



# Lincoln County Drug Court Policies and Procedures

Rough Draft- Revised April 2014

## Table of Contents

1.	General Description.....	3
2.	Mission Statement.....	3
3.	Objectives and Goals .....	3
4.	Target Population .....	4
5.	Eligibility Criteria.....	4
6.	Disqualification Criteria.....	5
7.	Entry Process .....	5
8.	Staffing Team.....	6
9.	Courtroom Procedures .....	8
10.	Sanctions .....	9
11.	Incentives .....	10
12.	Termination .....	10
13.	Phase Requirements.....	10
14.	Treatment.....	12
15.	Urinalysis Testing Protocol .....	13
16.	Supervision Protocol.....	13
17.	Structure, Model, and Evaluation Design.....	133
18.	Policy Committee .....	14
19.	Advisory Committee .....	14
20.	Confidentiality and Release of Information .....	15
21.	Memorandum of Understanding .....	15

## **1. General Description**

The Lincoln County Drug Court operates under the jurisdiction of the Lincoln County Circuit Court and began in 2006 as a collaborative effort involving the Court and other public and private agencies and organizations. Normal court proceedings are at 4:00pm every Monday at the Lincoln County Courthouse, 225 West Olive Street Room 303, Newport, Oregon.

The Lincoln County Drug Court is a drug treatment court, utilizing evidence-based best practices, to help drug addicted mothers, pregnant women, parents and others become sober and responsible caregivers, thus helping drug endangered children be healthy and safe from neglect or abuse. This Program provides individualized and intensive guidance and supervision, effective and sustained addiction treatment, as well as access to a comprehensive range of interrelated treatment and recovery support services. This framework promotes recovery, health, and safety for substance-abusing parents and their children.

## **2. Mission Statement**

The Lincoln County Drug Court will help addicted persons become sober and responsible citizens, for the benefit of themselves, their children, their family, and their community.

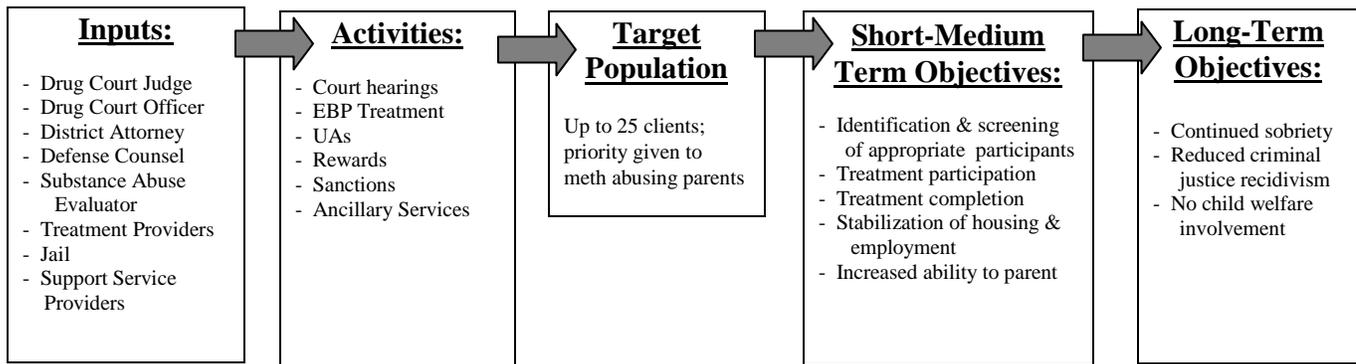
## **3. Objectives and Goals**

The short-term objectives of the Lincoln County Drug Court are to facilitate the provision of effective evidence-based treatment services for meth addicted pregnant women and mothers, as well as other caregivers and other members in the community. Mid-term outcomes are designed to enable drug addicts to begin the long-term process of recovering from addictions and effectively parent their own children. When participants acquire knowledge through interactions with treatment staff and are given a healthy and safe environment in which to have those exchanges, participants are expected to improve in all aspects of life. The continuing objective is having the participant maintain continuous sobriety that results in reduced recidivism and less or no need for child welfare involvement.

The long-term objectives of the Lincoln County Drug Court are measurable and related to the three main goals of the program:

1. Continued sobriety.
2. Reduced recidivism.
3. Reduced or no child welfare involvement.

## Lincoln County Drug Court Logic Model- Courtesy of the Lincoln County Meth Initiative



### 4. Target Population

The target population for Lincoln County Drug Court is methamphetamine addicted mothers and pregnant women. However, the program also treats other forms of addiction, as well as other addicts, with particular emphasis on caregivers for drug-endangered children. Acceptance into the Program is based on available space, as well as the following criteria listed in their order of priority:

1. Meth addicted pregnant women
2. Meth addicted mothers
3. Meth addicted fathers
4. All others

The Lincoln County Drug Court was begun as part of the Lincoln County Meth Initiative. See <http://www.co.lincoln.or.us/meth/> for more information.

### 5. Eligibility Criteria

Members of the target population must qualify for intensive outpatient treatment. They must also satisfy the following eligibility criteria to participate:

1. Entry into the program is at the discretion of the drug court team after having given due consideration to the eligibility criteria.
2. The defendant must reside in Lincoln County, Oregon, and able to be supervised by Lincoln County Community Corrections.
3. The defendant shall be in the process of securing or have secured safe and sober housing as approved by the drug court team.
4. The defendant does not suffer from a mental illness or other mental impairment significant enough to prevent the defendant from adequately participating in Drug Court.
5. The program is not full as determined by the drug court team.

## **6. Disqualification Criteria**

Members of the target population who satisfy the eligibility criteria are disqualified from participation in the Lincoln County Drug Court if:

1. They have any felony or serious sex offenses.
2. They have a pending clandestine lab charge or a conviction for operating a clandestine lab.
3. They lack the capacity to manage the structure of the Drug Court. Those with serious mental illness, disruptive behavior, or not in need of drug treatment may be excluded from the program.
4. Clients unwilling or unable to terminate use of lawfully prescribed controlled substances, prescriptions and over the counter medications that affect the integrity and accuracy of drug screening will be excluded.

## **7. Entry Process**

The Lincoln County District Attorney screens prospective participants into the Lincoln County Drug Court using the target population, eligibility and disqualification criteria, and discretion. Referrals from the Judges of the Lincoln County Circuit Court, Probation Officers, Defense Attorneys, the District Attorney Office, and community members will also be considered for participation by the District Attorney. Drug court is on a strictly a volunteer basis.

Candidates for admission to the Lincoln County Drug Court shall first be interviewed by the Drug Court Coordinator in order to assess a candidate's approval. The information is then presented to the Staffing Team to make the decision as to recommend for Drug Court. Team members are encouraged to provide any information from their agency for the Team to consider in determining whether the defendant should be allowed into the program. Factors to consider include:

1. The defendant's attitude.
2. The severity of the defendant's addiction.
3. Any known history of violent behavior not resulting in criminal convictions.
4. Prior history of treatment.
5. Family history, including family member's involvement in the criminal justice system.
6. Any other pending or prior court matters, including juvenile court matters.
7. The motive of the applicant to enter the program.
8. Any other relevant factors that may affect the applicant's ability to participate or complete the program.

Any reasons discussed for non-acceptance of a participant shall not be disclosed to anyone outside of the Drug Court Team. Acceptable candidates will then be presented to the Drug Court Judge to decide if application for entry will be granted. While this person is pending entry into Drug Court they are expected to attend Drug Court Hearings on Monday at 4:00 PM until they are officially admitted or disqualified from entering the program. Their name will not be on the docket, but are expected to observe Drug Court proceedings and follow all courteous courtroom behavior. They will be provided an Outside Group Slip by the Drug Court Coordinator and will be asked to attend at least 2 Support Groups weekly. These may include

Alcoholics Anonymous, Narcotics Anonymous, Church Recovery Groups, cultural specific outside support activities, or other approved support group meetings. These meetings are available at no cost and may occur anywhere in the community. If the participant does not attend court or the support groups as requested, this could be a disqualifier for the program.

Once the participant has entered the program they are given an intake appointment at Lincoln County Community Corrections and an intake at Reconnections Counseling, scheduled an ASAM Assessment with Lincoln County Mental Health, and given a Drug Court Handbook and Entrance Survey by the Drug Court Coordinator. At the appointment with Reconnections Counseling all participants that do not have private health care insurance are encouraged to apply for the Oregon Health Plan to help determine if it will offset some of the treatment costs.

## **8. Staffing Team**

The Drug Court Staffing Team is comprised of representatives of the following entities:

1. Certified Alcohol and Drug Programs- Reconnections Counseling and Siletz Tribal Behavior Health Program
2. Defense Attorney- Lincoln County Legal Defense Consortium
3. Probation Officer- Lincoln County Community Corrections
4. Prosecutor- Lincoln County District Attorney's Office
5. Social Service Specialist- Lincoln County Child Welfare
6. Drug Court Coordinator- Lincoln County Circuit Court
7. Law Enforcement- Lincoln County Sheriff's Office
8. Mental Health Specialist- Lincoln County Health and Human Services Department

The Drug Court Staffing Team meets each Monday afternoon at 3:00pm to review cases of participants scheduled to appear in Drug Court that day (other cases will be reviewed if interim Staffing Team action is warranted). During Staffing Team meetings, each team member reports on specific information relating to their job and role in the team. All matters discussed during team staffing are confidential and may be discussed outside the staffing only as necessary to facilitate a participant's treatment.

All members of the Staffing team are strongly encouraged to attend any education, training, or cultural competency training and programs whenever they are available and reasonable to attend.

### **Job Descriptions of Drug Court Team members:**

#### Circuit Court Judge

The Drug Court Judge must develop working relationships with program participants during court sessions without compromising judicial authority. The Drug Court Judge possess an understanding of the relationship between addiction and criminal behavior as well as a willingness to apply alternative models of criminal case disposition to drug/alcohol addicted offenders. The Judge exercises ultimate supervisory authority over other court staff more peripherally involved in the Drug Court function. This position requires a law degree and significant experience as a practicing attorney.

### Deputy District Attorney

The District Attorney serves as a member of the Planning and Staffing Teams. They participate in Drug Court functions as a non-adversarial team member to promote a unified team presence in court and to advocate for effective sanctions and incentives in staffing so as to ensure community safety. The Deputy District Attorney screens offenders and offers recommendations about individuals that meet program eligibility requirements, and participates in Drug Court sessions each Monday afternoon. Along with other team members, the Deputy District Attorney monitors participant progress and behavior through reports at weekly Staffing Team meetings, and serves as an active contributor to community education about Drug Court programs. The Deputy District Attorney must be knowledgeable about addiction and its role in criminality. This position requires a law degree and experience as a practicing attorney in criminal law.

### Defense Attorney

The Defense Attorney serves as the legal advisor to Drug Court participants and as a member of the Staffing Team. Traditional advocacy for clients' rights must be balanced with service as a non-adversarial team member whose objective is to promote a unified team presence in court and to advocate for effective sanctions and incentives in staffing. The Defense Attorney may offer recommendations regarding prospective program participants to the District Attorney's Office for screening, and provides the initial program orientation to prospective participants. Along with other team members, the Defense Attorney monitors participant progress and behavior through reports at weekly Staffing Team meetings that they attend, and meets with clients as needed. The Defense Attorney appears with his clients at the Drug Court sessions each Monday afternoon. The Defense Attorney must be knowledgeable about addiction and its role in criminality, and have considerable knowledge of community services available to meet clients' ancillary needs. There is one Attorney that represents all Drug Court clients. This position requires a law degree and experience as a practicing attorney, and considerable knowledge of criminal law and procedural issues.

### Probation Officer

The Probation Officer supervises and directs Drug Court participants with the twin objectives of facilitating rehabilitation and ensuring the safety of the community. Functions include participating in the development of individual plans for the rehabilitation of the participant, conducting interviews and gathering data through assessment instruments to determine a particular offender's risk in the community (LS-CMI or PSC), monitoring progress through an initial intake and attendance at weekly Staffing Team meetings, monitoring UA's, and participating in weekly Drug Court judicial proceedings. This position requires considerable knowledge of behavior and adjustment problems in adult offenders, knowledge of the modern practices, policies, procedures and techniques employed in the supervision of corrections clients, and knowledge of criminal laws and the criminal justice system. It is the Probation Officers job to impose and administer sanctions.

### Drug Court Coordinator

The Drug Court Coordinator is responsible for assisting in the continuing development of the program and program monitoring components, and an overall review of the current process. This position reviews incoming cases, tracks clients, educates the public regarding the program, and assists in further developing the program. It serves as the primary liaison between the court and other members of the Drug Court Staffing Team on matters related to Drug Court and is a member of the Advisory Committee and Planning Committee. The Coordinator works closely with other units of the court to assure effective coordination of activities and compliance with the court's procedural and policy requirements. The Coordinator tracks performance of the

Drug Court program and serves as an information link/conduit to community partners and community outreach. This position also collects, maintains, analyzes and reports data regarding program and participant progress to funding entities and community partners. This position is also required to create and maintain administrative forms, handouts, handbook and presentations. This position requires experience in working with a diverse group of people. A Bachelors Degree in Social Services is highly desired.

#### Treatment Provider

The Treatment Provider provides individual, family, and group alcohol and substance abuse education and treatment to program participants and their families. Functions include interviewing clients to determine the level and extent of dependency and developing an appropriate treatment plan. They provide recommendations regarding inpatient treatment, or phase reductions or advancements. The Treatment Provider helps with the monitoring of abstinence through urinalysis testing and participant self-reporting. The Treatment Provider attends weekly Staffing Team meetings to report on treatment progress and to advocate for effective application of incentives and sanctions as necessary to advance objectives. The Treatment Provider is on the Advisory Committee and the Policy Committee. All counselors that work for the Treatment Providers have a CADC I license.

#### Mental Health Specialist

The Mental Health Specialist is an employee with Lincoln County Health and Human Services Department and is the expert mental health consultant in the Drug Court Team. They are the source for mental health concerns regarding current and prospective participants, and attend all weekly staff meetings. This position requires a Masters Degree and a license as a professional counselor.

#### Law Enforcement

The Law Enforcement representative is responsible for giving input regarding the participant's behavior when they are incarcerated or of their knowledge of the person. They attend weekly staffing meetings. This person is the liaison between the Lincoln County Drug Court and the Lincoln County jail. This position requires a certification in Correctional level law enforcement and ongoing education regarding career enhancement training.

#### Social Service Specialist- Lincoln County Child Welfare

The Child Welfare Drug/ HOPE Court representative acts as a liaison between the Department of Human Services Child Welfare (DHSCW) and the Lincoln County Drug Court. The DHSCW representative assists in ensuring DHSCW case planning supports Drug Court guidelines and expectations for clients with active DHSCW cases. The DHSCW representative provides case planning updates and treatment information directly related to Drug Court in an effort to support and encourage successful outcomes. They attend the weekly staffing meetings, and are a member of the Advisory Committee and the Policy Committee. This position requires a Bachelor's degree and experience working with a diverse group of people.

## **9. Courtroom Procedures**

Participants are required to arrive for their court appearances on time and must remain in the courtroom until the end of the proceedings, i.e. until each case has been called and reviewed by the Judge. Cases are generally called in alphabetical order; with the exception if there is a

graduation that person will be called first. The interaction during court proceedings is almost exclusively between the Judge and the individual participant. Input from other team members is elicited by the Judge as needed.

## 10. Sanctions

Incentives and Sanctions are vital parts of the Drug Court's operation. Any non-compliance will result in a treatment response and/or Court imposed sanction by way of the Probation Officer. The behaviors that require sanctions are:

1. Positive or Missed Urinalysis (UA). The following behaviors will be considered a positive UA and will be sanctioned.
  - i. Tampering
  - ii. Missed or invalid UA
  - iii. Stalling or refusing to submit
  - iv. Diluted (water loading or diluted after sample given)
  - v. Positive for drugs or alcohol
  - vi. Inappropriate behavior giving sample.
2. Not following the program rules or requirements
3. Ongoing or new criminal activity
4. Unexcused absences from missed appointments, late or missed court appearances
5. Not following supervision (Probation Officer) rules
6. Not following Court orders
7. Failure to attend community based support groups

There are some responses to sanctions that are treatment specific responses. These include the treatment provider imposing the following adjustments to treatment:

1. Increased UAs
2. Phase adjustment
3. Increase number of group meetings per week
4. Increase number of community support meetings per week
5. Journal or homework
6. Referral to Court for sanctions
7. Increased contacts
8. Inpatient treatment

In a court imposed sanction, the Probation Officer or Judge may inflict any or all of the following sanctions for the above behaviors:

1. Work crew
2. Phase adjustment (or requirements)
3. Increased court appearances
4. Curfew
5. Fines
6. Increased community based support groups
7. Increased drug testing

8. Warrant for arrest
9. Jail
10. Termination of Drug Court Participation
11. Other sanctions as the Team or Judge deems appropriate

## **11. Incentives**

Rewards can be recommended by the Drug Court Team and are granted at the Judge's discretion for accomplishments in treatment and other achievements. Whenever the opportunity arises, the Court will seek to support treatment and recovery through positive reinforcement. The incentives and rewards that are used when appropriate are:

1. Positive reinforcement
2. Encouragement
3. Applause
4. Certificates of Achievement
5. Rewards
6. Gift cards
7. Food
8. Awards
9. Special Events

## **12. Termination**

Participants may be terminated from Drug Court if they cannot be supervised safely in the community, are unwilling or unable to engage in treatment, or are too impaired to benefit for the treatment that are required of them. Upon failure, the alternative sentence will be imposed by the Court. Even though the Staffing Team may recommend termination, the Judge has the ultimate decision in termination of participation for an individual. Specific reasons for termination are:

1. Arrest for a new crime (drug or non-drug related) which the DA, having considered the input of the Drug Court Staffing Team, deems ineligible for continued participation.
2. If the participant requests to be terminated from the program.
3. Determination by Drug Court Staffing Team or the Drug Court Judge that a participant should be terminated.

## **13. Phase Requirements**

Drug Court participants advance through three phases of the program. The phase schedule, including minimum periods of participation, urinalysis, court attendance, treatment activities, and requirements for advancement is as follows:

**Phase One:** Minimum time of 90 days.

- Have a minimum of 10 hours contact or more each week with the treatment provider. The

schedule to be determined by the treatment provider. This includes 9 hours of group treatment and 1 individual session per week.

- Attend a minimum of 2 support groups weekly.
- Provide a minimum of 3 monitored urine samples to be used for drug testing each week on every Monday, Wednesday, and Friday. This could include holidays.
- Have 1 in-person contact weekly with probation officer or more as directed.
- Attend all scheduled appointments as directed by the Drug Court staff.
- Attend Drug Court every Monday, at 4:00 PM unless otherwise excused by the Drug Court Judge or Probation Officer.

**Phase Two:** Minimum time of 120 days.

- Have a minimum 6 hours contact or more each week with the treatment provider. The schedule to be determined by the treatment provider. This includes 6 hours of group treatment weekly and 2 individual sessions per month.
- Attend a minimum of 2 support groups weekly.
- Urine tests will be given on a random basis. The request for a urine sample can come from ANY Drug Court staff member at ANY time and could include holidays.
- Have an in-person contact every other week with probation officer or more as directed.
- Attend all scheduled appointments as directed by the Drug Court staff.
- Attend Drug Court every other Monday at 4:00 PM or as directed by the Drug Court Judge or Probation Officer.
- Develop a plan for Education, Job Training, and/or seeking and maintaining employment.
- If the participant does not have a High School Diploma or GED, they will develop a plan for getting a GED.

**Phase Three:** Minimum time of 120 days.

- Have a minimum of 3 hours contact or more each week with the treatment provider. The schedule to be determined by the treatment provider. This includes one 3 hour group per week and 1 individual session per month.
- Attend a minimum of 2 support groups weekly.
- Urine tests will be given on a random basis. The request for a urine sample can come from ANY Drug Court staff member at ANY time and could include holidays.
- Have an in-person contact once per month with probation officer or more as directed.
- Attend all scheduled appointments as directed by the Drug Court staff.
- Attend Drug Court every 4th Monday at 4:00 PM or as directed by the Drug Court Judge or Probation Officer.
- Obtain GED (if participant does not have a High School diploma).
- Seek and maintain employment for at least 20 hours per week.

**Graduation Requirements:** Drug Court Completion is not just based on sobriety, but on all around lifestyle change.

- Have followed all conditions of probation.
- Paid all fees, fines, restitution, or other court ordered financial obligations.
- Have been actively participating in Drug Court for a minimum of twelve months.
- Verified abstinence during the last 120 days at a minimum.
- Have complied with all Phase III requirements.
- Have a GED, diploma, or higher degree.
- Have stable drug free housing.

- Be involved in school, work, and or training for a minimum of 20 hours per week for 12 weeks.
- Complete the Simple Relapse Prevention Workbook with the treatment provider.
- Complete an Exit Survey with the Drug Court Coordinator.
- Once the Drug Court Team receives your graduation application, exit survey, and graduation checklist, the team will determine whether to approve the application and to forward it on the Drug Court Judge who will have the final decision to grant or deny the request to graduate from the Drug Court Program.

### **Aftercare:**

Reconnections Counseling will offer all graduates group counseling sessions at no cost as long as there are no new charges filed on that individual. Siletz Tribal Behavioral Health will continue to provide counseling services if needed. Graduates will be invited to take part in Alumni/Mentorship program, and special activities conducted by the Drug Court to promote continued sobriety, positive change and healthy life choices.

## **14. Treatment**

The treatment activities required of each program participant are described in greater detail below.

1. Orientation/assessment session. Each program participant will be given program information and will be required to complete paperwork that will assist the treatment provider in developing a program to meet individual needs. Participants will meet individually with a treatment counselor to discuss specific and additional treatment needs.
2. Treatment group. Each participant will be assigned to a treatment group that will be led by a counselor. Treatment groups will be comprised of other individuals who face similar struggles with substance abuse/addiction. Groups will be lead by counselors who will provide information regarding alcohol, other substances, attitudes, behaviors, thinking patterns and family dynamics that contribute to substance abuse and addiction. Participants are encouraged to give and receive feedback to/from one another.
3. Support groups. Support groups may include Alcoholics Anonymous, Narcotics Anonymous, Church Recovery Groups, cultural specific outside support activities, or other approved support group meetings. These meetings are available at no cost and may occur anywhere in the community.
4. Individual counseling/family counseling. All individuals will participate in individual and/or family counseling sessions with the treatment provider to provide ongoing assessment of individual needs. The treatment provider may provide referrals to other resources in the community that offer services specific to participants' needs.

## **15. Urinalysis Testing Protocol**

All participants will be subject to urinalysis every week. The participant is placed on a set schedule or a random call in assignment based on their current Phase in the program. Phase 1 participants must UA 3 times per week on Monday, Wednesday, and Friday, while Phase 2 and Phase 3 participants are both random and twice per week at a minimum. Participants must provide a urine sample at the Department of Corrections or at a Treatment facility and will be observed by a same sex person as to ensure the integrity of samples and validity of test results. A urinalysis test could also be requested at any time by any member of the Drug Court Team and could occur on holidays.

During all Phases missed tests, adulterated tests, dilute samples after the 1<sup>st</sup> dilute recorded, or tests revealing substance abuse will result in a \$25 fee per test to be paid by the participant to the Department of Corrections. A participant may request a re-test, but shall pay for any re-tests that are positive.

## **16. Supervision Protocol**

Though all Staffing Team members have some oversight function, supervision of the participant's progress in the program and compliance is most directly overseen by the Probation Officer. The Probation Officer works in conjunction with the treatment provider and other team members to monitor compliance with all program requirements, including the requirement of committing no new crimes, abstaining from the use of drugs and alcohol, and attending appointments and court appearances. The Probation Officer reports at each Staffing Team meeting on participant's progress.

With the status information provided by Staffing Team members, the Judge hears from and addresses each participant individually during Drug Court proceedings. The Court applies the program Policies and Procedures, Staffing Team recommendations and judicial discretion in offering rewards and incentives, and in applying sanctions, as appropriate to hold participants accountable for their actions.

## **17. Structure, Model, and Evaluation Design**

The Lincoln County Drug Court is a hybrid model using a post-conviction and a post-adjudication program. Defendants generally enter Drug Court either one of two ways, with a new charge or a probation violation. Defendants who enter Drug Court on a new charge plead guilty to the charge. On graduation from the program the charge is usually dismissed. However, if the defendant does not complete Drug Court the judge imposes a sentence for the charged offense. Defendants who enter Drug Court on probation avoid having the typical consequence for a probation violation. If Drug Court is successfully completed the violation is satisfied. If the program is not completed the violation returns to the sanction process for adjudication.

The Drug Court Coordinator utilizes the Oregon Court Management System (OTCMS) to gather and track participant data. OTCMS enables Oregon Drug Courts to have access to a standard, automated tool for data collection. This tool allows staff to produce consistent and reliable

outcome data related to program effectiveness to ensure accountability to funders and community partners.

The Drug Court Coordinator will coordinate with the treatment provider, Probation Officer, and other court staff to gather and input data into the OTCMS. Program data subject to collection includes participant demographics, drugs of choice, substance abuse history, criminal history, treatment history, mental health and medical needs.

## **18. Policy Committee**

The Policy Committee of the Lincoln County Drug Court is comprised of members of the Lincoln County Drug Court Team. The Policy Committee meets separately from other Drug Court Team meetings and on a monthly basis. Its purpose is to create and review policies in regard to Drug Court, and the implementation of tasks and time frames to ensure compliance with CJC Standards.

The Policy Committee oversees the operations of the Lincoln County Drug Court and is responsible for establishing a written plan for sustainability, implementation and monitoring the goals of the program. This includes incorporating the goals of the participant abstinence from alcohol and illicit drugs and the promotion of law-abiding behavior in the interest of public safety.

## **19. Advisory Committee**

The Advisory Committee of the Lincoln County Drug Court Team is comprised of both public and private agencies, as well as community based organizations. Its goal is to include the community in Drug Court and to provide guidance and directive to the local Drug Court Program. The Advisory Committee currently meets on a quarterly basis. The current members of the Advisory Committee are as follows:

Bonnie Savage, Trial Court Administrator, Lincoln County Circuit Court  
Michelle Branam, District Attorney, Lincoln County District Attorney's Office  
Chandler Davis, Chair, Lincoln County Addiction Prevention Recovery Committee  
Barbara Turrill, Behavioral Health Director, Lincoln County Health and Human Services  
Luke Frechette, Pastor, South Beach Church  
Nathan Morelli, Alumni, Lincoln County Drug Court  
Rebecca Reich, Alumni, Lincoln County Drug Court  
Megan Bostwick-Terry, Treatment Court Coordinator, Lincoln County Circuit Court  
Lalori Lager, Executive Director, Reconnections Counseling  
Cristy Pockrus, Social Service Specialist, Lincoln County DHS Child Welfare  
Kylie Andrisa, Deputy District Attorney, Lincoln County District Attorney's Office  
Rob Eoff, Probation Officer, Lincoln County Community Corrections  
Delina John, Counselor, Siletz Tribal Behavioral Health Program  
Edith Hannah, Senior Employment Advisor, Community Services Consortium

## **20. Confidentiality and Release of Information**

The Drug Court files are considered to be treatment files and, thus, are exempt from public disclosure. The files shall be kept separate from the court's criminal files and the Drug Court Coordinator is responsible for maintaining them. Upon request, only the Drug Court team members shall have access to the files.

Each person who is present in the Drug Court Staffing shall sign a Confidentiality Statement before attending a staffing. Failure to comply with said agreement may constitute contempt of court.

In regards to a participant's confidentiality, at the end of an interview of a potential participant, the participant must sign an Authorization for Use and Disclosure of Information, and Consent to Communication as defined in Part 2 of Title 42 of Federal Regulations, Federal privacy regulations within the Health Insurance Portability and Accountability Act (HIPAA). The waiver shall only apply to information sharing between team members. The information may be disclosed during drug court sessions, staffing, and during other communications regarding drug court.

## **21. Memorandum of Understanding**

The agreement between the Lincoln County Drug Court and Agencies providing treatment and other services to Drug Court Participants. (See attached)



## Lincoln County Drug Court

### MEMORANDUM OF UNDERSTANDING



This purpose of this Memorandum of Understanding (MOU) is to set forth the role and responsibilities of all collaborative partners involved in the Lincoln County Drug Court Program (collaborative partners are noted in ***bold italics***).

#### SECTION 1. Selection of Drug Court Program Participants

The Lincoln County Drug Court Program focuses on addicted parents and young adults, with a priority focus on meth addicted women. A request to participate in the Lincoln County Drug Court Program may come from any source, with the ***District Attorney*** having the initial responsibility to approve referral of a potential participant to the ***Drug Court Coordinator*** for initial assessment. The ***Drug Court Coordinator*** then meets with and explains the Program to the potential participant, and has that person complete a screening application. The Drug Court Team, consisting of the ***Drug Court Coordinator, Drug Court Officer, District Attorney, Drug Court Defense Counsel, Department of Human Services (DHS) representative, Lincoln County Health & Human Services Department representative, and Drug Court treatment providers (Trueman Center; Siletz Tribal A&D Program; and Reconnections Counseling)*** then considers the application and makes a recommendation to the ***Drug Court Judge***, who ultimately decides whether to allow the applicant to enter the Program.

#### SECTION 2. Plea and Deferred Sentencing

If approved for entry into the Drug Court Program, the participant enters into a plea agreement disposing of all pending criminal cases in the 17<sup>th</sup> Judicial District. The participant must execute all releases and forms required by state and federal law to ensure the Drug Court Team and ***Drug Court Judge*** receive ongoing reports from evaluators and treatment providers.

#### SECTION 3. Referral for Prompt Evaluation and Treatment Plan

Upon entry into the Drug Court Program, the participant is referred to the ***Lincoln County Health & Human Services Department*** for an addictions evaluation conducted by qualified and certified staff. After the evaluation, the ***Lincoln County Health & Human Services Department*** generates a treatment plan to align the participant with the proper treatment and recovery support services utilizing evidence-based practices. The participant then begins treatment services with one or more of the ***Drug Court treatment providers***.

#### SECTION 4. Regular Court Appearances and Treatment and Recovery Support

(1) Each Drug Court Program participant is required to regularly attend Drug Court sessions. The Drug Court Team and ***Drug Court Judge*** carefully monitor the ongoing progress of each participant. Included in that monitoring will be frequent visits by the ***Drug Court Officer*** assigned by the ***Lincoln County Community Corrections Department***. The ***Drug Court Officer*** and ***Drug Court treatment providers*** administer frequent random urinalysis to monitor and encourage sobriety.

(2) The **Drug Court Judge**, **Drug Court Coordinator**, and Drug Court Team monitor the progress of treatment services provided by the **Drug Court treatment providers**. With the concurrence of the Drug Court Team, the **Drug Court treatment providers** may update and modify the treatment plan to better suit the needs of the participant as the participant proceeds through the Drug Court Program.

(3) For Drug Court participants with children, the Drug Court Team will coordinate services and monitoring of participants with the **Child Welfare Program of the Department of Human Services (DHS)** and the **Indian Child Welfare (ICW) program of the Confederated Tribes of Siletz Indians**, in order to facilitate the preservation and/or restoration of families whenever possible.

(4) The Drug Court Team and **Drug Court Judge** will utilize a range of incentives and sanctions designed to reward and hold each participant accountable for effective and sustained treatment and recovery. Incentives and sanctions will be used on a sliding scale based on progress and conduct by each participant. Examples of incentives include celebration of success in open court, the award of small gifts, movie theater tickets and, ultimately, graduation from the Drug Court Program and dismissal of pending criminal charges or early termination of probation, as applicable for that participant. Examples of sanctions include increased frequency of Drug Court attendance, increased frequency of random urinalysis, increased visits from the Drug Court Officer, immediate short duration incarceration and, ultimately, expulsion from the Drug Court Program and imposition of a sentence. To facilitate immediate short duration incarceration (an essential component of accountability), the **Lincoln County Sheriff** agrees to establish special county jail capacity to fulfill this requirement.

#### SECTION 5. Graduation and Alumni Association

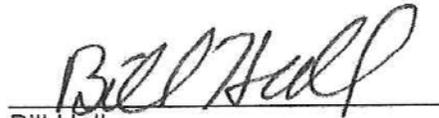
Upon successful completion of the Drug Court Program, each participant will be entitled to participate in a Drug Court graduation ceremony in open court, joining with others who have also graduated, becoming part of the Lincoln County Drug Court Alumni Association.

IT IS SO AGREED.

DATED this 21<sup>st</sup> day of September, 2009.



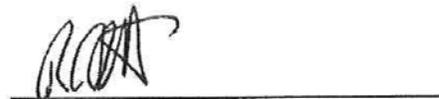
Thomas O. Branford  
Drug Court Judge  
Lincoln County Circuit Court



Bill Hall  
Commissioner, on behalf of the  
Lincoln County Board of Commissioners



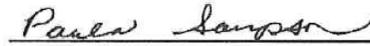
Dennis Dotson  
Lincoln County Sheriff



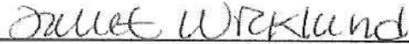
Rob Bovett  
Lincoln County District Attorney



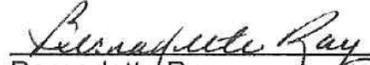
Suzi Gonzales  
Director  
Lincoln County Community  
Corrections Department



Paula Sampson  
Director  
Lincoln County Health &  
Human Services Department



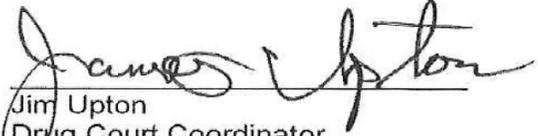
Janet Wicklund  
Director  
Siletz Tribal A&D Program



Bernadette Ray  
Director  
Ken Trueman Recovery Center



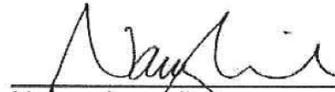
Valori Lager  
Manager  
Reconnections Counseling



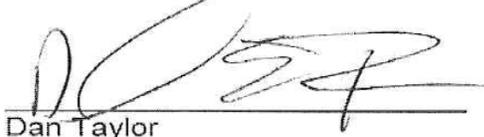
Jim Upton  
Drug Court Coordinator  
47<sup>th</sup> Judicial District



Joe Pickens  
Child Welfare Program Manager  
Lincoln County  
Oregon Department of Human Services



Nancy Lamvik  
Trial Court Administrator  
17<sup>th</sup> Judicial District



Dan Taylor  
Drug Court Defense Counsel



Rob Eoff  
Drug Court Officer



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The "No Meth Not Here" campaign banner image above was created in the Spring of 2007 by students at the Siletz Valley School as part of the Methamphetamine Awareness Project (MAP), a part of the Lincoln County Meth Initiative (LCMI).  
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