

**JUVENILE DRUG COURT  
POLICIES AND PROCEDURES MANUAL  
FOR MONTGOMERY COUNTY, MD**



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## I. STEERING COMMITTEE

**The committee should be comprised of executive level personnel from each agency to facilitate the process, to expeditiously resolve issues and to provide buy-in at the upper echelon, so that later committees with non-executive level personnel will be comprised of people who are confident that the Head of each agency has made Juvenile Substance Abuse Treatment Court a priority mission. The committee should have a clear purpose; roles of members defined and meet on a regular basis.**

The Hon. Dennis M. McHugh  
Associate Judge  
Circuit Court for Montgomery County, MD

The Hon. Marielsa A. Bernard  
Associate Judge  
Circuit Court for Montgomery County, MD

Ms. Margaret Burrowes/D. Gansler  
Assistant State's Attorney for  
Montgomery County, MD

Mr. Paul DeWolfe  
Public Defender  
Office of the Public Defender for  
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David Johnson  
Supervisor  
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Delmas Wood / Dennis Nial  
Area Director/Assistant Area Director  
Maryland Department of Juvenile Services

Mr. Ronald Rivlin  
Human Services Manager  
Department of Health and Human Services

Mr. Edward A. Clarke  
Director of School Safety and Security  
Montgomery County Public Schools

Drug Court Coordinator  
Circuit Court for Montgomery County, MD

Ms. Suzanne Schneider  
Family Division Coordinator  
Circuit Court for Montgomery County, MD

Ken Mitchell/ David Seeman  
Technical Services  
Circuit Court for Montgomery County, MD

Up to 3 Citizen Member/Leaders

Dr. Pete Luongo, Director  
State of MD Alcohol and Drug Abuse  
Treatment Court Commission

Mr. Gray Barton, Executive Director  
State of MD Juvenile Substance Abuse

Mr. Robert M. Coyne  
Researcher/Analyst/ Evaluator  
Circuit Court for Montgomery County, MD

Montgomery County Council Member

## II. PLANNING TEAM

**The working group of people to carry out the daily tasks involved in planning and implementing the Juvenile Substance Abuse Treatment Court program. The group should meet regularly as a team and also with the steering committee.**

The Hon. Dennis M. McHugh  
Associate Judge  
Circuit Court for Montgomery County, MD

The Hon. Marielsa A. Bernard  
Associate Judge  
Circuit Court for Montgomery County, MD

Ms. Margaret Burrowes  
Assistant State's Attorney for  
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Mr. Paul DeWolfe  
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Office of the Public Defender for  
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Capt. Evelyn Cahalen  
Commander, Germantown District  
Montgomery County Police Department

Mr. Dennis Nial  
Assistant Area Director  
Maryland Department of Juvenile Services

Mr. Ronald Rivlin  
Human Services Manager  
Department of Health and Human Services

Mr. Edward A. Clarke  
Director of School Safety and Security  
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Ms. Suzanne Schneider  
Family Division Coordinator  
Circuit Court for Montgomery County, MD

Mr. Ken Mitchell/David Seeman  
Programmer, Technical Services  
Circuit Court for Montgomery County, MD

Mr. Robert M. Coyne  
Researcher/Analyst/ Evaluator  
Circuit Court for Montgomery County, MD

### **III. MISSION STATEMENT**

**A brief statement developed by the Juvenile Drug Court Team that reflects the purpose of the Juvenile Drug Court.**

*The mission of the Montgomery County Juvenile Drug Court is to reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive and individualized services. By helping participants reach their full potential as valued community members, we will build a stronger, safer community.*

### **IV. GOALS AND OBJECTIVES**

#### **Goal 1 To reduce substance abuse among juvenile offenders with a history of significant substance abuse.**

Rationale: The target population for the Montgomery County Juvenile Drug Court Program is juvenile offenders who:

- are between 14 years and 18 years old;
- have been adjudicated delinquent;
- are currently on probation; and have a history of significant substance abuse or addiction.

Most, if not all, have previously been enrolled in some form of treatment program intended to intervene in the cycle of addiction. However, this population continues to demonstrate a dependence on alcohol and other drugs. Goal 1 is to achieve a new result of recovery for Juvenile Drug Court participants through effective collaboration with the criminal justice and health care treatment systems.

- Objectives
- 1) Participants progressively reduce substance abuse until they reach and maintain sobriety, i.e. to achieve clinical classification as drug free (clean and sober) 150 days, in periods increasing from 15 to 60 consecutive days over four phases (150 days) for 100% of those recommended for graduation from the Juvenile Drug Court Program.
  - 2) To maintain post-graduation recovery status for 65% of program participants as measured through re-entry to publicly sponsored addiction treatment services in the first year following graduation from the program.
  - 3) To engage 100% of program graduates in aftercare planning, with all graduates having developed an aftercare treatment plan with community linkages prior to graduation.
  - 4) To decrease the number of drug-using days per enrollee by at least 60% by the end of Phase III.

**Goal 2      Develop and attain individualized strategies for success/To develop and implement a holistic, comprehensive program model that is specific to the treatment needs of each program participant.**

Rationale: The Juvenile Drug Court treatment model is built upon a foundation of individualized treatment supported through a comprehensive program of supervision, monitoring, and other program elements supported through a system of incentives and sanctions. Through a more comprehensive, longer-term approach to treatment and supervision, the Juvenile Drug Court Program implements a new alternative for rehabilitation and recovery not currently available to offenders.

- Objectives
- 1) Develop individualized, initial treatment plans for 100% of program participants within 15 days of acceptance to the Juvenile Drug Court Program and review those plans at least every 4 weeks.
  - 2) Participants collaborate in identifying their strengths and developing strategies to increase and enhance them.
  - 3) Participants define achievable goals and invest in their own success.
  - 4) Participants engage in positive activities as determined by their individual assessments and needs. Secure an agreement to participate in the program for at least 75% of those assessed as program-eligible.
  - 5) Achieve a graduation rate of 75% of those who enroll in the Juvenile Drug Court program.

**Goal 3      To reduce delinquent conduct/reduce recidivism among Juvenile Drug Court participants.**

Rationale: The operating assumption among Juvenile Drug Court participants is that their delinquent activities result from their addiction. As a result, successful intervention in the cycle of addiction will result in lower rates of recidivism among graduates of the Juvenile Drug Court Program.

Objectives:

- 1) Participants comply with Drug Court rules.
- 2) Participants attend school/G.E.D./job training or maintain employment/volunteer service.
- 3) Participants obey laws, with no new arrests for CDS-related offenses after the completion of Phase II of the Juvenile Drug Court Program.

- 4) Participants avoid re-arrest on any delinquent charge after completion of Phase 2 of the Juvenile Drug Court Program.
- 5) Participants will be assessed upon graduation from the program and at 3, 6 months and in the year following re-arrest rates.

**Goal 4      To reduce the costs to the community and the state by providing an alternative to long-term placement for probation violators who successfully graduate from the Juvenile Drug Court Program.**

Rationale: Currently, offenders who violate the terms of their probation are subject to commitment to residential programs/detention. Through enrollment in, and the successful completion of, the Juvenile Drug Court Program, the participant can avoid his/her exposure to long-term commitment while the state avoids the substantial costs associated with that incarceration.

- Objectives**
- 1) To successfully engage addicted violators of probation with the Juvenile Substance Abuse Treatment model to avoid commitment for 75% of program participants.
  - 2) To reduce the reliance on commitment as the primary sanction for violations of probation by maintaining at least 15 probation violators in cost-effective, efficient community-based treatment programs delivered through the Juvenile Drug Court Program.
  - 3) To reduce the demand for bed space at detention facilities by up to 2,700 bed days per year (@15 respondents x 180 days per year).
  - 4) To deliver community-based treatment and supervision models that are substantially below the estimated \$526,500 annualized costs required to house and treat juvenile offenders in residential commitments/detention facilities (15 juvenile offenders @ \$195/day x 180 days per year).

## V. STRUCTURE/MODEL

The Montgomery County Juvenile Drug Court is a post-dispositional program for juvenile offenders who have been petitioned or are at risk of being petitioned for violating the conditions of their probation (VOPs). Participants must meet the eligibility requirements for entry to the Juvenile Drug Court program (as defined under the section “Eligibility Criteria”) and must have a verifiable history of habitual substance abuse. Procedurally, juvenile offenders are charged, or are about to be charged, with a violation of the conditions of their probation, and are referred to the Juvenile Drug Court for an assessment of their program eligibility. Offenders who enter the Juvenile Drug Court program are continued on special conditions of probation that appropriately support the goals of recovery and rehabilitation for program participants. Placed under the supervision of the Juvenile Drug Court Program, enrollees consent to participate in a structured, four-phase program that involves treatment, urinalysis, individual and family therapy with sessions, and other program-related requirements for a period that ranges from 10-18 months. (see Section “IX. Phases” for a more detailed description of program requirements). Once enrolled in the Program, Juvenile Drug Court participants are subject to all of the conditions of probation as well as conditions recommended by the Juvenile Drug Court Team, and approved by the Juvenile Drug Court Judge.

The Montgomery County Juvenile Drug Court is an offender-focused, strength-based rehabilitation model that recognizes the powerful influence of substance abuse as a driver of behavior. Recognizing that recovery from addiction is vital to community safety and individual accountability, the Montgomery County Juvenile Drug Court leverages four characteristics of its Juvenile Drug Court program as its foundations for participant support toward recovery:

- Unique involvement of the Juvenile Drug Court Judge;
- A non-adversarial, collaborative approach to treatment;
- Recognition, reward and positive reinforcement for progress; and,
- The rapid imposition of sanctions as motivators to improve compliance and to modify negative behaviors.

To promote the interests of the offender, and the community in which he/she lives, the Montgomery County Juvenile Drug Court provides an alternative to traditional case processing and disposition that emphasizes the value of:

- **Collaborative treatment planning** and case management;
- **Dedicated leadership and professional resources** who are well-informed on the cycle of addiction and its consequences;
- **Positive reinforcement and rapid response** to success;
- **Graduated sanctions** as vital to the support and reinforcement of the adopted treatment interventions;
- **Longer-term treatment and sanctioning models** that have a reasonable tolerance for relapse that is consistent with the recovery process; and,
- **Integrating treatment planning with judicial decision-making.**

## **VI. TARGET POPULATION**

The Montgomery County Juvenile Drug Court targets juvenile offenders charged or on the verge of being charged with a violation of their probation where there is a reasonable assumption that the offender's delinquent behavior is connected directly to the ongoing, chronic and habitual abuse of substances. Absent an interruption in the cycle of substance abuse, it is likely that criteria-eligible juvenile offenders will continue to commit delinquent acts, reenter the juvenile and eventually the criminal justice system and be exposed to long-term incarceration, or other negative consequences that often occur with traditional, less resource-intensive approaches to case disposition.

Typically, offenders enrolled in the Juvenile Drug Court program will have social histories marked by prior contacts with law enforcement, previous exposure to addiction treatment programs, and a history of relapse into substance abuse. The Montgomery County Juvenile Drug Court targets offenders who require the more intensive focus on treatment, monitoring, and judicial intervention that hallmark Juvenile Drug Court programs.

Significantly, the Montgomery County Juvenile Drug Court recognizes that substance abuse contributes to crime across a wide spectrum of activities. As a result, the program does not limit program participation to involvement in a drug-related offense. Regardless of the underlying offense that resulted in a probationary sentence (except for crimes of violence), juvenile offenders who violate the conditions of their probation, and who are assessed as a habitual substance abuser, have the opportunity to gain access to the highly intensive services offered through Montgomery County's Juvenile Drug Court.

Through effective intervention into the cycle of substance abuse, the Juvenile Drug Court will transition program participants from addicted persons to productive young citizens capable of meeting the challenges of adult life in a complex world.

## **VII. ELIGIBILITY CRITERIA**

Offenders entering the Juvenile Drug Court Program must meet the following eligibility criteria:

Juvenile Drug Court Participants must be residents of Montgomery County, Maryland between the ages of 14 and 18 years old who are:

- Charged/on the verge of being petitioned for a Violation of Probation (VOP) having been previously adjudicated delinquent;
- Are in or in need of intensive out-patient drug treatment;
- Are not currently on probation for /have not been adjudicated delinquent for a crime of violence as defined by Maryland Criminal Law Article, Section 14-101.
- Assessed as a substance abuser;
- Are currently unable to stay clean and sober; and
- Capable of participating in Juvenile Drug Court activities and programs.

## **VIII. DISQUALIFICATION / TERMINATION CRITERIA**

Enrollment and participation in the Montgomery County Juvenile Drug Court is an opportunity for a juvenile offender to overcome his/her dependence on drugs and/or alcohol. Through successful completion of the Juvenile Drug Court program, juvenile offenders will overcome their addiction and avoid future delinquent activity. Generally, juvenile offenders who meet the eligibility criteria for the program should anticipate being enrolled. However, some candidates may be disqualified or terminated. Examples include:

- Committing a crime of violence, or the Juvenile Drug Court becoming aware of behavior that is violent or threatening to the safety of others as defined by the standards of the Bureau of Justice Assistance (BJA).
- Dually diagnosed individuals whose mental illness may be sufficiently severe to prevent active and full participation in the Juvenile Drug Court Program.
- A demonstrated lack of capacity or willingness to engage in treatment and comply with the conditions of probation imposed by the Juvenile Drug Court;
- Continuing delinquent activity while under the supervision of the Juvenile Drug Court.

## **IX. ENTRY PROCESS**

Entry to the Juvenile Drug Court Program may be initiated through the Maryland Department of Juvenile Services (DJS), by the court, at the request of Defense Counsel or the State's Attorney or the parents. DJS recommendations to assess the probation violator for Juvenile Drug Court eligibility will be included with the Bench Warrant/Summons Request via an eligibility screening form. Requests from the sentencing judge, Defense Counsel, or State's Attorney for screening for program eligibility may occur anytime prior to disposition of the VOP. Program entry requires that the Respondent meet all eligibility criteria and acceptance into the Program by the Drug Court Team led by the Drug Court Judge.

## X. PHASES

**Phases are the steps identified by the Juvenile Drug Court team that participants must successfully progress through in order complete Juvenile Drug Court.**

Juvenile Drug Court enrollees participate in a four-phase program model designed to transition the juvenile offender from AOD abuse or dependence to successful recovery. The length-of-stay in Juvenile Drug Court ranges from 10 to 18 months depending on the progress of the participant. Each phase of the program has specific elements and program criteria that must be completed prior to moving to the next phase. In some cases, participants may be returned to a lower phase if, in the judgment of the Juvenile Drug Court team, the participant will benefit from further or renewed participation in that lower phase of treatment or it is a part of a sanction for failure to comply with Juvenile Substance Abuse Treatment Court requirements.

Criteria	Phase I	Phase II	Phase III	Phase IV/ Transition
Estimated Length	Minimum of 6 weeks	3 Months	3 Months	3 Months
Random Urinalysis (UA) Week Days	Minimum 2	Minimum 2	Minimum 2	Up to 2
Random Urinalysis (UA) Weekends	1 1 1			1
Treatment/Therapy Sessions Week Days	Per Treatment Plan	Per Treatment Plan	Per Treatment Plan	Per Treatment Plan
Family Counseling Weekly	Per Treatment Plan	Per Treatment Plan	Per Treatment Plan	Per Treatment Plan
Case Management Meetings Weekly	1 1 1			1
Court Attendance	Weekly	Bi-Weekly	Every 3 weeks	Every 4 weeks
Community Service		If Ordered	If Ordered	If Ordered
Employment/Volunteer Svc. and/or School Attendance	Yes Yes Yes			Yes
Promotion to Next Phase	Meet all program requirements of Phase I, and 15 consecutive days of clean UA	Meet all program requirements of Phase II, at least 3 months in Phase II, 30 consecutive days of clean UA	Meet all Program Requirements for Phase III, at least 3 months in Phase III and, 45 consecutive days clean UA	GRADUATION / AFTERCARE
Restitution If	ordered.	If ordered. If	ordered.	Graduation requirement

## XI. GRADUATION CRITERIA

- Successful completion of all program and probation requirements including all restitution and costs;

- Satisfactory completion of community service and other program assignments;
- 60 continuous days of clean urinalysis (with a prior succession of 15 days, 30 days, and 45 days continuous days of clean urinalysis)
- A positive recommendation for graduation by the Juvenile Drug Court Team;
- The approval of the Juvenile Drug Court Judge;
- Completion/implementation of an aftercare plan with the case manager.

## **XII. INCENTIVES AND SANCTIONS**

The Juvenile Drug Court program employs a variety of incentives to recognize and reinforce progress, and applies a process of graduated sanctions to address noncompliance. Incentives and sanctions may include, but are not limited, to the following:

### **Incentives**

- Encouragement and praise from the bench and peers.
- Ceremonies and tokens or certificates of progress
- Decreased frequencies for court appearances
- Decreased drug testing
- Modify curfew
- Graduation ceremonies
- Modify sanctions when appropriate, and at the direction of the judge, to recognize overall positive performance.
- Internships, apprenticeships, job shadowing
- Termination of probation upon graduation
- Participation in special programs/events

### **Sanctions**

Non-compliance will be addressed at a status review hearing. Since sanctions are most effective when applied immediately, participants violating the terms and conditions of their enrollment in Juvenile Drug Court, will be required to report in person to the next available Juvenile Drug Court docket. Thus, the non-compliance issue(s) can be addressed at the earliest possible time.

The Juvenile Drug Court Team will discuss options and will decide on how to address the non-compliance prior to each hearing by determining whether the non-compliance stems from addiction issues, i.e. drug use, or behavioral issues and recommending treatment or behavioral/legal sanctions as appropriate. A team approach will be stressed over an adversarial process. The Juvenile Drug Court Team may recommend a series of sanctions that may include the following:

### **TREATMENT RESPONSES**

- Re-commitment to drug court – oral or written essay.
- Oral/written essay developing strategies to avoid repeating behavior.
- Abstinence declaration contract.
- NA/AA meetings.
- Increased targeted treatment.
- Inpatient treatment.

### **BEHAVIORAL/LEGAL SANCTIONS**

- Warnings and admonishments by the Juvenile Drug Court Judge in a meeting with the participant and his/her family member during individual session.
- Essay or presentation to be made to court discussing infraction and identifying x# of strategies developed by participant to help him/her comply/ avoid future non-compliance.
- Work detail with a deadline with a performance deadline.
- Re-commitment to drug court – oral or written essay.
- Attend and report on Adult/Juvenile Court proceedings.
- Increased number of drug/breath tests/curfew checks.
- Curfew modification: extend length of time participant is on curfew; increase at home hours.
- Failure to progress to next phase.
- Home arrest with mandatory conference between participant, family, treatment counselor and probation worker.
- Weekend detention.
- Detention not to exceed 7 days, after evidentiary hearing before the Drug Court judge.
- Termination from Juvenile Drug Court and the imposition of a non-Juvenile Drug Court disposition.

Unexcused failure to appear for any Juvenile Drug Court hearing may result in a writ of attachment being issued and the respondent held pending an emergency hearing.

### **XIII. TREATMENT PROTOCOL**

The treatment protocol provides for intensive therapeutic interventions for AOD dependent persons enrolled in the Montgomery County Juvenile Drug Court program. The treatment model is intensive outpatient. However, where indicated, participants may be referred to and required to successfully complete a residential treatment program (for detoxification and/or other residential services) prior to beginning the outpatient program. The program also will develop procedures for those who have co-occurring disorders where the AOD dependence masks the symptoms of a psychiatric disorder. Although having a co-occurring mental health disorder does not automatically disqualify an individual from participating in the Drug Court program, participants with co-occurring disorders must be capable of full and active participation in every element of the Juvenile Drug Court program.

Consistent with the Juvenile Drug Court model, treatment begins with a thorough and complete assessment of a juvenile offender’s history and level of involvement with alcohol and other drugs. Based on this assessment, the assigned therapist will develop a treatment plan to include the following elements:

<b>Program Element</b>	<b>Who</b>	<b>When</b>	<b>Where</b>	<b>Frequency</b>
Eligibility	Juvenile Drug Court Team	Pre-court Court		As needed
Screening DJS/SASCA		Pre-admission to Drug Court	DJS/SASCA As	needed
Initial Assessment	Journeys	Intake	Journeys	Once
Meetings with Case Manager	Journeys W	weekly	Home/ In the field/ Journeys	At least once per week
Mandatory Attendance	Journeys	Weekly	Journeys	Minimum of 3 and/or based upon Initial Treatment Plan.
Mandatory Urinalysis and/or Breathalyzer	Journeys/ASC	Weekly	Journeys	Minimum of 3 and/or based upon Initial Treatment Plan.
Random Urinalysis and/or Breathalyzer	Journeys/ ASC LAB	Weekends	PRC	As above
Aftercare Planning	Journeys/ DHHS Case Manager	Phase III – Prior to Graduation	In the field	Once

### **XIV. SUPERVISION PROTOCOL**

Supervision is a shared responsibility among all members of the Juvenile Drug Court Team achieved through effective collaboration, decision-making and rapid response to conditions that

may lead to relapse or further delinquent activity by program participants. Unique to the Juvenile Drug Court Treatment model is the active personal involvement of the Juvenile Drug Court Judge at weekly/bi-weekly hearings with each of the program participants. However, the primary responsibility for day-to-day supervision of program participants rests with the assigned Case Manager.

Working in collaboration with the Juvenile Drug Court Team, the Case Manager will meet at least weekly with each Drug Court participant and report his/her status at the weekly Drug Court Team meeting. A designated agent from the Department of Juvenile Services will monitor each participant's employment, living environment, weekly court appearances and any new delinquent charges. All members of the Team will keep the Case Manager informed of any conditions that might impact the capacity or ability of the Juvenile Drug Court program to successfully monitor and supervise participants in community-based programs.

<b>Program Element</b>	<b>Who</b>	<b>When</b>	<b>Where</b>	<b>Frequency</b>
Supervision	Juvenile Drug Court Judge Case Manager DJS	Weekly/ Bi-weekly	In the field/ Home School Court Work Journeys	At least once per week
Court Supervision	Juvenile Drug Court Team	Weekly Team Meeting	Court W	weekly

## **XV. TESTING PROTOCOL**

Alcohol and drug screening model: Urinalysis and Alcoscans

Juvenile Substance Abuse Treatment Court participants will participate in mandatory, random, urinalysis and/or alcoscans (breathalyzer) consistent with the following table. In addition, participants are subject to the possibility of an additional random urinalysis screening through a "call-in" program on Saturday mornings where up to 1/3 of the participants will be required to appear for random testing.

<b>Phase Responsible</b>	<b>Agency</b>	<b>Location</b>	<b>Frequency per Week</b>
Phase I	DHHS – ASC	ASC/Journeys	2 minimum
Phase II	DHHS – ASC	ASC/Journeys	2 minimum
Phase III	DHHS - ASC	ASC/Journeys	2 minimum
Phase IV-Transition	DHHS - ASC	ASC	Up to 2
Random Saturday Call-in	PRC DHHS - ASC	ASC	1/3 of all program participants 1x week

## **XVI. EVALUATION DESIGN**

The evaluation of the Juvenile Drug Court Program will focus on three major aspects of the program:

1. Program design;
2. Program Impact or Outcomes; and,
3. Program Efficiency.

Each element for evaluation requires the use of data and systems to collect, analyze, and report on the evaluation criteria. To support that effort, the Juvenile Drug Court Team, through its Research/Evaluator, will conduct an initial assessment of the primary data systems used in the Courts, DHHS, DJS and the County's CJIS system to identify data elements that will be used for data entry and analysis. In addition, the Juvenile Drug Court Team may recommend that data that currently is not being collected, but which is necessary to a fair, accurate evaluation of the program, be included as part of the data collection process once the Juvenile Drug Court Program is implemented.

### **Program Design**

The Montgomery County Juvenile Drug Court Program is designed as an intensive, multi-phased program that emphasizes juvenile offender rehabilitation and recovery from addiction. Programatically, Drug Court participants consent to participate in a highly structured program that is designed to end their addictive behavior(s). Each participant will have an individualized treatment plan that anticipates recovery within 10-18 months.

To evaluate the program design, information will be maintained on each program participant relevant to his/her performance against each of the criteria for full, active program participation. The goal of the evaluation will be to determine which program elements contribute to successful completion of the program, which elements may serve as barriers to successful completion, and whether or not the initial design should be modified to promote the goals and objectives of the Juvenile Drug Court Program.

An accurate evaluation of the program requires at least one year of program operations to collect sufficient data for the analysis. The evaluation will evaluate:

- The number and percentage of enrollees who graduate from the program;
- The number and percentage of enrollees who fail to complete the program, or who are discharged from the program in order to identify and classify those factors that contributed to a failure-to-complete. The information will be used to determine whether the program design serves as a barrier to success;
- The adequacy of the program criteria to meet the goal of recovery. Specifically, the evaluation will seek to determine whether the program design can increase positive results through fewer (or more) program elements such as:
  - The number of random UAs conducted and their results;
  - Multiple treatment/therapy sessions per week;
  - Weekly Case Management Meetings;
  - Payment of Fees, Restitution;

- Court Attendance
- Community Service.
- Responses to surveys of participants, therapists and members of the Juvenile Drug Court Team to assess their perspective on the design of the program;
- Rates of recidivism or relapse among program graduates one year after completion of the program.

## **Program Impact or Outcomes**

This evaluation will focus on the results that are identified in the Goals and Objectives section of this manual. Specifically, the evaluation will assess the extent to which the Program is able to achieve its objectives to:

- Achieve clinical classification as drug free for at least 60 continuous days for 100% of those recommended for graduation from the Juvenile Drug Court Program.
- Maintain post-graduation recovery status for 65% of program participants as measured through re-entry to publicly sponsored addiction treatment services in the first year following graduation from the program.
- Actively engage 100% of program graduates in effective aftercare planning.
- Decrease the number of drug-using days per enrollee by at least 60% per year.
- Develop individualized treatment plans for 100% of program participants within 15 days of acceptance to the Juvenile Drug Court Program.
- Secure an agreement to participate in the program for at least 75% of those assessed as program-eligible.
- Achieve a graduation rate of 75% of those who enroll in the Juvenile Drug Court program.
- Eliminate new arrests for CDS-related offenses among program participants by 100% after the completion of Phase II of the Juvenile Drug Court Program prior to graduation.
- Avoid re-arrest on any delinquent charge for at least 65% of program participants after the completion of Phase I of the Juvenile Drug Court Program.
- Assess re-arrest rates for 100% of program participants at: 1) the completion of the program; 2) at 6 months; and 3) 1 year following graduation.
- Successfully engage addicted violators of probation with the Juvenile Drug Court Treatment model to avoid the imposition of back-up time for 85% of program participants.
- Reduce the reliance on incarceration as the primary sanction for violations of probation by enrolling up to 60 probation violators into cost-effective community-based treatment delivered through the Juvenile Drug Court Program.

- Reduce the demand for bed space at state and local detention facilities by up to 11,000 bed days per year (@15 inmates x 180 days per year).
- Deliver community-based treatment and supervision models that are substantially below the estimated \$526,500 annualized costs required to house and treat inmates at state and local detention facilities (15 inmates @\$195/day x 180 days per year).

Upon an assessment of the levels of achievement against the program's objectives, the Juvenile Drug Court Team may use evaluation results to modify, strengthen, or redefine the objectives to achieve a model of continuous improvement of the program.

## **Program Efficiency**

The efficiency evaluation will have a primary focus on time and processing:

- The capacity of the program to reduce the time frame from the filing of the VOP to its first hearing in the Circuit Court.
- Time from intake to enrollment;
- Time frames for completion of each phase;
- Total length-of enrollment in the Program;
- Average time for court hearings and the weekly Juvenile Drug Court session;
- Number of hours of treatment time;

In addition, there will be an evaluation to consider

- Service Locations and whether the locations for services promote the efficient delivery of services to the client;
- Efficiencies related to urinalysis;
- The capacity for rapid response by the Juvenile Drug Court team to situations that require the attention of the entire team.

## **XVII. ETHICS AND CONFIDENTIALITY**

Juvenile Drug Courts transition the roles of every member of the Juvenile Drug Court Team from their traditional separation and independence to a collaborative effort focused on the recovery of Juvenile Drug Court participants. Judges become part of a collaborative decision-making team that includes treatment providers, court personnel, attorneys and other law enforcement agents. Prosecutors and defense counsel coordinate their efforts in new ways to achieve a participant's recovery from alcohol or drug addiction, muting their traditional adversarial relationship. Typical courtroom decorum where lawyer-advocates speak on behalf of their clients may give way to direct conversations between the judge and defendant. Respondents become "participants" and may actively engage in discussions on their progress, or lack of progress, with a broader range of "actors" in the juvenile justice system. Substance abuse treatment professionals actively engage with the Court and other members of the team far earlier than is the case in more traditional referrals from the court for treatment and monitoring. These and other transitions in the professional roles of judges, lawyers, health treatment professionals and other law enforcement agents are crucial to the Juvenile Drug Court model.

That transition from traditional roles however, requires that Juvenile Drug Courts be consciously aware of ethical and confidentiality considerations to ensure that those who enroll in the program are confident that each member of the Juvenile Drug Court Team maintains the highest standards of ethical conduct. Juvenile Drug Courts, forging new models of collaboration and information exchange, do not redefine the ethical standards of each profession involved in the Juvenile Drug Court process. Properly understood, canons of ethics strengthen the Juvenile Drug Court model by promoting each member of the team as a unique contributor to the recovery process.

As in any other juvenile delinquency case, each member of the Juvenile Drug Court Team has a specifically defined role. Although the roles of the judge, prosecutor, defense attorney, treatment personnel promote a unified interest in participant recovery and program success, they have not abandoned their roles as advocates for their respective disciplines. Rather, in the context of the Juvenile Drug Court, that advocacy role broadens to reflect the benefit(s) that may accrue to the Juvenile Drug Court participant, and the community, in the event the participant successfully graduates from the program and recovers from alcohol and/or other drug dependence.

Most often, the ethical issues related to Juvenile Drug Court practices involve the *non-adversarial* nature of the proceedings. It is important to note that *non-adversarial* does not equate to *non-advocacy*. Rather, each member of the Juvenile Drug Court Team best represents his or her professional responsibilities by advocating a perspective that is consistent with their professional interests as members of a team who contribute equally, through the lens of their respective professions, to the outcome of recovery for every participant in the program. In the context of a Juvenile Drug Court, the traditional concepts of the attorneys as “courtroom opponents,” or “opposing counsel,” give way to a common commitment to the best interests of the participant toward ending his or her addictive behaviors.

Similarly, although the Juvenile Drug Court judge will have more intimate and direct involvement with program participants, their counsel, and the other members of the Juvenile Drug Court Team, the judge maintains his or her traditional role as an impartial, independent decision-maker who is advised by other professionals on his or her options to foster compliance with the terms and conditions of probation, and to strengthen to each participants’ capacity to engage in the Juvenile Drug Court process and graduate from the program.

Substance abuse treatment professionals, operating from a medical, rather than a legal, model, most often interact with probation and corrections officials through the process of reporting compliance with the conditions of probation, or other sanctions, imposed by the court. As members of a collaborative team, case managers will be actively engaged in direct discussions with the Juvenile Drug Court judge, attorneys, and other members of the Juvenile Drug Court Team and may have a more active role in guiding the treatment decisions at the front-end of the treatment and referral process than is the case in more traditional courts. As a result, due diligence must be taken to ensure compliance with confidentiality requirements as the traditional insulation of treatment providers from the arena of the courtroom gives way to an active, advisory role to the judge on treatment options that most closely meet the goal of recovery for each participant.

To enhance awareness of the ethical standards and confidentiality requirements for every member of the team, and to be clear on the ethical dimensions involved in a Juvenile Drug Court practice, the Montgomery County Juvenile Drug Court Program will:

- Promote and foster the duties of professional competence and due diligence from every member of the Juvenile Drug Court Team;
- Maintain, recognize, respect, and value and distinct roles of every member of the Team;
- Foster a spirit of collaboration where every member of the team is expected to exercise independent professional judgment and render candid advice on how best to meet the treatment goals and expected outcomes for each participant in the program;
- Add value to the Juvenile Drug Court process by promoting authentic advocacy that is consistent with the professional responsibilities of each member of the Juvenile Drug Court Team;
- Ensure that every member of the team is fully aware of the Juvenile Drug Court model, how it operates, and be able to articulate its risks and benefits to program participants and to the community;
- Promote competency and knowledge on professional ethics and confidentiality and how they may be consistently applied in a Juvenile Drug Court setting;
- Ensure that program participants are fully informed on the Juvenile Drug Court process, that they give voluntary, informed consent to participate in the Juvenile Drug Court program, and that they are aware of the risks and benefits that are involved with their participation in the program;
- Require that program participants sign appropriate Waivers of Confidentiality that demonstrate that the participant provides informed consent on the consequences of that waiver, that it is given voluntarily, and that he or she has had the opportunity to discuss the terms and conditions of that Waiver with counsel;
- Provide on-going education on the ethical and confidentiality dimensions of Juvenile Drug Courts by directing members of the team to current research and writing that address the issues of ethics and confidentiality in Juvenile Drug Courts.
- Hold information discussed during pretrial interviews, assessment, Juvenile Drug Court Team staffing meetings, Juvenile Drug Court status hearings and treatment sessions in confidence.
- No results or statements made by participants during Juvenile Drug Court proceedings shall be admissible against participants other than in Juvenile Drug Court proceedings to prove a violation of the Drug Court rules or to establish grounds for termination of a defendant from the Juvenile Drug Court program.

To promote a full understanding of the discussions related to ethics and confidentiality in Juvenile Drug Court programs, members of the team are directed to the following documents as sources of information and guidance on applied ethics in Juvenile Drug Court programs. Through education and exposure to important areas of debate, the Montgomery County Juvenile Drug Court Team will continue to demonstrate ethical standards that will withstand the scrutiny of professionals in the field, participants in the Drug Court program, and the community-at large.

***Ethical Considerations for Judges and Attorneys in Drug Court***

National Juvenile Substance Abuse Treatment Court Institute

Document Number 197080

October 2002

<http://www.ncjrs.org/pdffiles1/nij/grants/197080.pdf>

***Issues Raised for Defense Counsel in Drug Court Representation Relevant to the ABA Canons of Ethics, Canons 2-4*** [Draft]

Submitted to NDCI Committee Addressing Ethics and Confidentiality Issues

Relevant to Drug Court Proceedings

Caroline S. Cooper, J.D.

March 1999

[http://www.american.edu/justice/publications/ndci\\_ethics.htm](http://www.american.edu/justice/publications/ndci_ethics.htm) (underscore between ndci and ethics.. ndci\_ethics)

***Federal Confidentiality Rules and How They Affect Drug Court Practitioners***

National Drug Court Institute

April 1999

<http://ndci.org/admin/docs/confid.doc>

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