor tested as a part of their testing while at CCDC. If you test positive on the alcho-monitor, you will be taken into custody and detain you until the next Drug Court Hearing. (Detention Center Policy – 10/1/13)

Participants are required to comply with the rules of the Detention Center from the time they enter the Detention Center property until the time they leave the property.

- If an officer witnesses a Drug Court participant depart the facility after they're released from a sanction and return hours later, the offender will not be tested.
- Participants are prohibited from bringing personal property into the facility with the exception of an identification card and keys.
- The Cecil County Correctional Facility is not responsible for any loss or damage to participant's property.
- Cell phones, cameras, video/audio equipment, iPod etc. are prohibited in the facility.
- Participants are subject to search at any time while in the facility.
- Food and beverages are not to be brought into the facility.
- There is a dress code that is enforced for visitors/participants at the facility.
  - Revealing clothes such as halter/tube tops, excessively short shorts/skirts, low cut shirts and transparent or sheer clothing will not be permitted in the facility.
  - Shoes must be worn at all times.
  - Hats, hijabs, burqas etc. are not permitted.
  - The following is prohibited:
    - Logo's that are deemed inappropriate or offensive to others;
    - Halter-Tops, Tank Tops, Sleeveless T-Shirts, Hooded Sweatshirts;
    - Baseball caps;
    - Shorts must be at least mid-thigh in length;
    - Holes in clothing that expose skin;
    - Transparent Clothing.

### TEST CONFIRMATION PROTOCOL

The following procedure will apply to participants who wish to dispute tests that are positive for prohibited substances.

1. The participant will be made aware of the positive test either in Case Management or at the Drug Treatment Court Review hearing, whichever occurs first.
2. If the participant wishes to have the test confirmed via further testing (GCMS/LCMS confirmation), they must notify the Drug Treatment Court Staff within three (3) days of learning the result that they are disputing.

3. The participant will pay **\$16 per drug confirmation** requested before the test will be sent for confirmation. *NOTE: If there is more than one positive result on a test, not all of the positive results need to be confirmed to request a confirmation.*

## TREATMENT PROTOCOL

### **Treatment Groups:**

Participants are required to attend treatment while in the Drug Court Program. Participants must continue with treatment until such time as they have a written certificate stating they have successfully completed treatment from their treatment provider.

Until such time as treatment is successfully completed, the following shall occur:

Participants are required to attend, at minimum, 1 treatment group per week while in Phase 1 and 2\*. Additionally, participants are to attend Individual Sessions with their Treatment Counselor at least once per month. (If the treatment provider requires additional individual sessions, participants are to comply with their treatment program.)

Participants in phase 3 are to attend, at minimum, two treatment groups per month as well as 1 individual meeting. Participants in phase 4 are to follow the guidelines of the treatment provider they are attending for treatment groups. At minimum in Phase 4, unless a completion certificate has been given, participants are to attend 1 group and 1 individual meeting per month.

Individual Sessions do not replace Treatment Groups, as both of these services are deemed important in the recovery process. Additionally, self-help groups do not count as treatment groups or individual sessions.

Any other recommendations of the treatment provider and/or drug court team, shall be complied with.

### **Self-Help Groups:**

Participants are required to attend self-help groups as directed by their phase. Phase forms and guidelines are included in the manual that is given to each participant upon admission into the Drug Court Program.

Self-Help groups are any type of support group that you wish to attend. These include but are not limited to: AA, NA, Parenting groups, anger management groups (unless required by Court directive), etc.

Self-Help groups do not replace Treatment Groups.

## **STANDARD SANCTIONS**

This is not the complete list of sanctions that may be imposed, nor is it a complete list of actions that may be sanctioned.

### **Missed Drug Tests and Treatment groups/individual meetings**

EACH test or treatment session that is missed will result in one day incarceration.

### **Leaving a Treatment Inpatient Facility or Halfway House**

If a participant leaves a treatment facility or halfway house program, they **MUST** immediately contact the Drug Court Office. Contact is to be made the day they are discharged AMA, Medically discharged, or choose to leave the facility. If they do not contact the Office, a warrant will be issued. If they make contact with their case manager, they will be directed to report to the office that day, or the next depending on the time, for further instructions.

The standard sanction request for leaving a facility prior to successful completion is a two (2) week jailable sanction.

### **Contraband and/or Drugs in Place of Confinement**

Any participant who is found to have contraband or drugs on their person when they present to the jail for a sanction, or is found to have contraband or drugs on their person while serving a sanction or appearing for testing, will be subject to termination from the Drug Court Program.

### **Alcohol Positive**

A participant that tests positive for alcohol will be placed on the SCRAM bracelet.

### **Community Service Incomplete**

Participants who do not complete their community service on time, will be subject to a one day jail sanction, at minimum, as well as being required to complete the hours. Habitual offenders will see a higher sanction request.

## **NEW CRIMINAL CHARGES PROTOCOL**

If a participant receives new criminal charges while they are a participant in the Drug Court Program, the following policy will occur:

1. No action will be taken by the Drug Court Team in regards to the pending charge prior to learning the disposition.
2. The new charge will not be placed in the Drug Court Program. The team will not present to the defense attorney, the State's attorney or the Judge that we will accept the charge/case in the Program.
3. While the charge is pending, the participant shall continue to complete the requirements of the program as directed by the Participant Handbook and/or Drug Court Staff.
4. Participants will NOT be permitted to move phases or be rewarded with incentives while the charges are pending. *However, if they wish to be promoted to the correct phase after the new charges have been resolved, they MUST turn in their phase movement forms as they complete them even while 'frozen' in their current phase.*
5. If the case and/or charges receives a STET or Nolle Prosequi disposition, the participant's phase placement will be adjusted. *\*\*Note: This will be effective ONLY IF the participant has continued to comply with the program requirements, including having their PHASE MOVEMENT FORM SIGNED at the time of the phase being completed.*
6. If the defendant is found guilty of a charge, the team will determine if the charge warrants the participant being terminated from the Drug Court Program.
  - a. If the conviction is an ineligible charge, the participant will be recommended for termination from the Drug Court Program.
  - b. If the sentence for the new conviction is one or more years of incarcerated time, the participant will be recommended for termination from the Drug Court Program.
  - c. If the above items are not in question, the team will have the option to request the participant be terminated or remain in the program.
7. A Violation of Probation will be requested for any violation of the terms of Probation including but not limited to new charges, new convictions, or non-payment of restitution that occurs while a participant is in the Drug Court Program. A VOP will be handled as a new charge until resolution.
8. Once ALL of the charges are resolved, including the VOP, and the participant has remained in Drug Court, the team will determine the appropriate phase for the participant based upon what paperwork they have turned in, their current compliance, and their overall progress in the program.

### DRUG COURT WARRANTS

Drug Court Warrants will be handled in the following manner:

1. If a participant in the Drug Court Program receives a Warrant (failing to appear, failing to comply with Drug Court; Violation of Probation; new charge; Parole retake; out of state) they are to turn themselves in to the Cecil County Sheriff's Office or another police agency as soon as they become aware of the warrant.

2. If a Drug Court Participant is picked up OR turns themselves in on an outstanding Drug Court Warrant prior to 4 PM on Thursday, they will be seen at the next Drug Court Hearing. If a Participant is picked up OR turns themselves in between 4 PM on Thursday and 4 PM on Friday, they will be seen at the Drug Court Hearing on the following week.
3. Warrants will be handled in the following manner:
  - A. If the participant remains on warrant status for less than ninety days, and the warrant is a Drug Court Warrant, the participant may be subject to a sanction of two days-for-each day they were out on warrant.
  - B. If the program is at maximum capacity when the warrant is served, the participant will be place on a pending list such that if there are openings available after the sanction is served, the participant may be given the option to continue with the Drug Court Program. However, if the program is full, the participant will have to wait for an opening to re-engage in the program, or may face termination from the program.
  - C. If the participant remains on warrant status for more than 90 days, the participant will be place on the 'inactive list' which will remove them from the Drug Court Roster and they will be eligible for termination. That opening will be filled with another defendant who is eligible to enter the program.
4. Participants who are engaged in the Drug Court Program who receive three or more warrants for not complying with the terms of the Drug Court Program shall be considered for termination from the program.

### **EX PARTE COMMUNICATIONS PROTOCOL**

Reference: **Rule 2.9 Maryland Code of Judicial Conduct**

While serving in the Cecil County Adult Drug Treatment Court Program, pursuant to Maryland Rule 16-206, the Drug Treatment Court Judge may initiate, permit, and consider ex parte communications in conformance with the established protocols for the operation of the program if the parties have expressly consented to those protocols.

The Cecil County Adult Drug Treatment Court Program has determined the following protocol in regards to Ex Parte Communication:

1. Ex Parte Communications (communication with the Judge outside the presence of the participant and/or his or her attorney) shall be conducted pursuant to the Maryland Code of Judicial Conduct.
2. The Drug Treatment Court Team, which includes the Drug Treatment Court Judge, may review and discuss the participant's case in Drug Treatment Court

Team Meetings, with or without the presence of the participant's attorney. However, the Drug Court Judge will NOT make any decisions on sanctions until the participant has had the opportunity to obtain counsel, if they so choose, and be heard on the issue.

### APPEAL PROTOCOL

#### **Immediate Sanctions involving the Loss of Liberty or Termination from the Cecil County Adult Drug Treatment Court Program** Reference: **Rule 16-207 of Maryland Rules of Procedure**

In accordance with the protocols of the Cecil County Adult Drug Treatment Court Program, the Court may, for good cause, impose an immediate sanction on a participant. If the Drug Treatment Court team requests a sanction that would result in the loss of liberty – incarceration – or termination from the program, the following procedure shall be utilized:

1. The participant will be asked, on the record by the presiding Judge, if he or she waives the right to counsel and written notice.
  - a. If the participant wishes to waive their rights and proceed at that time, the Assistant State's Attorney will request the sanction determined by the team.
  - b. After the Judge hears from the participant, if they chose to be heard, he will proceed with his ruling.
  - c. If the participant does not wish to waive their rights, a hearing will be scheduled for the 207 hearing. A written hearing notice will be provided to the participant. The participant will have the opportunity to obtain private counsel or meet with the Public Defender assigned to the Drug Treatment Court team to prepare their response.

### IMPOSING OF SANCTIONS AND INCENTIVES PROTOCOL

Effective June 1st, 2013, participants who appear for their Drug Court Review hearing shall come to court prepared to receive any sanction or incentive that is imposed by the Judge.

Sanctions imposed will be immediate, including incarceration. Participants are able to exercise their right to receive notice for any loss of liberty sanction as determined by Rule 16-207 of the Maryland Rules of Procedure (referral to Appeal Protocol).

If a participant is given the benefit of turning themselves in a later time, rather than being taken forthwith from the courtroom, and they appear at the Detention Center after the designated time, an additional two (2) days will be imposed consecutive to their sanction time.

## **CREDIT TIME PROTOCOL**

Upon termination from the Cecil County Adult Drug Treatment Court Program, a Drug Treatment Court Participant shall receive credit for time served, while a participant in the Drug Court Program, as a result of a Drug Treatment Court sanction.



I have received a copy of the Quick Tips and the Updated Participant Handbook. I understand that I am to follow the program, as set out in these documents.

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Signature

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Date

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Printed Name