IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

IN THE MATTER OF THE ADOPTION OF A POLICY REGARDING TERMINATION OF DRUG COURT PARTICIPANTS	)))	IP RULE 2013-02

Although the termination of a Drug Court participant should be evaluated on an individual basis, this rule is intended to provide guidance on a statewide basis to the Drug Court programs. For purposes of this rule, a Drug Court is defined as a court supervised alternative to incarceration and includes drug, driving under influence, and other specialty court dockets aimed at increasing public safety, offender accountability and decreasing recidivism for chemically dependent offenders.

Any termination proceeding should be conducted on the record in regularly scheduled Court sessions. The recommendation to terminate a participant will be made by the Drug Court Team and may be made for any of the following reasons:

- Concern for public safety;
- Threat to the integrity of the program:
- Available treatment options have been exhausted and the participant is no longer working towards recovery;
- Violating rules of the Drug Court;
- Commission of a crime;
- Failure to attend Drug Court hearings;
- Abandonment of treatment program;
- Evidence that participant is involved with drug dealing, or driving while under the influence;
- Evidence that participant is involved in any threatening, abusive, or violent verbal or physical behavior towards anyone;
- Tampering with drug/alcohol screening tests;
- Inability to pass required drug/alcohol screening tests for any reason;
- Failure to make satisfactory progress;
- Any other grounds that the Drug Court Team finds sufficient for termination.

The Drug Court Team may seek the termination of a participant from the program by a consensus vote. In the event of such a vote, the Court Services Officer will provide written notice to the participant of his or her proposed termination from the program. Following such notification, the participant will have an opportunity to address the Drug Court Team concerning the possibility of termination at the next regularly scheduled Court session. After the Court session, the Drug Court Team will vote on the proposed termination. If the Drug Court Judge agrees with the termination then the participant will be terminated from the program.

In the event of termination, the Court shall advise the participant of his or her rights concerning potential probation revocation and shall appoint an attorney to represent the participant in the probation revocation proceeding.

The effective date of this Rule is August 9, 2013. This Rule shall remain in effect until further order of this Court.

DATED at Pierre, South Dakota this 9th day of August, 2013.

BY THE COURT:

David Gilbertson, Chief Justice

ATTEST:

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

AUG - 9 2013

Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 9th day of Aug, 20 13.

Clerk of Supreme Court

Deputy