

ARKANSAS ADULT DRUG COURT STANDARDS

Key component #1: Adult Drug Courts will integrate alcohol and other drug treatment services with justice system case processing.

The Adult Drug Court team should include the following roles/agencies: judge, prosecuting and defense attorneys, treatment, probation and law enforcement. Depending on local program design, other appropriate stakeholders should be added to the personnel team members, as deemed appropriate.

The Adult Drug Court team shall collaboratively develop, review, and agree upon all aspects of Adult drug court operations (mission, goals, eligibility criteria, operating procedures, performance measures, orientation, drug testing, and program structure guidelines). The team shall create a policy manual and update it annually.

The Adult Drug Court team may develop a written agreement (i.e., a Memorandum of Understanding) between all participating parties and review it annually. This agreement shall include the roles and responsibilities of all parties.

All Adult Drug Court team members are expected to attend and participate at each scheduled pre-court staff meeting and status hearing. At a minimum, pre-court staff meeting should occur at the same frequency as, and in advance of, scheduled status hearings.

Treatment providers should communicate in advance of status hearings and via email or other means of electronic communication between status hearings with the Adult Drug Court team members and report on participant progress and/or concerns in treatment.

The Adult Drug Court ensures that participants from groups that have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive equal access, retention, treatment, dispositions and incentives/sanctions.

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

Deputy Prosecuting Attorneys and Defense Counsel shall be members of the Adult Drug Court team and should participate in the design, implementation and enforcement of the program's screening, eligibility and case-processing policies and procedures.

The prosecuting attorney and the defense attorney should attend all team meetings. Prosecutors and defense attorneys shall attend all hearings.

Both the prosecution and defense attorney should perform their tasks as part of the program eligibility and admission process as swiftly as possible, including working with the stakeholders in the legal system to shorten the time of entry into specialty court.

The program allows offenders with non-drug charges and different levels of criminal charges to participate and does not automatically disqualify individuals with a current charge, or criminal history, associated with drug dealing or violent crime, unless that crime that might disqualify them from ACC treatment at a Community Correction facility.

All participants shall receive a Participant Handbook upon accepting the terms or participation and entering the program. Receipt of the Participant Handbook shall be acknowledged through a signed form.

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Key Component #3: Eligible participants are identified early and promptly placed into the Adult drug court program.

Participant eligibility requirements/criteria shall be developed and agreed upon by all members of the Adult Drug Court team and included in writing as part of the program's policies and procedures.

Adult Drug Court programs may be designed to admit eligible participants pre-plea, post-plea, or may operate as a combination of both pre and post plea participants.

When operating an adult drug court, adult drug courts should target individuals classified as moderate to high risk and high need.

Adult Drug Court programs shall use standardized, objective, validated risk and need assessment tools to assess the risk and need of the potential Adult Drug Court candidate. Assessment for substance abuse and other treatment needs shall be conducted by appropriately trained and qualified professional staff.

Potential participants are screened for program eligibility by designated members of the Adult Drug Court team that include a member of the probation department.

Adult Drug Courts choosing to serve a mixed population of low risk and moderate to high risk offenders should provide separate group treatment services to ensure low risk offenders are not attending group sessions with moderate and high risk offenders.

Programs should strive to have participants begin the program within 50 days of arrest that resulted in their being considered for entry into the Adult Drug Court.

If adequate services are available, Adult Drug Courts should accept individuals with serious mental health disorders/co-occurring disorders and medical conditions.

Adult Drug Courts should accept Medication Assisted Treatment (MAT) participants and have a MAT policy in place.

Adult Drug Courts should maintain an appropriate caseload based on its capacity to effectively serve all participants in compliance with these standards. Adult Drug Courts wanting to serve more than 125 participants with a single judge should ensure they have the capacity (both services and staff time available) to adhere to these standards.

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

Adult Drug Courts should provide a continuum of services through partnerships with treatment providers. The treatment members of the Adult Drug Court should oversee and coordinate treatment and make referrals as necessary.

Adult Drug Courts shall require a minimum of 12 months of participation to complete all program phases. Overall duration and dosage of treatment for participants shall be based on the individual's risk and needs as determined from validated standardized assessments.

Adult Drug Courts should incorporate a phase/level system including, ideally 4 phases, with aftercare being emphasized as the last phase/level. Standardized evidence-based treatment programming shall be adopted by the Adult Drug Court to ensure quality and effectiveness of services and to guide practice.

Adult Drug Court should offer a comprehensive range of treatment services. Participants in Adult Drug Court should receive treatment services based on assessed need. Guidelines for placement at various levels of treatment (residential, detoxification, day treatment, outpatient, sober living residences, etc.) should be developed by the Adult Drug Court team incorporating the expertise of the treatment provider.

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

The Adult Drug Court program shall implement a standardized system in which participants will participate in drug testing. Testing shall be administered randomly but occur no less than twice per week. As supervision is reduced, drug testing should be maintained until the participant has shown significant progress in meeting target behaviors including relapse prevention skills.

Adult Drug Courts shall utilize urinalysis as the primary method of drug testing; a variety of alternative methods may be used to supplement urinalysis, including breath, hair, and saliva testing, patch, and electronic monitoring.

Drug testing sample collection shall be directly observed by an authorized, same sex member of the Adult Drug Court team or other approved official of the same sex as the participant.

Participants in the 1st phase/level of the Adult Drug Court program should be tested a minimum of 2 times a week.

Results of drug testing should be provided to the Adult Drug Court team within 48 hours, unless extenuating circumstances. In the event a participant provides a diluted, altered or positive sample, or fails to submit a sample, this information will be communicated with the Adult Drug Court team immediately.

A period of greater than 90 continuous days of negative drug test results shall be required before a participant is eligible to graduate from the program.

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

The Adult Drug Court shall have a formal system of responses to participant behavior, including incentives/rewards, sanctions, and therapeutic responses, established in writing and included in the program's policies and procedures manual. The Adult Drug Court provides these guidelines to team members, for use in pre-court staff meetings.

Before entering the Adult Drug Court Program, participants are informed about the types of incentives and sanctions used in the program and the types of behaviors that result in incentives, sanctions or therapeutic responses.

A formal system of responses to participant behavior (incentives/rewards, sanctions, and therapeutic responses) shall be organized on a gradually escalating scale, offering a range of options, applied in consistent and appropriate manner to match individual participant's conduct and level of compliance. No single set of responses is effective for everyone. Response to participant behavior should be tailored to the individual participant. All responses should focus on specific behaviors and be administered with a clear direction for the desired behavior change.

Information regarding participant noncompliance should be communicated to all members of the Adult Specialty Court team to coordinate an appropriate response. Responses to participant noncompliance should come as close in time as possible to the targeted behavior, but at most within a week.

Participants are expected to pay all financial obligations and supervision fees as part of their program participation. To graduate, participants must have paid all required program fees or have a court approved post completion payment plan unless otherwise waived by the court

Adult Drug Courts should work with participants to establish a payment plan and monitor progress to ensure lack of payment does not become a barrier to graduation.

Adult Drug Courts should use jail sanctions sparingly and with the intention of modifying participant behavior in a positive manner.

To graduate, participants should be employed, in school or involved in some positive activity. Participants should have a sober and sustainable housing environment conducive to recovery.

Participants with new arrests for drug possession should not prompt termination from the Adult Drug Court Program.

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

The Adult Drug Court Judge shall be knowledgeable about the Drug Court model, addiction, treatment methods, drug screening, and other related issues.

During the first phase/level of the program, participants should attend weekly status hearings

Status hearings should be held no less than once a month during the last phase/level of the program.

Status hearings should be conducted with each participant on an individual basis. The Adult Drug Court Judge should strive to spend a meaningful amount of time with each participant during status hearings, especially those participants that are doing well.

The Adult Drug Court Judge should voluntarily agree to serve.

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

Participant progress, success and feedback should be monitored on a regular basis through data review, surveys, and other means for modifications to program operations, processes and practices.

Participant data should be monitored and analyzed on a regular basis per local policy development, to determine the effectiveness of the program. Monitoring should compare historically disadvantaged groups to the other participants, to identify—and work to address—any areas of inequity in program access, treatment, responses to behavior, and dispositions. Data collection should be in useful formats for review.

Progress and outcome evaluation should be conducted by an independent evaluator at regular intervals.

Data needed for program monitoring and management should be kept in electronic data systems, be easily obtainable and maintained in useful formats for regular review by the Adult Drug Court teams and management.

The Adult Drug Court will work collaboratively with the state to provide whatever information is needed regarding the Adult Drug Court program.

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

Adult Drug Court programs shall address staff training requirements and continuing education in their policy manual. Recommended training shall align with state and national standards and practices endorsed by the National Association of Drug Court Professionals (NADCP) and the National Drug Court Institute (NDCI). Treatment practices must be evidence based.

Training and education for Adult Drug Court team members should include topics such as the drug court model, best practices, substance abuse and addiction, drug and alcohol and mental health treatment, co-occurring disorders, sanctions and incentives, drug testing standards and protocols, confidentiality and ethics, and proficiency in dealing with participants' race, culture, ethnicity, gender and sexual orientation, and trauma.

New Adult Drug Court team members should receive formal orientation and training by previously trained Adult Drug Court team members within 60 days of joining the team. Formal training can be supplemented with online webinars, specialty court trainings and conferences.

Adult Drug Court teams, to the extent possible, should attend comprehensive training yearly or every other year as provided by state or national Adult Drug Court organizations, e.g. the National Association of Drug Court Professionals, National Drug Court Institute, etc.

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Key Component #10: Forging partnerships among Adult Drug Courts, public agencies and community-based organizations generates local support and enhances Adult drug court program effectiveness.

Adult Drug Courts are encouraged to develop relationships within the community and each Adult Drug Court will have its own separate plan of action based on its own community's needs.

Adult Drug Courts are encouraged to organize an Advisory Committee consisting of representatives from the court, community organizations, law enforcement, treatment providers, health providers, social service agencies, the business community, media, faith community and other community groups. The Advisory Committee should meet at least 2 times a year to provide guidance to the Steering Committee and Adult Drug Court team. Advisory Committees should be looked to for program guidance, fundraising, resource development and other program challenges.