

DRUG COURT

THE STRENGTH OF THE DRUG COURT PROGRAM IS EARLY INTERVENTION FOLLOWED BY INTENSIVE SUPERVISION AND REHABILITATIVE EFFORTS.

Studies indicate that an offender is more receptive to treatment during a time of trauma, such as an arrest. Delays in processing a case from General District Court into the Circuit Court reduces the incentive towards rehabilitation while allowing drug dependence to continue. Early intervention effort should begin at the initial arraignment in either General District or Circuit Court. At the arraignment for a warrant or direct indictment, prosecutors should consider the nature and information regarding the pending criminal charges and screen a defendant's criminal history to determine if the charges are directly or indirectly drug related, and whether a possible Drug Court consideration and placement is appropriate. If defendant appears to be an appropriate candidate for Drug Court, the prosecutor should contact defense counsel as soon as possible to arrange a Drug Court screening. At the initial meeting with a defendant, defense counsel should discuss the possibility of a drug court screening if appropriate. If defense counsel believes a defendant may be an appropriate candidate for Drug Court, he should contact the Commonwealth's Attorney as soon as possible to discuss whether the defendant is appropriate for Drug Court screening. All Drug Court screens are done at the Probation Office, 305 Electric Road, Salem, located beside Northern Hardware at Lakeside Plaza. Drug Court can also be an option when a drug abuser has a pending probation revocation. Certain factors will negate someone being placed in the program:

- History of violence, particularly within the past 5-10 years
- Violent crimes such as Felony Assaults, Robbery, Murder, etc.
- Use of Firearms in the commission of a felony

A time limit of two weeks should be set to get screened for Drug Court in order to expedite the process and to show defendant's genuine interest in rehabilitative efforts. If defendant is screened and deemed appropriate for Drug Court placement, then there is a waiver of preliminary hearing as soon as possible. In Circuit Court, defendant will waive Grand Jury indictment and will enter a Drug Court plea. The best case scenario has this process from time of arrest to Circuit Court plea and entrance into Drug Court taking one month.

EARLY INTERVENTION IS THE GOAL AND IS BEST FOR THE DEFENDANT.

Drug Court is a voluntary program, no one will be forced to enter or remain in the program. Offenders will be in the program for approximately a year and a half (average) although some have been in Drug Court longer. It is a very strict program with sanctions for violating the rules. Participants will complete a number of therapeutic programs, pay a \$900 treatment fee, complete 100 hours of community service, pay court costs, fines and restitution, be given frequent urine screens, and will attend court every other week.

Defense attorneys play an important role in telling their client about Drug Court. Benefits are the possibility of freeing an offender from a life of drug abuse and the chance that a felony charge may be dismissed or reduced, and jail or prison time may be avoided. Contact the prosecutor assigned to the case early for questions and best results. A link to the "How Drug Courts Succeed" video that shows the processes, challenges and successes of the Drug Court program is attached. It is a valuable tool that all attorneys and drug addicts should view.

<http://www.courts.state.va.us/courtadmin/aoc/djs/programs/dtc/home.html>