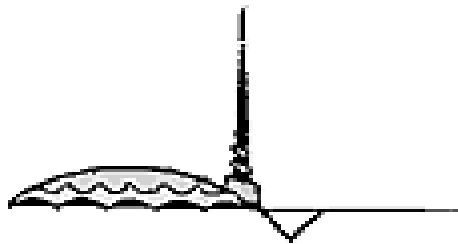


# **MARIN COUNTY**



## **ADULT DRUG COURT PROGRAM POLICY & PROCEDURES**

**Revised October 2021**

## **Marin County Adult Drug Court**

### **Mission Statement**

The mission of the Marin County Adult Drug Court is to improve lives that have been impacted by substance use, and to increase public safety by reducing the amount and frequency of drug related crime. The Court aims to reduce criminal recidivism by facilitating treatment and rehabilitation and to provide increased supervision to individuals with a substance use disorder involved in the criminal justice system, thereby returning individuals to the community better equipped to maintain their recovery.

### **Goal Statement**

Within twelve months of admission to the Marin County Adult Drug Court, clients will achieve sustained recovery as evidenced by negative urinalysis results and engagement in treatment, improvement in overall physical and mental health, engagement in pro-social activities and by meeting education and or employment goals. This will be achieved through wrap around support from the ADC Team including case management, therapy, treatment coordination and other individualized ancillary services such as anger management, DUI classes and parenting supports.

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## OVERVIEW OF THE MARIN COUNTY ADULT DRUG COURT PROGRAM

Marin County is a well-resourced community with an estimated census<sup>1</sup> of 259,943 residents. Approximately 71 percent of the Marin County population is White, Hispanic and Latinx are the next largest group at 16 percent. By 2030, it is projected that Hispanic and Latinx residents will comprise 38 percent of the Marin County population. The proportion of Asian and Black Marin County residents is expected to remain relatively stable.

Marin County is committed to achieving racial equity and aims to do so as outlined in the County of Marin Racial Equity Plan and the Department of Health and Human Services Strategic Plan to Achieve Health and Wellness Equity by prioritizing the following Focus Areas: Client, Community, Conditions and Quality. It is the goal of the Marin County Adult Drug Court to align with the strategies, indicators, and metrics to ensure that ADC participants are offered access to high quality, culturally responsive services while engaged in the program and in any interaction with County staff, programs, or partners.

The Marin County Adult Drug Court (ADC) was implemented in 2003 and was designed as a specialized therapeutic focused legal approach dedicated to assisting individuals with a substance use disorder initiate recovery, thereby improving their own lives, the lives of those near to them and the broader Marin community. ADC follows a team approach that sets aside the usual adversarial roles of defense and prosecution, uniting all those with roles in the court process into a team to do everything in its power to assist the participants in their recovery.

After determination of eligibility based on the crimes charged and other criteria, the team makes decisions about admissions, responses to participants' progress (or lack thereof), and graduation or termination. The Marin County ADC is guided by the "Ten Key Components of Drug Courts" as set forth by the National Association of Drug Courts. (Please see Appendix A.)

The Marin County ADC is directed by a collaborative steering committee comprised of a Superior Court Judge, the Court Administrator, the Public Defender, the District Attorney, the Chief Probation Officer, the Director of Health and Human Services, the Alcohol and Drug Program Administrator from the Division of Behavioral Health and Recovery Services and the Marin County Sheriff. The Adult Drug Court Coordinator serves as staff to the steering

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<sup>1</sup> U.S. Census Bureau, *ACS 5-year estimates (2015-2019)*. Retrieved from <https://www.census.gov/quickfacts/marincountycalifornia>

committee. The mission of the Steering Committee is to provide oversight, support and direction to the Marin County ADC Team to improve the lives of individuals impacted by substance use.

Day-to-day operations of ADC are conducted by the Marin County ADC team. All members of the team work together with the assistance of a wide variety of other county and community-based providers in Marin County, to provide expansive services to support the effort the participants must make towards recovery.

Marin County's Adult Drug Court program is a post-plea program for individuals whose initial sentence or modification of probation include a court order directing participation in the program. Participants admitted upon conviction of certain specified drug offenses (see chart below) *shall* be entitled to automatic dismissal of the charges upon successful completion of all ADC program requirements. Participants admitted upon conviction of any other offenses, or upon a modification of probation for any offense, *may* be entitled to dismissal of the charges upon successful completion of all ADC program requirements. The District Attorney has the discretion to promise such dismissal upon admission into Adult Drug Court. The court has the discretion to dismiss any offenses and to confer other benefits including permanently staying any jail and terminating probation early on its own motion or the motion of the district attorney or participant's attorney, upon the participant's successful completion of the ADC program. Participants initially admitted upon a modification of probation will not be entitled to automatic dismissal of any charges.

The Adult Drug Court program offers referrals to substance use treatment, other social support services and other Drug Court services. Substance use services available for Adult Drug Court participants include withdrawal management, residential, intensive outpatient, outpatient and medication assisted treatment as well as case management and ongoing recovery support services. In addition to substance use treatment, participants attend self-help meetings, care management and other supportive services, have their participation in the program monitored by the team, make scheduled court appearances, and submit to testing of their blood, breath, saliva, and/or urine.

Criteria for admission is based on the crime committed and the status of the applicant. Candidates for the Adult Drug Court receive an American Society of Addiction Medicine (ASAM) assessment to determine the level of medically necessary treatment they are to participate in and are referred to that level of service(s).

## **DRUG COURT STRUCTURE**

### **Target Population**

Marin County's target population for ADC includes participants who have committed drug, alcohol and certain other offenses and demonstrate a willingness and ability to benefit from probation and court supervision, substance use treatment and other support services. Individualized, medically necessary substance use treatment will be developed with each ADC participant. The treatment provider will provide for gender, age, and culturally relevant services.

### **Length of Program**

The standard length of the Adult Drug Court Program is approximately one year but is dictated by an individual participant's progress in treatment, meeting court ordered mandates, legal implications such as AB-1950 and other factors. Placement and progression through the program's four phases will be guided, in part, by a comprehensive initial assessment as well as periodic reassessment to determine the level of care within the continuum of substance use services needed, in addition to adherence to the orders of the Court and being placed on supervised probation. Candidates will begin and progress through an individualized continuum of substance use treatment and participation in support services which may include housing assistance, mental health treatment, trauma informed services, criminal-thinking interventions, family or interpersonal counseling, vocational or educational services and medical or dental treatment. Candidates receive only those services for which they have an assessed need.

Participants will be required to complete the medically necessary type(s) and duration of substance use treatment indicated by their individualized assessment, ASAM placement criteria and treatment plan.

### **Confidentiality Laws and Team Communications**

The ADC team shall insure that communications among members about participants' progress in the program are in compliance with the requirements of Title 42, United States Code, 42 U.S.C. 290dd-2 and its implementing regulations found in Title 42, Code of Federal Regulations, 42 C.F.R. Part 2 and any other applicable laws. (Please see Appendix B.)

Each department head shall institute a policy for its own personnel to protect participants' information as required by 42 U.S.C. 290dd-2 and the implementing regulations.

### **Grievance and Appeals**

Marin County Behavioral Health and Recovery Services makes every reasonable effort to meet client's needs. Client satisfaction with a particular provider or provider organization and with the treatment received is an important indicator of quality. In the event of a client complaint or grievance, grievance and appeal forms are available at all Marin County contracted substance use treatment programs along with postage-paid envelopes to mail the form to Marin County for review and investigation. Forms and Beneficiary Booklets are also available on the Marin County website: <https://www.marinhhs.org/drugmedi-cal-organized-delivery-system-waiver-dmc-ods>. ADC Team specific questions or concerns can be directed to the ADC Coordinator, Dr. Mitchell at 415-473-2543 or [sumitchell@marincounty.org](mailto:sumitchell@marincounty.org).

## **DRUG COURT ADMISSION PROCESS**

There are four paths to admission to the Marin County ADC:

1. Newly adjudicated case
2. Probation/County Parole violation
3. Probation modification
4. PC1210 (Proposition 36) failure

A candidate for ADC must be:

1. Diagnosed with a substance use disorder
2. 18 years of age or older
3. Willing or ordered to participate in ADC
4. A resident of Marin County



**ELIGIBILITY CRITERIA**  
**Marin County Adult Drug Court Program**

<b>Eligibility Criteria</b>	<b>Factual Disqualifiers</b>	<b>Discretionary Issues</b>	<b>Dismissal</b>
<p>Any charge not otherwise disqualified in which a significant underlying cause of the defendant's criminality is drug or alcohol dependence.</p> <p>Eligibility exceptions will be reviewed by the prosecutor's office on a case-by-case basis.</p> <p>Only the charges listed under "Dismissal" will be dismissed upon completion of the program.</p> <p>Must be capable of actively participating in all aspects of the ADC program</p>	<ul style="list-style-type: none"> <li>▪ Reasons for disqualification from Drug Court, include, but may not be limited to:</li> <li>▪ Not a Marin County resident;</li> <li>▪ Criminal record of significant violence (reference Appendix C, 42 U.S.C. 3797u-2);</li> <li>▪ Charges of manufacturing of controlled substances;</li> <li>▪ Active confidential informant;</li> <li>▪ Documented gang member;</li> <li>▪ Cannot be treated locally or requires a higher level of treatment;</li> <li>▪ ESS Probation</li> <li>▪ current case involves intimate partner violence/threat of violence where batter's program is required.</li> <li>▪ current case involves sex offense where sex offender treatment is required.</li> </ul>	<p>The prosecutor will use the following discretionary eligibility criteria on a case-by-case basis:</p> <ul style="list-style-type: none"> <li>▪ Current sales charges;</li> <li>▪ Current transportation charges;</li> <li>▪ Current cultivation;</li> <li>▪ Significant criminal record of drug sales;</li> <li>▪ Significant criminal record of drug transportation;</li> <li>▪ Prior strike conviction within 5 years.</li> <li>▪ Hold from another jurisdiction;</li> <li>▪ Significant current or past history of possession of weapons;</li> <li>▪ Any case(s) with PC 1203.097 and/or Batterer's Program conditions that do not involve intimate violence/threat of violence.</li> <li>▪ Current case, or Criminal history involving domestic violence, stalking, pimping/pandering/human trafficking, or sex crimes including child molestation.</li> </ul>	<p>The following charges will be dismissed upon ADC graduation:</p> <ul style="list-style-type: none"> <li>▪ HS 11350</li> <li>▪ HS 11357</li> <li>▪ HS 11358</li> <li>▪ HS 11360</li> <li>▪ HS 11364</li> <li>▪ HS 11365</li> <li>▪ HS 11368</li> <li>▪ HS 11377</li> <li>▪ HS 11550</li> <li>▪ BP 4140</li> <li>▪ BP 4324</li> <li>▪ BP 4060</li> <li>▪ HS 11375</li> <li>▪ HS11173</li> <li>▪ HS11174</li> <li>▪ PC 381</li> </ul> <p>Other charges may be dismissed, subject to the District Attorney's discretion, and jail may be permanently stayed (except for mandatory sentences) or probation may be terminated early. Prior able charges will not be dismissed. Dismissals will only be upon the motion of the prosecutor.</p>

## **Newly Adjudicated Cases:**

1. The District Attorney will conduct an eligibility screening. During the process of determining eligibility for the defendant charged with non-drug-related crimes, any materials provided to the District Attorney's Office by the defense to support the review for application to ADC will not be retained or used by the District Attorney for prosecution of the defendant, should eligibility be denied.
2. Requests from the defendant for a negotiated disposition pending application to the program will be handled by the Deputy District Attorney assigned to the case or by the misdemeanor expeditor.
3. Participants who are admitted into ADC will be sentenced to ADC terms and conditions.
4. The Court may order the defendant into ADC as a condition of probation.

## **Probation Violations (PV):**

Participants admitted upon a modification of probation for any offense, *may* be entitled to dismissal of the charges upon successful completion of all ADC program requirements. The District Attorney has the discretion to promise such dismissal upon admission into Adult Drug Court. The court has the discretion to dismiss any offenses and to confer other benefits including permanently staying any jail and terminating probation early on its own motion or the motion of the district attorney or participant's attorney, upon the participant's successful completion of the ADC program.

1. The deputy probation officer may review the case for eligibility and suitability; however, the District Attorney's Office will make the final determination of eligibility.
2. The Deputy Probation Officer may recommend that the defendant be admitted into ADC
3. The Court may order the defendant into ADC as a condition of probation.
4. Participants' probation will be modified to include ADC terms and conditions.

## **Probation Modifications:**

A defendant who is on supervised probation may be admitted to ADC pursuant to a probation modification. Upon successful completion of ADC, only the charges listed as eligible for dismissal will be dismissed. As to other charges, the sanction may be stayed and/or probation may be terminated early.

1. The Deputy Probation Officer will review the case for eligibility and suitability; however, the District Attorney's Office will make the final determination of eligibility.
2. The Deputy Probation Officer will discuss the option of ADC with the defendant.
3. If the defendant agrees, the Deputy Probation Officer will facilitate the signing of all consent and waiver forms for the program.
4. The Deputy Probation Officer will file a Petition to Modify Probation with the recommendation that the defendant be admitted into ADC.
5. The Court may order the defendant into ADC as a modification of probation.
6. Participants will be sentenced to ADC terms and conditions.

## **PC1210 (Proposition 36 Failures):**

Participants who are terminated from the PC1210/SACPA (Proposition 36) program may be admitted to ADC.

## **The Defendant's Role in the Admissions Process**

1. Sign the required consent and waivers and the ADC contract to release and disclose confidential information forms,
2. At minimum, attend Three (3) self-help meetings each week as ordered by the Court, contact the clinical assessment specialist and treatment provider,
3. Follow all directives from the Court and the treatment provider

**Opt Out Provision:** Only participants who have voluntarily entered the ADC Program will have two (2) weeks to "*opt out*". If a defendant "*opts out*," the Court will reimpose sentence.

**The "opt out" period does not apply to participants who were ordered into the Adult Drug Court Program by the Court, despite Participant objection.**

## **ADULT DRUG COURT TEAM**

As outlined in the ADC Best Practices Standards, Vol II, The Marin County ADC Team is a multidisciplinary group of professionals responsible for administering the day-to-day operations of Drug Court, including reviewing participant progress during staffing meetings and status hearings, contributing recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services. The ADC team consists of a Superior Court Judge, a Deputy Public Defender, a Deputy District Attorney, the ADC Coordinator, a Clinical Assessment Specialist, a Probation Officer, and a Recovery Coach (Case Management & Recovery Services). Treatment representatives will submit written status updates to the ADC team on a weekly basis and will be asked to attend ADC staffing meetings when clinically indicated.

All members of the Adult Drug Court Team participate in a minimum of 5 hours of collaborative court training within the first 3 months of joining ADC and annually thereafter through National Association of Drug Court Professionals (NADCP), National Drug Court Institute (NDCI) or other accredited agencies, and provide documentation of completion to the ADC Coordinator. New members to the Adult Drug Court Team must attend an orientation training with the Substance Use Administration Program Manager or ADC Coordinator regarding the systems of care within Marin County. At minimum each Team member shall attend the annual NADCP conference within their first year of ADC participation. Additionally, all County contractors and employees will complete Cultural Competency training as outlined in contract language.

### **Adult Drug Court Judge**

duties and responsibilities include:

1. Participate as a member of the ADC steering committee and team and preside over Adult Drug Court sessions.
2. Participate in the administration, planning and management of the ADC.
3. Attend local, state and national drug court and related conferences.
4. Direct all policies and procedures of the ADC with the assistance of the team.
5. Support and assist the ADC coordinator in identifying local, state and national resources to sustain the Marin County ADC program.
6. Monitor appropriate application of disciplines, sanctions and incentives while maintaining the integrity of the court.
7. Develop rapport with the client through direct discussions including progress, concerns, accomplishments and obligations.
8. Final decision maker in regard to graduation or incarceration.

## **Drug Court Coordinator**

duties and responsibilities include:

1. Participate as a member of the ADC Steering Committee and Court Team.
2. Ensure entry, analysis, and reports of defendant's data in program database.
3. Provide administrative support to the ADC team through preparation of aggregate records and materials contained in the database, maintain administrative records, ensure maintenance of data on participants' progress, barriers, successes and testing outcomes.
4. Schedule and convene ADC Team meetings.
5. Assist the ADC Judge and the steering committee in developing and revising ADC policies, procedures and practices.
6. Develop, oversee and monitor all reporting requirements of ADC, including all data and fiscal requirements.
7. Manage ADC budget, resources and provider contracts.
8. Liaison between ADC Team and treatment providers.

## **Clinical Assessment Specialist**

duties and responsibilities include:

1. Participate as a member of the ADC team in determining clinical needs and treatment placement.
2. Provide individual psychotherapy to ADC participants as indicated by ongoing assessment of need.
3. Secure consent to release confidential information from participants as needed by the program to comply with federal, state and local confidentiality laws.
4. After obtaining consent to release confidential information, provide the ADC Coordinator with data pertinent to the program.
5. Administer a comprehensive assessment for all participants referred to the program and submit summary to the ADC Team.
6. Based on placement criteria, identify appropriate treatment referrals for ADC candidates not admitted to the program and make referrals to other treatment facilities. Provide the team members with options regarding additional education and community-based service referrals.

## **Recovery Coach and Case Management**

duties and responsibilities include:

1. Identify, evaluate and collaborate with public and private community agencies, including understanding available local resources, including eligibility criteria, program design, modalities of service, specialty populations served, capacity and fees, to assist ADC participants to gain access to needed resources and supports through referrals and linkages to available services.
2. Collaborate with the ADC team to gain access to needed resources, services or supports to establish mutually agreed upon case plan goals and objectives for the participants.
3. Ensure that participants are supported through the ADC process in order to:
  - a. Increase the likelihood of retention in treatment and long-term success.
  - b. Ensure that referred participants are provided with a "warm hand off" to ancillary and recovery support services in order to provide an integrated, coordinated and comprehensive treatment experience.
4. Present training/information at ADC team meetings on the agencies and services available to provide services to ADC participants.
5. Attend ADC team meetings to inform the team of participants' progress and/or challenges. Participate in making decisions pertinent to each case.
6. Establish partnerships with county, community and recovery support service providers to ensure access to appropriate services for participants.
7. Provide added supervision through regularly scheduled meetings with participants.
8. Develop rapport with participants through mentoring, regular check-ins, transportation upon request and support in accessing community-based services.

### **Probation Officer**

duties and responsibilities include:

1. Participate as a member of the ADC, clinical and placement teams.
2. Review participants' data before all staffing and court sessions.
3. Work cooperatively with the ADC Coordinator toward data collection and evaluation of the ADC program.

4. Work closely with the ADC Coordinator, the assigned Judge and all members of the ADC team.
5. Responsible for direct supervision of participant's compliance with the program including implementation of the appropriate supervision level, monitoring day to day activities and home environment.
6. Liaison between Probation department and ADC Team.
7. Follow up on warrants issued through the Court, monitoring sanctions and compliance of participants through unannounced house visits and UAs.
8. Ensure compliance with participants' probation conditions.

### **Office of the District Attorney**

duties and responsibilities include:

1. Determine eligibility of candidates and provide notice thereof.
2. Participate both as a member of the ADC team and in the management of the program.
3. Attend national, state and local training, and technical assistance meetings and conferences, particularly those that address the District Attorney's role and responsibilities in Adult Drug Courts.
4. Participate in the staffing of cases; interact with the ADC team to address revocations and application of sanctions and incentives as they apply to participants.
5. Collaborates with the ADC team and shares a common goal of successful treatment completion.
6. Monitor participant progress, makes recommendations regarding sanctions and ultimate treatment outcomes.
7. If a participant is arrested, reviews new case to assess for appropriateness of continued participation.
8. Member of the Steering Committee.

### **Office of the Public Defender**

duties and responsibilities include:

1. Participate both as a member of the ADC team and in the management of the program.
2. Meet with the participant to explain the program including the drug court rules, phases, graduation and termination. Secure consent from participants to release confidential information as needed by the program requirements, as well as to comply with federal, state and local confidentiality laws.
3. Provide the defendant with a copy of the ADC Participant's Manual.

4. Explain the contents of the Agreement to Participant and provide signed copies to the Court, the D.A. and to Probation.
5. Attend national, state, and local training, and technical assistance meetings and conferences, particularly those that address the defense attorney's role and responsibilities in adult drug courts.
6. Advocates for participants during staffing and court proceedings
7. Supports the negotiation of ADC agreements with other defense attorneys.
8. Represents and counsels the defendant in all ADC court proceedings.
9. Promotes the legal rights, health and well-being of the participant.
10. Member of the Steering Committee.

### **Treatment Provider**

duties and responsibilities include:

1. Provide substance use treatment services to all ADC participants.
2. Communicate treatment updates in a timely manner on participants participation in treatment as medically indicated.
3. Assign sufficient staff to meet the needs of participants relative to the supervised urinalysis and substance use treatment services.
4. Attend local, state, and national drug court and related conferences, as possible.
5. On a weekly basis, report participants' progress and immediately report violations of the ADC rules, including positive or diluted drug test results to the ADC team within 24 hours; if possible. Provide the Division of Behavioral Health and Recovery Services with reports and other data as needed.
6. At regular intervals assess participants using the ASAM criteria to ensure enrollment in a clinically indicated level of care.
7. Utilize the full Continuum of Care to ensure smooth transitions between levels of care, between providers and in accessing Case Management services.
8. Notify ADC team of positive UAs and attach test as reference.



## **ADULT DRUG COURT PROGRAM OPERATIONS**

### **Time Frame: Arrest to First Drug Court Appearance**

It is the intent of the ADC that the time from arrest to entry into the program is as short as possible. As soon as any defendant is identified as a possible participant in ADC, the District Attorney's Office will conduct an eligibility review. At sentencing, any eligible defendant may be sentenced to ADC as a condition of probation. The ADC is not a strictly voluntary court. Defendants may be sentenced to ADC as a condition of probation over an objection. After sentencing, the ADC team will conduct an assessment for participation in the program and defendants will be admitted into the ADC and immediately enrolled in treatment and other services.

### **Fees**

Marin County Adult Drug Court does not impose or charge fees for participation in the program. Marin County Medi-Cal beneficiaries and Marin County low income/uninsured clients may access substance use disorder treatment at no cost. Participants with commercial insurance will be directed to their insurance agency for covered services and are responsible for any co-pays or deductibles as outlined in their policy. Probation, court fees, restitution, etc. may be imposed outside of the Adult Drug Court and will require payment by participants prior to completion of Probation or as negotiated.

### **Data Collection and Reporting**

The Marin County Adult Drug Court collects participant demographics and outcome data to evaluate program effectiveness and equitable access to care. Participants will be asked to complete annual surveys and participate in Focus Groups for the purposes of program evaluation.

### **Confidentiality and Privacy**

The Marin County Adult Drug Court complies with HIPAA and 42 CFR confidentiality standards and practices. All participants are required to sign Releases of Information to allow for Team collaboration, evaluation and referral to medically necessary substance use treatment services.

The ADC Team respects the privacy of all ADC participants and actively limits the type and scope of information shared publicly (open court). Some examples of

information that should not be discussed in open court include: Immigration status, diagnosis and medications, open court cases/charges not specific to ADC participation, etc.

## **Assessment**

Assessment is the first step in the treatment process. Various assessment tools are utilized including but not limited to Formal Psychosocial, SASSI-4, MOCA, Beck's Depression inventory, Burn's Anxiety Scale, and a Mental Status Exam. The Assessment will also include a recommendation for type and duration of initial medically necessary treatment as indicated by the ASAM Criteria.

The ASAM assessment includes a comprehensive review that considers all placement and need dimensions including: Current Toxicity, (Dimension I); Biomedical Conditions, (Dimension II); Emotional and Behavioral Conditions, (Dimension III); Treatment Acceptance/Resistance and Capacity, (Dimension IV); Relapse/Recovery History and Potential, (Dimension V) assessment of the defendant's Current Recovery Environment (Family Support), (Dimension VI). The Clinical Assessment Specialist will look closely at the social and family supports both for appropriate participant placement and to determine the level of need and benefit for the inclusion of significant others and family members in the program. The Clinical Assessment Specialist will also explore with the participant any needs for services for children affected by the drug use of the ADC participant.

After the Clinical Assessment Specialist has completed the substance use assessment for the potential participant and the information is shared with the team, the team will vote on the admission of the defendant.

## **Treatment Provider**

Marin County ADC will refer participants to substance use services selected from various competitive responses to Requests for Proposal(s) released by the Division of Behavioral Health and Recovery Services. The program has identified a full continuum of substance use treatment services to be available to ADC participants. These services include withdrawal management (detoxification), outpatient and intensive outpatient treatment, residential treatment, medication-assisted treatment, case management and recovery services. Matching participants with medically necessary treatment that is relevant to gender, age, culture, and family structure is highly correlated with treatment success. Additionally, anger management and aggression prevention will be provided when indicated.

The treatment provider will exchange only pertinent and necessary treatment information with the ADC team. Open and continuous communication and consultation is an explicit expectation and will occur among the team members. This exchange of information will be conducted pursuant to requirements of 42 USC 290dd-2 and the federal regulations implementing that law found in 42 CFR Part 2. (Please see Appendix B.)

### **Case Management Services**

Case management services are the cornerstone of successful drug courts. The Case Management Specialist monitors participants needs for services and programs, engages the participants in forming comprehensive and clear plans and goals, monitors and reports participants' involvement in program activities, and individual success in behavioral, occupational, or interpersonal goals, provides problem solving and support services to participants as they meet obstacles in complying with the ADC requirements and maintains continuous communication with treatment and justice staff. Case management activities are coordinated with the entire team through regular continuous reporting and case staffing.

### **Staffing**

The entire ADC team will meet immediately prior to all ADC sessions to conduct a staffing. The team will review new information about the participant (the results of drug testing, positive or negative police contacts, sobriety milestones, issues raised in counseling appropriate for discussion with the ADC Judge, etc.) and to discuss what orders, comments, sanctions, and incentives should be imposed as a response to the participant's circumstances.

If the participant reveals information to the Judge in open court which causes the Judge to re-consider the appropriateness of the team's response to the participant's behavior or circumstance, the Judge shall consult the team by a side-bar staffing or other means appropriate to the circumstances.

### **Court**

The entire ADC team and all participants will attend court on a weekly basis or as required based on progress and phase in the program. Typically, ADC court will be held in-person in the presiding Judge's assigned courtroom. In the event in-person court is not allowable, ADC court will be held via Zoom with links being provided to participants by their Public Defender, Recovery Coach, Probation Officer or other ADC team member as allowable. Participants must abide by all

standard court rules whether attending in-person or via teleconference. Virtual proceedings represent a formal court setting and we ask that you treat it as such by dressing and behaving as you would in-person. For example, be courteous of others, be seated (if you are in an automobile, it must be parked and not in motion), refrain from smoking, and ensure there is minimal background noise by muting yourself if not speaking. The ADC team can provide participants with zoom/teleconference technical assistance as well as support with obtaining a zoom enabled device as needed.

## **Drug Testing**

Drug testing will be conducted frequently and regularly in the manner set forth in Phases I, II, III and IV. For the purposes of Adult Drug Court, the Team utilizes the Marin County Probation's Adult Division Manual Random Drug Testing Policy and Procedure for the purposes of monitoring participants goals and court ordered testing requirements. All participants will be assigned a random color based on testing frequency and will be required to call the testing phone line daily to determine if they are required to appear. In addition to Probation testing, ADC participants are also required to enroll in Weekend/Holiday UA testing with Center Point or other contracted provider and are required to call every Friday and Saturday to determine if they must appear for weekend/holiday UA testing.

Green	Testing mainly for marijuana (1 x month)
Orange	Testing mainly for alcohol (4 x month)
Red	Testing (4 x month)
Yellow	Testing (2 x month)

## **Administering the Drug Tests**

Responsibility for drug testing will be shared between the ADC Treatment Provider and the Probation Department. It is required that the ADC Treatment Provider use industry standards for administering and reporting all drug test results. Testing will be scheduled consistent with random pattern assignments and results will be communicated immediately to the ADC team. Randomization requires that testing does not follow a predictable pattern; therefore, the Court will require minimum time frames as set forth in Phases I, II, III and IV.

## **Items to avoid while participating in Adult Drug Court**

As a reminder, you may not drink any fluid excessively before testing and must avoid environmental contaminants, over-the-counter medications, or foods that can reduce the accuracy of drug tests. Be sure to tell your probation officer

about any prescription medicines you are taking and show documentation from your doctor. Examples of potential contaminants that you need to avoid include, but are not limited to:

- Non-prescribed drugs such as marijuana/medical marijuana, narcotics, etc.
- Alcohol (including cooking with alcohol)
- Alcohol-containing over the counter (OTC) medicines
- OTC medications such as cough suppressants, antihistamines, analgesics, heartburn medications
- Nonsteroidal anti-inflammatory drugs (NSAIDs) such as ibuprofen and naproxen
- Cannabidiol (CBD) products
- Food and beauty products containing Hemp seed
- Poppy seeds
- Creatine
- Dietary supplements
- Energy drinks
- Homeopathic/herbal substances
- Sports nutrition powders
- Anything not regulated by the Food and Drug Administration (FDA)

### **ADC Rules Violation**

While all participants remain subject to the original orders of the Court, including the terms and conditions of supervised probation, the ADC Court will address violations of the ADC rules. Sanctions will be enforced under the direction of the Drug Court Judge. Upon written notice by the probation officer, the court has the authority to issue a bench warrant for any ADC participant who absconds from treatment.

### **Traveling Outside of Marin County**

As required by the Probation Department and while involved in ADC, participants may not travel outside of the county without written permission from the Probation Officer or the Court. Participants who wish to travel outside of the county, including for work, must submit a request with the Probation Department and ADC team **before** leaving the county. This request should be submitted as soon as possible but at least two weeks before the intended date of travel.

## The Four Phases of the Drug Court program

Participants will be required to progress through all four phases of Adult Drug Court to be considered eligible for graduation. Participants will engage in treatment as specified through their individual treatment plans developed in accordance with the ASAM dimensions. At a minimum, the length of Adult Drug Court is typically one year. Timeframes within each phase are dependent upon Participants' individual progress as determined by the ADC Team.

MINIMUM REQUIREMENTS	PHASE I	PHASE II	PHASE III	PHASE IV
<b>Individualized Medically Necessary Treatment Services</b>	Treatment services include residential and outpatient withdrawal management (detoxification), residential, intensive outpatient and outpatient treatment, case management services, medication assisted treatment, recovery support services.			
<b>Comprehensive Assessment</b>	Required Prior to Admission to ADC	Ongoing with Treatment Provider	Ongoing with Treatment Provider	Ongoing with Treatment Provider/Recovery Coach
<b>Psychotherapy</b>	As Indicated			
<b>UA Testing</b>	3 UA's/week	2 UA's/week	1 UA/week	1 UA/week
<b>Case Management</b>	As needed Minimum of 2 / Month	As needed Minimum of 2 / Month	As needed Minimum of 1 / Month	As needed Minimum of 1 / Month
<b>Recovery Services</b>	Following Completion of Substance Use Treatment Services. Participants will engage in Recovery Services for the duration of their Probation Supervision period and Graduation of ADC.			

## **Phase I - Treatment and Intensive Supervision**

In Phase I, the participant is assigned a Recovery Coach who will provide an overview and orientation of the program. The participant's challenges and needs will be assessed, and the treatment design of this phase will be explained to them. The minimum requirements of Phase I include:

1. Conduct bio psychosocial assessment, review physical, mental health and housing needs to support stabilization.
2. Attend substance use treatment services as medically necessary. Ongoing assessment will determine type and duration of the levels of treatment services.
3. Obtain and maintain contact with a self-help sponsor throughout the program.
4. Attend three (3) self-help meetings per week.
5. Submit to testing for alcohol and other drugs, random per the schedule of the substance use treatment provider and/or the probation department.
6. Meet with Marin Employment Center to address employment skills and needs.
7. Continuous engagement with Recovery Coach as needed; contact either in person or by phone a minimum of two (2) times per month.
8. Attend Adult Drug Court once per week or as ordered.

**Housing Needs:** If the defendant needs housing, the ADC Coordinator, Probation Officer, Case Manager and Treatment Provider(s) Specialist will help the participant obtain local affordable housing.

**Criteria for advancement into Phase II includes all of the following:**

- Comply with Phase I ADC conditions
- No positive drug test results for at least thirty (30) consecutive days
- No unexcused absences from scheduled services (which includes court appearances) for thirty (30) consecutive days

## **Phase II - Integrating Substance Use Treatment with Life**

In Phase II, substance use treatment, psychotherapy and meetings will focus on the participants' deficits and help them identify ways of coping with stressful situations and improve relationships. The type and duration of treatment will be determined by medical necessity. Phase II minimum requirements include:

1. Attend substance use treatment services as determined by assessment
3. Regularly attend self-help meetings (3 per week).
4. Submit to random testing of urine, breath, blood, or saliva (at least 2 tests per week) for alcohol and other drugs.
5. Continuous engagement with Case Manager as needed; contact either in person or by phone a minimum of two (2) times per month.
6. Maintain school/job training or community service as ordered.
7. Attend Adult Drug Court on a weekly basis or as ordered.

### **Criteria for Advancement into Phase III include all of the following:**

- Comply with Phase II ADC Conditions
- No positive drug test results for at least thirty (30) consecutive days;
- No unexcused absences from scheduled services (including court appearances) for thirty (30) consecutive days; and,  
Maintain employment or educational status as directed by the Court.

## **Phase III - Maintenance and Independent Choices**

In Phase III, treatment and meetings will focus on the participants' recovery needs, including maintaining effective recovery tools. The focus will be on daily living skills and consistent attendance at self-help meetings. This period is designed to support participants in their return to the community as productive and responsible members. Phase III minimum requirements include:

1. Attend substance use treatment services as determined by assessment
4. Regularly attend self-help meetings (3 per week minimum).
5. Submit to random testing for alcohol and other drugs (1 test per week, minimum).
6. Continuous engagement with Recovery Coach as needed; contact either in person or by phone a minimum of two (2) times per month.
7. Maintain school/job training or community service as ordered.
8. Attend Adult Drug Court as ordered.

### **Criteria for Advancement into Phase IV include all of the following:**



- Comply with Phase III ADC Conditions
- No positive drug test results for thirty (30) consecutive days; and,
- No unexcused absences from scheduled services for thirty (30) days; and,
- Maintain employment or educational status as directed by the Court.
- Develop plan to satisfy Court ordered financial obligations in ADC cases and present plan to the Court.

### **Phase IV – Recovery Support Services**

Phase IV will address the participants' on-going recovery needs through the use of internalized tools and skills they have learned through substance use treatment. The following conditions must be completed before graduation from Phase IV will occur:

1. Attendance at self-help meetings (3 per week, minimum).
2. Following Completion of substance use treatment services. Participants will engage in Recovery Services for the duration of their Probation Supervision period and Graduation of ADC
3. Attend Adult Drug Court as ordered.
4. Submit to random testing for alcohol and other drugs.

**Criteria for Graduation includes ALL of the following:**

- Meet all court ordered financial obligations in ADC cases as ordered by the Court.
- At minimum, 60-90 days without a positive UA and comply with all facets of the ADC Program.
- Maintain employment or educational status as directed by the Court.
- Participants must satisfactorily complete the four-phased program.

### **GRADUATION**

Participants may earn any number of benefits upon graduation from Marin County Adult Drug Court. The benefits will be detailed in each Participant's ADC contract.

## **ADULT DRUG COURT RULES**

ADC participants are expected to comply with the following rules which represent the values and expectations of the Adult Drug Court program. Non-compliance will result in a "sanction" as outlined in the Imposing Incentives and Sanctions section.

1. Answer all questions of the Judge and team members truthfully and honestly. At each court session, the Judge will ask whether participants have:
  - a. Used alcohol or other drugs since they last appeared in court;
  - b. Had contact with any law enforcement officer;
  - c. Tampered with and/or diluted a urine or drug test;
  - d. Complied with the ADC Rules.
2. Obey all laws and Court orders and comply with the terms of probation.
3. Do not leave the county without the written permission of the Probation Officer or the Court. Please contact ADC Probation Officer for specific steps on how to initiate a travel request.
4. DO NOT engage in any type of threat or act of violence.
5. DO NOT bring drugs, weapons, urine, or other contraband to the courthouse or to a counseling or supportive service facility. Possession and/or use of a weapon or illicit drugs is illegal. Participants will be subject to search upon entering the buildings. If they have weapons or drugs in their possession, they will be subject to arrest and prosecution.
6. DO NOT consume any non-prescribed drugs, alcohol, marijuana/medical marijuana, or narcotics, or engage in other addictive behaviors.
7. DO NOT associate with any person under the influence of alcohol or other drugs, any person known to use illegal drugs, any drug or individual with a substance use disorder not in recovery, or any person who engages in other addictive behavior (i.e. gambling).
8. DO NOT affiliate or associate with gang members.
9. Pay all fines, program fees, and make restitution as ordered by the Court.
10. Submit to random testing for alcohol and other drugs (urine, blood, breath, saliva) when and as directed to do so by a member of the ADC team, treatment provider, probation officer or police officer, without diluting or tampering with the test.

11. Failure to provide sample, failure to report for testing and dilutes are considered positive results and will be sanctioned accordingly.
12. Attend all ADC sessions as ordered by the Court and remain in attendance for the full ADC calendar.
13. Appear in Court to address ADC violations as directed by the Court or a member of probation.
14. Participants will attend all treatment sessions.
15. DO NOT engage in intimate or sexual relationships with current ADC participants.
16. Provide to ADC team the prescription, dosage, and name of the prescribing doctor no later than 24 hours after being prescribed medication(s). When submitting to a drug test, provide the person administering the test with this information.
17. Participants must reside as directed by probation and request from probation if intending to stay elsewhere.
18. Treat all ADC team members, staff, court personnel and peers with respect.
19. Participants are to arrive on time for all court dates and treatment sessions.
20. DO NOT engage in any sexual, physical, or verbal harassment of any kind.
21. Dress and behave appropriately for court (i.e. no hats, shorts, tanks, halter tops, or visible undergarments, if virtual, please ensure device is on mute, refrain from smoking and driving and ensure there is minimal background noise during appearance).
22. Follow all rules outlined by the Substance Use Treatment Provider.
23. Every Participant in ADC shall be sentenced to ADC and placed on supervised probation for all active case. A conditional sentence that is converted to supervised probation under this rule will be converted back to a conditional sentence when the defendant no longer participates in ADC.
24. Once sentenced to ADC, the participant's cases will thereafter for all purposes remain assigned to the Judicial Officer presiding over the ADC.
25. All ADC participants must consent to signing 42 C.F.R compliant releases of information (ROI) for members of their care team for the purposes of coordinating substance use disorder treatment and applicable ancillary services such as mental or physical health providers.

## **IMPOSING INCENTIVES AND SANCTIONS**

The ADC recognizes that consequences for participant's behavior must be predictable, fair consistent and administered in accordance with evidence-based principles of effective behavior modification. The ADC team will incentivize productive behaviors. Incentives may include, but are not limited to:

- Compliments and other types of recognition by the Judge, other team members and participants (including verbal praise, handshakes, etc.)
- Call "Super Stars" first during court
- Applause by entire ADC team and other participants
- Tickets to sober activities
- Zoom appearance as an alternative to in-person court
- Gift certificates (various)
- Books
- Bus passes
- Permission to travel
- Reduced court appearances
- Curfew extension
- Phase promotion
- Reduced probation reporting
- Early dismissal from ADC calendar
- Increased program flexibility
- Phase II "On the Road [to Sobriety]" lapel pin
- Phase III "Meeting Challenges [of Sobriety]" lapel pin
- Phase IV "New Horizons [of Sobriety]" lapel pin
- Certificate of Graduation from Marin County Adult Drug Court Program.

The ADC will employ a range of sanctions of varying magnitude that may be administered in response to infractions in the program. For goals that are difficult for participants to accomplish, such as abstaining from substance use for addicted participants or obtaining employment, the sanctions will increase in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanction may be administered immediately.

Sanctions may include, but are not limited to:

- Admonishment by the Judge
- Written warning, increased supervision
- Submission of an essay. Participants will be given clear instructions on the topic

- Attendance at additional court sessions
- Imposition of curfew, geographic restrictions and/or association limitations
- Attendance at additional self-help meetings
- Placement in detoxification services
- Hours of community service
- Restriction of driving privilege
- Placement on electronic monitoring/house arrest
- Remand to jail
- Return to a lower phase or start over in the current phase
- Increased drug testing, reporting to probation
- Termination from program
- Enhanced flash incarceration sanctions may be applied to DUI offenders due to public safety concerns.

**Criteria for Awarding Sanctions and Incentives:** The criteria for applying incentives include sustained abstinence, accomplishment of key individual goals, and continued compliance with Court-ordered mandates including payment of fines, restitution and family support. Conversely, sanctions shall be applied for substantiated or admitted violations of ADC rules. Both sanctions and incentives are graduated and individualized with the guiding principle of affecting lasting change for individuals involved in the program, but consistent in application from one defendant to another. Each member of the ADC team has the right and responsibility to recommend sanctions and incentives.

**How Sanctions/Incentives are Applied:** Sanctions and incentives are determined during the team's staffing sessions and declared by the Judge during the ADC session. The team's goal is to ensure that all sanctions are imposed and incentives are granted quickly after the violation or achievement; respectively. It is critical to distinguish incentives and sanctions from therapeutic adjustments. Incentives and sanctions are applied by the ADC team in a manner consistent with compliance of Court mandates. Therapeutic adjustments are triggered by a clinical assessment of the client's treatment needs based on the ASAM criteria. Any changes in level of care and progress or regression on treatment plan goals must be documented on the client's individual treatment plan.

## COLLATERAL SERVICES

**Identification of Need/Referral to Collateral Services:** The need for collateral services will be determined at the time of the initial assessment and case planning, throughout the term of participation in the program and whenever

the defendant indicates need for assistance in meeting her/his program requirements. Educational, vocational and employment goals will be central to each ADC participant's case plan. Based on need, collateral referrals to Marin County's Employment and Training program, Vocational Rehabilitation, Veteran's Administration, private placement services, etc., will be made for participants. The ADC team will garner support for such services as employment and training, public housing, general assistance programs, specialized assistance, education, community services and the Marin County business community.

Focused work in educational and vocational areas will be a centerpiece of the program and will continue throughout the program. For those who are employed, vocational and employment development will be made available as needed and requested, to assist with career plans and goals. For those who are not employed, services shall be made available that will assist participants in meeting this goal.

**Primary Health Care/Mental Health Care:** The Marin County Department of Health and Human Services facilitates participants' admission to publicly supported and community-based health and mental health services. The county is also deeply committed to providing AIDS/HIV testing as well as diagnosis and education of Hepatitis "C". Referral to these testing services shall be made available for all participants. Through Marin County's Mental Health Adult System of Care, those ADC participants who demonstrate a need for a mental health evaluation will be referred for services.

## TERMINATION

Warrants, new arrests, or a significant violation of any aspect of a treatment plan may result in termination from the Adult Drug Court Program. Other violations, which could result in termination, including but not limited to the following:

- Participants may be subject to termination from Adult Drug Court if they refuse substance use treatment or fail to give consent to release of information.
- Failure to comply with the requirements of the assessed, medically necessary treatment level may result in termination.
- Lying or dishonesty may be grounds for termination.
- Failure to comply with the drug testing policy, housing policy or other court orders may be grounds for termination.

- Participants may be terminated if they engage in illegal activity for which they have not been arrested, have a new arrest, violation, citation, or warrant.
- Participants may be terminated if they use violence or make threats of violence directed at anyone.

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

**Termination Process:** The participant will be informed by the Judge during a court session of a recommendation for termination. A hearing will be scheduled, and counsel will be appointed. At the time of the recommendation, the Deputy District Attorney will ask for the participant to be released or incarcerated, pending a bail hearing and/or the termination hearing. The Participant will receive a written notice of the conduct triggering the recommendation for termination. The termination hearing should be held within 30 days of the recommendation for termination at which time the participant and his/her lawyer will have the opportunity to be present, heard and given the opportunity to cross examine the witnesses. The participant can elect to waive his/her right to a hearing; however, it is encouraged they do so only after an opportunity to discuss their options with a lawyer has occurred.

The written notice shall include the following information:

1. What Drug Court rule(s) have been violated (for example):
  - Failure to comply with the treatment or treatment plan
  - Failure to comply with the drug testing policy
  - Failure to comply with the housing policy
  - Failure to comply with a court order
  - Failure to remain arrest free
  - Failure to refrain from criminal activity
  - Failure to appear
  - Failure to be honest
2. A Summary of the violation:
  - An explanation of each of the violations
  - The date of the violation
3. Recommendation:
  - Typically, a recommendation will be provided to the court at the time of the hearing.

## APPENDIX A

### The National Association of Drug Court Professionals Ten Key Components

**Key Component #1:** Drug courts integrate alcohol and other drug treatment services with justice system case processing.

**Key Component #2:** Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

**Key Component #3:** Eligible participants are identified early and promptly placed in the Drug Court Program.

**Key Component #4:** Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

**Key Component #5:** Abstinence is monitored by frequent alcohol and other drug testing.

**Key Component #6:** A coordinated strategy governs drug court responses to participants' compliance.

**Key Component #7:** Ongoing judicial interaction with each Drug Court participant is essential.

**Key Component #8:** Monitoring and evaluation measure the achievement of Program goals and gauge effectiveness.

**Key Component #9:** Continuing interdisciplinary education promotes effective Drug Court planning, implementation, and operations.

**Key Component #10:** Forging partnerships among Drug Courts, public agencies, and community-based organizations generates local support and enhances Drug Court Program effectiveness.



## APPENDIX B

### **The pertinent parts of 42 U.S.C. 290dd-2 state:**

(a) Requirement

Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e) of this section, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) Permitted Disclosure

(1) Consent

The content of any record referred to in subsection (a) of this section may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g) of this section.

(2) Method of disclosure

Whether or not the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate court order of a court of competent jurisdiction granted after application showing good cause therefore, including the need to avert a substantial risk of death or serious bodily harm. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Use of records in criminal proceedings

Except as authorized by a court order granted under subsection (b)(2)(C) of this section, no record referred to in subsection (a) of this section may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) Application

The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when such individual ceases to be a patient.

(e) Nonapplicability

The prohibitions of this section do not apply to any interchange of records (1) within the Uniformed Services or within those components of the Department of Veterans Affairs furnishing health care to veterans; or (2) between such components and the Uniformed Services. The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.

(f) Penalties

Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined in accordance with title 18.

(g) Regulations

Except as provided in subsection (h) of this section, the Secretary shall prescribe regulations to carry out the purposes of this section. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b) (2) (C)

of this section, as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

(h) Application to Department of Veterans Affairs

The Secretary of Veterans Affairs, acting through the Under Secretary for Health, shall, to the maximum feasible extent consistent with their responsibilities under title 38, prescribe regulations making applicable the regulations prescribed by the Secretary of Health and Human Services under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this subsection, the Secretary of Veterans Affairs shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

## **APPENDIX C**

Violent offenders as defined in 42 U.S.C. 3797u-2, a “violent offender” means a person who—(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct— (A) the person carried, possessed, or used a firearm or dangerous weapon; (B) there occurred the death of or serious bodily injury to any person; or (C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or (2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

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