



Idaho Judicial District II Treatment Court programs Policy and Procedures Manual

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FORWARD

The purpose of the following document is to provide a general framework of procedures, policies and practices for the Treatment Court programs in the Idaho Second Judicial District. This structure of standards and practices will:

- Minimize duplication of efforts and ensure greater coordination among Treatment Court Team Members in the supervised treatment programs for District II;
- Maximize coordination and sharing of scarce treatment resources;
- Strengthen efforts to obtain Federal and local funding; and
- Facilitate development of coordinated long-range plans for financing Treatment Court operations.

Developed through a consensus of involved agencies, the standards include all of the elements that are considered essential to the operation of the Treatment Court programs in the Second Judicial District. Collectively, they represent a required minimum program model and incorporate the original **Ten Key Components of Drug Courts, Adult Drug Court Best Standards Volume I & II**

https://isc.idaho.gov/psc/ITXCBPS_Standards_Vol_I_2020.pdf
https://isc.idaho.gov/psc/ITXCBPS_Standards_Vol_II-2020c.pdf

which define Idaho Treatment Court Best Practice Standards, Volumes I and II, describing evidence based practice that supports the fidelity of Treatment Courts and ultimately account for their success. Specific practices are also described to provide examples of actions that should be taken to ensure conformity to program standards. The standards and practices described in this document are the product of experience in operating Treatment Court programs in the Second District that were implemented in 2001 and are in alignment with the Idaho Treatment Court Best Practice Standards Volume I and II developed by the Statewide Treatment Court Committee.

PROGRAM HISTORY

Treatment Courts in the Second Judicial District are diversionary programs that have been specifically designated and staffed to supervise participants with a significant substance use disorder and in some cases, also have mental health issues and/or severe and persistent mental illness. These participants have been referred to a comprehensive and judicially monitored program of drug and or alcohol treatment and rehabilitation services. These types of court programs include Adult Drug Court (ADC), Mental Health Court (MHC), DUI Court (DUIC) and Veteran Treatment Court (VTC).

Based on an innovative program that was first developed in Miami, Florida in 1989, the Treatment Court concept has received widespread attention as an effective treatment strategy for drug involved criminal defendants.

In 2001, during the first regular session of the fifty-sixth Idaho Legislature, the “Idaho Treatment Court Act” was enacted (Chapter 56, Title 19, Idaho Code). *The District Court in each county may establish a Treatment Court which shall include a regimen of graduated sanctions and rewards, substance abuse treatment, close court monitoring and supervision of progress, educational or vocational counseling as appropriate, and other requirements as may be established by the district court, in accordance with standards developed by the Idaho Supreme Court Treatment Court and Mental Health Court Coordinating Committee.*

The goal in establishing Treatment Courts is to reduce the overcrowding of jails and prisons; reducing alcohol and drug abuse and dependency among criminal and juvenile defendants; holding defendants accountable; reducing recidivism; and promoting effective interaction and use of resources among the courts, justice system personnel, and community agencies.

In 2001, County officials, judicial leaders along with criminal justice and drug treatment officials implemented the first Treatment Court programs with ADC in Nez Perce County, Latah County and Clearwater County. After successful response to the Drug Courts, Clearwater County started a MHC program in 2006, Nez Perce County in 2007 and Latah County in 2010. In 2007 Nez Perce County started a DUIC program. The most recent program is VTC that reviews and accepts cases throughout the District.

Treatment Courts represent a non-traditional approach to criminal defendants who are addicted to drugs and in some cases have mental health issues. Rather than focusing only on the crimes they commit and the punishments they receive, Treatment Courts also attempt to improve the participants’ overall recovery capital.

Treatment Courts are built upon a unique partnership between the criminal justice system, the drug and alcohol treatment community and mental health providers, one which structures treatment intervention around the authority and personal involvement of a single Treatment Court Judge. Treatment Courts are also dependent upon the creation of a non-adversarial courtroom atmosphere where a single Judge and a dedicated team of court officers and staff work together toward a common goal of breaking the cycle of drug and/or alcohol abuse, mental health issues and criminal behavior.

Because of the unique problems and opportunities that present themselves in working with drug involved criminal participants, treatment and rehabilitation strategies must be "reality-based." Treatment Court programs must therefore recognize that:

- Defendants with drug and/or alcohol issues are most vulnerable to successful intervention when they are in the crisis of initial arrest and incarceration, so intervention must be immediate and upfront.
- Ensuring communication and ensuring offender accountability are of critical importance, so court supervision must be coordinated and comprehensive.
- Addiction to drugs and/or alcohol is a long-standing, debilitating condition, so treatment must be long-term and comprehensive.
- Addiction to drugs and/or alcohol seldom exists in isolation from other serious problems that undermine rehabilitation, so treatment must include other available services and resources such as mental health services, educational assessments, vocational assessments and job placement.
- Relapse and intermittent progress are part of the recovery process, so sanctions and incentives must be integral to the Treatment Court treatment strategy.

MISSION STATEMENT

The Treatment Court programs are dedicated to reduce recidivism of our alcohol and drug defendants and those suffering from mental health issues within the criminal justice system. We seek to increase public safety and build an infrastructure for change with a cost effective continuum of care through the development and utilization of community based programs.

GOALS OF TREATMENT COURTS

Although individual Treatment Court programs within the Second Judicial District vary, the goals common to all include:

- Reduce participant contacts with the criminal justice system and recidivism.
- Reduce costs associated with criminal case processing and re-arrest.
- Reduce overcrowding of jails and prisons.
- Prioritize restitution to victims.
- Implement best practices to embrace holistic and individualized treatment programs.
- Identify eligible program participants as quickly as possible.
- Introduce participants to an ongoing process of recovery, reducing both relapse and recidivism.
- To improve public safety by restoring the individual to wellness.
- Ensure that team members from each stakeholder agency are well trained in best practices and supported in their roles.

- To promote effective interaction, partnership and use of resources among the courts, justice system personnel and community agencies.

PROGRAM MODEL

The Treatment Court will have an established program model where there are progressive phases that shall meet minimum program elements for each phase. The initial phases of the Treatment Court intervention are intensive, gradually transitioning into less intensive intervention as the participant progresses. Throughout the program, participants are linked with appropriate specialized and ancillary services. The court may impose additional requirements.

Assignment of a Judge

Judicial assignment to oversee the Treatment Court shall be made on the basis of interest in the Treatment Court model and is expected to serve a minimum of two years. In counties where there is more than one interested judge, the court program may operate on a rotation basis, with the assignment lasting a minimum of two years.

The judge for the Treatment Court serves as the leader of the court program and team. The judge maintains an active role in the court processes including Treatment Court staffing, conducting regular status hearings, imposing behavioral rewards, incentives and sanctions, and seeking development of consensus-based problem-solving and planning.

The Treatment Courts comply with the standards set forth in the Idaho Treatment Court Best Practice Standards relating to the roles and responsibilities of the judge assigned to each Treatment Court.

In an effort to follow best practices, Treatment Courts will convene a minimum of two times per month.

Each Treatment Court Judge will attend an All Rise National Training or a Practitioner training within the first two year of assuming responsibility for a Treatment Court. All Treatment Court Judges will attend an State Treatment Court training conference and/or workshop at least every two years in order to maintain contemporary knowledge about advances in the Treatment Court field.

The Treatment Court Team shall be comprised of the following team members, at a minimum, in order to operate as a court program: judge, court coordinator, prosecutor, defense counsel, probation officer, treatment provider, mental health provider and law enforcement representative. The teams may also include other members such as vocational rehabilitation services, case managers, healthcare providers, peer support

specialists, recovery coaches and justice outreach specialists who would serve on the VTC team.

The Treatment Court team members convene prior to each Treatment Court session. At this meeting each participant's treatment progress and program compliance will be discussed. During the staffing the team will discuss incentives and/or sanctions for the participants in addition to phase review and graduation. Should a team member be unavailable to attend a staffing or court session, the team member will provide an update on the participant's progress or concerns since the last court session to the coordinator prior to the staffing.

In addition, all members of the Treatment Court team shall maintain frequent, ongoing communication of accurate and timely information about the participants in between court staffing's, to ensure that responses to compliance and noncompliance in the Treatment Court program are certain, swift and coordinated.

The Treatment Court lists and identifies team members by name and role in the Treatment Court release of information and consent for disclosure of confidential information.

TEAM STAFFING

All team members are expected to attend team staffing's, which are held prior to the court status hearing. During staffing, team members update the team on the positive and negative behaviors and progress for the prior week(s). During staffing, discussion may be held regarding active participants, but also those who are being considered for the program. Staffing is strictly confidential, and team members are to protect the information that is shared and should not be shared with anyone who is not on the team or otherwise legally entitled to such information.

CONFIDENTIALITY

All Treatment Court team members in Treatment Court adhere to the confidentiality requirements as written in 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2.

All team members are also provided with a copy of the confidentiality requirements of 42 U.S.C. 290dd-2 and 42 C.F.R. Part 2.

All participants in the Treatment Court program shall sign the state-wide uniform consent for disclosure of confidential information upon application for entry into the

Treatment Court program. The release of information will be kept in the participants court file.

In an effort to prevent unauthorized disclosure of information regarding participants, progress reports, drug testing results, and other information regarding the participant that is disseminated to the Treatment Court team, shall not be placed in the participants criminal case file that is open to the examination by members of the public. Any information that is contained in this Treatment Court file is subject to the regulations of proper storage and handling and should be disposed of upon the participant's permanent exit from the program. However, any documents that are a matter of public record such as court orders for community service, discretionary jail time, inmate labor detail, etc., the original document shall be placed in the participant's criminal case file and a duplicate copy may be retained in the participant's Treatment Court file.

Participants are instructed in writing prior to being screened for Treatment Court that any information that they share in the course of screening, assessment or treatment is subject to limited confidentiality protections. Further, Treatment Court team members should encourage participants throughout the program to speak to their attorney prior to discussing any criminal activity in which they may be involved. While Treatment Courts encourages candor, team members should also recognize the need for heightened protection regarding this population when discussing criminal acts. Information regarding past or present drug use as well as past drug sales, will not be used by the Prosecutor's Office to prosecute the instant case, or to initiate a new prosecution. However, the participant must be advised that any information that he or she shares in the course of screening, assessment, or treatment, which implicates the safety of another person, may be used for investigation and/or prosecution against the participant. The confidentiality protections do not extend to past or present forcible felonies, firearm offenses, or crimes involving children. All health care information will be protected pursuant to federal law.

The coordinator will provide approved visitors with consent of release to be signed and filed and kept with the coordinator's files.

In addition, information regarding one participant shall not be placed in another participant's file such as duplicate copies of group progress notes describing progress or participation of all group members.

TARGET POPULATION

The Treatment Courts comply with the standards set forth in the Idaho Treatment Court Best Practice Standards relating to target population, subject to statutory limitations.

The Treatment Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. No one who is otherwise eligible, should be denied participation solely because of inability to pay. No person has a right to be admitted into Treatment Court according to Idaho statute.

The Treatment Court targets defendants for admission who are addicted to illicit drugs or alcohol and are at substantial risk for reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision. These individuals are commonly referred to as high-risk and high-need defendants. The recommended range of LSI-R composite score is between 18 and 40.

The Treatment Courts serve residents living in the Second Judicial District. The Treatment Court team will meet to discuss each referral. The final decisions on eligibility will be made by the presiding Judge. There will be no discrimination based on gender, race, culture, age, income, or religion. However, if there is a time where funding is limited, care will be taken to offer Treatment Court to only those individuals who demonstrate the greatest need for the program.

Defendants may be charged with drug possession or use, or with non-drug felonies where substance abuse plays a significant role in the offense. For those defendants who are being screened for Mental Health Court (MHC), non-drug felonies will be reviewed where mental illness plays a significant role in the offense.

Those who are screened for DUIC will generally be charged with felony or enhanced misdemeanor driving under the influence offenses.

Defendants who are charged with crimes relating to selling or manufacturing drugs will be considered on a case-by-case basis with the criteria being as follows:

- Was the defendant selling drugs to support his/her own habit, or was he/she involved in a significant business of selling drugs, and seen by the community as a "drug dealer?"
- Was the defendant manufacturing drugs for his/her own use, or was he/she operating a "factory" for producing drugs to sell?
- Defendants who are first time defendants will be considered based on their history (both criminal—including juvenile—and substance use disorder) and whether or not that history demonstrates a need for the program.

ELIGIBILITY CRITERIA

The following criteria are intended to be a guide for those considering making a referral to a Treatment Court.

- 18 year of age or older.
- Resident of the State of Idaho, or willing to reside in the County where they're applying for the Treatment Court program. They're to remain there for the duration of the Treatment Court program, as written in their Treatment Court contract, unless approved by the presiding Judge to live another County while participating in a Treatment Court program. This could be the case for the VTC program since it's a district-wide program.
- If transferring between counties for purposes of participation in the Treatment Court, then the prosecuting attorney in both the sending and receiving counties must both consent to admission, otherwise there would need to be a transfer of supervision.
- The Treatment Court programs may differ in terms of offenses that are eligible for admission. District-wide, defendants are eligible for admission only on a post-sentence basis and probation violations, with the exception of the NPC DUIC, whereby defendants are eligible for admission on a pre-sentence basis for new offenses.
- Clinically appropriate as determined by the mental health provider through a mental health evaluation as required by the MHC program or the VTC program.
- Must undergo a risk/needs assessment to determine their risk level. All court programs use a Level of Service Inventory (LSI) screening tool.
- Participant must agree to comply with all rules and requirements as outlined in the Treatment Court participant handbook, and with all treatment recommendations.
- Participants must be willing to consent to sign all necessary medical releases to allow team members to coordinate care with prescribing provider(s) for physical health, mental health, and substance use disorder needs.

In addition, there are specific criteria for the following programs:

Mental Health Court (MHC)

- Must be diagnosed with a severe and persistent mental illness, included in the following diagnosis are, schizophrenia, schizoaffective disorder, schizoid disorder, bipolar, major depression and psychosis.
- May have a diagnosis of a substance use disorder
- MHC accepts both misdemeanor and felony cases.

DUI Court (DUIC)

- DUIC accepts both misdemeanor and felony cases. Misdemeanor cases must be a 2nd within the past 10 years.

Veteran Treatment Court (VTC)

- Served in a branch of the US Military. Discharge status is determined case by case.
- Must have been diagnosed with a substance use disorder and/or diagnosed with a mental health condition.

DISQUALIFICATION CRITERIA

As per Idaho Statute 19-5604 and in accordance with the Idaho Treatment Court and Mental Health Court Act:

(1), no person has the right to be admitted into a Treatment Court. The Treatment Court in each county shall determine the eligibility of persons who may be admitted into Treatment Court except that each candidate, prior to being admitted, must undergo: (a) a substance abuse assessment; and (b) a criminogenic risk assessment.

(2) No person shall be eligible to participate in Treatment Court if any of the following apply:

(a) The person is currently charged with, has pled or has been adjudicated or found guilty of, a felony crime of violence or a felony crime in which the person used either a firearm or a deadly weapon or instrument.

(b) The person is currently charged with, or has pled or been found guilty of, a felony in which the person committed, attempted to commit, conspired to commit, or intended to commit a sex offense.

(3) A Treatment Court may, after consultation with the Treatment Court team and with the consent of the prosecuting attorney, allow a person to participate in Treatment Court who would otherwise be ineligible only because of the provisions of subsection (2)(a) of this section.

History:

[19-5604, added 2001, ch. 337, sec. 1, p. 1197; am. 2011, ch. 186, sec. 1, p. 536.]

Any member of the Treatment Court team can recommend an individual for admittance into the program. The Prosecuting Attorney will also make recommendations for entrance on the potential candidate based on their criminal background and current offense.

Post-Conviction Admission (post-sentencing as a term of probation and probation violations): Post-conviction cases that are referred by probation, defense counsel, judges and community stakeholders do not require the consent of the prosecuting attorney, except as set forth in Idaho Code 19-5604.

Direct Admission (pre-sentence): Direct admission means that an individual enters a plea to the underlying charge and is admitted to treatment court in lieu of or prior to sentencing. In direct admission cases, the Prosecuting Attorney of each County

maintains the discretion of deeming any participant ineligible for a court program regardless of the recommendation of the Treatment Court team.

PERSONS WITH MENTAL ILLNESS

Participants with a mental illness should be accepted and/or retained in Treatment Court if the mental health evaluation indicates they are amenable to the Treatment Court model, including imposition of a reasonable range of sanctions and incentives.

Community private providers provide mental health services for the Treatment Court programs. Recommendations from the Treatment Court team for a mental health evaluation may be necessary in order to fully respond to the participants needs.

HISTORICALLY DISADVANTAGED GROUPS

Individuals who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive the same opportunities as other individuals who participate and succeed in the Treatment Court.

The Treatment Court program provides equivalent access, retention, treatment, incentive/sanctions and dispositions to all individuals regardless of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status.

In addition, the Treatment Court team receives on-going training in the area of disadvantaged groups to help recognize implicit cultural biases and how to correct disparate impacts for members of disadvantaged groups.

ADMISSION PROCESS

Defendants (prospective Treatment Court participants) are identified through a structured screening process designed to determine if they meet Treatment Court target population and eligibility criteria. Defendants can be referred by judges, probation officers, prosecutors, public defenders or treatment providers when the defendant has a violation of probation. Defendant's can be ordered by a Judge to be screened for a court program. The prosecuting attorney will also make recommendations for entrance on the potential candidate based on their criminal background and current offense.

Only post-sentence cases are accepted. Pre-sentence cases may be reviewed on a case-by case basis.

- The defense attorney will complete the Treatment Court referral form and return it to the coordinator for review, www.sjdc.isc.idaho.gov.
- The coordinator will access criminal history from the prosecutor. The coordinator also has the ability to review a pre-sentence investigation report in the office of Idaho Department of Corrections.
- The coordinator will contact and schedule a time to meet with the perspective participant in order to complete a screening for the Treatment Court program. The screening information includes social information, employment history, drugs/alcohol use, mental health, trauma and abuse, criminal history, and educational needs. This information is self-reported by the defendant to determine if they meet eligibility requirements. Should the defendant meet the eligibility criteria and funding is available the defendant will be referred to the treatment provider and probation officer for additional screenings and evaluations.
- The defendant will meet with a designated treatment provider to obtain a substance use disorder and/or evaluation for mental health diagnosis. A copy of evaluations should be provided to the coordinator. In addition, the treatment provider will make a recommendation whether the defendant meets ASAM (American Society of Addiction Medicine) criteria. In the case of eligibility for MHC, the mental health provider will administer a mental health evaluation in order to determine if the perspective participant is diagnosed with a severe and persistent mental illness.
- The defendant will meet with a probation officer and obtain an LSI screening to determine their criminogenic risk. A copy of the LSI summary or score will be provided to the coordinator.
- There is an effort to promote early intervention and treatment for the defendant and assist the courts in timely progression of the criminal case all screening and assessments. Research suggests that admitting participants into Treatment Court within 50 days of arrest shows improved outcomes and reduced costs.
- Upon completion of the screening process the coordinator will provide the Treatment Court team with a summary of the screening interview as well as the outcomes of the substance use disorder evaluation and the LSI screening. The team will further discuss and determine eligibility based from Idaho Treatment Court Best Practice Standards, (adopted January 2020) for acceptance into the Treatment Court program.

Substance Use Disorder Screening

Each Treatment Court participant must undergo a substance use disorder assessment [IC19-5604] prior to acceptance into Treatment Court. Screening procedures are to

include, at a minimum a Comprehensive Diagnostic Assessment (CDA) or other ASAM evaluation tool.

A defendant will meet with the treatment provider in order to be evaluated for substance use disorder that meets ASAM (American Society of Addiction Medicine) criteria. The treatment provider will administer the CDA or other diagnostic tool that is evidence-based and provide a report to the Treatment Court team. Using the DSM-V criteria, the provider will provide a diagnosis for substance related disorders and other mental health disorders. If it is apparent that there are other concerns, the provider will administer other assessments or make a referral for further evaluations. Upon completion of assessments, the treatment provider will make their recommendation whether the participant is an appropriate candidate for the court program and is amenable to treatment.

Mental Health Evaluation

For the MHC program, an evaluation is required to determine if there is a severe and persistent mental illness. Using the DSM-V criteria, the provider will provide a diagnosis for mental health disorders. If it is apparent that there are other concerns, the provider will administer other assessments or make a referral for further evaluations. Upon completion of assessments, the treatment provider will make their recommendation whether the participant is eligible for the court program and is amenable to treatment.

Criminogenic Screening

All prospective Treatment Court participants are screened using the LSI-R prior to being admitted into a Treatment Court program. The probation officer will conduct the LSI-R screening. Risk assessment factors contributing to admission to the Treatment Court include criminal history, mental health, physical health, family and community support, transportation and housing issues. Upon administering the LSI-R, the probation officer will make their recommendation as to whether the participant is eligible for the Treatment Court. Upon acceptance into the court program, the probation officer shall use the LSI in developing a case plan of measurable and achievable goals for the perspective participant to reach while participating in Treatment Court and to assist the Treatment Court team in assessing the perspective participant's progress.

Participants scoring 18 – 40 placed in the medium to high criminogenic risk categories, are considered to meet eligibility requirements to enter a Treatment Court program.

By utilizing the treatment provider's and probation officer's initial assessment tools the Treatment Court team will be able to ensure that perspective participants are suitably matched to appropriate treatment and interventions designed to address their identified criminogenic needs.

An order for Notice of Eligibility for Treatment Court is signed by the Treatment Court Judge to be completed by the Treatment Court clerk.

Admission Requirements

Upon completion of the screening process and upon recommendation of the Treatment Court team for acceptance into the court program, the defendant will review the terms of the treatment court agreement and disposition agreement with their attorney. Areas to be discussed in length include:

- Length of program and treatment.
- Cost of the program.
- The loss of all constitutional rights while in the program;
- Subject to search and seizure.
- Requirements for drug testing.
- The possibility of sanctions to include incarceration and/or termination for non-compliance.
- Consequences of termination from a Treatment Court program.

The defendant will be required to plead guilty to their felony and/or misdemeanor offense(s) and/or admit to their probation violation(s), which cannot be changed unless the program is successfully completed.

A defendant's formal entry into Treatment Court shall be on the record and in open court with the defendant and his or her counsel present.

- Prior to signing the agreement, the defendant shall have the opportunity to confer with counsel.

Upon acceptance and signing of the Treatment Court agreement the defendant appears at the next Treatment Court session and at that time is accepted into the program by the Treatment Court Judge.

PROCEDURES FOR ADMISSION TO TREATMENT COURTS

It is important that each of the steps below are followed for the admission process. For example, the Agreement and Order for Admitting a Defendant cannot move forward until the Notice of Eligibility for a Treatment Court has been signed by the Treatment Court Judge.

1. REFERRAL FORM - The Defense Attorneys are provided a referral form by the Coordinator. This is to be completed and emailed to the Coordinator, (Word Document, used in NPC, LC and CWC) and is NOT filed with the court. This form is for the Coordinator to coordinate the screening process.

Signed by:

- Defense Attorney

2. NOTICE OF ELIGIBILITY FOR TREATMENT COURT—The team will review the case and make a decision whether the Defendant qualifies for the program.

The case is not accepted into the Treatment Court until the Notice of Eligibility is received by the Defense Attorney, Prosecutor and Sentencing Judge. (Odyssey Form, used in NPC, LC and CWC). **Prepared by the Treatment Court Clerk**

Signed by:

- Treatment Court Judge

3. **TREATMENT COURT AGREEMENT** - Once a participant is accepted into a Treatment Court the Coordinator will email templates (Word Documents) for the Participant Agreement and the Disposition Agreement to the Defense Attorney and Prosecutor, (NPC, Latah, CWC). In addition, it's important for the Defense Counsel and Prosecutor to discuss which cases will be included in the Agreement. Any misdemeanor cases need to be resolved or included in the Agreement or any cases out of another jurisdiction need to be resolved in advance. Include all case numbers and any felony cases that have misdemeanor cases. These cases should also be addressed in the Disposition Agreement, (Word Document). These documents need to be completed and either submitted to File and Serve **OR** bring them to the Defendant's sentencing or PV hearing.

NOTE: DO NOT have the sentencing Judge sign the Agreement, ONLY the Disposition Agreement.

The Coordinator emails to the Defense Counsel.

Signed by:

- Treatment Court Judge
- Defense Attorney
- Defendant

4. **DISPOSITION AGREEMENT** – The Coordinator emails a template to the Prosecutor who is assigned the case. In CWC and Latah the Disposition is included in the Treatment Court Agreement. In addition, if the Defendant is currently on probation, Defense Counsel and the Prosecutor will need to review the supervision end date. In order to complete a Treatment Court Program, supervision should be a minimum of 3 years from the date of signing the Agreement. All felony and misdemeanor cases will need to be listed, including their case number, (Word Document). **Prepared by the Prosecutor.**

Signed by:

- Sentencing Judge
- Prosecutor
- Defendant
- Defense Attorney

NOTE: The purpose of the temporary venue change allows for the Treatment Court Judge to issue and sign orders, clerks to enter fees on the case, file stamp documents, and for participants to be able to pay their fees for the Treatment Court in the County where they're participating.

5. **VENUE – STIPULATION TO CHANGE FOR TREATMENT COURT-** **(Completed for out of County and/or out of District cases).** The disposition agreement will need to include a venue change for purposes of the Defendant participating in a Treatment Court Program, (Word Document). **Prepared by the Prosecutor's office in originating County.**

Signed by:

- Prosecutor in the receiving County and originating County
- Treatment Court Defendant and Defendant's Attorney

NOTE: Before changing venue the clerk DOES NOT enter Treatment Court event codes into Odyssey.

6. **ORDER TO CHANGE OF VENUE/OR TRANSFER SUPERVISION** – The Sentencing Judge can determine whether the case is a venue change or transfer of supervision. It's strongly encouraged that the Sentencing Judge and Treatment Court Judge discuss the case. Prepared by the Sentencing Judge's clerk.

Signed by:

- Sentencing Judge

7. **ORDER TO CHANGE VENUE AND REASSIGNMENT OF THE JUDGE** – Used for purposes of Treatment Courts. This is completed in the jurisdiction where the case currently resides, (Word Document). **Prepared by the Sentencing Judges Clerk after Guilty Plea/PV admission.**

Signed by:

- Sentencing Judge

8. **ORDER FOR REINSTATEMENT OF PROBATION** – This will apply if the Defendant is currently on probation. **Prepared by the Prosecutor, or Clerk in original County.**

Signed by:

- Sentencing Judge

9. **ORDER FOR PARTICIPATION IN TREATMENT COURT** - Once all orders and documents have been completed and filed, (Odyssey Form, to be used by all Counties). In Latah County the Treatment Court Agreement and Order Admitting Defendant are used. **Prepared by Sentencing Judge's Clerk.**

Signed by:

- Sentencing Judge

10. ORDER REGARDING TREATMENT COURT FEES- (Odyssey Form, to be used by all Counties). **Prepared by Sentencing Judge's Clerk.**

Signed by:

- Sentencing Judge

11. NOTICE OF GRADUATION FROM TREATMENT COURT- Whether the Treatment Court requires the Defendant to continue with an Aftercare/Supervision of 6 months or not, then the case could be assigned back to the original County and Sentencing Judge. A determination should be discussed between the Treatment Court Judge and Sentencing Judge, (Odyssey Form, NPC, LC and CWC) **Prepared by Treatment Court Judge's Clerk.**

Signed by:

- Treatment Court Judge

TEAM MEMBER ROLES

Treatment Court Team

The Treatment Court team is comprised of a multi-disciplinary group of professionals responsible for administering the day-to-day operations of the Treatment Court program. The core Treatment Court team is comprised of the judge, prosecutor, public defender, coordinator, felony probation officer, substance use disorder provider, mental Health provider, law enforcement officer and may also include vocational rehabilitation worker, veteran justice outreach specialist, veteran services officer and veteran volunteer mentor coordinator. While the ultimate decision-making authority resides with the Treatment Court judge, the Treatment Court team works in collaboration toward the common goal of rehabilitation of the participants.

Treatment Court Judge

The Treatment Court judge shall provide leadership to the Treatment Court team and program. The Judge will establish a rehabilitative relationship with the participant through intensive interaction during court appearances. The judge leads pre-court team staff meetings and reviews all information from team members based on collaborative team input.

- The judge will review input from the team members before imposing sanctions, incentives, therapeutic adjustments or any other actions.
- Conducts an informal due process hearing before imposing sanctions upon participants in court.
- In addition to leading the team, the judge acts as mentor and encourager to the participants.
- Leads quarterly or bi-annual program development meetings.

- Attends Statewide and National trainings and conferences.

Court Coordinator:

The coordinator will participate fully as a team member, providing oversight for the day-to-day operations of the Treatment Court program.

- May assist the judge in leading the pre-court team meetings.
- The Treatment Court coordinator screens and collects all information necessary to determine eligibility for the Treatment Court program.
- Responsible for the administrative, financial aspects of the program, public relations, collaboration with other justice and community agencies, and the facilitation of all meetings.
- Shall serve as an interagency and interdepartmental liaison for correspondence, reports case records, and all other related matters. The coordinator, following input from the Treatment Court team, implements policy decisions affecting the day-to-day operations of the program.
- Responsible for orientation of all new team members. The coordinator will ensure that gender, age and culturally specific services are available and will ensure that the program is serving the target populations and targeted enrollment
- Conducts and/or coordinates all drug testing options and reports results to the Court.
- Attends and actively participates in pre-court team staffing's and the court session.
- Organizes and attends team quarterly or bi-annual program development meetings and Statewide and National trainings and conferences.

Prosecutor

The prosecutors will participate fully as a team member promoting a sense of a unified team presence and will ensure community safety concerns by maintaining eligibility standards while participating in a non-adversarial environment that focus on therapeutic outcomes.

- Attends and actively participates in pre-court team staffing's and court hearings, and provides the team with any relevant information regarding the participant, i.e. new police contact, violation of probation, new criminal charges.
- The prosecutor's role is non-adversarial.
- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Public Defender

The Public Defender or the participant's attorney will participate fully as a team member operating in a non-adversarial manner, promoting a sense of unified team presence.

- Attends and actively participates in pre-court team staff's and court hearings.

- The public defender or participant's attorney will evaluate and ensure that the participant's legal rights, legal options, program conditions and sentencing outcomes.
- Monitor participant's progress in the Treatment Court program.
- Private defense attorney will have the option of joining staffing's as a team member to advocate for their clients.
- Represents participants through alleged violations, termination hearings, and court dates.
- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Probation Officer:

The probation officer (PO), provided by the Idaho Department of Corrections and/or misdemeanor probation department, will monitor the participant's compliance with the Treatment Court program requirements, the terms of supervision and the law. The probation officer will participate fully as a team member while participating in a non-adversarial environment that focuses on therapeutic outcomes.

The PO is responsible for providing primary case management services for each participant and in addition will:

- Attend and participate in treatment staffing's and pre-court team staffing's and court hearings.
- Conduct initial LSI screening to assist the coordinator and the team in determining eligibility and admittance of participants into Treatment Court.
- Schedule supervision meetings with participants.
- Provide a bi-monthly progress reports to the Courts on each participant.
- Coordinate any community service performed by the participant.
- Monitor SCRAM and/or GPS ankle monitors when administered as a sanction by the Treatment Court team.
- Is responsible for all reports, case records and field notes related to the participant and court orders.
- Provide general probation supervision for each participant at a level determined by the Department of Corrections or relevant misdemeanor probation department.
- Monitor participant's progress in the program.
- Assist the coordinator with monitoring and administering drug and alcohol testing.
- Collaborate with treatment providers to identify ancillary needs of each participant and assist in referrals to services.
- Be responsible for compilation of school information, job search and housing for each participant.
- Work in collaboration with the coordinator and treatment provider.
- Attend team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Law Enforcement

The Treatment Court law enforcement officer will participate fully as a team member, while participating in a non-adversarial environment that focus on therapeutic outcomes.

The law enforcement officer and will:

- Attend and participate in pre-court team staffing's and court hearings when available.
- Assist in identification of potential participants.
- Assist with community supervision by completing field visits and curfew checks at the request of the Treatment Court team.
- Act as a liaison between the program and their respective department and be responsible for dissemination of information to officers that come in contact with Treatment Court participants to assure reasonable and appropriate measures are used when checking the participants for compliance
- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Substance Use Disorder Treatment Provider

The treatment provider will participate fully as a team member and will ensure that the participant receives the highest level of care available in identifying and addressing substance use disorder.

- Attend and participate in weekly treatment or bi-monthly staffing's, pre-court team staffing's and court hearings.
- Responsible for conducting clinical assessments for each participant referred to treatment.
- Connect participants with referrals assistance for receiving inpatient treatment services.
- Provide participants with outpatient Substance Use Disorder (SUD) treatment services.
- Educate participants on various Medically Assisted Treatment (MAT) options and refer if appropriate.
- Provide evidence-based therapeutic treatment curriculum designed for groups and individual therapy.
- Provide an array of additional therapeutic interventions including, family counseling, trauma, crisis-intervention and case management services.
- Develop and implement interventions that are sensitive to issues of race, culture, religion, gender, age, ethnicity, and developmentally appropriate.
- Provide reporting to the team members of the participants' compliance with treatment as well as other court orders.
- Conduct some drug testing services when the court program is unable to have services available.
- Refer participants to prescribers for medication evaluations and continued oversight and care.

- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Mental Health Provider

The treatment provider will participate fully as a team member and will ensure that the participant receives the highest level of care available in addressing and identifying mental health diagnosis.

- Participate in weekly treatment staffing's, pre-court team staffing's and attend court hearings.
- Responsible for conducting a clinical assessment for each participant referred to treatment.
- Provide participants with outpatient mental health treatment services.
- Provide evidence-based therapeutic treatment curriculum designed for groups and individual therapy.
- Provide an array of additional therapeutic interventions including, family counseling, trauma, crisis-intervention and case management services.
- Develop and implement interventions that are sensitive to issues of race, culture, religion, gender, age, ethnicity, developmentally appropriate.
- Provide reporting to the team members of the participants' compliance with treatment as well as other court orders.
- Conduct some drug testing services when the court program is unable to provide services.
- Submit funding referrals for housing to the contracted state provider.
- Refer participants to prescribers for medication evaluations and continued oversight and care.
- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.

Researcher

While not a fully participatory member of the staffing team, the evaluator will be familiar with its policies and procedures and the program process. The evaluator will assist in evaluations of the program which the team will use for the purpose of sustainability and program development.

Clerk of the Court

The clerk inputs data in the state Odyssey Case Management program and assists the team in monitoring progress of the participants in the program and assists in program development.

Additional Team Member for Veteran Treatment Court Veteran Justice Outreach Specialist

- Determines discharge status from the military, eligibility and reports this information to the court coordinator.

- Performs initial jail screening and can make referrals to the VTC program.
- Refers veterans to appropriate local agencies for emergency relief/needs.
- Creates interagency links to address client's ancillary needs in the areas of culture, age and gender needs, medical and mental health provision, substance abuse, educational, vocational, skills training and employment training and placement.
- Provides comprehensive mental health and/or substance abuse evaluations and intakes in a timely manner.
- Provides evidenced-based rehabilitative therapy sessions, case management, and monitoring for veteran treatment court participants in keeping with their individualized treatment plan to achieve stability and holistic recovery of the participant.
- Within the bounds of ethics and legalities and releases of confidentiality, VTC providers share information regarding the progress of a participant to all VTC team members, provides vital information to the VTC team to utilize best practice and evidence-based methods to veteran specific issues/challenges.
- Provides ongoing verbal and/or written treatment progress reports on participants for the team to assist in determining appropriate sanctions or incentives.
- Attends all staffing's and participates in team discussions for incentives, sanctions, graduation and termination decisions on each VTC participant's progress.
- Attends team quarterly or bi-annual program development meetings and statewide and national trainings and conferences.
- Is a voting member of the VTC team.

Veteran Justice Specialist (VJS)

The VJS is an employee of the Veteran's Administration and is the liaison to the VTC program. The VJS is responsible for direct outreach, assessment, case management for justice-involved veterans.

- Attends court sessions when scheduled.
- Participates in and leads mentoring sessions with veterans when assigned by the Judge.
- Assist with the veterans as much as possible to resolve their concerns around the court procedures as well as interactions with the Veteran's Administrative System.
- Supportive and helpful to the other mentors within the program.
- Arrange recognition events for veterans.
- Make recommendations for ongoing mentor training.
- Participates in a limited capacity as determined by the judge and court coordinator in staffing's.
- Participates in training sessions related to VTC.

Veteran Service Officer

- Assists in determining eligibility for VA benefits.
- Makes referrals to the VA Medical Center.
- Attends staffing and provides information and perspectives regarding community adjustment.
- Participates in training sessions related to VTC.

TEAM MEMBER ORIENTATION AND TRAININGS

All new team members are required to meet with the coordinator to review training materials that include best practices and links to specific trainings for their role on the Treatment Court team. Subsequently, team members should attend continuing education workshops, conferences and at a minimum, attend on an annual basis to gain up-to-date knowledge about best practices. Among trainings that are available are Idaho State Treatment Court Conferences that are provided every other year. All Rise annual conference and other trainings offered by National Drug Court Institute.

PHASE STRUCTURE

Participants are required to engage in treatment that in most cases include substance use disorder and mental health treatment for a minimum of 17 months. There are 5 phases each participant must complete which includes, court and supervision requirements to address specific recovery and treatment goals in order to advance to the next phase. In some programs participants are required to submit a phase application prior to advancing to the next phase.

The Treatment Court participant handbooks are accessible on the District Website, sjdc.isc.idaho.gov, select District Programs.

Program Length

Phase 1	Acute Stabilization	Minimum of 4-8 weeks
Phase 2	Clinical Stabilization	Minimum of 12-14 weeks
Phase 3	Pro-Social Habilitation	Minimum of 16-20 weeks
Phase 4	Adaptive Habilitation	Minimum of 16-24 weeks
Phase 5	Continuing Care	Minimum of 12-16 weeks
Aftercare	<u>Supervised probation -Minimum of 6 months –</u> <u>Only required in the CWC DC and NPC DUIC programs</u>	

AFTERCARE

Participants graduate from the Treatment Court program and enter into a phase of continuing care, and is supervised by probation for a minimum of 6 months. Participants in CWC DC participants are under the supervision of Idaho Department of Corrections or Misdemeanor Probation. In NPC DUIC participants are supervised by NPC Justice Services Adult Misdemeanor Probation and completing their remaining probation supervision. Graduates continue to have the opportunity to access to their counselors and probation officer for guidance and resources. Graduates are no longer required to call in on the UA line or attend court sessions. However, they may be called into court periodically for a review hearing or contacted by their probation officer to discuss any issues that have come to the probations officer's attention. They no longer pay costs of supervision, only through phase 5 of the court program.

At the completion of the 6 months, graduates will be required to return to Treatment Court program for a review hearing. At the hearing if graduates have successfully completed Continuing Care then their attorney will file an Order requesting for benefit of the Disposition Agreement.

GRADUATION CRITERIA

Participant graduate from the program upon completion of all program phases and compliance with treatment recommendations. It is at this point that the legal agreements made, pending completion shall be reviewed and acted upon accordingly. There will be a graduation ceremony to celebrate the participant's accomplishments.

To graduate a participant MUST:

- Have completed the 5 phases
- Have 12-16 weeks consecutive negative UAs
- Have 12 weeks sanction free
- Have a stable and suitable housing arrangement
- Demonstrate an approved income source
- Complete a community project in DUIC and VTC
- Pay program fees in full
- If fees, fines and/or restitution are not paid participants may need to submit a payment plan to their PO and proceed with 6 months Continuing Care/Supervised Probation
- Complete a program exit interview with the Treatment Court team

INCENTIVE, SANCTIONS AND SERVICE ADJUSTMENTS

Research shows that at least four positive reinforcements to each punishment is most effective and in compliance with best practices and will attempt to, whenever possible, acknowledge and give positive responses. Providing incentives or rewards to participants to acknowledge desired behavior in the court program. In addition, whenever possible, positive responses shall be emphasized over negative sanctions or punishment.

Service Adjustments, not sanctions are delivered when participants do not meet distal goals. Adjustments are carried out based on recommendations from trained community supervision officers. Treatment adjustments are predicated on recommendations from qualified treatment professionals.

Sanctions are a tool that is used in order to apply to behavior modification. Best practice outlines that progressive sanctions in varying magnitude are administered in response to the infraction. Best practice outlines proximal and distal goals and the expectations that participants meet achievable goals such as honesty early on in the program. An example of a distal goal would be abstinence. This is achieved as the participant progresses in their treatment program.

Incentives are a positive reinforcement for meeting or exceeding program requirements and following the rules behaviors.

Therapeutic adjustments are reviewed when there is an issue that presents the need for a treatment adjustment. An example of this would be continued drug/alcohol use early on in the program.

The team works together in order to achieve consensus in determining both sanctions and incentives. Where there is a disagreement, the judge will have the ultimate decision.

<u>Achievements</u> • Attending court appearances • Negative drug test results • Attendance and participation in treatment • Obtaining employment or volunteering	<u>Potential Rewards</u> • Recognition by the judge • Recognition by peers • Certificate of achievement • All-star board or fish bowl • Phase advancement • Early dismissal from court hearing • Program graduation
<u>Infractions</u> • Missed court • Missed treatment	<u>Sanction/Potential Consequences</u> • Reprimand from the Judge

• Missed appointment with PO • Violation of a court order • Missed drug test • Tampered drug test • Inappropriate behaviors at treatment facility or drug testing • New charges • Dishonesty <u>Service Adjustments</u> • Thinking report • Apology letter • Curfew	• Essay from the Judge • Increased court appearances • Attend District Court sentencings • Community services hours • GPS or SCRAM • Incarceration • Termination from the program <u>Therapeutic Response</u> • Skill development • Thought restructuring • Behavior chain
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TREATMENT PROTOCOL

Qualified Providers

Treatment providers, provide services to Treatment Court participants and must meet ASAM treatment guidelines and be a preferred network treatment provider with Idaho Department of Health & Welfare. In addition, the provider will comply with all IDAPA rules and regulations best practices.

Treatment Courts shall implement procedures to assure that treatment services are delivered within the available financial resources of the court program.

The District Manager will review monthly treatment expenditure reports, as provided by the Idaho Supreme Court to monitor the billings for treatment services. These billings are for services that are not covered by Idaho Medicaid. The District Manager will ensure accuracy of the reports and report any errors to the Idaho Supreme Court for additional review. In addition, the coordinator for the program will maintain open communication with the treatment providers to ensure that they are aware of the available financial resources for the court programs and as needed, recommend adjustments to the services provided.

The DUIC program receives treatment services from Nez Perce County Justice Services at no cost to the program or the participant.

The coordinator will have ongoing communication with the treatment provider in reference to individual participants and their progress in treatment to ensure that treatment services are being delivered within available financial resources. Should a participant begin to approach or exceed the available financial resources of the

program, the coordinator will advise the Treatment Court team to determine if the participant is making progress and determine if the participant should remain in the program. In instances where a participant is in need of additional financial resources, the coordinator, at the request of the team, will request additional resources from the District Manager and State Treatment Court Coordinator.

Treatment is intended for chemically dependent/addicted individuals and/or those with an identified mental illness. Participants are assessed as being of moderate to high criminogenic risk and must meet the eligibility requirements and have an LSI score of 18 – 40, placing them in the moderate to high criminogenic risk. Participants must have a Comprehensive Diagnostic Assessment or other diagnostic tool meeting ASAM criteria.

Treatment Plan Review

The Treatment Court program will utilize a multi-systemic, therapeutic approach to treatment that is a cognitive and community-based intervention. The treatment plan will be a comprehensive, coordinated, strength-based individual plan of treatment and rehabilitation services for each participant. The treatment plan will be developed in collaboration with the Treatment Court team. This plan will address educational needs, substance abuse, employment, financial responsibilities, trauma, peer relationships, life skills and self-esteem issues regarding each participant. Within a context of support and skill building, the plan will place developmentally appropriate demands on the participant for behavior modification. Identified problems throughout the family or relationships will be explicitly targeted for change, and the strengths of each system will be used to facilitate such change. A crucial aspect of this approach will be its emphasis on promoting behavior change in the participant's natural environment.

Due to each Treatment Court program being unique and having their own process; each individual court program has their own program manual that includes a treatment curriculum that is defined by the treatment provider and is compliant with ASAM criteria. However, each Treatment Court program is expected to deliver a cognitive behavioral component in their curriculum to address criminal thinking patterns. All participants must complete a cognitive course as well as other classes directed by the Treatment Court team before being eligible to graduate from the Treatment Court program.

Approved treatment medications should be utilized in conjunction with treatment services if there is identified needs and resources are available, see page 31 for Medication-Assisted Treatment Policy.

The Treatment Court substance use disorder treatment provider and/or mental health provider may offer family therapeutic treatment classes to each participant and family members.

The majority of treatment interventions and curriculums provided in the Treatment Court program will be evidence based and will be delivered with fidelity. In addition, the Treatment Court program should provide gender specific groups and treatment when it's feasible.

A participant's individual treatment plan will be reviewed and updated every 90 days by the treatment provider and the participant. In addition, the treatment provider will comply with all standards set by Department of Health and Welfare and IDAPA code.

Treatment plans will be an individualized plan for each participant taking into consideration gender and age issues. If treatment providers do not have the staff or resources, then services could include referrals to outside agencies to focus on the contributing factors for substance use disorder such as sexual abuse, domestic violence, and relationship issues. Referrals to programs within the community can be made for vocational training or work requirements to encourage the participants to avoid dependency on welfare. The goal for the Treatment Court program is to assist participants in developing independent lives.

Special interventions for participants (based on assessment) could include the need for building coping skills and decision-making skills. A cognitive approach will be used and the focus will be on the strengths of the participant. If the assessment indicates a need to address anger management, violence prevention, victimization issues, and values, the treatment provider will incorporate those in the treatment plan.

The treatment provider will attend all scheduled Treatment Court staffing's and promptly report any change of level of treatment; goals achieved or new areas of concern; behavior that does not reflect a recovery life style of a participant with the Treatment Court team.

SUPERVISION PROTOCOL

The Probation Officer (PO) is assigned to the Treatment Court team by the Idaho Department of Corrections District Manager. For misdemeanor cases, the Director of Justice Services will assign Misdemeanor Probation Officers to Treatment Court programs providing services to misdemeanor cases. The PO will monitor compliance for the Treatment Court program as well as any other conditions of probation and/or supervision as ordered by the court. The PO will meet with the participants at the probation office, the courthouse or in the community as they deem necessary. PO's will continue to adjust case plans as participant's progress through the program.

MEDICATION ASSISTED TREATMENT (MAT)

District II Treatment Courts recognize Medication-Assisted Treatment (MAT) as an effective and evidence-based tool used with SUD treatment. MAT involves the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders. MAT must be administered by a licensed physician or mid-level practitioner certified to provide the selected treatment. Compliance with any MAT treatment will be closely monitored by the Treatment Court team. MAT may only be utilized by individuals who are also actively participating in substance use disorder treatment. Furthermore, specific drug testing protocol will be administered for individuals participating in MAT. In order to qualify for and participate in MAT, participants must be seen by a licensed and certified provider for amenability. Participants will work with their counselor in conjunction with their MAT provider.

PRESCRIPTION MEDICATIONS

Participants in Treatment Court are expected to be drug free, including the use of mood altering, potentially addictive, prescription medications. Participants with chronic pain requiring repeated use of prescription pain medication (opiate, narcotic, or benzodiazepine medications) will be reviewed, on a case-by-case basis. The team will defer to a medical provider to determine if the team can provide the resources to supervise and manage participants requiring opiates for pain management. The only exceptions that can be made, are in cases where a medical professional has determined a particular medication to be necessary for treatment of diagnosed, serious mental health condition(s). Participants who have opted into Treatment Court and have an acute pain episode must follow specific steps before they can be prescribed pain medication. The participant must obtain a completed copy of the Treatment Court medication form located in Forms Section, which includes the provider's name, medication prescribed, amount prescribed (including refills), reason for the prescription, duration of treatment, and acknowledgement by the physician that the participant has revealed that they are in a Treatment Court program and addressing addiction issues. In addition, a statement from the provider stating that he/she feels this is the best course of treatment. This form, along with copies of the prescriptions, must be provided to the treatment counselor and treatment court staff immediately.

URINALYSIS TESTING PROTOCOL



Averhealth
50 Monrole St.
St. Charles, MO 63301
636-573-1510
www.myaverhealth.com

Treatment Court participants shall randomly submit to breath, saliva, and urinalysis testing to check for the presence of alcohol and drugs for the duration that they are in the court program. Hair samples may be requested by the Treatment Court team. Upon admission into the Treatment Court program, participants will be assigned a number and will be required to call into an automated urinalysis line, “UA Line” seven days a week, including holidays, to see if their number has been called and if a urinalysis is required. There is an App that can be downloaded by participants as a reminder that they have a test for that day. There is a confirmation code that is provided for each test. It’s recommended that participants keep a record of their confirmation codes.

District II Treatment Courts currently contract urinalysis collection services through Avertest, LLC dba Averhealth. Averhealth hires collectors to collect urine samples. The collectors shall be responsible for providing coverage at the testing locations and times listed below. Upon collection of samples, Averhealth will ship samples by means of FedEx to Averhealth Laboratory located in St. Louis, Missouri, the same day the sample is collected. District II Treatment Courts shall receive negative test results from Averhealth within 48 hours of collection. Samples that are determined positive and confirmed through the laboratory will generally take 5-6 business days for results to be posted on Averhealth software program. Averhealth provides a monthly testing schedule, which is to be posted on Averhealth site for designated team members to access.

Once the sample is received by Averhealth, notification of results from the urinalysis screening is posted on the Averhealth website. Coordinators, treatment providers and probation have received training in order to access testing results. Should a urinalysis screening report indicate a positive alcohol or drug level, dilute, or should a participant fail to report, the coordinator will notify the team members.

Should a positive result occur the participant will have the right to ask for a confirmation test. In most cases, positive samples are confirmed at the request of the coordinator. If the **confirmation** comes back positive, the participant will be required **to pay \$25** for each drug/alcohol panel that is being confirmed. Results of confirmed tests will be provided to the team.

Hours and Location of Testing

Lewiston

Location: Riverside Recovery
1720 18th Ave.
Lewiston, ID 83501

Hours: Monday – Sunday, 2:00pm – 4:15pm – No exceptions
Call in time is from 8:30am – 4:15pm.

Moscow

Location: Latah County Annex
200 S. Almon St.
Moscow, ID 83843

Hours: Monday – Sunday, 10:30am – 12:00pm - No exceptions
Call in time is from 8:30am – 4:15 address for nez perce County Courthousepm.

Orofino

Location: ChangePoint
155 Main St. Suite A
Orofino, ID 83533

Hours: Monday – Sunday, 7:30am – 8:30am – No exceptions
Call in time is from 6:30am – 4:15pm

Frequency

Urinalysis testing frequency is based on best practice. The following frequency is in place for all programs in the Second Judicial District for all Treatment Court programs:

- Phase 1 – no less than 8 times per month
- Phase 2 – no less than 8 times per month
- Phase 3 – no less than 8 times per month
- Phase 4 – no less than 6-8 times per month
- Phase 5 – testing is reduced; case by case on number of tests

Collection Procedure

In an effort to ensure reliable specimen collection the coordinator will work closely with Averhealth and their employees to ensure that specific protocol is followed when collecting urine screens from participants. Averhealth will train their employees and are provided the District II Treatment Court drug testing policies.

Averhealth Collection Procedures

1. Please remove any coats and heavy garments.
 - a. No bags may be taken into the collection room.

- b. Empty contents of pockets in bin (patients are responsible for their own belongings).
2. Please wash your hands
3. Please shift your clothing.
 - a. Shirts and undershirts must be raised to above the navel.
 - b. Long shirt sleeves must be rolled up to the elbow.
 - c. Pants and undergarments must be lowered to mid-thigh.
 - d. Clothes must be left in place until collection is completed.
4. Start voiding and then stop voiding.
5. The collector will then hand you the sample cup and you may provide a sample.
6. Hand the sample cup to the collector when you have provided 30ml of sample.

Failure to comply with any of the above instructions or comply with any instructions from the Averahealth staff will be reported as a REFUSAL.

All Participants

Participants are required to remove jackets, coats, and large pocket items before entering the lavatory. Purses or other carried items should be left outside of the lavatory.

All participants are required to wash their hands with soap in cold water and thoroughly dry them prior to voiding.

The collector then gives the sample cup to the participant. The collector must have an absolute view of the participant voiding into the collection bottle or cup. The collector must physically observe the urine leaving the participant's body. The collection amount must be a minimum of 15 ml which is equivalent to a little over 3 teaspoons.

The collector then takes the collected sample, securely places the lid on the sample. The participant and collector will then sign the chain of custody form and security seal. The participant will then place the security seal over the lid of the sample and affix the pre-printed chain of custody label around the bottle. The participant will then place the sample in the collection bag and the collector will seal said bag.

The participant is then allowed to finish and wash their hands and leave the facility.

Females

The collector then gives the sample cup to the participant. The collector must have an absolute view of the participant voiding into the collection bottle or cup. In the case that the subject body size prohibits absolute view of the participant voiding, the

collector will utilize a “hat” type collection device and have the participant void into the “hat.”

Transgender

Female collectors will observe collection of specimen’s for participants who have female genitals and male collectors for participants who have male genitals. The collector will follow the above protocol dependent on the participant’s genitals.

Shipping the Samples

The sample is then placed in the shipping envelope and after all collections are collected the shipping envelope is sealed and a request for FEDEX pick up is made. The collector will take the packaged samples to the FEDEX mailing station.

The collector should document any unusual occurrences in the collection process and notify the coordinator either via telephone or by email.

In addition to reporting as directed for drug/alcohol screens, participants may be required to submit to random breath, saliva and/or urine testing at the direction of the probation officer or coordinator. If a participant cannot provide a urine sample within the testing times this occurrence will be reported by the collector to coordinator.

Hair Testing Procedures

Hair testing will be ordered under the following conditions:

A hair test can be administered at any time during participation in the Treatment Court if the team has reason to question a participant’s possible use.

Should a positive result occur, payment for a hair test by the participant is at the discretion of the team. Hair testing will be scheduled by the coordinator and will be administered by Averhealth collectors.

Cost of Testing and Confirmation Fees

Costs for drug testing is negotiated between the District Manager and the testing provider during an annual contract review. All payments to providers will be paid through the Nez Perce County Auditor’s office.

Costs of drug testing are included in the participant’s preliminary fees. Treatment Courts collects all fees from participants. If a participant denies a positive test, they will be responsible for payment of the confirmation if the results are positive. **The cost for a confirmed urinalysis test is \$25 PER drug/alcohol panel.** This cost is added to their fines and fees account.

Test Results

The coordinator includes the positive and dilute testing information in the staffing reports as well as distribution to the Treatment Court team members via email.

If the participant admits to drug or alcohol use prior to testing and/or being called in for testing, the use may be handled as a treatment issue and the admission will be taken into consideration by the team in discussing consequences.

Dilute samples (creatinine reading less than 20 mg/dl) will be interpreted as a positive result. Participants are counseled on the importance of providing valid samples and the consequences if they attempt to alter their drug/alcohol test. Review of urinalysis testing and dilutes are included in the orientation process.

Creatinine

Every urine specimen is tested at the laboratory for creatinine level. Low creatinine levels help determine whether a participant has diluted a sample by, for example, consuming large amounts of fluid. If the creatinine level is below 20mg/dL, the sample will be considered a dilute specimen and treated as positive for the presence of prohibited substances. Furthermore, because a dilute sample is treated the same as a positive test result the team reserves the right to extend a participants advancement to the next phase or an extended timeframe in graduating from the program.

High creatinine levels suggest that a participant is trying to mask an attempt to dilute their sample. Consuming over-the-counter creatine supplements can disguise pre-collection hydration and diluted urine, as creatine converts to creatinine when metabolized in the human body. If a sample returns from the lab with a creatinine level over 300 mg/dL, the participant's creatinine levels will be monitored more closely from that point forward. However, if a sample returns with a creatinine level greater than 400 mg/dL, the sample will be considered an adulterated sample and treated as positive for the presence of prohibited substances.

False Positive Results

Participants will be warned that certain substances can produce "false positive" tests. A warning substantially in the following form will be given to all participants during orientation and in the participant handbook.

You must be very careful not to ingest the following:

- Alcohol (could be in cold medicine like Nyquil, barbecue sauce, etc.)
- Poppy seeds in any form (muffins, bagels, bread, salad dressing, etc.)
- "Natural" or herbal remedies or supplements (e-ola, Mah huang)
- Over-the-counter or prescription medicines such as Aleve and Sudafed/Pseudoephedrine (also called ma huang, sida cordifolia, and epitonin) without prior approval of your treatment provider
- Alcohol Substitutes (Near Beer, etc.) that contain some alcohol

Missed Urinalysis Tests

Missed UA's will be recorded and sanctioned accordingly. Any reason or evidence for such will be considered "After the Fact".

Missed UA tests will not be made up unless approved by the team or team member on an individual basis.

The reason for a missed UA should be reported to the coordinator or the probation officer.

Urinalysis tests taken at other agencies must be reported to the coordinator. However, the participant will not receive credit for having taken the UA with another agency unless the test occurred at the coordinator's request or having prior approval of the coordinator.

Tests performed by other agencies, outside of the Treatment Court program, i.e. will not excuse a NO SHOW or prove non-use.

If the participant fills out a request for travel form prior to testing date, the participant may be excused or have other arrangements made to test elsewhere. This is to be pre-approved by the Treatment Court team.

Insufficient Samples

Participants are required to provide a urine sample that is no less than 30 ml which is equivalent to 2 tablespoons of liquid.

Testing at Different Sites

Testing at more than one site is not allowed, unless it is pre-arranged with the coordinator for that program.

Testing – Out of town, employment

Participants must fill out a travel request form and obtain approval **BEFORE** the event. Participant must take a UA following the event if requested by the coordinator, probation officer, treatment provider or other team member.

Participants may be requested to pay the cost of any extra test administered or costs at an approved alternate testing facility.

Participants are expected to test during set testing hours. Participants are not excused from UA's due to employment, except on rare occasions.

STATUS HEARINGS

Nez Perce County:		
Adult Felony Drug Court	1 st and 3 rd Tuesday	4:00pm-5:00pm
Mental Health Court	Weekly, Wednesdays	8:30am-9:30am
DUI Court	2 nd and 4 th Wednesday	4:30pm-5:30pm
Veteran Treatment Court	2 nd and 4 th Thursday	4:00pm-5:00pm
Location: NPC Courthouse 1230 Main St. Lewiston, ID		

Latah County:		
Adult Felony Drug Court	2 nd and 4 th Thursday	4:00pm-5:00pm
Mental Health Court	Weekly, Mondays	4:00pm-5:00pm
Location: Latah County Courthouse 522 S. Adams, Moscow, ID		

Clearwater County:		
Adult Felony Drug Court	1 st and 3 rd Tuesday	4:00pm-5:00pm
Mental Health Court	Weekly, Tuesdays	2:00pm-3:00pm
Location: Clearwater County Courthouse 150 Michigan Ave., Orofino, ID		

DISPARATE IMPACT STATEMENT

No individual will be denied the right to be screened or entrance into the Treatment Court program based on sex, race, age, sexual orientation or socio-economic factors.

INDIGENT POLICY

Those that are indigent will be awarded an opportunity to complete a Second Judicial Treatment Court program after discussing their situation with the Treatment Court Judge and Treatment Court District Manager. In such cases, reduced fees and/or additional community service hours may be approved in lieu of some or all payments to the Court. Payments to the lab for urinalysis testing will also be discussed on a case-by-case basis. Final decisions are made by the Judge.

TERMINATION POLICY

Participants can be terminated from Treatment Court if they no longer can be managed safely in the community or if they fail repeatedly to comply with treatment or supervision requirements and/or for failure to progress in the program. Participants are not terminated from the Treatment Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community

The decision whether or not, to recommend termination of a participant from the Treatment Court program rests solely with the Treatment Court judge, guided by input from the participant, defense counsel, the prosecuting attorney, and other members of the Treatment Court team. Upon the Court's recommendation for termination, the participant is entitled to a due process hearing and, if requested, to have the hearing presided over by a judge other than the Treatment Court Judge. Upon discussion with counsel, the participant may waive the due process hearing.

If the participant is on probation, the due process hearing may be combined with the evidentiary and disposition hearing for the probation violation.

Refer to Idaho Treatment Court Rule 17,
<https://isc.idaho.gov/main/idaho-court-rules>

Terminations from Treatment Courts
Refer to Idaho Treatment Court Rule 2. Definition for Absconding

PROCEDURES FOR TERMINATION FROM A TREATMENT COURT

This procedure is used for NPC court programs.

If a Treatment Court Judge, after consultation with the Treatment Court Team, finds that a participant may no longer be amenable to supervision within the Treatment Court, the Treatment Court Judge shall advise the participant that it has been proposed that they may be terminated from the Treatment Court.

1. MOTION FOR TERMINATION, (Word document). **Prepared by the Treatment Court Team.**
Signed by:
☐ Prosecutor assigned to the Treatment Court program
2. NOTICE OF PROPOSED TERMINATION FROM TREATMENT COURT, (Odyssey Form). **Prepared by Treatment Court clerk and provided to parties.**

Signed by:

☐ Treatment Court Judge

3. NOTIFICATION OF RIGHTS, (Termination from Treatment Court), (Odyssey Form). **Prepared by Treatment Court clerk and provided by defense counsel and defendant.**

Signed by:

☐ Defendant

4. ORDER OF WAIVER OF RIGHTS REGARDING TERMINATION FROM TREATMENT COURT, (Odyssey Form). **Prepared by the Treatment Court clerk.**

Signed by:

☐ Defendant and Defense Counsel

5. NOTICE OF TERMINATION FROM TREATMENT COURT AND STOPPING PARTICIPANT FEES, (Odyssey Form). **Prepared by Treatment Court clerk.**

Signed by:

☐ Treatment Court Judge

Latah County and Clearwater County Treatment Court Termination Procedure

1. The defendant violates the terms and conditions of the Treatment Court program.
2. The Treatment Court team comes to a consensus that the defendant should be terminated from the program.
3. The court informs the defendant of the decision to terminate.
4. The defendant is informed of their right to request a separate hearing before a judge other than the Judge who presides over the treatment court to contest the termination.
5. If the defendant requests a hearing, the presiding Treatment Court judge sets a hearing with a different judge.
6. If a different judge agrees with termination then the defendant is terminated from the program and receives their disposition.
7. If a different judge disagrees with termination then the defendant continues participation in the Treatment Court program.
8. If the defendant waives a termination hearing, then the presiding Treatment Court judge sets the hearing for a probation violation admit and disposition hearing with the sentencing judge.

NEUTRAL TERMINATION

For reasons other than noncompliance, factors outside the participant's control, or not known to the Treatment Court at a time of acceptance, a participant is no longer able to successfully participate in the Treatment Court. Examples of this would be if the participant was diagnosed with disease such as cancer that would not allow them to complete the requirements of the program.

Per rule 20, Idaho Rules for Treatment Courts,

- (a) Upon the Treatment Court team's recommendation that a participant be neutrally discharged the court shall provide notice to the parties. A party has fourteen (14) days to file an objection to the neutral discharge. Upon the filing of an objection, a hearing shall be held within twenty-eight (28) days, or for good cause shown, as soon thereafter as practicable.
- (b) If a participant is neutrally discharged, the court shall issue ***Notice of Neutral Discharge from Treatment Court and Stopping Participant Fees.***

PARTICIPANT HANDBOOK

Treatment Courts shall provide each participant an orientation packet that includes a participant program handbook; clear written guidelines identifying possible sanctions and incentives; contact information for team members; the court schedule; drug testing procedures and locations; incidental exposure information; information on the fees associated with the Treatment Court program; and graduation criteria. This packet of information will be provided to the participant once they sign their Treatment Court contract and will be reviewed with them by a team member.

The current Treatment Court Handbooks can be found at sidc.isc.idaho.gov

PARTICIPANT ORIENTATION

Participants will meet with the coordinator or other team member within the first week of starting the program. They will review documents that will pertain to their success in the program. These materials include the following:

- Expectations of the program
- Drug testing
- Incidental exposure/drug interaction information/banned substances
- Medical Card
- Participant handbook

TREATMENT COSTS

Treatment Court participant's treatment costs are covered by various sources including Idaho Medicaid, Idaho Supreme Court funding, private insurance. It is the responsibility of the participant to notify the treatment provider if they no longer qualify for Idaho Medicaid or private insurance. If participants do not have a payment source they will be responsible for the balance of their treatment costs.

There may be additional fees for evaluations, assessments, testing, GPS ankle monitors, alcohol detection devices, and co-pays. Funding assistance for inpatient treatment may sometimes be provided by State funding sources when available. Funding varies from year to year according to the State funded budget. Should a participant need or wish to attend inpatient treatment, they may be responsible for all treatment costs. Treatment fees will be paid directly to the treatment provider. Payment records will be reported to the Judge as part of the participant's progress reports.

Upon screening, the coordinator will obtain initial financial eligibility documentation and the Treatment Provider will be responsible for updating this documentation on a regular basis on a schedule set forth by the Department of Health and Welfare.

PAYMENT OF FEES, FINES AND RESTITUTION

Payment of fees, and/or restitution is an important part of a participant's treatment, but no one, who is otherwise eligible, should be denied participation solely based on inability to pay.

Treatment Court has a participation fee in place and a supervision fee as determined by the Idaho Department of Corrections and/or County Court Services for adult misdemeanor supervision. The Treatment Court fee will be applied to the participant's account, tied to their criminal case in Odyssey Case Management Program. Ideally, the participant is expected to pay all fees in full prior to graduation from the program and in an attempt to ensure payment, Treatment Court fees will be broken down into monetary benchmarks or a monthly rate that the participant will achieve prior to promoting from one phase to another. All Treatment Court fees will be tracked by and paid to the Clerk of the assigned District Court.

The following are the program fees for each court program that are to be paid prior to promotion to each phase.

Nez Perce County Treatment Courts

Adult Felony DC	VTC	DUIC	MHC
Phase 1 - \$50	Phase 1 - \$100	Phase 1 - \$100	Monthly fee \$20 – phase
Phase 2 - \$90	Phase 2 - \$150	Phase 2 - \$200	advancement is determined
Phase 3 - \$180	Phase 3 - \$250	Phase 3 - \$250	by the balance owing
Phase 4 - \$220	Phase 4 - \$250	Phase 4 - \$250	
Phase 5 - \$260	Phase 5 - \$250	Phase 5 - \$250	
TOTAL - \$800	TOTAL - \$1,000	TOTAL - \$1,000	

Latah County Treatment Courts

Adult Felony DC	MHC
Phase 1 - \$50	Monthly fee \$20 – phase advance-
Phase 2 - \$90	ment is determined by the balance
Phase 3 - \$180	owing.
Phase 4 - \$220	
Phase 5 - \$260	
TOTAL - \$800	

Clearwater Count Treatment Courts

Adult Felony DC	MHC
Monthly fee is \$45	Monthly fee \$20 – phase
Phase advancement is determined by the	advancement is determined by the balance owing
Balance owing	balance owing.
TOTAL - \$650	

Supervision fees for felony participants will be accessed and collected by the Idaho Department of Correction. Payment records will be reported to the Judge as part of the participant's progress reports.

The team will review failure to pay program fees. The participant will likely be required to work on a budget with team members and in some cases may be required to establish a payee.

Should a participant not pay all restitution prior to graduation the may be granted the opportunity to be placed on a payment plan with the Court so that the account does not go to collections. On the rare instance where a participant is indigent at the time of their graduation, the presiding Judge has the ability to forgive or suspend any outstanding court fines and/or Treatment Court fees.

Should a participant be removed or terminated from the court program the Treatment Court fee will remain owing to the program.

RESTITUTION POLICY

All participants who owe restitution must complete payment of the established amount prior to being discharged from probation.

The restitution protocol is as follows:

1. During the screening process, the State determines whether there will be restitution and notifies the Defense.
2. Prior to program acceptance, the Defense notifies the potential participant that restitution is required and he/she agrees to pay restitution as part of their disposition agreement.
3. The State will make all reasonable attempts to determine the exact amount of restitution while the participant is in phase one and agrees to inform the coordinator of the amount upon determination.
4. Upon notification, the probation officer will work with the participant to establish a payment plan. The probation officer will monitor payments and inform the Treatment Court team of payment progress on staffing status reports.
- 5. Restitution not paid prior to Graduation will need approval and/or alternate arrangements from the Treatment Court team to proceed.**

CASE MANAGEMENT RECORDS

Treatment Court shall utilize Odyssey - Supervision Module Treatment Court Minimum Data Elements. Odyssey is utilized to record participant demographic information, information on participation, phase advancement, LSI scores, graduation, etc. The main purpose of recording such information is to gather specific and measurable criteria marking the progress of all participants and to evaluate the effectiveness of Treatment Court programs. This information is gathered by either the clerk or the coordinator and entered into Odyssey.

The coordinator shall provide utilization data to the Idaho Supreme Court by the tenth of each month for the court programs that they coordinate. The utilization report form, as provided by the Idaho Supreme Court, will include at a minimum the number of participants at the start of the month, the number of new admissions during the month, the number of removals, how they were removed, and the number of participants enrolled on the last day of the month, fees paid and upcoming graduations.

QUALITY MANAGEMENT

Treatment Court shall have a formal written agreement such as MOU's or MOA's to provide the foundation for collaboration, working relationships, and operating policies

and procedures, among the key agencies responsible for the operation of each court program. The agreement will be signed by the executive authority for each key agency, including at a minimum, the Administrative District Judge, Trial Court Administrator, Treatment Court district manager, the proposed presiding judge, the prosecuting attorney, the public defender, the community supervision agency, law enforcement, and any other entity necessary to the operation of the Treatment Court. This agreement is to be updated as needed and the original will be kept in the office of the Treatment Courts.

The coordinator, shall convene a team meeting for each Treatment Court program for addressing program issues such as policy changes, program development, education, quality assurance, communication and problem-solving at a minimum twice a year.

The Judge shall convene meetings at least twice a year to provide cross-disciplinary and team development training for all members. The Judge as the team leader is responsible for assuring participation. The coordinator is responsible for assessing training needs and arranging training for team members.

ADDITIONAL INFORMATION

Media

Media may be allowed in the courtroom at the Judge's discretion only.

Prior to the session, the Judge forewarns the media that sessions, although public are subject to federal regulations of 42 U.S.C. 290dd-2 and 42C.F.R. Part 2.

If television cameras are to be allowed at the Judge's discretion, the camera operator is instructed not to record participants' faces.

If reporters/media would like to speak with a participant or graduates, the judge instructs them to obtain permission from the participant first. Speaking with the media is solely the participant's decision. No participant is required to speak with the media.

Court Sessions

Those attending Treatment Court sessions must follow the established courtroom procedures, such as:

Participants will be presentable for a courtroom setting. All hats must be removed. No midribs, tank tops, short shorts, extremely worn jeans/shirts, clothing bearing profanity or offensive language.

All cell-phones are to be turned off or silenced.

While court is in session, the noise level should be at a minimum. Any disruptions will need to be immediately taken out of the courtroom.

Treatment Courts encourage participants not to bring children as this is a disruption to the court. The exception to the rule is graduation ceremonies.

Family and friends are encouraged to attend the court session. In circumstances where there are court ordered no contact orders issued they will not be allowed to remain in the courtroom.