



BUNCOMBE COUNTY SOBRIETY COURT POLICY AND PROCEDURE MANUAL

**BUNCOMBE COUNTY JUDICIAL COMPLEX
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<https://www.buncombecounty.org/governing/depts/justice-services/programs-services/treatment-courts.aspx>

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Sobriety Court

Mission Statement

The primary mission of Sobriety Court of Buncombe County is to increase public safety and save lives by reducing recidivism of persons with alcohol and drug use disorders. Sobriety Court strives to make our streets safer; to create an effective and responsible partnership with community resources; and to foster accountability for the participants by increasing treatment and supervision for the repeat impaired driver.

Sobriety Court's Goals and Objectives

Sobriety Court's primary purpose is early intervention for repeat alcohol and drug DWI offenders. This includes enhanced community and legal supervision, substance use disorder treatment, and continuing community support. The goal is to instill hope and improve the quality of our participants' lives while increasing community and reducing DWI recidivism. Participants learn skills to live free from substance use and repeat legal involvement.

Sobriety Court Description

The Buncombe County Sobriety Court is a post-conviction, abstinence based, substance use disorder treatment, and intensive supervision program for offenders with multiple convictions for driving under the influence of alcohol or other impairing substances. The program has a capacity of 30 participants. The minimum program length for a participant is 14 months.

Developed in 2013, Sobriety Court became operational in 2014 using a policy manual written collaboratively by founding members of the Sobriety Court Team. The Sobriety Court Team consists of a state district court judge, an assistant district attorney, a representative from the Public Defender's Office, the Sobriety Court Coordinator, probation and parole officers, law enforcement officers, and a licensed/certified substance abuse counselor.

Substance use disorder treatment for Sobriety Court participants is provided by a variety of treatment providers in Buncombe County. Participants have the right to choose their treatment provider.

The Team provides a continuum of services including treatment, coordination of ancillary services, and referrals to enhanced treatment as needed.

Standards and Best Practices

The Sobriety Court follows all required State of North Carolina and national standards and best practices including, but not limited to: N.C.G.S. § 7A-790-7A-781 *et seq.*; the North Carolina Adult DUI/Drug Court Standards; North Carolina DUI/Drug Court Treatment Standards; the Ten Guiding Principles of DUI Courts; and the Adult Drug Court Best Practices Standards as released by the National Association of Drug Court Professionals (NADCP).

Target Population and Eligibility

Sobriety Court only accepts participants post-conviction. The Sobriety Court target population is offenders with multiple DWI convictions and/or probation violation involving multiple DWI convictions that include participants with a history of a substance use disorder, substance abuse, or addiction on a case-by-case basis. The target population is offenders with moderate to severe substance dependence. The Sobriety Court primarily targets Aggravated Level 1, Level 1 and Level 2 offenders.

In order to be eligible for the program, an offender must:

1. Meet the legal requirements to participate in the program after being screened by the District Attorney's office;
2. Meet the clinical requirements to participate in the program after being screened by the Sobriety Court Coordinator;
3. Enter the program voluntarily while acknowledging a substance use disorder and display a willingness to actively participate in the Sobriety Court program;
4. Consent to a release of information to the Sobriety Court Team for consideration for entry in the program;
5. Abstain from all consumption of alcoholic beverages and prohibited substances;
6. Agree to avoid patronizing establishments focused on the service of alcohol (i.e.: breweries, bars, pubs, etc.);
7. Plea guilty of Driving While Impaired;
8. Sign a written Sobriety Court contract;
9. Reside in Buncombe County; and
10. Have no convictions for a violent felony or sexual offense.

Sobriety Court Eligibility Criteria

	Qualifying Factors	Disqualifying factors
Offender Characteristics	<ul style="list-style-type: none"> • Resides in Buncombe County • Qualifies as a level A1, 1, or 2 for sentencing • Has a history of substance abuse and/or is diagnosed with a substance use disorder • High risk, high need 	<p>Automatic Disqualifiers:</p> <ul style="list-style-type: none"> • Prior convictions for any class A-E felony • Any felony assault convictions in the past 10 years • A pattern of misdemeanor assault convictions (defined as 3 or more convictions in the last 5 years; or 5 or more in the last 10 years) • Any conviction for a sex offense (misdemeanor or felony) in lifetime • Convictions for PWIMSD drugs in the past 10 years • Convictions for drug trafficking in the past 10 years • Offender has absconded probation in the last 10 years • Offender is currently under investigation for any sex offense, drug trafficking, or any A-E felony • Offender has assaulted treatment providers or court staff in past • Offender has a substantial mental health problem that would prohibit productive participation in the program <p>Discretionary Disqualifiers for DA:</p> <ul style="list-style-type: none"> • Any felony assault convictions in lifetime • A pattern of misdemeanor assault convictions (defined as 5 or more convictions in lifetime) • Convictions for drug trafficking in lifetime • Serious concerns for public safety
Offense Characteristics	<ul style="list-style-type: none"> • Misdemeanor DWI • Select low level felonies if they are directly related to a charged DWI (in the discretion of the district attorney) • Probation violation on underlying DWI conviction when the basis of the violation is substance use related 	<ul style="list-style-type: none"> • Habitual DWI • DWI resulting in serious bodily injury or death • Offender has not shown up for court on the instant case in more than 6 months, unless permitted to be absent

Equity Policy

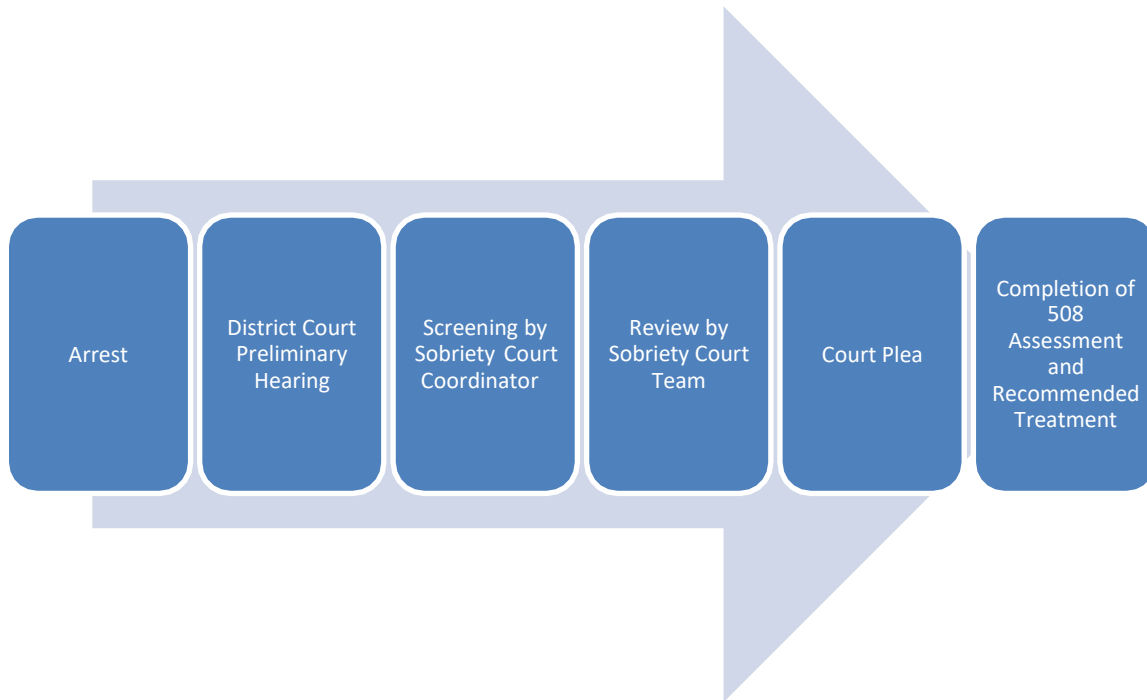
No offender shall be excluded on the basis of sex, race, color, socioeconomic status, religion, creed, age, national origin, ancestry, sexual orientation or identity, pregnancy, marital or parental status. Citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status shall receive the same opportunities to participate as other citizens.

Referral and Screening

It is the goal of the Sobriety Court for a participant to be able to enter the program as soon as possible after arrest. Research has shown early placement and intervention with a substance-using offender leads to greater likelihood of success in the court. Multiple DWI offender cases are placed on a specialized arraignment calendar within 30 days of arrest in order to expedite consideration for the court. All of these cases are reviewed for eligibility for entry into the court.

Referrals may come from local police departments, the District Attorney's office, magistrate judges, state court judges, probation departments, treatment providers, or defense counsel. Referrals are screened by the District Attorney's office and the Sobriety Court Coordinator based on the circumstances leading to arrest, an offender's criminal history, and other relevant factors. Once a referral is made to Sobriety Court, the District Attorney will notify the Sobriety Court Team via email using confidentiality regarding identifying information. The judge is not included in this email. The candidate is screened by the Sobriety Court Coordinator to collect demographic information, ACES scores, substance use history, and medical and mental health history. The Sobriety Court Coordinator provides the Team (except the Judge) with a screening summary via email for review. If approved, the District Attorney's office will notify the candidate's defense attorney to schedule formal open court arraignment, adjudication and official admission of the candidate into Sobriety Court. Once admitted, the participant will meet with the Sobriety Court Coordinator for an orientation and a complete explanation of the Sobriety Court Participant Handbook and Manual, and execution of the Participant Agreement and other intake paperwork deemed required by the court. During this orientation, the participant is informed of the Sobriety Court requirements, possible sanctions for violations, and possible outcomes upon graduation. The Sobriety Court Coordinator will initiate a referral to a community treatment provider to complete a thorough clinical assessment of each participants' needs related to substance use and mental health. Each participant is required to comply with all clinical recommendations made by the treatment provider. The treatment provider then develops a comprehensive individualized treatment plan that outlines realistic short and long-term goals. The treatment provider reviews and modified treatment plans as deemed necessary.

Sobriety Court Model



Co-occurring Disorders

Sobriety Court will strive to accept any person with a co-occurring disorder as long as: (1) the person's primary diagnosis is substance use disorder; (2) the co-occurring disorder will not prevent the person from meaningfully engaging in treatment; and (3) the co-occurring disorder will not prevent the person from being able to comply with the rules and requirements of the program.

Guilty Plea and Sentencing

An offender must plead guilty to a charge of DWI in front of a District Court Judge. Prior to entering the plea, the offender, the defense attorney, the District Attorney, and the Sobriety Court Coordinator sign the Sobriety Court contract. The plea agreement and additional Sobriety Court requirements are read in open court and provided to the offender. The offender then acknowledges receipt and understanding of all portions of the sentence and Sobriety Court requirements by initialing all documents. After sentencing, the offender, who now is a participant in the program, is given an appointment with the Sobriety Court Coordinator for orientation. No DWI charge shall be dismissed as a condition of completing the program.

Orientation and Assessment

During Sobriety Court orientation, the participant meets with the Coordinator to receive program instructions and a copy the Participant Handbook. The Coordinator will refer and schedule an initial clinical assessment at the community treatment provider of the participant's choice. The participant will also meet with the probation officer to receive reporting instructions and give a base-line urine drug screen.

Treatment

Participants receive substance use treatment based on a clinical assessment of their needs. Substance use treatment is not provided to reward desired behaviors, punish infractions, or serve other non-clinically indicated goals. Treatment providers are trained and supervised to deliver a continuum of evidence-based interventions based on service definitions.

Treatment shall include standardized, evidenced-based practices and other practices recognized by the Substance Abuse and Mental Health Services Administration National Registry of Evidence-Based Programs and Practices and which comply with the North Carolina DUI/Drug Court Treatment Standards. Currently, Treatment providers use several models of treatment, some of which include: Motivational Interviewing (MI), Motivational Enhancement Therapy, The Stages of Change, Prime Solutions, Cognitive Behavioral Interventions-Substance Abuse (CBI-SA), Seeking Safety, Moral Recognition Therapy (MRT), Mindfulness Based Therapies and Strengths and Empowerment based therapies. Treatment providers seek yearly continuing education credits to ensure they are trained on the most recent standardized and evidence-based practices.

Phase and Treatment Grid

Orientation Intake, Orientation, Level of Care Screening	PHASE 1 60 day minimum Extended Assessment <i>Move from Contemplation to Preparation Stage</i>	PHASE 2 90 day minimum Active Treatment <i>Move from Preparation to Action Stage</i>	PHASE 3 90 day minimum Relapse Prevention <i>Move from Action to Maintenance Stage</i>	PHASE 4 90 day minimum Sustained Recovery <i>Maintenance Stage</i>	PHASE 5 90 day minimum Recovery *
<ul style="list-style-type: none"> •Sentencing •Initial meeting with Probation Officer •Baseline Drug Screen •Substance Use Evaluation •LSI-R •Risk/Need Assessment <p style="text-align: center;">→</p> <p>Time will vary</p>	<ul style="list-style-type: none"> •Complete jail sentence •Attend bi-monthly court session and remain for entire session •Comply with regular conditions of probation •Submit to randomized Reconnect drug screening •Attend weekly meetings with Coordinator •Attend and participate in all clinically recommended treatment •Abide by 9pm curfew; electric monitor •Attend and participate in all treatment sessions as clinically recommended •Attend a minimum of 2 community recovery meetings per week •Secure primary care physician and meds if required •Enroll in CAM •Maintain suitable housing •Maintain sobriety for final 14 days of Phase <p style="text-align: center;">→</p>	<ul style="list-style-type: none"> •Attend bi-monthly court session and remain for entire session •Comply with regular conditions of probation •Submit to randomized Reconnect drug screening •Attend weekly meetings with Coordinator •Attend and participate in all clinically recommended treatment •Attend a minimum of 2 community recovery meetings per week •Maintain suitable housing •Obtain DWI assessment •Develop payment plan for court costs and fees •Maintain medication management •Maintain sobriety for final 30 days of Phase <p style="text-align: center;">→</p>	<ul style="list-style-type: none"> •Attend bi-monthly court session and remain for entire session •Comply with regular conditions of probation •Submit to randomized Reconnect drug screening •Maintain office or phone contacts with Coordinator •Attend and participate in all clinically recommended treatment •Attend a minimum of 2 community recovery meetings per week •Enroll in and complete JRC group •Obtain employment or enroll in education program •Maintain regular payments of court costs and fees •Maintain medication management •Maintain sobriety for final 45 days of Phase <p style="text-align: center;">→</p>	<ul style="list-style-type: none"> •Attend bi-monthly court session; leave after check-in •Comply with regular conditions of probation •Submit to randomized Reconnect drug screening •Maintain office or phone contacts with Coordinator •Attend a minimum of 3 community recovery meetings per week •Maintain employment or enroll in education program •Maintain regular payments of court costs and fees •Maintain suitable housing •Maintain medication management •Maintain sobriety for final 60 days of Phase <p style="text-align: center;">→</p>	<ul style="list-style-type: none"> •Excused from bi-monthly court sessions unless directed to attend •Comply with regular conditions of probation •Submit to randomized Reconnect drug screening •Maintain office or phone contacts with Coordinator •Attend a minimum of 4 community recovery meetings per week •Maintain employment or enroll in education program •Maintain suitable housing •Complete court cost payments •Complete all graduation projects and relapse prevention plan •Maintain sobriety for entire Phase (minimum 90 days) <p style="text-align: center;">GRADUATE</p>

Phase Progression and Regression

For any phase progression in Sobriety Court, participants must be clinically appropriate, as determined by their individual clinicians, and by meeting all clinical obligations. Participants need also to be financially current, or on an approved payment plan, or designated indigent status in order to advance to the next phase.

The participant's level of treatment shall be determined based upon their individualized level of need. Should a participant need increased treatment (halfway house or recovery residency, intensive outpatient or inpatient treatment facility, or detox center), a clinician and the rest of the Sobriety Court Team shall coordinate placement at such a facility. Seeking alternative treatment outside of the Sobriety Court is not permitted without prior approval.

At any time during the court, a participant may be moved back to a previous phase based upon the level of care/intervention needed. If a participant is not meeting the requirements for their current phase, they may be phased back.

Ancillary Services

The Sobriety Court understands that participants will need support managing other areas of their lives. The Sobriety Court Coordinator, Probation officers, and treatment providers will be responsible for evaluating each participants needs and linking them to the appropriate community agency to meet those needs. Available supports include, but are not limited to, primary care services, housing assistance, life skills training, medical treatment, educational/vocational services, and medically assisted treatment when prescribed.

If the participant is in need of additional services, we will strive to provide, or make the necessary referrals for, ancillary services that are available. We currently collaborate with the following services:

- The Buncombe County Justice Resource Center
- Homeward Bound
- Asheville Redefines Transit
- Asheville Housing Authority
- Goodwill Industries
- Vocational Rehabilitation
- ONTrack Financial Education and Counseling

Graduation

In order to qualify for “Ready to Graduate” status in the program, a participant must meet all previous phase requirements, including completion of all treatment obligations. They also must be current with all probation fees, on payment plan, or in indigent status while attending all required appointments with their probation officer and appearing for all drug and alcohol screens. A minimum of 90 days of negative drug testing is required prior to a participant being deemed eligible for graduation from the court.

A major goal of the Sobriety Court Team is to support each participant’s progress throughout the phases toward graduation from Sobriety Court. Graduation is an important milestone, providing the participant and the Sobriety Court Team an opportunity to reflect on the personal journey each participant has experienced during the court. Participants are encouraged to maintain their relationship with the Sobriety Court after graduation as alumni or as a mentor to other participants.

Status Conferences

Status Conferences occur every other week and at a minimum of two times a month. All members of the Sobriety Court Team are required to attend each status conference and Sobriety Court session.

During status conferences, the Sobriety Court Coordinator will give treatment progress reports for each participant. Probation shall present written progress reports to the Sobriety Court Coordinator 48 hours prior to status conference so that the Sobriety Court Coordinator shall distribute the probation progress reports to the Sobriety Court Team. The entire Sobriety Court Team shall review each participant’s progress report and make comments or suggestions for changes in their supervision/treatment plan.

During status conference sessions, the judge will discuss each participant’s progress in the program and address any problems or concerns that a participant may have. Important information about court schedules and phase progression shall be disseminated to participants prior to and during these sessions.

Participant Driving Policy and Transportation Assistance

Sobriety Court participants are typically unable to drive due to legal constraints on their license. Driving by participants that are not eligible to drive may lead to termination from the program. For participants without a license and who are unable to find valid transportation, the Team shall discuss creating a transportation plan to ensure that the participant has transportation to court requirements. Participants who do not have a valid driver’s license and are unable to acquire their own transport are offered free monthly bus passes for Asheville Transit Authority.

The Team by and through the Public Defender’s office shall take all reasonable steps to assist eligible participants in completing all requirements for license reinstatement prior to graduation. The Team

shall stay current on all applicable licensing laws in the state of North Carolina and shall strictly enforce all driving restrictions.

Drug Testing Procedure

Sobriety Court is abstinence based program. All participants must agree to abstain from alcohol and all controlled substances. (See MAT policy) All participants are required to submit to random alcohol and drug screening. Participants must report as directed by their probation officers or treatment provider for random alcohol and drug testing. Participants will be tested on a regular and random basis to ensure abstinence from alcohol and other prohibited substances, legal or illegal. Drug and alcohol testing may take place at any location designated by the probation officer and treatment provider, and may include the participant's residence.

Each agency or department administering a test on a participant will be responsible for any confirmation requests to ensure proper chain-of-custody of the sample.

Effective drug testing must be random, frequent and observed. A call-in system, Reconnect, is used to ensure random selection. All urine collections are to be observed by a member of North Carolina Department of Corrections. Urine samples shall be tested by the North Carolina Department of Corrections Probation Office or other accredited laboratory. Chain of custody is established using evidence collection forms used by probation.

In the event that a single urine sample tests positive for more than one prohibited substance, the results shall be considered as one positive drug screen. Positive drug and alcohol results will be shared with the Sobriety Court Team within 48 hours, and any communication between the Sobriety Court Team about participant test results must adhere to strict confidentiality standards to protect participant confidentiality.

If a participant disputes the testing results, a confirmation can be requested by the participant. The sample will be packaged and shipped with chain of custody forms to a nationally certified lab. If the sample comes back as "confirmed," the cost of the confirmation test is added to the participant's probation balance.

Dilutions of urine samples and failure to appear for a screen are treated as sanctionable offenses. Dilution is measured by tests for both Creatinine and Specific Gravity. Positive screens and verbal admissions of drug or alcohol use shall not be used as the basis for a new criminal prosecution. The Sobriety Court Team will discuss the participant's substance-free time at the status conference subsequent to the failure to appear for a screen.

Participant Supervision

Driving under the influence presents a significant danger to the public. Increased and intensive supervision and monitoring of participants by the court, probation, law enforcement, and treatment

providers must occur as part of a coordinated strategy to intervene with repeat and high-risk DWI offenders, to ensure accountability of participants, and to protect against future impaired driving.

The probation officers assigned to the Sobriety Court shall complete home and/or work visits and coordinate electronic monitoring of participants as needed. Each participant has a supervision plan based on his or her level of need and risk. The supervision plan will be modified as needed throughout the participant's time in the court. The plan shall include the use of Continuous Alcohol Monitoring (CAM), a 24 hour alcohol electronic monitoring device, GPS electronic monitoring, curfews, and other restrictions determined by the Sobriety Court Team as well as the North Carolina Department of Corrections in accordance North Carolina laws and Department of Corrections policy and procedures.

Sobriety Court participants must complete their court ordered incarceration prior to their participation in the Sobriety Court. Most, if not all, participants will be incarcerated in the Buncombe County Detention Facility (BCDF) in accordance with North Carolina laws. The Buncombe County Detention Facility (BCDF) is operated by the Buncombe County Sheriff's Office. BCDF provides, when court ordered and approved by the facility, opportunities for individuals to maintain current employment through a work release program. Participants are also given the opportunity to attend bi-monthly Sobriety Court sessions and are able to participate in recovery groups/programs while incarcerated.

Participant's Right to a Hearing and Due Process

Sobriety Court participants are expected to comply with all recommended aspects of treatment and supervision. Failure to comply in certain circumstances may result in incarceration for a participant. If a participant wishes to appeal a decision by the Sobriety Court Team to incarcerate as a sanction, the participant is given the ability to discuss a decision to appeal the Team's decision with counsel and a probation violation hearing will be scheduled for the appeal.

A decision to appeal will result in filing of a probation violation report by the participant's probation officer, a copy will be provided to the participant with a hearing date. The district attorney's office and public defender representatives work to ensure that participants are provided sufficient notice of any alleged violation and afforded all due process rights during probation violation hearings, including the right to a hearing and legal representation if requested.

Incentives and Sanctions

Sobriety Court is a supervised, intensive treatment/case management program for participants who have been identified as having a substance use disorder. The Sobriety Court Team is committed to a therapeutic intensive treatment approach to substance use recovery. Managing participant behavior consists of the development of a graduated and creative list of motivational strategies as well as sanctions that serve to remind the participant of the importance of adhering to court goals.

Both positive and negative reinforcements help to develop the Sobriety Court participant's sense of accountability and encourage compliance with the program. In Sobriety Court, critical issues will be considered when addressing the impact a proposed action will have on the short and long-term interests of the participant and the community.

The purpose of incentives or sanctions is to provide predictable consequences for behaviors so that participants can be aware of and modify that behavior. While consequences (sanctions, incentives, or natural consequences, i.e. loss of employment, etc.) may be perceived as “punishment”, the greater purpose is to provide structure and education and allow for responsibility, accountability, goal setting and success.

Consequences for participants’ behavior shall be predictable, fair, consistent, and administered with evidenced-based principles of effective behavior modification. Recommended sanctions shall gradually escalate and be applied in a consistent and appropriate manner to match a participant’s level of compliance. There will be no indefinite time periods for sanctions, including those sanctions involving incarceration or detention. Participants are subject to progressive positive drug screen sanctions prior to being considered for dismissal, unless there are other acts of noncompliance affecting this decision.

Standard Sanction Recommendation Matrix

- Verbal admonishment
- Increased drug screens, breathalyzers or supervision
- Essays—3 page papers due at the next court session. A relevant topic is decided by the Sobriety Court Team.
- Community Service
- Court observance with the Judge
- Curfew
- Electronic monitoring or house arrest
- Jail time
- Dismissal from the program

Standard Incentive Recommendation Matrix

- Applause and/or verbal accolades
- Modifying attendance at Sobriety Court sessions
- Extension of Curfew
- FISHBOWL/CANDY BOWL
- Gift cards
- Phase certificates and cards from Team members

*Please note that the above list includes only examples of incentives and sanctions. It is not a comprehensive list. The Sobriety Team will decide on incentive or sanctions that will have the most impact on the individual participant.

Increased treatment shall never be imposed as a sanction for any violation. However, notification of every alleged violation is forwarded to a participant's treatment clinician to determine if a revised treatment plan should be implemented for that participant based upon the violation. Implementation of a revised treatment plan recommended by a counselor may result from any alleged violation and shall not be considered a sanction. Honesty is a core component of the Sobriety Court. The Court may favorably consider self-disclosure of use as a mitigating factor when sanctions are imposed.

Dismissal from Sobriety Court

The goal of Sobriety Court is for every participant to complete the court successfully. Notwithstanding, a participant could jeopardize their ability to participate with significant or repeated violations of court rules including, but not limited to: new criminal offenses, technical probation or violations, continued drug/alcohol use, attempts to circumvent drug testing procedures, when a participant is found by the court to be a public safety risk; when a defendant is found to be driving when not licensed to do so, absconding probation, any violent conviction while in the program, continued dishonesty, or refusal to meaningfully engage in treatment. Every effort will be made to meet the treatment/court needs of each participant, thereby minimizing the potential for dismissal/termination from Sobriety Court.

Any participant facing a recommendation of dismissal from the program shall be issued a probation violation report and provided the right to a probation violation hearing with the opportunity to be represented by an attorney. The consequences of dismissal from Sobriety Court shall be comparable to those sustained in other similar cases before the presiding judge. The sentence shall be reasonable and not excessively punitive based on the reasons for dismissal from Sobriety Court.

Judicial Interaction

Sobriety Court is presided over by an elected state court judge. The judge shall maintain a current knowledge of the law and research on best practices in treatment courts. The judge shall attend all pre-court status conference session. However, pre-court status conference sessions may be held when the judge is not available, allowing the Sobriety Court Team to discuss participants performance and possible sanctions and incentives to be imposed when the judge is available. There are also matters that may need to be addressed outside the presence of the judge and the Team can attend to these matters by way of email using confidential ways to disclose participants' information or by way of a meeting without the judge. (i.e. Roundtable) The judge shall interact frequently and respectfully with all participants. The judge shall give due consideration to input from all members of the Team.

Participant reviews during pre-court status conferences shall be conducted on each participant individually to optimize program effectiveness. The Judge shall strive to spend an average of three minutes with each participant during status review and court sessions.

- Pre-court status conference: These staffing sessions occur bi-monthly on the same day as Sobriety Court status hearings, pre-court staffing is held to enable the Sobriety Court Team to discuss each participant so that the judge will have a foundation for the

recommendations made and has relevant background information so that the judge can meaningfully address each participant at the subsequent court hearing.

- **Sobriety Court Status hearings:** Bi-monthly hearings conducted in open court to monitor participant's participation and progress, and to alter and address case management plans as needed. Conferences generally occur every other week in the initial phases of the participant's program and depending on the participant's progress and phase success, court hearings may decrease as an incentive. These hearings are held in open court with a bailiff, and court officially opens. Participants and all Team members are required to be on time, with phones turned off, no talking or distracting behavior allowed. All participants and Team members shall participate fully by applause when appropriate and full attention on the participant speaking. Leaving early is not allowed unless given explicit permission or the participants phase allows. Tardiness is sanctionable.
- **Roundtable:** If necessary the Sobriety Court Coordinator may summon a participant to appear before a roundtable. A roundtable consists of the Sobriety Court Team and they are called to convene for an accelerated status conference. This roundtable may or may not include the judge. If the judge cannot attend, the judge will be advised prior to the roundtable of the matters to be addressed and the possible actions based on the matters addressed.

Program Management

The Sobriety Court Team shall maintain ongoing and timely communication with all Team members regarding the progress or issues facing participants. The treatment provider shall provide appropriate reports on the progress of each participant to the Sobriety Court Coordinator before each staffing session. The entire Team shall be present for the every other week pre-court staffing and Court Status hearings.

The Sobriety Court Team shall meet yearly at a minimum, to discuss potential modifications of program philosophy, requirements, and policies. All participating agencies shall devote effort to maintaining a flexible program with highly structured rehabilitative components.

Sobriety Court Team meetings are kept confidential. No information disclosed can be the basis for prosecution of new crimes, and no Team member shall be required to testify in regards to any information discussed or disclosed during a Sobriety Court Team meeting or pre-court status conferences.

Program Monitoring, Data Collection, and Evaluation

Participant data is gathered using the computerized database, Apricot. Information from participant surveys, exit interviews, review of participant data, and findings from evaluations are used to make any necessary modifications to program operations, procedures, and practices.

Sobriety Court provides all requested data to the North Carolina Administrative Office of the Courts as required by the North Carolina General Statutes Chapter 7A Article 62.

Continuing Education

When able, the Sobriety Court Team participates in annual training which includes Operational Tune-Up training and trainings offered by the North Carolina Administrative Office of the Courts. Team members also attend the NADCP Conferences when funding is available.

Counselors are required to attend a minimum number of training hours of education to maintain licensing and certification. Attorneys and judges are required to attend a minimum number of training hours to maintain their Georgia bar status and judicial status in good standing. All new Team members are required to attend formal training.

Community Partnerships

The Buncombe County Sobriety Court strives to engage in forming and nurturing relationships between the Court and various community partners, stakeholders including local businesses, other government agencies and treatment courts in surrounding areas. The Court facilitates these relationships through forums, informational sessions, public outreach, and other forms of connecting.

Team Member Roles/Responsibilities

Sobriety Court Judge

The Sobriety Court judge provides supervision for the program and leads the Sobriety Court Team. The judge shall maintain a current knowledge of the law and research on best practices in treatment courts. The judge shall attend all pre-court status conferences and court sessions. The judge shall interact frequently and respectfully with all participants. The judge shall work closely with Team members. The judges shall give due consideration to input from all members of the Team. The judge must always maintain judicial independence.

District Attorney

The District Attorney's office screens applicants for eligibility, serves on the Sobriety Court Team, attends Sobriety Court Sessions, calls the calendar at Sobriety Court Sessions and is actively involved in ongoing development of the Sobriety Court. In addition, the District Attorney is responsible for recommending or not recommending consideration for participation in the program.

In addition, the District Attorney's office represents the State and makes recommendations after consultation with the probation officer and Team at any hearings where a participant is alleged to have violated the terms or conditions of the program.

Public Defender

The Public Defender representative attends Sobriety Court status conferences and court sessions, serves on the Sobriety Court Team, and is actively involved in ongoing development of the Sobriety Court. The Public Defender representative will represent participants in the program in a Sobriety Court proceeding, and will help to facilitate legal representation of a participant when needed due to conflicts at probation violation hearings.

Probation Officer

Sobriety Court is a post-conviction supervision program. The probation officers are primarily responsible for participant supervision and accountability within the Sobriety Court including but not limited to: verification of employment, attendance of community support meetings, participation in treatment, payment of financial obligations, suitable housing that includes housing that is free from any controlled substance and alcoholic beverages, and abstinence from drug and alcohol use.

The probation officers will work closely with the Sobriety Court Team to provide ongoing communication concerning each participant's progress in treatment, and any obstacles that may influence success. Written updates/ reports are due to the Sobriety Court Coordinator within 48 hours of the bi-weekly pre-court staffing. Additionally, the probation officers will assist the Sobriety Court Coordinator during the eligibility screening process by investigating the candidates criminal record, and providing pertinent information related to the candidates overall eligibility for the Sobriety Court.

The probation officers, in conjunction with the Sobriety Court Coordinator, may make additional referrals to address participants individual needs beyond treatment as part of a case management plan developed through the Probation Officer's department's Risk Needs Assessment. Needs may include housing, employment, education, medication and medical treatment, and transportation.

Participants are required to report to the probation office as directed by the supervising probation officers. The probation officer may ask that the participant submit to drug screens and Alco-Sensor testing at these visits. The probation officers will ensure overall supervision policies are being carried out as mandate by Community Supervision.

Frequent and random field visits to participants' homes and job sites are a required part of supervision, and the probation officers will conduct warrantless searches, including cellular devices, as needed to

maintain participant compliance. Additionally, the probation officers will work with local law enforcement agencies as needed to ensure participant compliance.

If a Sobriety Court participant receives a probation violation while in the program the participant will be advised of the violation and their right to counsel. Each violation will be reviewed on a case by case basis. The attendance of the participant is required at all probation violation court settings and in accordance with best practices the presiding Sobriety Court Judge will not preside over the violation hearing.

If a participant appeals a sanction, a violation report will be filed by the participant's probation officer for a hearing in compliance with state laws. A probation officer's duty to follow the officer's own department's policy and procedures shall not be impeded and the officer's discretion and authority to arrest are not altered for infringed by any of the policies of the Sobriety Court. It is the request of the Sobriety Team that the Probation officer consult with the Team prior to filing violation reports and taking punitive actions with participants, however, the Sobriety Court recognizes an officer's duty with regards to public safety concerns.

Treatment Providers

Sobriety Court utilizes more than one community treatment provider for Sobriety Court participants. Each treatment provider is responsible for providing a link between the criminal justice system and the treatment system. Treatment providers will submit bi-monthly treatment progress reports to the Sobriety Court Coordinator and act as a court of information regarding treatment protocol and guidelines. Common treatment approaches may include a combination of cognitive behavioral therapy, motivational interactive therapy and relapse prevention.

These various treatment providers assess treatment needs and offer treatment based on the participant's individual needs. Clinicians with these various treatment providers remain in constant contact with the Sobriety Court Coordinator providing pertinent treatment information regarding Sobriety Court participants. Each treatment provider meets with participants on a regular basis based on needs from assessments. The treatment providers are also responsible for facilitating evaluations, making treatment referrals, preparing treatment plans, and coordinating treatment.

Court Coordinator and Case Management

The Sobriety Court Coordinator is a member of the Sobriety Court Team. On the Sobriety Court Team, the Coordinator also serves the dual role as case manager. The Coordinator participates in the development and maintenance of eligibility standards, operating procedures, and rules for the Sobriety Court. The Coordinator develops strategies to maintain funding for the program; reviews service contracts, and monitors program certification and operating procedures. The Coordinator shall be responsible for data collection to monitor participant compliance and to provide a basis for evaluation of the Sobriety Court.

The Sobriety Court Coordinator coordinates a clinical assessment of the participant to develop an individualized comprehensive treatment plan with any of the various treatment providers. This treatment provider manages the treatment during the time that the individual is a participant in the Sobriety Court. Each treatment provider reports to the Sobriety Court Coordinator prior to staffing to keep the Team informed of each participant's progress through treatment.

The Sobriety Court Coordinator also works closely with the probation officers. The Coordinator is responsible for obtaining information from probation in a timely manner and relaying that information to the Team for status conferences.

Law Enforcement Officers

Law enforcement officers from the Buncombe County Sheriff Department and the Asheville Police Department are the main liaison between the Sobriety Court and their respective law enforcement agencies. Representatives from each department are members of the Sobriety Court Team and are present at all status conferences and court sessions. The officers may also aid in the supervision of the participants, particularly during the evening hours and in the field.

Drug Testing Questions

When a question arises regarding drug testing, the Sobriety Court Coordinator in written correspondence will ask the drug screen provider questions the Sobriety Court Team or a participant may have and the drug testing advisor will respond to answers in a written format to be shared with Team members.

Sobriety Court Team-Participant Relationships

The relationship between Team members and participants shall be professional, with all interactions based on Team member's own agency standards of professional conduct. Team members shall always maintain professional and objective personal conduct between themselves and the participants, the participants' families, and participants' associates. Team members shall always maintain personal concern within the bounds of their professional responsibilities, so as to safeguard the welfare of the participant both during and after enrollment in Sobriety Court.

Team members are prohibited from developing personal relationships with participants including sexual or romantic relationships, employment of participants, or engaging in business relationships with participants who are active in Sobriety Court. Their relationships with participants should never include behaviors on the part of the Team member which would be abusive or damaging to the participant. Team members must disclose pre-existing social ties or relationships with a participant prior to the individual's placement into Sobriety Court.

Medically Assisted Treatment policy

The Sobriety Court recognizes Medically Assisted Treatment as a therapeutic modality if deemed medically necessary by a licensed physician once a participant is medically evaluated. The participant who is assisted with this therapy must sign all documents and releases of information that will allow the Sobriety Court to monitor the participant's progress on the medications prescribed. A plan of treatment must also be given to the Sobriety Court that includes dosage amounts, frequency, and time frames for the participant to remain on the medications prescribed.

Court Attendance/Attire/Participation

All Sobriety Court participants and Team Members are required to attend all regularly scheduled court sessions as instructed. During inclement weather it is imperative that the participants be in constant communication with the Sobriety Court Coordinator and their respective Probation Officers regarding any weather related tardiness or absences to any regularly scheduled treatment or court session.

Sobriety Court is a regularly held court presided by the designated District Court Judge who is specifically trained in presiding over treatment courts. Sobriety Court is called to order and ends its session with the formality of any other Court held in Buncombe County. All participants are required to adhere to the proscribed rules of court as adopted by Chief District Court Judge and the Resident Superior Court Judge presiding. These rules are posted outside each courtroom and include: appropriate court attire, no cell phone use, no talking, no recording, no pictures, no tobacco use, etc. These rules apply to Sobriety Court participants and to Team Members. Team Members and Participants are to refrain from distractions and are to actively participate in support of the court session in progress.

Equity Policy

No offender shall be excluded on the basis of sex, race, color, socioeconomic status, religion, creed, age, national origin, ancestry, sexual orientation or identity, pregnancy, marital or parental status. Citizens who 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 shall receive the same opportunities to participate as other cit

