

Model Doe a Misdemeanor Drug Court

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STEERING COMMITTEE

The committee will be comprised of executive level personnel from selected agencies that represent the interest of the community at large. Representatives from the following agencies will be a part of the Steering Committee.

A Judicial Representative in the form of a Judge and or an individual representing the Court Clerks.

A Representative from the Prosecutors Office in the form of one of the Prosecutors.

A Representative from the Public Defenders office, or private firm.

A Representative from the Law Enforcement Community.

A Representative from the SummitView Foundation will also be a part of the committee.

The purpose of the committee is to meet and counsel on a regular basis. The committee may establish goals and determine the steps that need to be taken to assure that the goals for the correctional accountability track are being met, or to develop and implement plans to reach established goals.

Committee members shall bring all pertinent information and concerns for the entity that they represent to the committee, so that the information may be disseminated and the concerns explored.

Recommendation made by the committee shall be referred to _____ for planning and implementation. _____ will examine all recommendations and implement all those recommendations which are economically and logistically feasible.

All Steering Committee members must represent an entity with a responsibility to the community, and be dedicated to assuring the success of the correctional accountability track in deterring first time drug offenders.

The SummitView Foundation reserves the right to exclude individuals from the committee that may be acting with their own agenda and not for the good of the community, or those individuals that may have a conflict of interest.

PLANNING TEAM

The planning team shall be responsible for carrying out the various daily tasks involved in coordinating and running the correctional accountability track. The planning team will coordinate with the Steering Committee to assure successful implementation of the correctional accountability track ideals, guidelines, both long term and short term goals.

The planning team shall consist of SummitView Foundation employees and volunteers. These individuals will be well trained and educated professionals.

State Licensed Probation Officers. As needed, probation officers will participate on the planning team. All participants in the correctional accountability track will be placed on court ordered private probation with the SummitView Foundation. Participants will be tracked, monitored and drug tested by a probation officer. Probation officers shall be responsible for court reporting and updates concerning the correctional accountability track participants.

State Licensed Clinical Therapist. As needed, clinical therapists shall participate on the planning team. Therapists will administer group and individual treatment for drug abuse. Additionally therapists will monitor cooperation, compliancy and overall effectiveness of drug treatment. The therapists will prepare drug assessments and make these assessments as well as any other recommendations available to the presiding judge, and other entities as ordered.

Case Managers. Case managers will assist in all necessary applications as related to the correctional accountability track. Case managers will facilitate all intakes, assessments and billing etc.

MISSION STATEMENT

The mission of the SummitView Foundation as it relates to the correctional accountability track is as follows. The collective body of SummitView Foundation employees have through there associations and experience in dealing with drug offenders reached the realization that we as a community may have the greatest opportunity to effect change among new offenders.

Currents trends in the criminal justice system have now and in the past stressed penalties and treatment for hardened long term drug abusers. It would seem that by the time an offender reaches the point where treatment is mandated and penalties force an offender to take responsibility for their actions, the offender has become callused and skeptical

towards the judicial system.

We feel that a great opportunity for intervention is being missed. Drug education and treatment can be very effective in teaching new offenders good decision making skills as well as helping them to understand addiction and where drugs will ultimately lead them.

Any of the hardened heroine addicts, the intravenous methamphetamine users, the methamphetamine cook, or the forty year old marijuana addict that can't hold down a job or maintain a drivers license, had their beginnings with a marijuana pipe or a beer in their under aged hand.

This then is our mission, to hold new offenders accountable for their current actions. To teach them the skills that they need to stop using and to start making healthy decisions.

GOALS AND OBJECTIVES

1. Coordinate fully with the court

- A. Frequent and organized committee meetings.
- B. On line reporting for the courts and prosecutors.
- C. Open communication with judges, clerks and attorneys.
- D. Probation and treatment working together.

2. Drug intervention for the individual and the community.

- A. Hold offenders responsible for their actions.
- B. Appropriate quality treatment for offenders.
- C. Strict adherence to established guide lines.
- D. Follow through treatment and mentoring.

3. New offender intervention.

- A. Carefully screen prospective participants.
- B. Coordinate with prosecutors to determine eligibility.
- C. Make new offenders toe the line.
- D. Give offender the tools they need to succeed.
- E. Frequent and effective drug testing.
- F. Advanced treatment for those who fail to comply.
- G. Home confinement options.

TARGET POPULATION

Misdemeanor correctional accountability track participants will ultimately be recommended by the prosecuting attorney in a pending misdemeanor drug case. It will be left to the prosecutor to determine if the defendant meets the criteria and will benefit from the program. The target population should meet all of the following criteria.

- First time misdemeanor drug offenses.
- No extensive previous drug history.
- No criminal history involving violent offenses.
i.e. domestic violence, child abuse, assault etc.
- No significant history of severe mental illness.
- The defendant must exhibit a willingness to change.

ELIGIBILITY CRITERIA

Criminal History:

- The defendant must not have an extensive criminal history involving drug related offences.
- The defendant must not have a felony drug history.
- The defendant must not have any violence related charges on the criminal history.
- If special circumstances exist concerning the criminal history, the prosecutor may make an exception. Willingness:
- The defendant must exhibit a genuine desire to complete the correctional accountability track.
- The defendant must commit before the judge to comply with all of the terms that are set forth in the probation, treatment and correctional accountability track agreement.
- The prosecutor will ultimately determine the willingness of the defendant.

Nature of the Offense:

- The drug offense must be a misdemeanor at the time that the correctional accountability track is offered. Either originally or as a result of an agreed reduction in the charge.
- The charge in question must not have other felony charges attached, or that occurred as a result of the same criminal episode.
- The charge must not involve lose of life or serious bodily injury.

Mental Fitness

- The defendant must not have any mental deficiency or illness that would preclude them from understanding or completing the correctional accountability track program.

INTAKE PROCESS

Misdemeanor Arrest

A defendant arrested or cited on a misdemeanor drug charge would then be taken into consideration to be a correctional accountability track participant.

Screening process

The prosecuting attorney would then consult with the defendant to see if they would meet the criteria for the correctional accountability track.

Plea in abeyance

The presiding judge in the case will explain what requirements they need to successfully comply with as relating to the correctional accountability track rules. The judge will explain that they will be required to attend classes as well as correctional accountability track councils. The judge will explain that failure to comply with any of the requirements can nullify the plea in abeyance agreement, and therefore the defendant may be required to receive more extensive drug treatment or may have the original sentence imposed. _____ requests that the following conditions be included in the plea in abeyance.

1. If the defendant fails to meet all of the requirements to complete the correctional accountability track. The participant/defendant will be required to complete and pay for (\$80), a full substance abuse assessment and any recommended treatment. However, _____ will work with any conditions as set forth by the judge and the prosecutors.

Referral process

The court will give the defendant a copy of the three part referral form, and advise the defendant to contact _____ within the next 24 hours and set up an appointment for intake. The court will fax a copy of the referral form to _____. _____ will also strive to have a representative in court during this process.

Intake

When the defendant arrives for the intake visit all of the criteria and expectations will be thoroughly explained. Also any sanctions that may be taken as a result of non compliance will be explained. The defendant will read and sign a probation agreement. The defendant will also fill out a packet that will assist the probation officers and therapists in properly treating the defendant. An assessment will be performed on the participant by a therapist, this will help _____ determine the seriousness of the addiction, and how best to treat it.

CORRECTIONAL ACCOUNTABILITY TRACK PHASES

Treatment and court

The participant will be required to sign up for and complete a prime for life course. The participant will also be required to attend weekly correctional accountability track councils.

Compliance

Compliance will be determined by a panel of _____ personnel consisting of the participant's probation officer, therapist, and a peer evaluator. Compliance will take into account an individual's entire correctional accountability track portfolio, including monitored abstinence history, assessment and treatment history, new charges etc. Any non compliance issues that arise will be immediately communicated to the court, and possible sanctions imposed.

Termination

A participant's termination from the correctional accountability track program can be ordered by the presiding judge at the recommendation of The _____ or the prosecutor's office. If the presiding judge determines that termination is appropriate this action must be executed in a timely manner.

Sanctions

The purpose of sanctioning a participant is to bring the participant back into compliance without having to terminate them from the correctional accountability track. Sanctions may include remanding the participant to a more in depth treatment regime, more drug testing, extending the duration of program or other treatment tools as decided by the panel.

Graduation

Graduation from the correctional accountability track will mark the participant's completion of the original plea agreement. The participant will then be awarded with a certificate of completion, and have an appointment set for their final review with the judge.

Follow up

Individuals who have successfully completed the correctional accountability track will be asked to periodically sit on the panel as peer evaluators. Graduates will also have the opportunity to attend mentoring groups.

TREATMENT PROTOCOL

- Comply with all of the probation agreement terms and pay \$25.00 a month for supervised probation with _____.
- Sign up for and complete 16 hours of prime for life training and pay the associated cost of \$ 150.00 total.
- Participate in random monthly drug testing at \$13.00 per test. David Knowles was the Executive Director for a large substance abuse facility located in Utah.