



**COUNCIL OF
ACCOUNTABILITY
COURT JUDGES**

Helping Georgians Recover

Accountability Court Workflow for Program Exits: Graduation, Termination, and Administrative Discharge

September 16, 2024

OVERVIEW

- Intro: What is workflow

- Program Exits

 - Graduation

 - Termination

 - Administrative
Discharge



WHAT IS WORKFLOW?

- The sequence of industrial, administrative, or other processes through which a piece of work passes from initiation to completion.
- An organization's workflow is comprised of the set of processes it needs to accomplish, the set of people or other resources available to perform those processes, and the interactions among them.





Workflow processes exist on a spectrum of formality:

Highly structured
and formalized

Loose and organic,
no written or
explicit procedures

INTERVIEWEES

- Coordinator, Mental Health Court – Small City/Town
- Director, AFDC, MHC, VTC – Suburban Metro Atlanta
- Coordinator, FTC – Medium-Sized City

Pearls of Wisdom

- AC best practices are constantly changing and evolving
- Always look for ways to improve your processes
- Consult each other, the coordinator listserv
- Ask your team what their vision is for successful completion of the program and work backward

PROGRAM EXITS

ONLY THREE WAYS OUT



PROGRAM EXITS

- Graduation
- Termination
- Administrative Discharge
 - Aka medical discharge, honorary discharge, dismissal – no fault, transferred to another program

PROGRAM EXITS – IN THE DATA

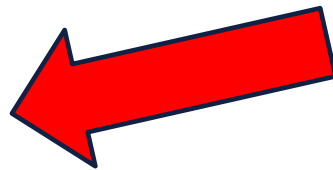
- Exit Status is defined as the status of the participant at exit from the program.
- It's required to be entered when Exit Date is entered.
 - From a workflow perspective – who is responsible for data entry? More than one person?
 - Is this in their job description or in the MOU? (
 - E.g., treatment enters treatment data, law enforcement directly enters home visits, etc.).
 1. Completed
 2. Discharged-Administrative Discharge
 3. Discharged-Dismissal
 - a. If Discharged-Dismissal, one of the following is required: Overdose death, Suicide, Other (new for FY25)
 4. Discharged-Transferred
 5. Graduated
 6. Terminated-Noncompliance
 7. Terminated-Withdrawal
- When analyzing data, CACJ will typically combine these statuses into the following categories:
 1. Completed/Graduated
 2. Discharged
 3. Terminated

PROGRAM EXITS – IN THE DATA

- Exit Date
 - Defined as: Date of the participant's exit from the program. Required to be entered of Exit Status is entered.
 - It is extremely important that participant's exit information is entered in the quarter the exit occurs.
 - This prevents ghost cases

PROGRAM EXITS – IN THE DATA

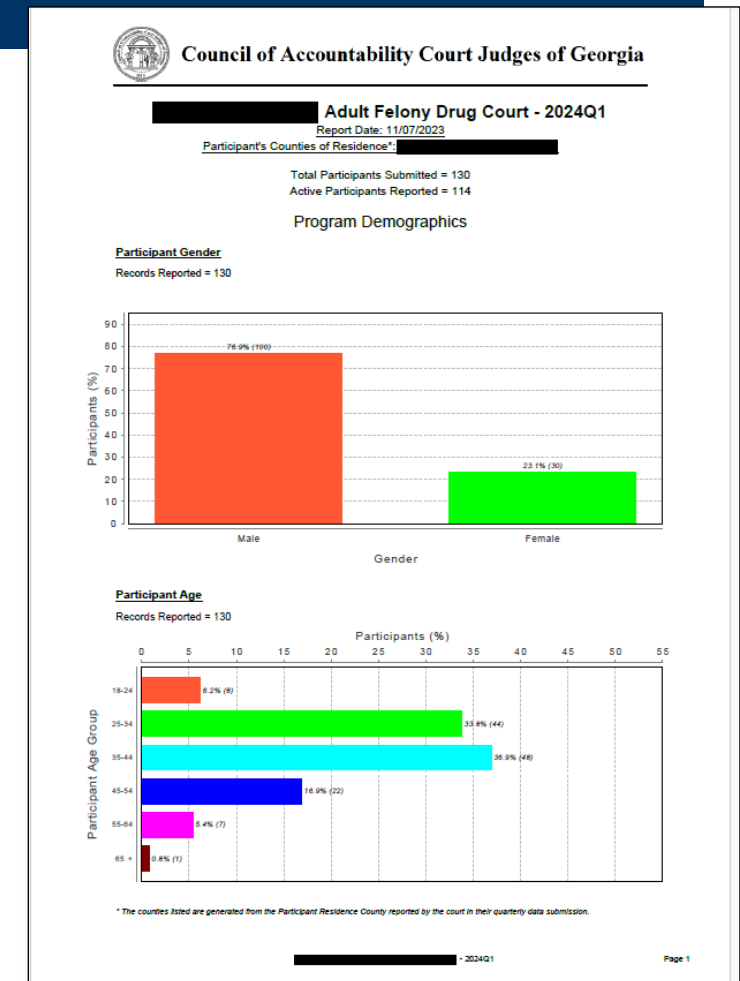
- Data Points Collected at Exit
 - Exit Status and Date
 - Employment Status at Exit
 - Income Level at Exit
 - Education Level at Exit
 - Housing Status
- CACJ recommends capturing the following data at both entry and exit in effort to show program effectiveness
 - Employment Status
 - Income Level
 - Education Level
 - Risk Assessment Results, Level, and Date



Standard 4.8: “Ongoing assessment shall be provided according to a program schedule, and treatment plans should be modified or adjusted based on results”

PROGRAM EXITS – IN THE DATA

- Quarterly Program Reports
 - Email sent to coordinators and judges with a link to access the online QPR archive
- Review preliminary report for accuracy
- Work with the data team at CACJ to perform QA (Quality Assurance)
- Once finalized, the report cannot be edited in the system
- Think about workflow: whose job is it to receive these and disseminate? Director? Coordinator? Judge? Who manages QA? Is that in that person's job description?
- Review and discuss them with the full team – either in a policy meeting or at staffing
 - Make this discussion part of your workflow as a team





WHY IS DATA
COLLECTION
IMPORTANT?

POLL

slido

Please download and install the Slido app on all computers you use



Why is data collection important?

① Start presenting to display the poll results on this slide.



WHY IS DATA COLLECTION IMPORTANT?

- In FY23, courts served 7,464 participants
- 89% of graduates were employed at graduation
- 425,344 drug tests performed
- 93% were negative
- 2022 Carl Vinson study found that courts created \$41 million in economic benefits to the state



GRADUATION

YAY!

GRADUATION

- Before we dive in...
- Aftercare or Phase V?
- Graduation marks the end of program requirements
- Grant funds cannot be expended after graduation
- Ensure graduation is program exit

GRADUATION WORKFLOW - OVERVIEW

- Timing
- Invitations – to Whom?
- Other Logistics
- Communication with Participant
- Graduation Criteria
- Whether Participant Must Continue in Program until Graduation After Completing All Program Requirements



GRADUATION WORKFLOW

- Timing
 - Some programs have quarterly pre-set graduations
 - The coordinators interviewed all had ad hoc graduations
- Invitations
 - Always invite elected representatives such as state legislators, county commissioners, sheriff, elected DA, court clerk, mayors
 - Also CPD, DCS Chief, heads of local stakeholder groups, federal legislators, members of local veterans community for VTCs
- Other Logistics
 - Consider space considerations and parking
 - Ok to use a local church – not a first amendment issue
 - Reserve space ahead of time
 - Obtain decorations, plan and pick up food, decorate room, consider wayfinding signage if using the courthouse
 - One court has a color guard appear for their VTC

GRADUATION WORKFLOW

- Communication with Participant
 - Actively discuss progress to graduation with participant as part of regular case management
 - If they must complete a final project/assignment/packet, give it to them in plenty of time, but not too early
- Graduation Criteria
 - Think through the purpose of your final requirements.
 - Clean time
 - No sanctions
 - Completion of all treatment requirements
 - Packet with reflective essay
 - Letter to the judge
 - Payment of restitution
- Whether Participant Must Continue in Program until Graduation After Completing All Program Requirements
 - Some require full participation and payment of fees, some programs put them on a much lighter schedule, no drug testing hotline, etc.

GRADUATION WORKFLOW

- Ensure all the tasks to execute a successful graduation are explicitly and clearly assigned to someone.
- Ideally this would be documented in an SOP for business continuity purposes in anticipation of turnover of judge and coordinator.
- Consider whether these duties might need to be added to a job description or MOU.

A close-up, high-angle photograph of several interlocking metal gears. The gears are made of a dark, polished metal, likely steel, and their teeth are sharply defined. The lighting creates strong highlights and deep shadows, emphasizing the three-dimensional texture of the gear teeth. The gears are arranged in a complex, overlapping pattern, filling the entire frame.

TERMINATION

TERMINATION WORKFLOW


- Judicial Decision (with team input)
- Hearing Logistics
 - Recusal/Reassignment to Another Judge



REMINDER

In order to be terminated, the participant must have knowingly and intentionally violated program rules.

This is the core of the distinction between termination and administrative discharge.



Intentional
violation =
termination



Unintentional/inability
to comply =
admin discharge



HEARING LOGISTICS: RECUSAL OR REASSIGNMENT?

- Recusal and routine reassignment are different things
 - Recusal requires a judicial analysis
 - OCGA § 15-1-18, CJC Rule 2.11
 - Routine reassignment can just be a standard procedure and does not require this analysis
- Wilkinson v. State, 283 Ga. App. 213 (2006)
 - Court of Appeals held that termination hearings must be conducted with the preponderance of the evidence standard
 - Approvingly discussed pre-entry waiver of right to seek recusal
- Defense attorneys and judges are split on whether routine reassignment is beneficial
- All Rise recommendation is to recuse when requested
- No CACJ recommendation on recusal vs. routine reassignment

TERMINATION WORKFLOW

- MUST BE A JUDICIAL DECISION TO RECOMMEND TERMINATION
 - Judge must be clear this is a judicial decision
- Inform participant in court on the record that the judge is recommending termination
- For felony programs, participant is typically taken into custody pending the hearing
 - For pre-adjudication courts – bond revocation
 - For post-adjudication – VOP warrant

HEARING LOGISTICS

- Prosecution should file a Petition for Termination Hearing (see handout)
 - This is not an official CACJ form – there are a variety of templates out there
- Ensure participant has access to counsel – right to counsel attaches
- Defense and prosecution should start working together to reach a potential resolution ASAP
 - Some circuits have a practice of negotiating a different sentence/disposition, some don't
 - **Practice Tip from Interviewee: Let go of emotions that they aren't getting suspended sentence**
- Recommendation:
 - Schedule a court date a few weeks out to keep the case on everyone's radar. Do not leave participant hanging while trying to negotiate something.



Do you
combine VOP
and termination
hearings?

POLL

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Does your program combine the VOP and termination hearings?

① Start presenting to display the poll results on this slide.

HEARING LOGISTICS

- Big Question: Combining VOP and termination hearing?
 - Some places combine, some don't
 - Separating them can be a way for the judge on the underlying case to retain jurisdiction, when presiding AC judge does the termination
- Pros of combining:
 - Can be more efficient time-wise – participant often won't have anything else for the VOP hearing
- Cons of combining:
 - Can be inefficient depending on local DCS process
 - Judge who has underlying case may want to handle VOP
- There is no CACJ or All Rise best practice recommendation on whether to combine or not
- File Termination Order after hearing, include findings of fact and conclusions of law



ADMINISTRATIVE DISCHARGE

AKA MEDICAL DISCHARGE,
HONORABLE DISCHARGE, NO FAULT
DISCHARGE

ADMINISTRATIVE DISCHARGE WORKFLOW

- Many different reasons for program exit besides graduation/termination
 - Transfer to another program, pass away, become disabled, program can no longer meet needs
- In the data:
 - Discharged-Administrative Discharge
 - Discharged-Dismissal
 - If Discharged-Dismissal, one of the following is required: Overdose death, Suicide, Other (new for FY25)
 - Discharged-Transferred



TYPES OF DISCHARGE

Discharged: Non-behavioral removal of a participant from a program due to *Administrative Discharge, Dismissal, or Transfer*.

Administrative discharge: Removal from a program due to mental health, medical or other circumstances outside the participant's control, that cannot be managed by court and community resources, and that prevent the participant from being able to successfully complete the program.

Dismissal: Removal from the program due to death or incapacity.

Transfer: Reassignment to another jurisdiction or another program type within the same jurisdiction (i.e. from drug court to mental health court or to different jurisdiction).

ADMINISTRATIVE DISCHARGE

- Medical Discharge
 - Participant has a stroke or similar impairing event while in the program that impacts their functioning
- Higher Level of SUD Treatment Needed
 - ASAM 2.5 or higher, particularly when ASAM 3-4
 - Doing a thorough clinical assessment before program entry helps prevent this
- Cognitive Issues
 - Rising to the level where they are unable to comply with program requirements
- Higher level of MH services needed
 - Such as inpatient etc.

DISMISSAL AND TRANSFER

- Dismissal
 - Death
 - Incapacity – such as coma, vegetative state
- Transfer
 - Transfer to another jurisdiction OR
 - Transfer to another program within the original jurisdiction

DISCHARGE PRACTICE TIPS

- Always file an order of some type indicating that the participant's exit from the program is not due to noncompliance
- Ensure it is clear to relevant agencies like prosecution, probation, DFCS, that discharge from program does not reflect intentional violation of rules

FINAL WORDS OF WISDOM FROM COORDINATORS

- Don't be a catch-em court. ACs work best when each team member is genuinely invested in the success of participants
 - But especially treatment, coordinator/case manager, and judge
- For difficult participants on the line between discharge/terminate:
 - Keep really detailed notes and records.
 - “They're just so difficult” is not a basis for sanction or termination
- Consider behavioral contracts to assess what is intentional misbehavior
- Keep up with alumni and keep them involved – they are your advocates in the community

QUESTIONS & ANSWERS



CACJ LEGAL RESOURCE



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