Five Ways to Wreck Your Career: Ethics in Treatment Court

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# Disclaimer

The presentation does not constitute legal advice. Please consult with your Agency ethics official, privacy official, general counsel, supervisor, or licensing/accrediting board for specific guidance concerning the application of confidentiality regulations or to resolve ethical dilemma.

#### **Ethical Considerations**

- **1. Roles and Boundaries**
- 2. Power Imbalance
- **3. Decision Making**
- 4. Participant Best Interests
- **5. Program Best Interests**
- 6. Public Best Interests
- 7. Sharing Information

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#### ADULT DRUG COURT BEST PRACTICE STANDARDS

VOLUME II



NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS ALEXANDRIA, VIRGINIA

# **Multidisciplinary Team**

A dedicated multidisciplinary team of professionals manages the day-to-day operations of the Drug Court, including reviewing participant progress during pre-court staff meetings and status hearings, contributing observations and recommendations within team members' respective areas of expertise, and delivering or overseeing the delivery of legal, treatment and supervision services.

## **Multidisciplinary Team**



## **Sharing Information**

- 1) Judge considers perspectives of all team member before making decisions that impact participants' welfare or liberty interests.
- 2) Defense attorneys inform participants and team members whether they will share confidential information concerning participants with other team members.

#### **Information Sharing**

### Team

#### **Participation**

- Drug use
- Serious threats or crimes

## Client

- Privacy rights & limits
- Expectations
- Informed consent

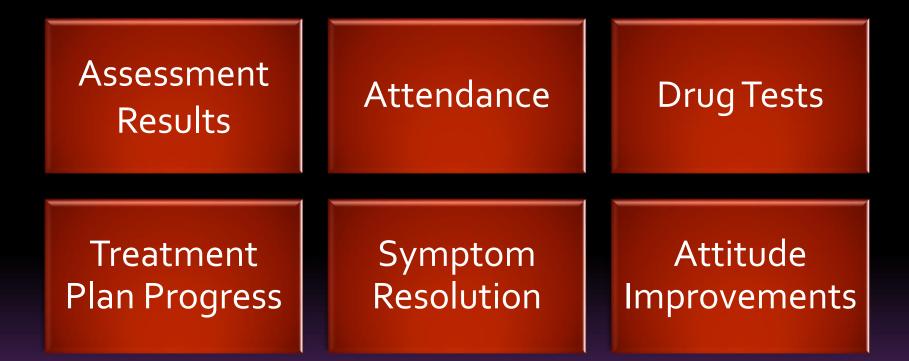
#### **Information Sharing**

- Those who need to know, need to know
- Consent to release information doesn't necessarily mean that the information needs to be released
- No secrets; all team members should agree what is "need to know" information

#### **Necessary Disclosures**



#### 12 Need to Knows



#### **12 Need to Knows**



#### **Confidentiality Best Practices**

- 1. Remind participants that Drug Court is open court and that their confidentiality may be compromised.
- 2. Re-execute consent if Drug Court team changes significantly (i.e., new organization joins).
- **3**. Re-execute consent if participant was impaired when original consent was signed.
- 4. Execute MOU between all team members clarifying how information in staffing is to be used and stored.
- 5. Assure that written confidentiality policies are in place and reviewed with staff regularly.

# Team Professional Ethics

**Team Pitfalls to Avoid 1**.Secrets 2. Hidden Agenda **3. Sub-Alliances** 4. Splitting & Pitting **5.** Professional Drift

# ndividual Professional Ethics

# Two Truths If it's illegal, it's unethical

Even if it's not illegal, it may still be unethical

#### Allegations

#### Attraction

Appearance

### **Exploitation Risks**

# Civil litigation Criminal Culpability

- Age of participant
- Coercion
- Power imbalance
- Ability to consent due to impairment

#### **Five Ways to Wreck Your Career**

- 1. Duality (relationships)
- 2. Dishonesty
- **3.** Drift (professional)
- 4. Divulging
- **5.** Discrimination

#### And One More...

# Drinking and Drugging

#### Five Ways to Preserve Your Career

- **1. Maintain clear boundaries**
- 2. Beware of the cover-up
- 3. Stay in your lane
- 4. Exceptions should be situationbased, not person-based
- 5. Reveal only what you can and should

#### And One More...

Be responsible for your emotional and physical health and wellness. Get Support.

# ETHICAL DILENNAS



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