

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

Composition &
Training

Pre-Court Staff
Meetings & Status
Hearings

Team

Sharing Information

Communication &
Decision Making

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

Assessment
Results

Attendance

Drug Tests

Treatment
Plan Progress

Symptom
Resolution

Attitude
Improvements

12 Need to Knows

Phase Goal
Attainment

Supervision
Compliance

MAT
Compliance

Unauthorized
Medications

New Crimes or
Arrests

Assaultive
Behavior or
Threats

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

Individual 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 situation-based, 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 DILEMMAS

YES

NO

MAYBE

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