

JUDICIAL COUNCIL MEETING

AGENDA

Tuesday, September 9, 2014

Monte Rosa Room

Zermatt

Midway, Utah

Chief Justice Matthew B. Durrant, Presiding

Lunch will be served at 12:00 p.m.

1. 12:30 p.m. Welcome & Approval of Minutes Chief Justice Matthew B. Durrant
(Tab 1 - Action)
2. 12:35 p.m. Chair's Report. Chief Justice Matthew B. Durrant
3. 12:45 p.m. Administrator's Report. Daniel J. Becker
4. 1:00 p.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant
Liaison Committee. Justice Jill Parrish
Policy and Planning Judge Paul Maughan
Bar Commission. John Lund, esq.
(Tab 2 - Information)
5. 1:10 p.m. Public Address Announcement. Nancy Volmer
(Information/Action)
6. 1:20 p.m. Commissioner and Senior Judge Certifications. Nancy Sylvester
(Tab 3 - Action)
7. 1:30 p.m. Legislative and Interim Highlights. Rick Schwermer
(Information)
8. 1:45 p.m. Certification of Problem Solving Courts. Judge Dennis Fuchs
(Tab 4 - Action)
- 2:05 p.m. Break
9. 2:15 p.m. Standing Committee on Technology Update. Judge John Pearce
(Information) Ron Bowmaster
10. 2:35 p.m. Board of District Court Judges Update. Judge Kevin Allen
(Information) Debra Moore

- 11. 2:55 p.m. Court Commissioner Conduct Committee Update. Judge Michele Christiansen
(Information) Rick Schwermer
- 12. 3:15 p.m. Board of Justice Court Judges Update. Judge Reuben Renstrom
(Information) Rick Schwermer
- 13. 3:35 p.m. JPEC Update. Joanne Slotnik
(Information)
- 14. 3:55 p.m. Certification of Justice Court Judges. Rick Schwermer
(Tab 5 - Action)
- 15. 4:00 p.m. Recommended Spending Plan Adjustment. Daniel J. Becker
(Action)
- 16. 4:10 p.m. Conditions of Probation and Supervision. Debra Moore
(Tab 6 - Information)
- 17. 4:20 p.m. Selection of 2015 Study Item. Daniel J. Becker
(Action)
- 18. 4:35 p.m. Executive Session.
- 19. Adjourn

Consent Calendar

The consent items in this section are approved without discussion if no objection has been raised with the Admin. Office (578-3806) or with a Council member by the scheduled Council meeting or with the Chair of the Council during the scheduled Council meeting.

- 1. Committee Appointments Tom Langhorne
(Tab 7)

TAB 1

**JUDICIAL COUNCIL
Budget and Planning Session
Minutes
Friday, August 15th, 2014
Large Conference Room A
Matheson Courthouse
Salt Lake City, UT**

Chief Justice Matthew B. Durrant, Presiding

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Jill Parrish
Hon. Michele Christiansen for Hon. James Davis
Hon. Glen Dawson
Hon. George Harmond
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
John Lund, esq.

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Kim Allard
Ron Bowmaster
Derek Byrne
Brent Johnson
Alyn Lunceford
Nini Rich
Nancy Volmer
Jessica Van Buren
Karolina Abuzyarova

EXCUSED:

GUESTS:

Juliette Tennert, GOPB
Judge Kevin Allen
Judge John Walton
Judge Elizabeth Lindsley
Judge Mary Noonan
Judge Suchada Bazzelle
Neira Siaperas, 3rd Juv TCE
Rick Davis, 5th Dist TCE
James Peters, 4th Juv TCE
Lisa Collins
David Walsh
Ken Matthews
Gary Syphus

1. **WELCOME: (Chief Justice Matthew B. Durrant)**
Chief Justice Durrant welcomed everyone to the meeting.

2. GOVERNOR'S OFFICE OF PLANNING AND BUDGET ECONOMIC PRESENTATION: (Juliette Tennert)

Chief Justice Durrant welcomed Ms. Juliette Tennert, Chief Economist and Budget Director, from the Governor's Office of Management and Budget to the meeting.

Ms. Tennert highlighted the following in her update: 1) no new bonds will be issued this year, 2) economic update of the US economy, 3) increase in Utah's labor force within the last year, 4) Utah's components of population change, 5) Utah level of employment from June 2004 – June 2014, 6) Utah employment as a percent of 2007 peak: June 2014, 7) unemployment rate in Utah and the US from June 2004 – June 2014, 8) Utah initial unemployment insurance claims from June 2004 – May 2014, 9) median existing home prices, 10) select economic indicators: February 2014 forecast, 11) FY 2015 budget: sources of funding, and 12) Utah sales and use tax collections: FY 2000 – FY 2015.

Chief Justice Durrant thanked Ms. Tennert for her update.

3. OVERVIEW OF BUDGET PLANNING SESSION: (Daniel J. Becker)

Mr. Becker recognized the following individuals: 1) Mr. David Walsh, GOMB and Commission on Criminal and Juvenile Justice; 2) Mr. Ken Matthews, Financial Operations Analyst; 3) Neira Siaperas, Third District Juvenile Court TCE; 4) Mr. Shane Bahr, Fourth District Court TCE; 5) Nancy Volmer, Courts Public Information Officer; and 6) Alyn Lunceford, Facilities Manager.

The objectives for the budget and planning session include: 1) set a prioritized budget request, and 2) develop a plan to address the courts budget needs for FY 2016.

Mr. Becker reviewed the agenda for the budget and planning session. He noted that a copy of the following documents was sent to each member of the Council for review prior to the meeting: 1) FY 2016 Annual Budget Plan, 2) Navigating the Budget, and 3) Court Administrator's Review and Recommendations. The budget and planning session will include the following: 1) an update from GOMB on the state's economy, 2) fiscal trends and restricted funds reports, 3) data and performance measure overview, 4) reports and budget requests from boards and committees, 5) the court administrator's analysis and recommendations, 6) discussion and voting on budget priorities, and 7) review of proposed legislation.

The afternoon will consist of a brief Council meeting and a Management Committee meeting.

4. FISCAL TRENDS AND RESTRICTED FUNDS REPORTS: (Derek Byrne)

Mr. Byrne reviewed the fiscal data and trends relative to the Utah Courts budget summary. He noted that available funding for use by the courts is categorized as follows: 1) general fund; 2) general fund, one-time; and 3) general fund, restricted accounts.

He highlighted the following restricted accounts: 1) Children's Legal Defense Fund (CLDF), 2) Alternative Dispute Resolution, 3) Court Complex Funding, 4) Law Library Non-Lapsing Dedicated Credit Fund, 5) Security Fee, 6) Court's Traffic Caseload, and 7) Justice Court Technology, Security and Training Account.

DATA PRESENTATION OVERVIEW: (Kim Allard)

Ms. Allard updated the Council on the FY 2014 Caseload Review.

Supreme Court. There were 626 case filings in FY 2014 compared to 595 case filings in FY 2013 which represents a 5% increase.

Court of Appeals. There were 991 case filings in FY 2014 compared to 943 case filings in FY 2013 which represents a 5% increase.

District Court. There were 273,492 case filings in FY 2014 compared to 285,196 case filings in FY 2013 which represents a 4% decrease. Ms. Allard highlighted the district court case filings to include: 1) by case type; 2) filings compared to judicial workload; 3) district court judicial weighted caseload from July 1, 2013 through June 30, 2014; 4) weighted caseload summary – caseload as a % of standard; 5) FY14 workload and available hours per judicial officer; 6) weighted caseload summary – judicial officers needed; and 7) district court time to disposition.

Justice Court. There were 496,953 case filings in FY 2014 compared to 524,628 case filings in FY 2013 which represents a 5% decrease. Ms. Allard highlighted the justice court case filings to include: 1) by case type, and 2) justice court time to disposition.

Juvenile Court. There were 36,078 referrals and filings in FY 2014 compared to 37,789 referrals and case filings in FY 2013 which represents a 5% decrease. Ms. Allard highlighted the juvenile court referrals and filings to include: 1) by case type; 2) filings compared to judicial work hours; 3) juvenile court judicial weighted caseload – total hours needed; 4) juvenile court judicial weighted caseload – judicial officers needed; 5) juvenile court judicial weighted caseload – caseload as % of standard; 6) juvenile court FY14 workload vs. available hours per judicial officer from July 1, 2013 through June 30, 2014; and 7) juvenile court time to disposition.

5. REPORTS AND BUDGET REQUESTS FROM BOARDS AND COMMITTEES

APPELLATE COURTS/LAW LIBRARY: (Lisa Collins and Jessica Van Buren)

Chief Justice Durrant welcomed Ms. Collins and Ms. Van Buren to the meeting.

Ms. Collins reported on the request to centralize the processing of requests for audio recordings of district and juvenile court hearings under the direction of the Appellate Courts. The request is to hire a judicial service representative (JSR) to fill requests for audio records of trial court and appellate court hearings.

Ms. Collins highlighted the following in her request: 1) benefits of centralizing the processing of requests for audio recordings, 2) the current process of requesting and receiving audio recordings, 3) the proposed process for requesting and receiving audio recordings, 4) financing, and 5) reasons for centralizing the process under the direction of the Appellate Courts.

Ms. Van Buren provided background information on the Council's approval in December 2013 to permanently move \$30,000 from the law library's book budget and non-lapsing fund to fund all Self-Help staff attorneys to 30 hours per week. In April 2014, the Council approved one-time funding in the amount of \$53,500 to increase the hours of all the Self-Help Center part-time attorneys to 30 hours per week and provide them with benefits in FY 2015.

The ongoing \$30,000 from the law library's budgets allows for permanent funding of three part-time attorneys at 30 hours per week. A request for \$51,100 would allow for a

permanent increase of 30 hours for the fourth and fifth part-time attorneys in the Self-Help Center and is intended to improve retention and recruitment for these attorney positions.

Ms. Van Buren reported on the request for \$63,000 to fund the future purchase of Utah Code copies for judicial staff. Background information and policies in place for purchasing the Utah Code were noted.

BOARD OF DISTRICT COURT JUDGES: (Judge Kevin Allen, Judge John Walton, Ms. Debra Moore, and Mr. Rick Davis)

Chief Justice Durrant welcomed Judge Allen, Judge Walton, Ms. Debra Moore, and Mr. Rick Davis to the meeting.

Judge Allen highlighted the following: 1) listed members of the Board of District Court Judges, and 2) reviewed the Board of District Court Judges budget requests and background behind each request.

The Board of District Court Judges budget requests include: 1) funding for an additional judgeship and staff in the Fifth District Court, and 2) funding of four permanent law clerk positions in the district court.

Mr. Rick Davis, Fifth District TCE, and Judge John Walton, Fifth District Court Judge, spoke on behalf of the Fifth District Court regarding their request for funding of an additional judgeship and staff. Their current use of juvenile, visiting and senior judges for coverage was noted. The Fifth District Court is down 1.5 judicial officers which equates to the current judges carrying 130 percent of the recommended caseload standard.

The Board of District Court Judges is requesting funding for four permanent, law clerk positions. Judge Allen highlighted the following: 1) the board's established goal to achieve a ratio of one law clerk for every two district court judges, 2) number of permanently funded and time-limited district court law clerk positions, and 3) benefits of increasing the number of district court law clerk positions.

COURT TECHNOLOGY STANDING COMMITTEE: (Ron Bowmaster)

Chief Justice Durrant welcomed Mr. Bowmaster to the meeting.

The Court Technology Standing Committee is requesting purchase of magnetic ink character recognition scanners and EMV credit card terminals in the amount of \$66,500. This request is to update the point-of-sale (POS) terminals installed in each courthouse.

The Court Technology Standing Committee also is requesting reinstatement of the Court's desktop replacement schedule that would replenish each unit once every five years. The amount being requested to fund the replacement schedule is \$250,000.

COURT FACILITIES PLANNING COMMITTEE: (Alyn Lunceford)

Chief Justice Durrant welcomed Mr. Lunceford to the meeting.

Mr. Lunceford mentioned that Judge Behrens was unable to attend.

Mr. Lunceford highlighted the following budget requests: 1) the budget request in the amount of \$52,000, from the Court Facilities Planning committee, to cover facilities, leases, and O & M, 2) replacement of the Provo District Court building, and 3) Northern Utah County land bank project.

He highlighted the contract and lease increases for FY 2016.

Mr. Lunceford reviewed details for replacement of the Provo District Court building, including proposed financing.

BOARD OF JUVENILE COURT JUDGES: (Judge Elizabeth Lindsley Judge Mary Noonan, Judge Suchada Bazzelle, Dawn Marie Rubio, and James Peters)
Chief Justice Durrant welcomed Judge Lindsley to the meeting.

The Board of Juvenile Court Judges is requesting funding for an additional judgeship and staff in the Fourth District Juvenile Court. Currently, judicial workload is at 132% in the Fourth District Juvenile Court.

Judge Noonan provided background information regarding the need for an additional judgeship in the Fourth District Juvenile Court. Commissioner support is shared between the district and juvenile court in the Fourth District. Additional judicial assistance has been provided by visiting judges.

Mr. James Peters provided staffing numbers in the Fourth District Juvenile Court.

Child mediator resources currently used in the Fourth District Juvenile Court was also noted.

SYSTEM WIDE REQUESTS:

COURT VISITOR PROGRAM: (Brent Johnson and Karolina Abuzyarova)
Chief Justice Durrant welcomed Mr. Brent Johnson to the meeting.

A request for permanent funding of the court visitor program is being made. Prior funding was provided by the State Justice Institute for a three-year period which expired on June 30, 2014. The Administrative Office of the Courts applied for \$100,000 in grants for 2015, but they were not awarded any funds. The Judicial Council committed \$45,000 to fund the difference between the cost of the program and the grant applications.

The request is to fund the salary and benefits for the program coordinator and the visitor coordinator.

ADDITIONAL CHILD WELFARE MEDIATOR POSITION: (Nini Rich)

Chief Justice Durrant welcomed Ms. Nini Rich to the meeting.

Ms. Rich requested funding for an additional child welfare mediator in the amount of \$85,800. She provided background information on the Child Welfare Mediation Program. She highlighted the following: 1) staffing levels since FY 2005, 2) caseload per mediator, 3) expected increase in child welfare referrals, 4) child welfare mediations per year, and 5) success rate of child welfare mediations.

JURY/WITNESS/INTERPRETER FUNDING: (Derek Byrne)

Mr. Byrne provided background information on the juror/witness/interpreter fund and the continued practice of the legislature allowing deficit spending and then awarding supplemental funding to cover the deficit.

There are two requests being made for the juror/witness/interpreter fund. One request is to obtain ongoing funding in the amount of \$950,000. The second request is a supplemental request in the amount of \$814,200 to fund the FY 2014 deficit.

6. STATE COURT ADMINISTRATOR'S REVIEW AND RECOMMENDATIONS

Mr. Becker highlighted the following as he provided his review and recommendations for the FY 2016 budget requests: 1) GOMB guidelines, 2) state of the economy, 3) workload trends,

and 4) performance measures. Some requests he will recommend be funded with alternate funding, and other requests he will recommend be advanced through legislative measures.

Judgeship Requests. Two requests for additional judgeships and staff were made by: 1) the Fourth District Juvenile Court, and 2) the Fifth District Court. Both courts demonstrate a need for an additional judgeship. Mr. Becker recommended a favorable consideration of the two requests. Alternative ways of supporting the judicial needs of both districts was provided.

Court Visitor Program. The court visitor program was funded for a three-year period by a State Justice Court grant that expired on June 30, 2014. The program is currently funded with one-time funding approved by the Council in April 2014. Mr. Becker recommended that this program be funded permanently. If the Council approves the judgeship request(s), Mr. Becker would recommend permanent funding of the court visitor program be deferred until the 2016 Legislative Session. If the Council decides to defer the request to 2016, he would recommend funding of the program be deferred until the April Council meeting as a one-time funding request.

General Fund Replacement of Trust Funds. Mr. Becker provided background information on legislative action in 2009 replacing general fund dollars with trust fund revenue, as a budget reduction measure. This was advanced as a temporary measure, and it was anticipated that general funds would need to be restored in the future. In 2010, interest rates fell dramatically and have remained at less than 1% every since, dramatically impacting available revenue.

Mr. Byrne provided expense details being provided from the trust account.

Mr. Becker is recommending that the general fund appropriation in place prior to the recession be restored.

District Court Law Clerks. It was recommended to address the request of four additional law clerks in district court by redirecting existing funds, using fiscal note funding, and/or one time funding in April when the Council considers a spending plan for FY 2016.

Leases and Contracts. It was recommended to absorb the increase in the lease and contract budget within its budget and not advance the request.

Juror/Witness/Interpreter. It was recommended to advance the following requests for funding: 1) 814,200 for FY 2015 supplemental funding to cover the FY 2014 deficit, and 2) \$950,000 in ongoing funding to bring the budget in line with current expenditures.

Child Welfare Mediator. It was recommended to seek legislation to increase the ADR fee by \$2.00. This fee increase would generate a sufficient amount of revenue to cover the deficit, as well as, the cost of an additional mediator.

Audio Records Coordinator. It was recommended to fund this position from the required fee paid to prepare and deliver the audio. Any revenue received above the required funding should be allocated amongst the districts.

Information Technology. The Standing Committee on Technology has made two requests: 1) point-of-sale credit card terminals, and 2) a five-year computer replacement schedule. It was recommended to defer both requests and use one-time funding.

Utah Code. It is recommended that this request be deferred for one-time funding consideration in April.

Increase in Self-Help Center Capacity. It is recommended that this request be deferred for one-time funding consideration in April.

Discussion took place.

7. **BUILDING BLOCK DISCUSSION AND JUDICIAL COUNCIL DECISIONS ON PROPOSED FY 2016 LEGISLATIVE REQUESTS**

Mr. Schwermer reviewed the process of prioritizing the budget requests. He mentioned the importance of assessing each request, reviewing the options, and making a decision on each request.

He reviewed the budget categories to be considered when prioritizing the budget requests to include: 1) obligations, 2) deferral or alternate funding, 3) elimination, 4) building blocks, 5) supplemental, and 6) fiscal note building blocks.

Categorization of each request:

Audio Records Coordinator – alternate funding
Fifth District Court Judge – fiscal note/legislation
Law Clerks – deferral
Fourth District Juvenile Court Judge – fiscal note/legislation
Five-Year Computer Replacement Schedule – deferral
Additional Child Welfare Mediator Position – fiscal note/legislation
Replace Trust GFR Account Appropriation in GF – building block
Reduce Trust GFR Account Appropriation – building block
Self-Help Center Staff Hours and Benefit Increases – deferral
Utah Code – deferral
Volunteer Court Visitor Program – deferral
Lease O & M Increases – eliminate
JWI Ongoing Increase to Eliminate Annual Deficits – building block
JWI Supplemental – building block
Point of Sale Credit Card Terminals FY 15 One time – alternative funding

Discussion took place.

Mr. Schwermer noted that the fiscal note/legislation, building block requests would need to be prioritized and voted on.

Motion: Judge Davis moved to prioritize the items in the following order: 1) trust fund, 2) additional child welfare mediator, 3) Fourth District Juvenile Court Judge, and 4) Fifth District Court Judge. Judge Hornak seconded the motion. The motion did not pass with Judge Davis and Judge Hornak voting yes.

Discussion continued.

Motion: Mr. Lund moved to approve the Trust Fund requests as first priority. Judge Dawson seconded the motion. The motion passed with Judge Maughan voting no.

Motion: Judge Parkin moved to accept and approve the prioritization of remaining budget requests as voted upon: 1) Fourth District Juvenile Court Judge, 2) Child Welfare Mediator, and 3) Fifth District Juvenile Court Judge. Mr. Lund seconded the motion, and it passed unanimously.

Judicial Council Annual Budget Meeting Actions & Prioritizations of Requests 8-15-14

Priority	FY 16 Request Description	Request \$	Mandates / Obligations	Fiscal Note / Legislation	Building Block	Alternative Funding	Eliminate	Deferral	TOTALS
1	Replace Trust GFR Account Appropriation with GF	=581,000 (GF) - 581,000 (GFR)			=581,000 (GF) - 581,000 (GFR)				-
2	4th District Juvenile Court Judge and Staff (3 FTEs)	385,000		385,000					385,000
3	Additional Child Welfare Mediator Position (1 FTE)	85,800		85,800					85,800
4	5th District Court Judge and Staff (3 FTEs)	385,000		385,000					385,000
5	Juror/Witness/Interpreter Supplemental for FY 14 Deficit; FY15 Supplemental	814,200			814,200				814,200
6	Ongoing Increase to Eliminate Annual Deficits	950,000			950,000				950,000
N/A	Law Clerks (4 FTEs)	350,800						350,800	350,800
N/A	Statewide Audio Records Coordinator	66,800				66,800			66,800
N/A	5-year Computer Replacement Schedule	250,000						250,000	250,000
N/A	Self-Help Center Staff Hours & Benefit Increases	51,100						51,100	51,100
N/A	Utah Code	63,000						63,000	63,000
N/A	Volunteer Court Visitor Program (2 FTEs)	156,000						156,000	156,000
N/A	Lease, O & M Increases	52,000					52,000		52,000
N/A	Point-of-Sale Credit Card Terminals; FY16 1-time	66,500				66,500			66,500
TOTALS		3,676,200	-	855,800	1,764,200	133,300	52,000	870,900	3,676,200

■ = One-time Request

Capital Development Requests Approved by the Judicial Council For the 2015 General Session

Priority	Development Request	Request \$
1	4th District Utah County Provo Courthouse Expansion	90,000,000
2	Northern Utah County Land Bank Project	1,750,000
Total Capital Development Projects		91,750,000

Motion: Judge Mortensen moved to advance the Facilities Standing Committee requests for the Fourth District Utah County Provo Courthouse Expansion along with the fee revenue schedule. Judge Hornak seconded the motion, and it passed unanimously.

Motion: Judge Mortensen moved to advance the Northern Utah County Land Bank Project. Judge Parkin seconded the motion, and it passed unanimously.

Motion: Judge Maughan moved to approve all other recommendations relative to the budget requests before the Council. Judge Sandberg seconded the motion, and it passed unanimously.

8. PROPOSED LEGISLATION

Mr. Schwermer reported that the Liaison Committee met prior to the Budget and Planning Session, and they considered several matters of legislation.

He reviewed the draft judiciary amendments with members of the Council.

Motion: Mr. Lund moved to support, in concept, the Unsworn Declaration Bill. Judge Harmond seconded the motion, and it passed unanimously.

9. ADJOURN

The meeting was adjourned.

JUDICIAL COUNCIL MEETING

Minutes
Friday, August 15, 2014
Matheson Courthouse
Large Conference Room A
Salt Lake City, UT

Chief Justice Matthew B. Durrant, Presiding

ATTENDEES:

Chief Justice Matthew B. Durrant
Hon. Kimberly K. Hornak, Vice Chair
Justice Jill Parrish
Hon. James Davis
Hon. Glen Dawson
Hon. George Harmond
Hon. Thomas Higbee
Hon. David Marx
Hon. Paul Maughan
Hon. David Mortensen
Hon. Reed Parkin
Hon. John Sandberg
Hon. Randall Skanchy
John Lund, esq.

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Dawn Marie Rubio
Debra Moore
Rick Schwermer
Tim Shea
Alison Adams-Perlac
Nancy Sylvester

GUESTS:

Gary Syphus

EXCUSED:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting.

Motion: Judge Higbee moved to approve the minutes from the July 16, 2014 Judicial Council meeting. Judge Davis seconded the motion, and it passed unanimously.

2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reported on the following items:

Chief Justice Durrant, Mr. Dan Becker, and Mr. Rick Schwermer attended the August 11 Elected and Judicial Compensation Commission meeting. He reported on the discussion that took place with members of the Commission.

Mr. Gary Syphus provided an opinion on the work of the Commission.
Discussion took place.

3. ADMINISTRATOR'S REPORT: (Daniel J. Becker)

Mr. Becker reported on the following items:

Board of Pardons. Ms. Angela Micklos has been selected as the new chair of the Board of Pardons, replacing Mr. Clark Harms, who recently stepped down as chair.

Navajo Nation. Chief Justice Herb Yazzie and select members from the Navajo courts will be visiting the Utah courts on Monday, August 25. Their interest is in the Utah courts governance structure and other administrative matters.

4. COMMITTEE REPORTS:

Management Committee Report:

Chief Justice Durrant reported that the Management Committee meeting minutes accurately reflect the issues discussed. The items needing to be addressed by the Council have been placed on today's agenda.

Liaison Committee Report:

The Liaison Committee met prior to the Budget and Planning Session this morning. All matters before the Committee were discussed at the Budget and Planning Session with the proposed legislation.

Policy and Planning Meeting:

Judge Maughan reported on the following items:

There are two rules on the agenda being considered for final action, and several rules on the consent calendar for approval.

Policy and Planning reviewed the rule relative to electronic media coverage at their August meeting, and they will continue discussion of the rule at their meeting in September.

Bar Commission Report:

Mr. Lund reported on the following items:

He thanked the judges and the Council for participating at the Summer Bar Conference in Snowmass, Colorado. Next year's conference will be held in Sun Valley, Idaho. The Bar is negotiating the presence of United States Supreme Court Justice Anthony M. Kenney as the keynote speaker.

5. RULES FOR FINAL ACTION: (Alison Adams-Perlac)

Chief Justice Durrant welcomed Ms. Adams-Perlac to the meeting.

The Policy and Planning Committee recommend the following two rules for final action:

1) CJA 3-306 – Language Access in the Courts, and 2) CJA 4-902 – Limited Scope Investigation of Domestic Issues.

CJA 3 – 306 – Language Access in the Courts. This rule is being amended to add a Utah residency requirement for individuals seeking to be credentialed as court-certified interpreters.

CJA 4-902 – Limited Scope Investigation of Domestic Issues. This is a new rule which provides a process for the court to appoint a custody evaluator to investigate select issues in a domestic case rather than ordering a full custody evaluation.

Motion: Judge Maughan moved to approve the following two rules for final action: 1) Rule CJA 3-306 – Language Access in the Courts, and 2) CJA 4-902 – Limited Scope Investigation of Domestic Issues. Judge Hornak seconded the motion, and it passed unanimously.

6. SENIOR JUDGE CERTIFICATIONS: (Nancy Sylvester)

Chief Justice Durrant welcomed Ms. Nancy Sylvester to the meeting.

Ms. Sylvester noted that additional attorney survey information was distributed to each Council member on Judge Rand Beacham's application.

The process for certifying senior judges, includes reporting of attorney survey data to the survey contractor (National Center for State Courts). Over the past several years, ongoing problems have existed with attorney survey data being reported to the survey contractor. We continue to work with the survey contractor to rectify the problem.

Motion: Judge Hornak moved to enter into an executive session to discuss a personnel matter. Judge Maughan seconded the motion, and it passed unanimously.

Motion: Judge Maughan moved to forward the recommendation, on behalf of the Council, to the Supreme Court to certify Judge Kent Nielson as an active senior justice court judge through December 31, 2014. Judge Higbee seconded the motion, and it passed unanimously.

The following judges terms as senior judges will expire at the end of 2014, and they have applied for recertification: 1) Judge William Barrett – active senior judge; 2) Judge Rand Beacham – active senior judge, 3) Judge Judith Billings – active senior judge, 4) Judge James Box – active senior justice court judge, 5) Judge Arthur Christean – inactive senior judge, 6) Judge Roger Dutson – active senior judge, 7) Judge Dennis Frederick – inactive senior judge, 8) Judge Floyd Gowans – inactive senior judge, 9) Judge Sheila McCleve – active senior judge, 10) Judge Rodney Page – active senior judge, 11) Judge David Roth – inactive senior judge, 12) Judge Sterling Sainsbury – active senior judge, 13) Judge Gary Stott – inactive senior judge, and 14) Judge Sara Watson – inactive senior justice court judge.

The following judges have recently applied to be certified as senior judges: 1) Judge Dar Butcher – active senior justice court judge, 2) Judge Terry Christiansen – active senior judge, 3) Judge L.A. Dever – active senior judge, 4) Judge Denise Lindberg – active senior judge, 5) Judge Kent Nielsen – active senior justice court judge, and 6) Judge Robin Reese – active senior judge.

Ms. Sylvester noted that there was a problem with survey data being reported to the survey contractor for Judge Billings and Judge McCleve. The results of the attorney surveys and the surveys of presiding judges and trial court executives were provided with the Council meeting materials.

Motion: Justice Parrish moved to forward the recommendations, on behalf of the Council, to the Supreme Court to certify the judges applying for active and inactive senior judge status. Judge Davis seconded the motion, and it passed unanimously.

7. EXECUTIVE SESSION:

An executive session was held at this time.

8. ADJOURN

The meeting was adjourned.

TAB 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**Tuesday, August 15th, 2014
Matheson Courthouse
450 South State Street
Salt Lake City, Utah**

MEMBERS PRESENT:

Chief Justice Matthew B. Durrant, Chair
Hon. Kimberly Hornak
Hon. George Harmond
Hon. James Davis
Hon. John Sandberg
Hon. Randall Skanchy

STAFF PRESENT:

Daniel J. Becker
Ray Wahl
Jody Gonzales
Debra Moore
Dawn Marie Rubio
Rick Schwermer
Brent Johnson
Tom Langhorne
Alison Adams-Perlac

EXCUSED:

GUESTS:

1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant welcomed everyone to the meeting. After reviewing the minutes, the following motion was made:

Motion: Judge Hornak moved to approve the minutes of the August 8 Management Committee meeting. Judge Harmond seconded the motion, and it passed unanimously.

2. COMMITTEE APPOINTMENT: (Tom Langhorne)

The Standing Committee on Education has a vacancy for a district court judge representative with the retirement of Judge Ben Hadfield. The following two judges have expressed their interest in serving on the committee: 1) Judge George Harmond, Seventh District Court; and 2) Judge Sam Chiara, Eighth District Court.

Motion: Judge Skanchy moved to recommend the appointment of Judge George Harmond as a district court judge representative on the Standing Committee on Education and place it on the September Judicial Council consent calendar. Judge Sandberg seconded the motion, and it passed unanimously.

3. REAUTHORIZATION OF SELECT STANDING COMMITTEES: (Brent Johnson)

Mr. Johnson reported that upon verification of standing of several Council committees, it was found that four committees have not been reauthorized. Those committees are: 1) Ethics

Advisory Committee, 2) Standing Committee on Education, 3) Facilities Standing Committee, and 4) The Committee on Judicial Outreach.

Motion: Judge Hornak moved to reauthorize the four named committees, retroactive and bring them to current standing. Judge Harmond seconded the motion, and it passed unanimously.

4. RECORDS APPEAL FOLLOW-UP: (Alison Adams-Perlac)

Ms. Moore prepared three draft letters in response to Mr. Bryner's records appeal. Ms. Nancy Sylvester, staff attorney, and Mr. Becker, State Court Administrator left the room before discussion and a decision was made as to the appropriate response to Mr. Bryner.

Discussion took place.

Motion: Judge Hornak moved to approve draft letter #3, to include five days for Mr. Bryner to search for the requested information. Judge Sandberg seconded the motion, and it passed unanimously.

5. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)

Chief Justice Durrant reviewed the proposed Council agenda for the September 9 Council meeting.

Motion: Judge Skanchy moved to approve the agenda for the September 9 Council meeting as amended. Judge Hornak seconded the motion, and it passed unanimously.

6. ADJOURN

The meeting was adjourned.

TAB 4

**Utah County, Provo, Adult
Last Chance Drug Court –
Judge Brady**

UTAH COUNTY, PROVO, ADULT LAST CHANCE
DRUG COURT
JUDGE BRADY
MARCH 2014

Standards followed by an R are required features of a drug court and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

Y N

- 1. Eligibility and exclusion criteria are defined objectively. R BPS I A MUST BE ON PROBATION TO AP&P.
- 2. Eligibility and exclusion criteria are specified in writing. R BPS I A
- 3. Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A
- 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A
- 5. The program admits only participants who are high risk high need as measured by the RANT. R BPS* I B
- 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C

- 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. R BPS I C
- 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C
- 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. R BPS I D
- 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. R BPS I D
- 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. R BPS I D
- 12. The program has a written policy addressing medically assisted treatment. R
- 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B
- 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D
- 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F
- 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A
- 17. The judge presides over the Drug Court for no less than two consecutive years. P BPS III B

- 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. R BPS III C
- 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. R BPS III D
- 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. R BPS III E
- 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E
- 22. The Judge spends an average of at least three minutes with each participant. R BPS* III F
- 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. R BPS III G
- 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B
- 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H
- 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H
- 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
- 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A
- 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A

- 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- 36. Drug testing is performed at least twice per week. **R**
- 37. Drug testing is random, and is available on weekends and holidays. **R**
- 38. Drug test results are available within 48 hours. **P**
- 39. The program requires at least 90 days clean to graduate. **R**
- 40. The minimum length of the program is twelve months. **R**
- 41. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- 42. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**

-] □ 43. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J
-] □ 44. Participants are not terminated from the Drug 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. R BPS IV K
-] □ 45. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. R BPS IV K
-] □ 46. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
-] □ 47. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
-] □ 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
-] □ 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
-] □ 50. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
-] □ 51. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
-] □ 52. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
- ■] 53. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E ONLY ONE TREATMENT PERSON

- 54. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F**
- 55. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- 56. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- 57. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- 58. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- 59. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- 60. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- 61. There is a secular alternative to 12-step peer support groups. **R**
- 62. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- 63. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- 64. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- 65. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**

66. Clients are placed in the program within 50 days of arrest. THIS WOULD BE FROM A PROBATION VIOLATION.

■ □

■ □ 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. R

■ □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. R

■ □ 69. Team members are assigned to Drug Court for no less than two years. P

■ □ 70. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P

■ □ 71. Participants agree in writing to a release of information for records necessary for each participating entity. R

■ □ 72. Court fees are reasonable and based on each participant's ability to pay. R IN ADDITION THEY PAY PROBATION SUPERVISION FEES.

■ □ 73. Treatment fees are based on a sliding fee schedule. R

□ ■ 74. The Drug Court has more than 15 but less than 125 active participants. P PROGRAM MAXIS OUT WITH 14 PARTICPANTS.

■ □ 75. The program conducts an exit interview for self improvement. P

■ □ 76. The program maintains adequate data for program monitoring. R

**Utah County, Provo,
Adult Drug Court –
Judge Taylor**

UTAH COUNTY, PROVO, ADULT DRUG COURT
JUDGE TAYLOR
MARCH 2014

Standards followed by an R are required features of a drug court and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

- | | | |
|---|--------------------------|---|
| Y | N | |
| ■ | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| ■ | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| ■ | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |
| ■ | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |
| ■ | <input type="checkbox"/> | 5. The program admits only participants who are high risk high need as measured by the RANT. R BPS* I B |
| ■ | <input type="checkbox"/> | 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C |

- 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
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- 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
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- 12. The program has a written policy addressing medically assisted treatment. **R**
- 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B**
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- 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B
- 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H
- 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H
- 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
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- □ 39. The program requires at least 90 days clean to graduate. R
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- □ 41. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
- □ 42. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J

- □ 43. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV**
- □ 44. Participants are not terminated from the Drug 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. **R BPS IV K**
- □ 45. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- □ 46. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- □ 47. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- □ 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- □ 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
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- □ 66. Clients are placed in the program within 50 days of arrest. **R**
- 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R**

■ □

■ □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R**

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■ □ 72. Court fees are reasonable and based on each participant's ability to pay. **R**

■ □ 73. Treatment fees are based on a sliding fee schedule. **R**

■ □ 74. The Drug Court has more than 15 but less than 125 active participants. **P**

■ □ 75. The program conducts an exit interview for self improvement. **P**

■ □ 76. The program maintains adequate data for program monitoring. **R**

**Weber County, Ogden,
Adult Drug Court –
Judge DeCaria**

WEBER COUNTY, OGDEN, ADULT DRUG COURT
JUDGE DECARIA
FEBRUARY 2014

Standards followed by an R are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

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- 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C

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- 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- 50. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- 51. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- 52. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- 53. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- 54. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F**
- 55. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- 56. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**

- □
- □ 57. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- □ 58. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- □ 59. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- □ 60. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- □ 61. There is a secular alternative to 12-step peer support groups. **R**
- □ 62. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- □ 63. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- □ 64. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- □ 65. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J ON A VOLUNTARY BASIS**
- □ 66. Clients are placed in the program within 50 days of arrest. **R**
- □ 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R**
- □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R**
- □ 69. Team members are assigned to Drug Court for no less than two years. **P**
- □ 70. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**

- 71. Participants agree in writing to a release of information for records necessary for each participating entity. **R**
- 72. Court fees are reasonable and based on each participant's ability to pay. **R**
- 73. Treatment fees are based on a sliding fee schedule. **R**
- 74. The Drug Court has more than 15 but less than 125 active participants. **P**
- 75. The program conducts an exit interview for self improvement. **P**
- 76. The program maintains adequate data for program monitoring. **R**

**Salt Lake County, Salt Lake
City, Lower Risk
Adult Drug Court –
Judge Blanch**

SALT LAKE COUNTY, SALT LAKE CITY, ADULT
LOWER RISK ADULE DRUG
JUDGE BLANCH
MARCH 2014

Standards followed by an R are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

Y N

- 1. Eligibility and exclusion criteria are defined objectively. R BPS I A
- 2. Eligibility and exclusion criteria are specified in writing. R BPS I A
- 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A
- 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A
- 5. The program admits only participants who are high risk high need as measured by the RANT. R BPS* I B THIS IS A HIGH NEEDS LOW RISK COURT.
- 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C

- 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- 12. The program has a written policy addressing medically assisted treatment. **R**
- 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B**
- 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**

- 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. R BPS III D
- 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. R BPS III E
- 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E
- 22. The Judge spends an average of at least three minutes with each participant. R BPS* III F
- 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. R BPS III G
- 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B
- 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H
- 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H
- 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
- 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A
- 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A
- 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A

- 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- 36. Drug testing is performed at least twice per week. **R**
- 37. Drug testing is random, and is available on weekends and holidays. **R**
- 38. Drug test results are available within 48 hours. **P**
- 39. The program requires at least 90 days clean to graduate. **R**
- 40. The minimum length of the program is twelve months. **R**
- 41. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- 42. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- 43. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- 44. Participants are not terminated from the Drug 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. **R BPS IV K**

- 45. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- 46. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- 47. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- 50. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- 51. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- 52. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- 53. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- 54. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F**
- 55. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- 56. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**

- □
- □ 57. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- □ 58. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- □ 59. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- □ 60. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- □ 61. There is a secular alternative to 12-step peer support groups. **R**
- □ 62. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- □ 63. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- □ 64. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- □ 65. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- □ 66. Clients are placed in the program within 50 days of arrest. **R**
- □ 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R**
- □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R**
- □ 69. Team members are assigned to Drug Court for no less than two years. **P**
- □ 70. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**

- 71. Participants agree in writing to a release of information for records necessary for each participating entity. **R**
- 72. Court fees are reasonable and based on each participant's ability to pay. **R**
- 73. Treatment fees are based on a sliding fee schedule. **R**
- 74. The Drug Court has more than 15 but less than 125 active participants. **P**
- 75. The program conducts an exit interview for self improvement. **P**
- 76. The program maintains adequate data for program monitoring. **R**

This is an experimental Drug Court that is dealing with High Needs, Lower Risk participants. It is anticipated that an outcome study will be conducted on this court within the next couple of years. This court is endorsed by NADCP as an alternative track to High Risk, High Needs Courts. Judge Blanch is extremely knowledgeable about Best Practices and is looking forward to outcome results.

Weber County, Ogden,

DUI Court –

Judge DiReda

WEBER COOUNTY, OGDEN, DUI
JUDGE DIREDA
MARCH 2014

Standards followed by an R are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

Y N

- 1. Eligibility and exclusion criteria are defined objectively. R BPS I A
- 2. Eligibility and exclusion criteria are specified in writing. R BPS I A
- 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A
- 4. The DUI Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A
- 5. The program admits only participants who are high risk high need as measured by the RANT. R BPS* I B
- 6. Candidates for the DUI Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C

- 7. Candidates for the DUI Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. R BPS I C
- 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C
- 9. Current or prior offenses may disqualify candidates from participation in the DUI Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a DUI Court. R BPS I D
- 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the DUI Court. R BPS I D

- 11. If adequate treatment is available, candidates are not disqualified from participation in the DUI Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. R BPS I D

- 12. The program has a written policy addressing medically assisted treatment. R
- 13. The DUI Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B
- 14. The DUI Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D
- 15. Each member of the DUI Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F

THE TEAM WILL BE ATTENDING ADVANCED TRAINING IN DENVER DURING THE MONTH OF MAY PUT ON BY NADCP.

- 16. The DUI Court judge attends current training events on legal and constitutional issues in DUI Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A
- 17. The judge presides over the DUI Court for no less than two consecutive years. P BPS III B

- 18. Participants ordinarily appear before the same judge throughout their enrollment in the DUI Court. **R BPS III C**
- 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the DUI Court team. **R BPS III D**
- 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H**
- 26. The judge makes these decisions after taking into consideration the input of other DUI Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H**
- 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**
- 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to DUI Court participants and team members. **R BPS IV A**
- 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

- 30. The DUI Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- 33. The DUI Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- 36. Drug testing is performed at least twice per week. **R**
- 37. Drug testing is random, and is available on weekends and holidays. **R**
- 38. Drug test results are available within 48 hours. **P**
- 39. The program requires at least 90 days clean to graduate. **R**
- 40. The minimum length of the program is twelve months. **R**
- 41. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS IV J**
- 42. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**

THE PROGRAM DOES REQUIRE A MINIMUM OF DAYS OF JAIL UPFRONT BECAUSE OF THE MANDATORY JAIL IMPOSED BY THE STATUTE.

- 43. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- 44. Participants are not terminated from the DUI 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. **R BPS IV K**

CAN BE TERMINATED IF THEY RECEIVE A NEW DUI.

- 45. If a participant is terminated from the DUI Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- 46. The DUI Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- 47. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the DUI Court's programmatic phase structure. **P BPS V A**
- 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- 50. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- 51. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- 52. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- 53. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**

- 54. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. P BPS V F
- 55. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
- 56. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H
- 57. Treatment providers have substantial experience working with criminal justice populations. B BPS V H
- 58. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. P BPS V H
- 59. Participants regularly attend self-help or peer support groups in addition to professional counseling. R BPS V I
- 60. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. R BPS V I
- 61. There is a secular alternative to 12-step peer support groups. R
- 62. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. P BPS V I
- 63. Participants complete a final phase of the DUI Court focusing on relapse prevention and continuing care. R BPS V J
- 64. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the DUI Court. P BPS V J
- 65. For at least the first ninety days after discharge from the DUI Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. B BPS V J

VOLUNTARY ON BEHALF OF THE PARTICIPANTS

- 66. Clients are placed in the program within 50 days of arrest.

- □
- □ 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R**
- □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each DUI Court session. **R**
- □ 69. Team members are assigned to DUI Court for no less than two years. **P**
- □ 70. All team members use electronic communication to contemporaneously communicate about DUI Court issues. **P**
- □ 71. Participants agree in writing to a release of information for records necessary for each participating entity. **R**
- □ 72. Court fees are reasonable and based on each participant's ability to pay. **R**
- □ 73. Treatment fees are based on a sliding fee schedule. **R**
- □ 74. The DUI Court has more than 15 but less than 125 active participants. **P**
- □ 75. The program conducts an exit interview for self improvement. **P**
- □ 76. The program maintains adequate data for program monitoring. **R**

**Salt Lake County,
West Jordan,
Adult Drug Court –
Judge Kouris**

**SALT LAKE COUNTY ADULT DRUG COURT, WEST
JORDAN
JUDGE KOURAS
FEBRUARY 2014**

Standards followed by an R are required features of a drug court, and adherence to these standards is required for certification. Standards followed by a P indicate a standard where there is a presumption that it must be met, but if the program can show sufficient compensating measures or a structural inability to meet the standard, it may be waived. Standards followed by a B are best practice standards that represent practices that research has shown to produce better outcomes, but failure to meet these standards will not result in decertification.

Y N

- 1. Eligibility and exclusion criteria are defined objectively. R BPS I A
- 2. Eligibility and exclusion criteria are specified in writing. R BPS I A
- 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A
- 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A
- 5. The program admits only participants who are high risk high need as measured by the RANT. R BPS* I B
- 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for

women and racial or ethnic minority groups that are represented in the local arrestee population. R BPS I C

- 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. R BPS I C
- 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C
- 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. R BPS I D
- 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. R BPS I D
- 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. R BPS I D
- 12. The program has a written policy addressing medically assisted treatment. R
- 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B
- 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D
- 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. P BPS II F
- 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. P BPS III A
- 17. The judge presides over the Drug Court for no less than two consecutive years. P BPS III B
- 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. R BPS III C

- 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. R BPS III D
- 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. R BPS III E
- 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E
- 22. The Judge spends an average of at least three minutes with each participant. R BPS* III F
- 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. R BPS III G
- 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B
- 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. R BPS III H
- 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. R BPS III H
- 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R BPS III H
- 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. R BPS IV A
- 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. R BPS IV A
- 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. R BPS IV A

- 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. R BPS IV A
- 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. R BPS IV F
- 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. P BPS IV F
- 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. P BPS IV I
- 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. P BPS IV I
- 36. Drug testing is performed at least twice per week. R
- 37. Drug testing is random, and is available on weekends and holidays. R
- 38. Drug test results are available within 48 hours. P
- 39. The program requires at least 90 days clean to graduate. R
- 40. The minimum length of the program is twelve months. R
- 41. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. R BPS IV J
- 42. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- 43. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J
- 44. Participants are not terminated from the Drug 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. R BPS IV K

- 45. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. R BPS IV K
- 46. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A
- 47. Standardized patient placement criteria govern the level of care that is provided. P BPS V A
- 48. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. P BPS V A
- 49. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. R BPS V B
- 50. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. P BPS V D
- 51. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. P BPS V E
- 52. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. P BPS V E
- 53. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
- 54. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. P BPS V F
- 55. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
- 56. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H

- □
- □ 57. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- □ 58. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- □ 59. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- □ 60. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- □ 61. There is a secular alternative to 12-step peer support groups. **R**
- □ 62. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- □ 63. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- □ 64. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ■ 65. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- □ 66. Clients are placed in the program within 50 days of arrest. **R**
- □ 67. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R**
- □ 68. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R**
- □ 69. Team members are assigned to Drug Court for no less than two years. **P**
- □ 70. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**

- 71. Participants agree in writing to a release of information for records necessary for each participating entity. **R**
- 72. Court fees are reasonable and based on each participant's ability to pay. **R**
- 73. Treatment fees are based on a sliding fee schedule. **R**
- 74. The Drug Court has more than 15 but less than 125 active participants. **P**
- 75. The program conducts an exit interview for self improvement. **P**
- 76. The program maintains adequate data for program monitoring. **R**

**Weber County, Ogden,
Ogden Juvenile Drug Court –
Judge Noland**

WEBER COUNTY, OGDEN JUVENILE DRUG COURT

JUDGE NOLAN

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: the purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Nolan has 11 active participants in his Juvenile Drug Court. The court has made some significant changes since attending the Drug Court Conference at Snowbird. They have totally redone their sanction and incentive grid moving away from incarceration and looking for alternative sanctions. Judge Nolan should good leadership ability during the staffing and the court session that followed. He did an excellent job in relating and speaking to the participants. He was positive and very encouraging. He has a good team he is working with consisting of representatives from the Defense, County Attorney, Treatment, and Probation. During the court session treatment and probation gave a report concerning each participant's progress and he asked for comments from the other members of his team as well.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility.

Compliant

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable.

Compliant

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. **Compliant**

A) Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. **Compliant**

B) The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. **Compliant**

C) The drug court and treatment provider maintain ongoing communication through the case-manager. **Compliant**

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. **Compliant**

A) The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. **Compliant**

B) The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. **Compliant**

C) The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. **Complaint**

D) The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. **Compliant**

E) The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. **Compliant**

3. Eligible participants are identified early and placed promptly in the drug court program. **Compliant**

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. **Compliant**

A) Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **Compliant**

B) The court is provided timely and accurate information about a participant's progress. **Compliant**

C) All treatment providers are certified by the State. **Compliant**

5. Abstinence is monitored by frequent alcohol and other drug testing. **Compliant**

A) The scope of drug testing is sufficiently broad to detect abuse. **Compliant**

B) The drug court uses random and frequent drug tests. **Compliant**

C) Participants must have at least three consecutive months of negative drug tests for graduation. **Compliant**

6. A coordinated strategy governs drug court responses to participant compliance. **Compliant**

A) The drug court team maintains regular contact. **Compliant**

B) The drug court team has implemented a variety of incentives and sanctions. C) The drug court has developed sanction guidelines, which are included in their policies and procedures. **Compliant**

7. Ongoing judicial interaction with each drug court participant is essential. **Compliant**

A) Regular status hearings are used to monitor participant performance. **Compliant**

B) The court applies appropriate incentives and sanctions to match the participant's treatment progress. **Compliant**

C) The judge interacts with each participant individually. **Compliant**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **Compliant**

A) Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **Compliant**

B) Drug court policy calls for an exit interview with each client. **Compliant**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **Compliant**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **Compliant**

I. Strategies:

1. Engage all stakeholders in creating interdisciplinary, coordinated, and systematic approach to working with youth and their families. **Compliant, each parent is given an opportunity to respond in court as to the child's behavior at home.**
2. Develop and maintain an interdisciplinary, non-adversarial work team. **Compliant**
3. Define a target population and eligibility criteria that are aligned with the program's goals and objectives. **Compliant**
4. Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families. **Compliant**
5. Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field. **Compliant**
6. Build partnerships with community organizations to expand the range of opportunities available to youth and their families. **Compliant**
7. Tailor interventions to the complex and varied needs of youth and their families. **Compliant**
8. Tailor treatment to the developmental needs of adolescents. **Compliant**
9. Design treatment to address the unique needs of each gender. **Compliant**
10. Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent. **Compliant**
11. Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves. **Compliant**
12. Recognize and engage the family as a valued partner in all components of the program. **Compliant**
13. Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs. **Compliant**
14. Design drug testing to be frequent, random, and observed. Document testing policies and procedures in writing. **Compliant**
15. Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families. **Compliant**
16. Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information. **Compliant**



J. Requirements: None

K. Recommendations: At this point none.

L. Certification Recommendation: CERTIFY



**Salt Lake County, SLC,
Dependency Drug Court –
Judge Behrens**

SALT LAKE COUTNY, SLC, DEPENDENCY DRUG COURT

JUDGE BEHRENS

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Behrens has been presiding over the Dependency Drug Court for a number of years. He presently has 10 active participants. His team has been together for a number of years and has an active discussion about each of the participants during staffing. Judge Behrens shows good leadership during staffing. When appropriate he asks the appropriate questions for feedback from the rest of the team. In court the Judge does a good job of relating to the participants. He spends adequate time with each participant. His team which is present at both staffing and court has members form the following organizations: GAL, Treatment, House of Hope, AG, DCFS, Defense, and the Coordinator.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. COMPLIANT

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. COMPLIANT

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **COMPLIANT**

-The court is provided timely and accurate information about a participant's progress. **COMPLIANT**

-All treatment providers are certified by the State. **COMPLIANT**

5. Abstinence is monitored by frequent alcohol and other drug testing. **COMPLIANT**

-The scope of drug testing is sufficiently broad to detect abuse. **COMPLIANT**

-The drug court uses random and frequent drug tests. **COMPLIANT**

-Participants must have at least three consecutive months of negative drug tests for graduation. **COMPLIANT**

6. A coordinated strategy governs drug court responses to participant compliance. **COMPLIANT**

-The drug court team maintains regular contact. **COMPLIANT**

-The drug court team has implemented a variety of incentives and sanctions. **COMPLIANT**

-The drug court has developed sanction guidelines, which are included in their policies and procedures. **COMPLIANT**

7. Ongoing judicial interaction with each drug court participant is essential. **COMPLIANT**

-Regular status hearings are used to monitor participant performance. **COMPLIANT**

-The court applies appropriate incentives and sanctions to match the participant's treatment progress. **COMPLIANT**

-The judge interacts with each participant individually. **COMPLIANT**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **COMPLIANT**

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **COMPLIANT**

-Drug court policy calls for an exit interview with each client. **COMPLIANT**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **COMPLIANT**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **COMPLIANT**

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**
2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**
3. Adopted a holistic approach to strengthening family function. **COMPLIANT**
4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**
5. Ensured legal rights, advocacy, and confidentiality for parents and children. **COMPLIANT**
6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**
7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**
8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**
9. Relied on Judicial leadership for both planning and implementing the court. **COMPLIANT**
10. Made a commitment to measure program outcomes. **COMPLIANT**
11. Planned for program sustainability. **COMPLIANT**
12. Strived to work as a collaborative, non-adversarial team supported by cross training. **COMPLIANT**
13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: NPONE

L. Suggestions: NONE

M. Certification Recommendation: CERTIFY

**Weber County, Ogden,
Dependency Drug Court –
Judge Sipes**

WEBER COUNTY, OGDEN, DEPENDENCY DRUG COURT

JUDGE SIPES

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Sipes has taken over Judge Frost's Dependency Drug Court. She has been on the bench for approximately three months. The Judge has a basic understanding of the role of a Judge in a Drug Court. At the present time she has not had any specific training and I referred her to all of the web sites that presently offer training. The Judge does have an experienced team that works with her. There was good discussion among staff concerning participants however the Judge needs to learn how to better control the discussion and keep it relevant. Her team consists of representatives of the following organizations: Dept.

of Work Force Services, Vocational Rehab, Weber Human Services (Treatment), Tracker, GAL, DCFS, Defense Attorney, and Attorney General.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. COMPLIANT

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. COMPLIANT, HOWEVER GOT INTO DISCUSSION ABOUT INDIVIDUALS BEING TURNED AWAY FROM TREATMENT BECAUSE THEY HAD NOT PAID THEIR FEES.

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. COMPLIANT

-The court is provided timely and accurate information about a participant's progress. COMPLIANT

-All treatment providers are certified by the State. COMPLIANT

5. Abstinence is monitored by frequent alcohol and other drug testing. COMPLIANT

-The scope of drug testing is sufficiently broad to detect abuse. COMPLIANT

-The drug court uses random and frequent drug tests. COMPLIANT

-Participants must have at least three consecutive months of negative drug tests for graduation. COMPLIANT

6. A coordinated strategy governs drug court responses to participant compliance. COMPLIANT, HOWEVER IT APPEARED AS IF TOO MUCH JAIL WAS BEING USED AS A SANCTION.

-The drug court team maintains regular contact. COMPLIANT

-The drug court team has implemented a variety of incentives and sanctions. COMPLIANT

-The drug court has developed sanction guidelines, which are included in their policies and procedures. COMPLIANT

7. Ongoing judicial interaction with each drug court participant is essential. COMPLIANT

-Regular status hearings are used to monitor participant performance. COMPLIANT

-The court applies appropriate incentives and sanctions to match the participant's treatment progress. COMPLIANT

-The judge interacts with each participant individually. COMPLIANT

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. COMPLIANT

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. COMPLIANT

-Drug court policy calls for an exit interview with each client. COMPLIANT

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **COMPLIANT, HOWEVER THE JUDGE NEEDS MORE EDUCATION.**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **COMPLIANT**

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**

2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**

3. Adopted a holistic approach to strengthening family function. **COMPLIANT**

4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**

5. Ensured legal rights, advocacy, and confidentiality for parents and children. **COMPLIANT**

6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**

7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**

8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**

9. Relied on Judicial leadership for both planning and implementing the court. **COMPLIANT**

10. Made a commitment to measure program outcomes. **COMPLIANT**

11. Planned for program sustainability. **COMPLIANT**

12. Strived to work as a collaborative, non-adversarial team supported by cross training. **COMPLIANT**

13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: JUDGE NEEDS SOME CONTINUING EDUCATION IN REGARDS TO DRUG COURTS AND BEST PRACTICES. JUDGE NEEDS TO DECIDE IF IT IS NECESSARY TO HAVE AS MANY MEMBERS OF EACH ORGANIZATION ATTEND STAFFING AS ARE PRESENTLY ATTENDING. THERE PRESENTLY ARE 4 REPRESENTATIVES FROM WEBER HUMAN SERVICES AND 9 REPRESENTAIVES FROM DCFS. THE PROGRAM MIGHT BE USING TOO MUCH JAIL TIME AS A SANCTION.

L. Suggestions: SEE ABOVE

M. Certification Recommendation: CONDITIONAL CERTIFICATION SUBJECT TO:

The resolution of the issue with participants being turned away from treatment for the non-payment of fees being resolved.

The number of participants being below the recommendation of best practices.

Additional training for the Judge.

**Salt Lake County, SLC,
Dependency Drug Court –
Judge Hornak**

SALT LAKE COUNTY, SLC, DEPENDENCY DRUG COURT

JUDGE HORNAK

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Hornak has been presiding over this Dependency Drug Court since inception. She is well educated in regards to Drug Court Best Practices and incorporates them into her program. There are 10 participants in the program. The program does an excellent job during staffing. There is good participation by all of the team members. The team consists of representatives from: Defense, Prosecution, AG, DCFS, First Step House, Salt Lake County Behavioral Health, and the Coordinator. All team members attend staffing and court. During Court the Judge does an excellent job of engaging the participants and spends sufficient time with each participant.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. COMPLIANT

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. COMPLIANT

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **COMPLIANT**

-The court is provided timely and accurate information about a participant's progress. **COMPLIANT**

-All treatment providers are certified by the State. **COMPLIANT**

5. Abstinence is monitored by frequent alcohol and other drug testing. **COMPLIANT**

-The scope of drug testing is sufficiently broad to detect abuse. **COMPLIANT**

-The drug court uses random and frequent drug tests. **COMPLIANT**

-Participants must have at least three consecutive months of negative drug tests for graduation. **COMPLIANT**

6. A coordinated strategy governs drug court responses to participant compliance. **COMPLIANT**

-The drug court team maintains regular contact. **COMPLIANT**

-The drug court team has implemented a variety of incentives and sanctions. **COMPLIANT**

-The drug court has developed sanction guidelines, which are included in their policies and procedures. **COMPLIANT**

7. Ongoing judicial interaction with each drug court participant is essential. **COMPLIANT**

-Regular status hearings are used to monitor participant performance. **COMPLIANT**

-The court applies appropriate incentives and sanctions to match the participant's treatment progress. **COMPLIANT**

-The judge interacts with each participant individually. **COMPLIANT**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **COMPLIANT**

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **COMPLIANT**

-Drug court policy calls for an exit interview with each client. **COMPLIANT**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **COMPLIANT**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **COMPLIANT**

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**

2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**

3. Adopted a holistic approach to strengthening family function. **COMPLIANT**

4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**

5. Ensured legal rights, advocacy, and confidentiality for parents and children. **COMPLIANT**

6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**

7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**

8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**

9. Relied on Judicial leadership for both planning and implementing the court. **COMPLIANT**

10. Made a commitment to measure program outcomes. **COMPLIANT**

11. Planned for program sustainability. **COMPLIANT**

12. Strived to work as a collaborative, non-adversarial team supported by cross training. **COMPLIANT**

13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: EXIT INTERVIEWS FOR SUCCESSFUL PARTICIPANTS AND THOSE THAT ARE UNSUCCESSFUL.

L. Suggestions: NONE

M. Certification Recommendation: CERTIFY



**Weber County, Ogden,
Dependency Court –
Judge Heward**

WEBER COUNTY, OGDEN, DEPENDENCY COURT

JUDGE HEWARD

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: There are presently 17 participants in this Dependency Drug Court. The team works well together. Judge does a good job [residing over the team meeting and interacting with the participants in court. The judge spends adequate time with each participant. The team consists of the following members: DCFS, GAL, Vocational Rehab, Dept. of Work Force Services, Tracker, Treatment (Weber Heath Services), Defense Attorney, and AG, and Drug Court Coordinator. At staffing and court there are 4 therapists and 6 DCFS Workers. Only suggestion I made to the Judge was to reduce the number of DCFS Workers and Therapists attending each court session.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. COMPLIANT

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. COMPLIANT

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. COMPLIANT

-The court is provided timely and accurate information about a participant's progress. COMPLIANT

-All treatment providers are certified by the State. COMPLIANT

5. Abstinence is monitored by frequent alcohol and other drug testing. COMPLIANT

-The scope of drug testing is sufficiently broad to detect abuse. COMPLIANT

-The drug court uses random and frequent drug tests. COMPLIANT

-Participants must have at least three consecutive months of negative drug tests for graduation. COMPLIANT

6. A coordinated strategy governs drug court responses to participant compliance. COMPLIANT

-The drug court team maintains regular contact. COMPLIANT

-The drug court team has implemented a variety of incentives and sanctions. COMPLIANT

-The drug court has developed sanction guidelines, which are included in their policies and procedures. COMPLIANT

7. Ongoing judicial interaction with each drug court participant is essential. COMPLIANT

-Regular status hearings are used to monitor participant performance. COMPLIANT

-The court applies appropriate incentives and sanctions to match the participant's treatment progress. COMPLIANT

-The judge interacts with each participant individually. COMPLIANT

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. COMPLIANT

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. COMPLIANT

-Drug court policy calls for an exit interview with each client. COMPLIANT

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. COMPLIANT

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.
COMPLIANT

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**
2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**
3. Adopted a holistic approach to strengthening family function. **COMPLIANT**
4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**
5. Ensured legal rights, advocacy, and confidentiality for parents and children.
COMPLIANT
6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**
7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**
8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**
9. Relied on Judicial leadership for both planning and implementing the court.
COMPLIANT
10. Made a commitment to measure program outcomes. **COMPLIANT**
11. Planned for program sustainability. **COMPLIANT**
12. Strived to work as a collaborative, non-adversarial team supported by cross training.
COMPLIANT
13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: NONE

L. Suggestions: Reduce the number of therapists and DCFS Workers that attend staffing and court every week.

M. Certification Recommendation: CERTIFY



**Salt Lake County, SLC,
SLC Juvenile Drug Court –
Judge Hornak**

SALT LAKE COUNTY, SLC JUVENILE DRUG COURT

JUDGE HORNAK

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: the purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Hornak has 14 participants in this Juvenile Drug Court. As usual staffing is excellent along with the Judges interaction with the participants in the courtroom. Judge Hornak has the longest running Juvenile Drug Court in the state. Her team consist of members of the following organizations: District Attorney, Treatment, Probation, Coordinator, Defense Attorney, and the Court Clerk.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility.

Compliant

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable.
Compliant

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. **Compliant**

A) Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. **Compliant**

B) The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. **Compliant**

C) The drug court and treatment provider maintain ongoing communication through the case-manager. **Compliant**

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. **Compliant**

A) The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. **Compliant**

B) The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. **Compliant**

C) The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. **Compliant**

D) The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. **Compliant**

E) The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. **Compliant**

3. Eligible participants are identified early and placed promptly in the drug court program. **Compliant**

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. **Compliant**

A) Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **Compliant**

B) The court is provided timely and accurate information about a participant's progress. **Compliant**

C) All treatment providers are certified by the State. **Compliant**

5. Abstinence is monitored by frequent alcohol and other drug testing. **Compliant**

A) The scope of drug testing is sufficiently broad to detect abuse. **Compliant**

B) The drug court uses random and frequent drug tests. **Compliant**

C) Participants must have at least three consecutive months of negative drug tests for graduation. **Compliant**

6. A coordinated strategy governs drug court responses to participant compliance. **Compliant**

A) The drug court team maintains regular contact. **Compliant**

B) The drug court team has implemented a variety of incentives and sanctions. C) The drug court has developed sanction guidelines, which are included in their policies and procedures. **Compliant**

7. Ongoing judicial interaction with each drug court participant is essential. **Compliant**

A) Regular status hearings are used to monitor participant performance. **Compliant**

B) The court applies appropriate incentives and sanctions to match the participant's treatment progress. **Compliant**

C) The judge interacts with each participant individually. **Compliant**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **Compliant**

A) Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **Compliant**

B) Drug court policy calls for an exit interview with each client. **Compliant**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **Compliant**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **Compliant**

I. **Strategies:**

1. Engage all stakeholders in creating interdisciplinary, coordinated, and systematic approach to working with youth and their families. **Compliant, each parent is given an opportunity to respond in court as to the child's behavior at home.**
2. Develop and maintain an interdisciplinary, non-adversarial work team. **Compliant**
3. Define a target population and eligibility criteria that are aligned with the program's goals and objectives. **Compliant**
4. Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families. **Compliant**
5. Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field. **Compliant**
6. Build partnerships with community organizations to expand the range of opportunities available to youth and their families. **Compliant**
7. Tailor interventions to the complex and varied needs of youth and their families. **Compliant**
8. Tailor treatment to the developmental needs of adolescents. **Compliant**
9. Design treatment to address the unique needs of each gender. **Compliant**
10. Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent. **Compliant**
11. Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves. **Compliant**
12. Recognize and engage the family as a valued partner in all components of the program. **Compliant**
13. Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs. **Compliant**
14. Design drug testing to be frequent, random, and observed. Document testing policies and procedures in writing. **Compliant**
15. Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families. **Compliant**
16. Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information. **Compliant**



J. Requirements: **None**

K. Recommendations: At this point none.

L. Certification Recommendation: CERTIFY



**Salt Lake County, SLC,
Dependency Drug Court –
Judge Lund**

SALT LAKE COUNTY, SLC, DEPENDENCY DRUG COURT

JUDGE LUND

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Lund was doing a Dependency Drug Court in West Jordan but moved downtown to take over Judge Oddone's Court. She has continued to preside over the Dependency Drug Court that judge Oddone started. Judge Lund presently has 7 participants. On the day I observed she had 3 graduates. Judge Lund shows good leadership and interacts well with the team. She did an excellent job in Court interacting with the participants. Her team consists of the following members: DCFS, Coordinator, GAL, AG, Treatment (Salt Lake Behavioral Health), and a Defense Attorney. All members of the team attended staffing and court.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. COMPLIANT

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. COMPLIANT

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **COMPLIANT**

-The court is provided timely and accurate information about a participant's progress. **COMPLIANT**

-All treatment providers are certified by the State. **COMPLIANT**

5. Abstinence is monitored by frequent alcohol and other drug testing. **COMPLIANT**

-The scope of drug testing is sufficiently broad to detect abuse. **COMPLIANT**

-The drug court uses random and frequent drug tests. **COMPLIANT**

-Participants must have at least three consecutive months of negative drug tests for graduation. **COMPLIANT**

6. A coordinated strategy governs drug court responses to participant compliance. **COMPLIANT**

-The drug court team maintains regular contact. **COMPLIANT**

-The drug court team has implemented a variety of incentives and sanctions. **COMPLIANT**

-The drug court has developed sanction guidelines, which are included in their policies and procedures. **COMPLIANT**

7. Ongoing judicial interaction with each drug court participant is essential. **COMPLIANT**

-Regular status hearings are used to monitor participant performance. **COMPLIANT**

-The court applies appropriate incentives and sanctions to match the participant's treatment progress. **COMPLIANT**

-The judge interacts with each participant individually. **COMPLIANT**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **COMPLIANT**

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **COMPLIANT**

-Drug court policy calls for an exit interview with each client. **COMPLIANT**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **COMPLIANT**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.
COMPLIANT

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**
2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**
3. Adopted a holistic approach to strengthening family function. **COMPLIANT**
4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**
5. Ensured legal rights, advocacy, and confidentiality for parents and children.
COMPLIANT
6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**
7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**
8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**
9. Relied on Judicial leadership for both planning and implementing the court.
COMPLIANT
10. Made a commitment to measure program outcomes. **COMPLIANT**
11. Planned for program sustainability. **COMPLIANT**
12. Strived to work as a collaborative, non-adversarial team supported by cross training.
COMPLIANT
13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: NONE

L. Suggestions: NONE

M. Certification Recommendation: CONDITIONAL CERTIFICATION

The issue is one of number of participants. Judge Lund has 7 participants. NADCP Standards and Best Practices recommend that there be between 15 and 125 participants for maximum results and cost effectiveness. The Council will have to look at this requirement since there are a number of Juvenile Courts operating in the State that do not meet this requirement.

**Utah County, Provo,
Juvenile Drug Court –
Judge Smith**

UTAH COUNTY, PROVO, JUVENILE DRUG COURT

JUDGE SMITH

FEBRUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: the purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Smith took over the Juvenile Drug Court from Judge Lindsey in September 2013. There used to be a North and South Juvenile Drug Court however, Judge Smith has combined them both. He presently has 12 active participants with two additional pending admission into the program. Under Judge Lindsey there were approximately thirty participants in both courts however, the County now claims they only can afford to support 15. Judge Smith in anticipation of taking over the Drug Court attended the national NADCP Conference and the State-wide training. He has a very good understanding of the principles of drug court. He worked well with his team and displayed good leadership ability during staffing. He takes a great interest in his participants and displayed that during the court session spending adequate time with each participant. His team attended both the staffing and the court session as is comprised of: County Attorney, Defense Attorney, Treatment, Probation, Coordinator, and the Court Clerk. The team worked well together. Utah County contracts with the Life

Enhancement Center for the treatment of the Juveniles. They are an active member of the team.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility.

Compliant

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable.

Compliant

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. **Compliant**

A) Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. **Compliant**

B) The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. **Compliant**

C) The drug court and treatment provider maintain ongoing communication through the case-manager. **Compliant**

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. **Compliant**

A) The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. **Compliant**

B) The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. **Compliant**

C) The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. **Compliant**

D) The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. **Compliant**

E) The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. **Compliant**

3. Eligible participants are identified early and placed promptly in the drug court program. **Compliant**

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. **Compliant**

A) Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. **Compliant**

B) The court is provided timely and accurate information about a participant's progress. **Compliant**

C) All treatment providers are certified by the State. **Compliant**

5. Abstinence is monitored by frequent alcohol and other drug testing. **Compliant**

A) The scope of drug testing is sufficiently broad to detect abuse. **Compliant**

B) The drug court uses random and frequent drug tests. **Compliant**

C) Participants must have at least three consecutive months of negative drug tests for graduation. **Compliant**

6. A coordinated strategy governs drug court responses to participant compliance. **Compliant**

A) The drug court team maintains regular contact. **Compliant**

B) The drug court team has implemented a variety of incentives and sanctions. **Compliant, The team has each participant list there won sanctions and incentives upon their entry into the program.**

C) The drug court has developed sanction guidelines, which are included in their policies and procedures. **Compliant**

7. Ongoing judicial interaction with each drug court participant is essential. **Compliant**

A) Regular status hearings are used to monitor participant performance. **Compliant**

B) The court applies appropriate incentives and sanctions to match the participant's treatment progress. **Compliant**

C) The judge interacts with each participant individually. **Compliant**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **Compliant**

A) Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **Compliant**

B) Drug court policy calls for an exit interview with each client. **Compliant**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **Compliant**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. **Compliant**

I. Strategies:

1. Engage all stakeholders in creating interdisciplinary, coordinated, and systematic approach to working with youth and their families. **Compliant, each parent is given an opportunity to respond in court as to the child's behavior at home.**

2. Develop and maintain an interdisciplinary, non-adversarial work team. **Compliant**

3. Define a target population and eligibility criteria that are aligned with the program's goals and objectives. **Compliant**

4. Schedule frequent judicial reviews and be sensitive to the effect that court proceedings can have on youth and their families. **Compliant**

5. Establish a system for program monitoring and evaluation to maintain quality of service, assess program impact, and contribute to knowledge in the field. **Compliant**

6. Build partnerships with community organizations to expand the range of opportunities available to youth and their families. **Compliant**

7. Tailor interventions to the complex and varied needs of youth and their families. **Compliant**

8. Tailor treatment to the developmental needs of adolescents. **Compliant**

9. Design treatment to address the unique needs of each gender. **Compliant**

10. Create policies and procedures that are responsive to cultural differences and train personnel to be culturally competent. **Compliant**

11. Maintain a focus on the strengths of youth and their families during program planning and in every interaction between the court and those it serves. **Compliant**

12. Recognize and engage the family as a valued partner in all components of the program. **Compliant**

13. Coordinate with the school system to ensure that each participant enrolls in and attends an educational program that is appropriate to his or her needs. **Compliant**

14. Design drug testing to be frequent, random, and observed. Document testing policies and procedures in writing. **Compliant**

15. Respond to compliance and noncompliance with incentives and sanctions that are designed to reinforce or modify the behavior of youth and their families. **Compliant**

16. Establish a confidentiality policy and procedures that guard the privacy of the youth while allowing the drug court team to access key information. **Compliant**

J. Requirements: **None**

K. Recommendations: At this point none.

L. Certification Recommendation: CERTIFY

**Davis County,
Dependency Drug Court –
Judge Dillon**

COURT: DAVIS COUNTY DEPENDENCY, 2014

JUDGE: DILLON

DATE: JANUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: Judge Dillon just started to preside over this dependency drug court from Judge Noland. This was here first court session involving this particular court. The Judge did an outstanding job and was able to recognize changes that had to be made to make the court more effective. The team seemed to be responsive to the changes and challenges she proposed. The entire team attends staffing and court. She does an excellent job of getting their input in staffing and asking the team for comments during the court session. Present were representatives from DCF, Davis County Behavioral Health, The Attorney General's Office,

Defense Counsel, Guardian ad Litem, and the Judge. This Court does not receive any State money.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility. **COMPLIANT WITH COMMENT: THE COURT IS NOT PRESENTLY CONDUCTING AN ADEQUATE ASSESSMENT. THE JUDGE IS AWARE OF THIS ISSUE AND TOLD THE TEAM SHE NEEDED TO SEE SOME CHANGES. SHE HAS REQUESTED THE TEAM PUT TOGETHER A PLAN TO HAVE THE ASSESSMENT COMPLETED PRIOR TO ENTRY INTO THE DRUG COURT PROGRAM AND TO FOLLOW UP WITH THE USE OF THE RANT.**

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable. **COMPLIANT**

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. **COMPLIANT**

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. **COMPLIANT**

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. **COMPLIANT**

-The drug court and treatment provider maintain ongoing communication through the case-manager. **COMPLIANT**

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. **COMPLIANT**

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. **COMPLIANT**

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. **COMPLIANT**

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. **COMPLIANT**

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. **COMPLIANT**

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT WITH COMMENT: DCFS DOES THE PLACEMENT.

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. COMPLIANT WITH COMMENT: DCFS DOES THE SCREENING.

-The court is provided timely and accurate information about a participant's progress. COMPLIANT

-All treatment providers are certified by the State. COMPLIANT

5. Abstinence is monitored by frequent alcohol and other drug testing. COMPLIANT WITH COMMENT: THERE IS NO WEEKEND OR HOLIDAY TESTING.

-The scope of drug testing is sufficiently broad to detect abuse. COMPLIANT WITH COMMENT: THERE IS NO WEEKEND OR HOLIDAY TESTING.

-The drug court uses random and frequent drug tests. SAME AS ABOVE

-Participants must have at least three consecutive months of negative drug tests for graduation. COMPLIANT

6. A coordinated strategy governs drug court responses to participant compliance. COMPLIANT WITH COMMENT: THE COURT HAS NEVER PUT TOGETHER A SANCTION AND INCENTIVE GRID. THE JUDGE INSTRUCTED THEM TO PUT A SAMPLE TOGETHER FOR THEIR NEXT MEETING.

-The drug court team maintains regular contact. COMPLIANT

-The drug court team has implemented a variety of incentives and sanctions. SAME AS ABOVE

-The drug court has developed sanction guidelines, which are included in their policies and procedures. SAME AS ABOVE

7. Ongoing judicial interaction with each drug court participant is essential. COMPLIANT

-Regular status hearings are used to monitor participant performance. COMPLIANT

-The court applies appropriate incentives and sanctions to match the participant's treatment progress SEE ABOVE

-The judge interacts with each participant individually. COMPLIANT

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. COMPLIANT

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. COMPLIANT

-Drug court policy calls for an exit interview with each client. COMPLIANT

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. COMPLIANT

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness. COMPLIANT

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. COMPLIANT

2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. COMPLIANT

3. Adopted a holistic approach to strengthening family function. COMPLIANT

4. Used individualized case planning based on comprehensive assessment. COMPLIANT WITH COMMENT: SEE ABOVE

5. Ensured legal rights, advocacy, and confidentiality for parents and children. COMPLIANT

6. Scheduled regular staffings and judicial court reviews. COMPLIANT

7. Implemented a system of graduated sanctions and incentives. SEE ABOVE

8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. COMPLIANT

9. Relied on Judicial leadership for both planning and implementing the court. COMPLIANT

10. Made a commitment to measure program outcomes. COMPLIANT

11. Planned for program sustainability. COMPLIANT

12. Strived to work as a collaborative, non-adversarial team supported by cross training.
COMPLIANT

13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. COMPLIANT

J. Requirements: A NUMBER OF AREAS COULD USE SOME IMPROVEMENT:

SANCTION AND INCENTIVE GRID

WEEKEND AND HOLIDAY DRUG TESTING

ASSESSMENT FOR HIGH RISK, HIGH NEEDS AND A MORE COMPREHENSIVE TREATMENT PLAN

USE OF THE RANT

K. Recommendations: GO BACK AND VISIT THE COURT AFTER JUDGE DILLON PRESIDES OVER IT FOR APPROXIMATELY SIX MONTHS TO SEE WHAT CHANGES AND IMPROVEMENTS HAVE BEEN MADE.

L. Suggestions: SEE ABOVE

M. Certification Recommendation: CONDITIONAL CERTIFICATION

Please see requirements above.

**Salt Lake County,
West Jordan,
Dependency Drug Court –
Judge Decker**

COURT: WEST JORDAN DEPENDENCY

JUDGE: DECKER

DATE: JANUARY 2014

Overview:

A. Authority: this review was conducted under the authority of CJA Rule 4-409 and the Judicial Council.

B. Purpose and Scope: The purpose of the review is to provide oversight and assistance to drug courts operating in the State of Utah. The scope of this review includes drug court policies, procedures, and interagency collaboration, Drug Court Rules and Defining Drug Courts: The Key Components and Principles, and Common Practices as published by the U.S. Department of Justice.

C. Methodology: The certification process included a review of the drug court policies, procedures and practices, common practices and the (10) key components. Interviews were conducted with the drug court staff, team members, and other persons involved in the operation of the drug court. A focus group was also conducted with a number of drug court participants.

D. Rating Criteria:

Compliant: Subject area was in compliance with standards.

Compliant with Comment: Subject area was in general compliance with standards but specific areas need to be addressed.

Non-compliant: Subject area has one or more significant problems with standards.

F. Drug Court Description: At the present time Judge Decker has 11 participants however, the court fluctuates and usually maintains an average of 15 participants. Judge Decker has been presiding over her Dependency Drug Court for a number of years and does an excellent job with the participants and the court. She takes an active leadership role during staffing and spends adequate time with the participants in court. All of her team members attend staffing and court. Her team consists of: Coordinator, DCFS, representative from the House of Hope, Representative from Valley Mental Health, Defense Counsel, AAG, and the Guardian ad Litem.

G. Rule 4-409

The Court is required to conduct an assessment that measures levels of addiction, criminality, and or other appropriate criteria as a part of determining eligibility.

Any fees assessed by the court must be pursuant to a fee schedule, and reasonable.

H. The Ten (10) Key Components:

1. Drug courts integrate alcohol and other drug treatment with justice system case processing. COMPLIANT

-Abstinence and law-abiding behavior are the goals of the drug court, with specific and measurable goals marking progress. COMPLIANT

-The drug court judge plays an active role in the drug court process and responds to each participant's compliance with drug court requirements. COMPLIANT

-The drug court and treatment provider maintain ongoing communication through the case-manager. COMPLIANT

2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participant's due process rights. COMPLIANT

-The drug court coordinator, prosecutor, and public defender participate in the design of policies and procedures to guarantee due process and public safety. COMPLIANT

-The prosecutor and public defender coordinate strategy to deal with a positive drug test and other instances of non-compliance. COMPLIANT

-The defense attorney advises the defendant as to the nature and purpose of the drug court, and all policies and procedures. COMPLIANT

-The defense attorney explains all of the rights that the defendant will waive upon entry into drug court. COMPLIANT

-The defense attorney provides counsel when needed on alternative courses of action before and while participating in drug court. COMPLIANT

3. Eligible participants are identified early and placed promptly in the drug court program. COMPLIANT

4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. COMPLIANT

-Drug court participants are screened by the case-manager and assessed to insure treatment is appropriate. COMPLIANT

-The court is provided timely and accurate information about a participant's progress. **COMPLIANT**

-All treatment providers are certified by the State. **COMPLIANT**

5. Abstinence is monitored by frequent alcohol and other drug testing. **COMPLIANT, HOWEVER, TASC DOES NOT PROVIDE WEEKEND OR HOLIDAY TESTING. IF PARTICIPANTS ARE IN INPATIENT THEY ARE GIVEN TESTS DURING WEEKENDS AND HOLIDAYS.**

-The scope of drug testing is sufficiently broad to detect abuse. **COMPLIANT**

-The drug court uses random and frequent drug tests. **COMPLIANT**

-Participants must have at least three consecutive months of negative drug tests for graduation. **COMPLIANT**

6. A coordinated strategy governs drug court responses to participant compliance. **COMPLIANT**

-The drug court team maintains regular contact. **COMPLIANT**

-The drug court team has implemented a variety of incentives and sanctions. **COMPLIANT**

-The drug court has developed sanction guidelines, which are included in their policies and procedures. **COMPLIANT**

7. Ongoing judicial interaction with each drug court participant is essential. **COMPLIANT**

-Regular status hearings are used to monitor participant performance. **COMPLIANT**

-The court applies appropriate incentives and sanctions to match the participant's treatment progress **COMPLIANT**

-The judge interacts with each participant individually. **COMPLIANT**

8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. **COMPLIANT**

-Data needed for program monitoring and management can be obtained from records maintained from day to day program operations. **COMPLIANT**

-Drug court policy calls for an exit interview with each client. **COMPLIANT**

9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. **COMPLIANT**

10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.
COMPLIANT

I. Common Characteristics of Dependency Drug Court:

1. Integrated a focus on the permanency, safety, and welfare of abused and neglected children with the needs of the parents. **COMPLIANT**
2. Intervened early to involve parents in developmentally appropriate, comprehensive services with increased judicial supervision. **COMPLIANT**
3. Adopted a holistic approach to strengthening family function. **COMPLIANT**
4. Used individualized case planning based on comprehensive assessment. **COMPLIANT**
5. Ensured legal rights, advocacy, and confidentiality for parents and children.
COMPLIANT
6. Scheduled regular staffings and judicial court reviews. **COMPLIANT**
7. Implemented a system of graduated sanctions and incentives. **COMPLIANT**
8. Operated within mandates of The Adoption and Safe Families Act and the Indian Child Welfare Act. **COMPLIANT**
9. Relied on Judicial leadership for both planning and implementing the court.
COMPLIANT
10. Made a commitment to measure program outcomes. **COMPLIANT**
11. Planned for program sustainability. **COMPLIANT**
12. Strived to work as a collaborative, non-adversarial team supported by cross training.
COMPLIANT
13. Integrated a focus on the permanency, safety, and welfare of abused and neglected children and the needs of their parents. **COMPLIANT**

J. Requirements: NONE

K. Recommendations: HAVE DCFS RE-NEGOTIATE THEIR CONTRACT WITH TASC TO PROVIDE FOR WEEKEND AND HOLIDAY TESTING.

L. Suggestions: NONE

M. Certification Recommendation: CERTIFY



TAB 5

JUSTICE COURT JUDGES

Orientation Exam

Name: Catherine Hoskins

Orientation Dates: August 18-22

1. What is the maximum contempt penalty that a justice court judge can order?

5 days \$500

2. What is the subject matter and territorial jurisdiction of YOUR justice court?

Syracuse City limits ~~is~~ the territorial jurisdiction. Subject matter jurisdiction covers crimes that ~~are~~ are a bor & misdemeanor or ~~of~~ infractions, committed by persons over 18 years of age.

3. What is the standard of proof in a criminal proceeding?

Beyond a reasonable doubt

4. Under what circumstances can a justice court judge deny bail?

Never

5. How many jurors hear a jury trial in justice courts? 4

JUSTICE COURT JUDGES' ORIENTATION

Orientation Dates: August 18-22nd

1. Full Name: Catherine Jeanne Hoskins
2. Home Address: 857 East 750 South Layton, Utah
3. Home Phone Number: 801-390-3951
4. Date of Birth: 04/16/1977
5. Current Occupation: Attorney
6. Expected Part-Time Employment While Serving as Judge: Continue as a
Solo practitioner. My practice will be about 70%
Family Law, 20% Estate Planning, 10% Mediation/Misc
7. Past Educational Background: Associates of Arts Brigham Young Idaho
Bachelors of Arts (History) University of Utah, Juris Doctorate
University of Oregon
8. Previous Employment History: Hoskins Legal Solutions, past 10 years

SCORE:	<u>90%</u>
BCI:	<u>JK</u>
CERT:	<u>YES</u>

6. What parts of the Code of Judicial Conduct do **not** apply to part-time justice court judges?

78A-7-206. Pertaining to restrictions for full time judges about service to the community, business, ~~and~~ legal practices and financial dealings. These are lessened for a part time judge

7. Does a defendant who has been cited for speeding have a right to have a formal information filed if he so requests?

Yes, unless defendant pleads guilty or waives the right all defendants are entitled to a formal information

8. What is the correct class of misdemeanor for the following offense:

"Any person willfully violating his written promise to appear in court, given as provided in this act is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested."

- a. Infraction
- b. Class C misdemeanor
- c. Class B misdemeanor
- d. Class A misdemeanor

9. List four enhanceable offenses on which justice courts must maintain records of conviction.

- 1. DUI/Impaired Driving/ Metabolite DUI
- 2. Theft
- 3. Domestic Violence
- 4. Possession Drugs/ Drug Paraphernalia
- 5. Sex Solicitation
- 6. Using handheld devices while driving
- 7. Speeding in a School Zone

10. Justice court judges are required to attend the Annual Spring Conference

- a. every year
- b. every four years
- c. whenever they feel that they need some additional judicial education
- d. every year if their municipality/county funds them to go

11. Read each fact situation and indicate whether the judge's conduct may be prohibited by the Code of Judicial Conduct.

a. A defendant calls the judge at home and wants to tell him or her about evidence in his case. May the judge listen?

Yes No

b. May a judge solicit money for the Boy Scouts of America?

Yes No

c. May a judge hear a case involving his nephew?

Yes No

d. May a judge be a delegate to the Republican Convention?

Yes No

e. May a judge allow Channel 5 to tape a trial?

Yes No

f. May a judge charge for performing a wedding outside regular court hours?

Yes No

12. In the state of Utah does the defendant have a right to a trial by jury in a Class C misdemeanor?

Yes No

13. Can justice court judges appoint public defenders?

Yes No

14. Can the trial court judge rely on defense counsel to inform the defendant of his rights and the consequences of his plea?

Yes No

15. Must an information or sworn statement always be filed prior to the issuance of a bench warrant?

Yes No

16. The standard for issuing a search warrant is:

- a. an articulable suspicion
- b. probable cause
- c. reasonable suspicion
- d. some evidence

17. A "no bail" warrant can:

- a. only be issued by a district court judge
- b. never be issued by a justice court judge under any circumstances
- c. be issued by a justice court judge if there is a strong reason to believe the defendant will not appear if released on bail
- d. can be used in both misdemeanor and felony cases
- e. both C and D

18. The maximum sentences for the following are:

- a. Class B misdemeanor Fine 1,000 Jail 6 months
- b. Class C misdemeanor Fine 750 Jail 3 months
- c. Infractions Fine 750 Jail none

TRUE OR FALSE

19. T F A pro se defendant may not cross-examine prosecution witnesses because only attorneys may practice before the court.
20. T F A defendant has 10 days from the entry of judgment in a criminal matter in a justice court to appeal for a trial de novo to be held in the circuit/district court. 30 days

JUSTICE COURT JUDGES' ORIENTATION

Orientation Dates: 8-18-14 thru 8-22-14

1. Full Name: Ronald L. Read
2. Home Address: 2682 South Tomquist Drive
St. George, Utah 84790
3. Home Phone Number: (435) 674-4009
4. Date of Birth: 11/19/1958
5. Current Occupation: Attorney
6. Expected Part-Time Employment While Serving as Judge: N/A

7. Past Educational Background: BS. Southern Utah State University ;
J.D. University of Utah Law School

8. Previous Employment History: Hughes & Read ; City of St. George (Assistant
city attorney); A-Truss ; Read & Wright, PC ; Read & Wright Naegle
Jensen, PC (Attorney)

SCORE:	<u>96%</u>
BCI:	<u>OK</u>
CERT:	<u>YES</u>

JUSTICE COURT JUDGES

2

Orientation Exam

Name: Ronald Reed

Orientation Dates: 8-18-14/8-22-14

1. What is the maximum contempt penalty that a justice court judge can order?

5 days jail ; \$500 fine

2. What is the subject matter and territorial jurisdiction of YOUR justice court?

Subject Matter: infractions and Class B and C misdemeanor committed by persons 18 years of age and older; offenses committed by 16 & 17 year olds under specifically enumerated code sections.

Territorial: unincorporated areas of Washington County and St. George city limits.

3. What is the standard of proof in a criminal proceeding?

Proof beyond a reasonable doubt

4. Under what circumstances can a justice court judge deny bail?

In a capital felony case.

5. How many jurors hear a jury trial in justice courts?

4

6. What parts of the Code of Judicial Conduct do not apply to part-time justice court judges?

Rule 2.10(A) and 2.10(B); 3.4 except while serving as a judge; or
at any time Rules 3.4; 3.8; 3.9; 3.10; 3.11; ~~3.12~~

7. Does a defendant who has been cited for speeding have a right to have a formal information filed if he so requests?

No

8. What is the correct class of misdemeanor for the following offense:

"Any person willfully violating his written promise to appear in court, given as provided in this act is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested."

- a. Infraction
- b. Class C misdemeanor
- c. Class B misdemeanor
- d. Class A misdemeanor

9. List four enhanceable offenses on which justice courts must maintain records of conviction.

- 1) DUI
- 2) Domestic violence
- 3) Speeding in a school zone
- 4) Failure to auto liability insurance on his or her vehicle

10. Justice court judges are required to attend the Annual Spring Conference

- a. every year
- b. every four years
- c. whenever they feel that they need some additional judicial education
- d. every year if their municipality/county funds them to go

11. Read each fact situation and indicate whether the judge's conduct may be prohibited by the Code of Judicial Conduct.

a. A defendant calls the judge at home and wants to tell him or her about evidence in his case. May the judge listen?

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b. May a judge solicit money for the Boy Scouts of America?

Yes No

c. May a judge hear a case involving his nephew?

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d. May a judge be a delegate to the Republican Convention?

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16. The standard for issuing a search warrant is:

- a. an articulable suspicion
- b. probable cause
- c. reasonable suspicion
- d. some evidence

17. A "no bail" warrant can:

- a. only be issued by a district court judge
- b. never be issued by a justice court judge under any circumstances
- c. be issued by a justice court judge if there is a strong reason to believe the defendant will not appear if released on bail
- d. can be used in both misdemeanor and felony cases
- e. both C and D

18. The maximum sentences for the following are:

- a. Class B misdemeanor Fine \$1,000 Jail 6 months
- b. Class C misdemeanor Fine \$750 Jail 90 days
- c. Infractions Fine \$750 Jail -0-

TRUE OR FALSE

19. T F A pro se defendant may not cross-examine prosecution witnesses because only attorneys may practice before the court.
20. T F A defendant has 10 days from the entry of judgment in a criminal matter in a justice court to appeal for a trial de novo to be held in the circuit/district court.

TAB 6



Administrative Office of the Courts

Chief Justice Christine M. Durham
Utah Supreme Court
Chair, Utah Judicial Council

September 4, 2014

Daniel J. Becker
State Court Administrator
Myron K. March
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Debra Moore, District Court Administrator

RE: Probation Supervision Standards

By statute, the Judicial Council must be provided the opportunity annually to review and comment on the supervision standards used by Adult Probation and Parole. See UCA § 78-18-1(3)(b)-(d) (attached). In preparation for this year's review, as in the past, the Board of District Court Judges met with Geri-Miller Fox to review the standards and make recommendations to the Judicial Council. The proposed standards that Ms. Miller presented to the Board are attached.

The Board recommends two changes to the proposed standards. First, as to AP&P's proposal to modify the language of the weapons related condition to conform to H.B. 268, the Board recommends modifying the proposed language for clarity to read: "Not own, possess, have under my control, in my custody or on the premises where I reside: any explosives, firearms, archery equipment or crossbows, or any dangerous weapons."

Second, as to AP&P's proposal to add a condition requiring probationers to provide valid identification when stopped by a law enforcement official, the Board recommends against adoption of this requirement. The Board notes that proposed condition is unnecessary because the failure to provide identification is already a crime that may be separately charged.

The Board recommends that the sex offender C conditions be adopted as proposed. The Board also reviewed the existing conditions and recommends that they remain in effect.

In addition, for the Council's information, Ms. Miller-Fox will meet with the Board again this month to inform the Board that AP&P is working on modifying the supervision standards to better align with evidence-based practices. She will request the Board's comment, which will also be forwarded to the Council.

The mission of the Utah judiciary is to provide an open, fair,
efficient, and independent system for the advancement of justice under the law.

77-18-1. Suspension of sentence -- Pleas held in abeyance -- Probation -- Supervision -- Presentence investigation -- Standards -- Confidentiality -- Terms and conditions -- Termination, revocation, modification, or extension -- Hearings -- Electronic monitoring.

(1) On a plea of guilty or no contest entered by a defendant in conjunction with a plea in abeyance agreement, the court may hold the plea in abeyance as provided in Title 77, Chapter 2a, Pleas in Abeyance, and under the terms of the plea in abeyance agreement.

(2) (a) On a plea of guilty, guilty with a mental illness, no contest, or conviction of any crime or offense, the court may, after imposing sentence, suspend the execution of the sentence and place the defendant on probation. The court may place the defendant:

(i) on probation under the supervision of the Department of Corrections except in cases of class C misdemeanors or infractions;

(ii) on probation with an agency of local government or with a private organization; or

(iii) on bench probation under the jurisdiction of the sentencing court.

(b) (i) The legal custody of all probationers under the supervision of the department is with the department.

(ii) The legal custody of all probationers under the jurisdiction of the sentencing court is vested as ordered by the court.

(iii) The court has continuing jurisdiction over all probationers.

(3) (a) The department shall establish supervision and presentence investigation standards for all individuals referred to the department. These standards shall be based on:

(i) the type of offense;

(ii) the demand for services;

(iii) the availability of agency resources;

(iv) the public safety; and

(v) other criteria established by the department to determine what level of services shall be provided.

(b) Proposed supervision and investigation standards shall be submitted to the Judicial Council and the Board of Pardons and Parole on an annual basis for review and comment prior to adoption by the department.

(c) The Judicial Council and the department shall establish procedures to implement the supervision and investigation standards.

(d) The Judicial Council and the department shall annually consider modifications to the standards based upon criteria in Subsection (3)(a) and other criteria as they consider appropriate.

(e) The Judicial Council and the department shall annually prepare an impact report and submit it to the appropriate legislative appropriations subcommittee.

(4) Notwithstanding other provisions of law, the department is not required to supervise the probation of persons convicted of class B or C misdemeanors or infractions or to conduct presentence investigation reports on class C misdemeanors or infractions. However, the department may supervise the probation of class B misdemeanants in accordance with department standards.

(5) (a) Before the imposition of any sentence, the court may, with the concurrence of the defendant, continue the date for the imposition of sentence for a reasonable period of time for the purpose of obtaining a presentence investigation report from the department or information from other sources about the defendant.

(b) The presentence investigation report shall include:

(i) a victim impact statement according to guidelines set in Section 77-38a-203 describing the effect of the crime on the victim and the victim's family;

(ii) a specific statement of pecuniary damages, accompanied by a recommendation from the department regarding the payment of restitution with interest by the defendant in accordance with Title 77, Chapter 38a, Crime Victims Restitution Act;

(iii) findings from any screening and any assessment of the offender conducted under Section 77-18-1.1;

(iv) recommendations for treatment of the offender; and

(v) the number of days since the commission of the offense that the offender has spent in the custody of the jail and the number of days, if any, the offender was released to a supervised release or alternative incarceration program under Section 17-22-5.5.

(c) The contents of the presentence investigation report are protected and are not available except by court order for purposes of sentencing as provided by rule of the Judicial Council or for use by the department.

(6) (a) The department shall provide the presentence investigation report to the defendant's attorney, or the defendant if not represented by counsel, the prosecutor, and the court for review, three working days prior to sentencing. Any alleged inaccuracies in the presentence investigation report, which have not been resolved by the parties and the department prior to sentencing, shall be brought to the attention of the sentencing judge, and the judge may grant an additional 10 working days to resolve the alleged inaccuracies of the report with the department. If after 10 working days the inaccuracies cannot be resolved, the court shall make a determination of relevance and accuracy on the record.

(b) If a party fails to challenge the accuracy of the presentence investigation report at the time of sentencing, that matter shall be considered to be waived.

(7) At the time of sentence, the court shall receive any testimony, evidence, or information the defendant or the prosecuting attorney desires to present concerning the appropriate sentence. This testimony, evidence, or information shall be presented in open court on record and in the presence of the defendant.

(8) While on probation, and as a condition of probation, the court may require that the defendant:

(a) perform any or all of the following:

(i) pay, in one or several sums, any fine imposed at the time of being placed on probation;

(ii) pay amounts required under Title 77, Chapter 32a, Defense Costs;

(iii) provide for the support of others for whose support the defendant is legally liable;

(iv) participate in available treatment programs, including any treatment program in which the defendant is currently participating, if the program is acceptable to the

court;

(v) serve a period of time, not to exceed one year, in a county jail designated by the department, after considering any recommendation by the court as to which jail the court finds most appropriate;

(vi) serve a term of home confinement, which may include the use of electronic monitoring;

(vii) participate in compensatory service restitution programs, including the compensatory service program provided in Section 76-6-107.1;

(viii) pay for the costs of investigation, probation, and treatment services;

(ix) make restitution or reparation to the victim or victims with interest in accordance with Title 77, Chapter 38a, Crime Victims Restitution Act; and

(x) comply with other terms and conditions the court considers appropriate; and

(b) if convicted on or after May 5, 1997:

(i) complete high school classwork and obtain a high school graduation diploma, a GED certificate, or a vocational certificate at the defendant's own expense if the defendant has not received the diploma, GED certificate, or vocational certificate prior to being placed on probation; or

(ii) provide documentation of the inability to obtain one of the items listed in Subsection (8)(b)(i) because of:

(A) a diagnosed learning disability; or

(B) other justified cause.

(9) The department shall collect and disburse the account receivable as defined by Section 76-3-201.1, with interest and any other costs assessed under Section 64-13-21 during:

(a) the parole period and any extension of that period in accordance with Subsection 77-27-6(4); and

(b) the probation period in cases for which the court orders supervised probation and any extension of that period by the department in accordance with Subsection (10).

(10) (a) (i) Probation may be terminated at any time at the discretion of the court or upon completion without violation of 36 months probation in felony or class A misdemeanor cases, or 12 months in cases of class B or C misdemeanors or infractions.

(ii) (A) If, upon expiration or termination of the probation period under Subsection (10)(a)(i), there remains an unpaid balance upon the account receivable as defined in Section 76-3-201.1, the court may retain jurisdiction of the case and continue the defendant on bench probation for the limited purpose of enforcing the payment of the account receivable. If the court retains jurisdiction for this limited purpose, the court may order the defendant to pay to the court the costs associated with continued probation under this Subsection (10).

(B) In accordance with Section 77-18-6, the court shall record in the registry of civil judgments any unpaid balance not already recorded and immediately transfer responsibility to collect the account to the Office of State Debt Collection.

(iii) Upon motion of the Office of State Debt Collection, prosecutor, victim, or upon its own motion, the court may require the defendant to show cause why the defendant's failure to pay should not be treated as contempt of court.

(b) (i) The department shall notify the sentencing court, the Office of State Debt

Collection, and the prosecuting attorney in writing in advance in all cases when termination of supervised probation will occur by law.

(ii) The notification shall include a probation progress report and complete report of details on outstanding accounts receivable.

(11) (a) (i) Any time served by a probationer outside of confinement after having been charged with a probation violation and prior to a hearing to revoke probation does not constitute service of time toward the total probation term unless the probationer is exonerated at a hearing to revoke the probation.

(ii) Any time served in confinement awaiting a hearing or decision concerning revocation of probation does not constitute service of time toward the total probation term unless the probationer is exonerated at the hearing.

(b) The running of the probation period is tolled upon the filing of a violation report with the court alleging a violation of the terms and conditions of probation or upon the issuance of an order to show cause or warrant by the court.

(12) (a) (i) Probation may not be modified or extended except upon waiver of a hearing by the probationer or upon a hearing and a finding in court that the probationer has violated the conditions of probation.

(ii) Probation may not be revoked except upon a hearing in court and a finding that the conditions of probation have been violated.

(b) (i) Upon the filing of an affidavit alleging with particularity facts asserted to constitute violation of the conditions of probation, the court that authorized probation shall determine if the affidavit establishes probable cause to believe that revocation, modification, or extension of probation is justified.

(ii) If the court determines there is probable cause, it shall cause to be served on the defendant a warrant for the defendant's arrest or a copy of the affidavit and an order to show cause why the defendant's probation should not be revoked, modified, or extended.

(c) (i) The order to show cause shall specify a time and place for the hearing and shall be served upon the defendant at least five days prior to the hearing.

(ii) The defendant shall show good cause for a continuance.

(iii) The order to show cause shall inform the defendant of a right to be represented by counsel at the hearing and to have counsel appointed if the defendant is indigent.

(iv) The order shall also inform the defendant of a right to present evidence.

(d) (i) At the hearing, the defendant shall admit or deny the allegations of the affidavit.

(ii) If the defendant denies the allegations of the affidavit, the prosecuting attorney shall present evidence on the allegations.

(iii) The persons who have given adverse information on which the allegations are based shall be presented as witnesses subject to questioning by the defendant unless the court for good cause otherwise orders.

(iv) The defendant may call witnesses, appear and speak in the defendant's own behalf, and present evidence.

(e) (i) After the hearing the court shall make findings of fact.

(ii) Upon a finding that the defendant violated the conditions of probation, the court may order the probation revoked, modified, continued, or that the entire probation

term commence anew.

(iii) If probation is revoked, the defendant shall be sentenced or the sentence previously imposed shall be executed.

(13) The court may order the defendant to commit himself or herself to the custody of the Division of Substance Abuse and Mental Health for treatment at the Utah State Hospital as a condition of probation or stay of sentence, only after the superintendent of the Utah State Hospital or the superintendent's designee has certified to the court that:

(a) the defendant is appropriate for and can benefit from treatment at the state hospital;

(b) treatment space at the hospital is available for the defendant; and

(c) persons described in Subsection 62A-15-610(2)(g) are receiving priority for treatment over the defendants described in this Subsection (13).

(14) Presentence investigation reports are classified protected in accordance with Title 63G, Chapter 2, Government Records Access and Management Act. Notwithstanding Sections 63G-2-403 and 63G-2-404, the State Records Committee may not order the disclosure of a presentence investigation report. Except for disclosure at the time of sentencing pursuant to this section, the department may disclose the presentence investigation only when:

(a) ordered by the court pursuant to Subsection 63G-2-202(7);

(b) requested by a law enforcement agency or other agency approved by the department for purposes of supervision, confinement, and treatment of the offender;

(c) requested by the Board of Pardons and Parole;

(d) requested by the subject of the presentence investigation report or the subject's authorized representative; or

(e) requested by the victim of the crime discussed in the presentence investigation report or the victim's authorized representative, provided that the disclosure to the victim shall include only information relating to statements or materials provided by the victim, to the circumstances of the crime including statements by the defendant, or to the impact of the crime on the victim or the victim's household.

(15) (a) The court shall consider home confinement as a condition of probation under the supervision of the department, except as provided in Sections 76-3-406 and 76-5-406.5.

(b) The department shall establish procedures and standards for home confinement, including electronic monitoring, for all individuals referred to the department in accordance with Subsection (16).

(16) (a) If the court places the defendant on probation under this section, it may order the defendant to participate in home confinement through the use of electronic monitoring as described in this section until further order of the court.

(b) The electronic monitoring shall alert the department and the appropriate law enforcement unit of the defendant's whereabouts.

(c) The electronic monitoring device shall be used under conditions which require:

(i) the defendant to wear an electronic monitoring device at all times; and

(ii) that a device be placed in the home of the defendant, so that the defendant's compliance with the court's order may be monitored.

(d) If a court orders a defendant to participate in home confinement through electronic monitoring as a condition of probation under this section, it shall:

(i) place the defendant on probation under the supervision of the Department of Corrections;

(ii) order the department to place an electronic monitoring device on the defendant and install electronic monitoring equipment in the residence of the defendant; and

(iii) order the defendant to pay the costs associated with home confinement to the department or the program provider.

(e) The department shall pay the costs of home confinement through electronic monitoring only for those persons who have been determined to be indigent by the court.

(f) The department may provide the electronic monitoring described in this section either directly or by contract with a private provider.

Amended by Chapter 120, 2014 General Session

Amended by Chapter 170, 2014 General Session

2014 Probation Condition Considerations

Topic 1: The first recommendation is a change to current standard condition language as a result of modified "weapon" statute language in HB 268.

Topic 2: The second recommendation is an option the Board may want to consider for sex offender supervision. This is something the Board of Pardons and Parole recently adopted to address cases where the sexual criminal conduct is primarily "age related" such as Unlawful Sexual Activity with a Minor or Unlawful Sexual Conduct with a 16 or 17 year old.

Topic 3: The final topic is a request we received from law enforcement. They would like to see a probation requirement that all probationers provide valid identification when stopped by any law enforcement official.

Standard Condition Recommendation:

CURRENT: Not possess, have under control, have in my custody or on the premises where residing any explosives, firearms or dangerous weapons. (Dangerous weapon is defined as any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.) Exceptions to this condition may be made by the supervising agent and must be in writing. This waiver will only apply to individuals on probation for a misdemeanor and who have never been convicted of a felony.

RECOMMENDED: Not own, possess, have under my control, in my custody or on the premises where I reside: any explosives, any firearms, or any dangerous weapons - including archery equipment or crossbows.

Special Condition Topic for Consideration:

The Board of Pardons and Parole recently adopted "Sex Offender C" group conditions. I have included what the Board developed for the Group C conditions. This might be something to take to Judicial Council in the event they would like this option for probation cases. We can implement immediately if this is an option you would like available for probation cases.

"After input from and discussion with AP&P, individual agents, Board hearing officers and staff, and treatment providers, the Board has adopted the attached Group C sex offender parole conditions, to be used primarily, when appropriate, in cases where an offender has been convicted of unlawful sexual activity offenses where the criminal conduct is primarily age related (Unlawful Sexual Activity With A Minor or Unlawful Sexual Conduct With a 16 or 17 Year Old)."

In the drop down for Group Condition, add an option for "Sex Offender C" available for parole agreements, with functionality the same as selecting the other group conditions (format, display, etc). Group C conditions:

1. *Submit to an evaluation, and successfully complete sex offender therapy as determined by the treating facility, therapists, and the Utah Department of Corrections.*
2. *Enter into and successfully complete established progressive curfews or electronic monitoring, where available, when required by Adult Probation and Parole.*
3. *Have no direct or indirect contact with the victim(s) or victim's family without prior written approval from Adult Probation and Parole.*
4. *Do not date or establish a relationship with anyone under the age of 18 without prior written approval from Adult Probation and Parole. This does not preclude contact with children under age 18 who are related to the parolee.*
5. *Comply with requirements of state sex offender registration, if applicable.*
6. *Comply with state DNA specimen requirements.*
7. *Submit to random polygraph examinations.*

COMPLETE SEX OFFENDER A PROGRAM

- a. **THERAPY** Enter into, participate in and successfully complete sex offender therapy as determined by the treating facility, therapists and the Utah Department of Corrections
- b. **CURFEW** Enter into and successfully complete established progressive curfews or electronic monitoring where available, when required by Adult Probation and Parole.
- c. **VICTIM CONTACT** Have no direct or indirect contact with victim(s) or victim's family without prior approval from Adult Probation and Parole
- d. **CHILDREN UNDER 18** Have no contact or association with children under the age of 18 without prior written approval of Adult Probation and Parole
- e. **NOT DATE** Not date persons with children residing at home under the age of 18 without prior written approval of Adult Probation and Parole
- f. **CHILDREN CONGREGATE** Not enter places or events where children congregate including, but not limited to: schools, playgrounds, parks, arcades, parties, family functions, holiday festivities or any other place or function where children are present or reasonably expected to be present without prior written approval from Adult Probation and Parole or without the supervision of a responsible adult previously approved by Adult Probation and Parole.
- g. **SEX STIMULUS MATERIAL** Not have in my possession or under my control any material that acts as a sexual stimulus for my particular deviancy(ies) including, but not limited to: computer programs, computer links, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without the written approval from Adult Probation and Parole
- h. **EXPLICIT MATERIAL** Not have in my possession or under my control any material that describes or depicts human nudity, the exploitation of children, consensual sex acts, non-consensual sex acts, sexual acts involving force or violence including, but not limited to: computer programs, computer links, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior approval from Adult Probation and Parole.
- i. **ENTERTAIN/LURE** Not have in my possession or under my control any items or material neither designed for, or used to, entertain, lure or attract the attention of children under the age of 18 without prior written approval from Adult Probation and Parole
- j. **POLYGRAPH** Submit to random polygraph examinations
- k. **EMPLOYMENT** Employment must be approved by Adult Probation and Parole
- l. **RESIDENCE** Residence and residence changes must be approved by Adult Probation and Parole
- m. **INTERSTATE COMPACT** Execute and adhere to the terms of the Interstate Compact Waiver and Agreement if probation or parole is served outside the state of Utah.
- n. **REGISTRATION/DNA** Comply with requirements of the Utah Sex Offender Registration and DNA specimen requirements

COMPLETE SEX OFFENDER B PROGRAM

- a. **THERAPY** Enter into, participate in and successfully complete sex offender therapy as determined by the treating facility, therapists and the Utah Department of Corrections
- b. **CURFEW** Enter into and successfully complete established progressive curfews or electronic monitoring where available, when required by Adult Probation and Parole.
- c. **VICTIM CONTACT** Have no direct or indirect contact with the victim(s) or victim's family without prior written approval from Adult Probation and Parole.
- d. **SEX STIMULUS MATERIAL** Not have in my possession or under my control any material that acts as a sexual stimulus for my particular deviancy(ies) including, but not limited to: computer programs, computer links, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior written approval from Adult Probation and Parole
- e. **EXPLICIT MATERIAL** Not have in my possession or under my control any material that describes or depicts human nudity, the exploitation of children, consensual sex acts, non-consensual sex acts, sexual acts involving force or violence including, but not limited to: computer programs, computer links, photographs, drawings, video tapes, audio tapes, magazines, books, literature, writings, etc. without prior written approval from Adult Probation and Parole.
- f. **POLYGRAPH** Submit to random polygraph examinations
- g. **EMPLOYMENT** Employment must be approved by Adult Probation and Parole
- h. **RESIDENCE** Residence and residence changes must be approved by Adult Probation and Parole
- i. **INTERSTATE COMPACT** Execute and adhere to the terms of the Interstate Compact Waiver and Agreement if probation or parole is served outside of the state of Utah
- j. **REGISTRATION/DNA** Comply with the requirements of Utah Sex Offender Registration and DNA specimen requirements

COMPLETE GANG PROGRAM

- a. **GANG MEMBERS** Not associate with any known member.
- b. **INSIGNIAS/EMBLEMS** Not wear, display, use or possess any insignias, emblems, or clothing associated with a specific gang(s) including, but not limited to: belt buckles, jewelry, caps/hats, jackets, shoes/shoe laces, scarves/bandanas, shirts inscribed "In Memory Of" a deceased or incarcerated gang member, or other articles of clothing modified to represent a particular gang(s)
- c. **SIGNS/GESTURES** Not display any gang signs, gestures or any posturing associated with any specific gang(s)
- d. **DOCUMENTS/DATA/PHOTO** Not have in my possession any written materials, documents, computer data, photographs which give evidence of gang involvement or activity such as: (1) membership or enemy lists, (2) articles which contain or have upon them gang-associated graffiti, drawings or lettering, (3) photographs or newspaper clippings of gang members, gang crimes or activities including obituaries, (4) photographs of myself in gang clothing, demonstrating hand signs or holding weapons
- e. **PAINT/PENS** Not have in my possession or under my control: spray paint, spray can tips, large marking pens or other items commonly used to create graffiti, or tattoo magazines.
- f. **FREQUENT GANG PLACES** Not frequent places where known gang members congregate.
- g. **NOT AT COURT** Not appear in court or at a court building where other known gang member(s) are present and/or where a judicial proceeding involving a gang member is in progress, unless a party to proceedings in that court or subpoenaed to appear
- h. **FREQUENT SCHOOLS** Not visit or frequent any school ground unless I am a student registered at that school and present during appropriate class hours
- i. **STOLEN VEHICLE** Not be an occupant in any stolen vehicle, or vehicle I should have known was stolen.
- j. **FIREARMS/AMMUNITION** Not have in my possession, in my custody, under my control, in a vehicle in which I am a passenger, or on the premises where I reside: (1) any firearm or replica thereof, (2) ammunition or (3) dangerous weapon (any item which, in the manner of its use or intended use, is capable of causing death or serious bodily injury), and further, I shall not associate with, or be in the company of, any individual who has firearms or dangerous weapons in their possession or under their control
- k. **FIREARMS USED** Not be involved in activities in which, or frequent places at which, firearms or dangerous weapons are used, legally or otherwise including, but not limited to: hunting or target shooting.
- l. **DRIVER LICENSE/ID** Obtain and carry on my person at all times a valid Utah Driver License, Utah Identification Card or other approved photo identification
- m. **LAW ENFORCE CONTACT** If ever contacted by law enforcement, I shall provide my true name, place of residence (street address, not PO Box) and date of birth, and inform the officer(s) of my probation or parole status. I shall report such contact to my supervising agent within 48 hours, including the date and the nature of the contact, the law enforcement agency and any potential charges.
- n. **VICIOUS DOGS** Not own, possess, maintain or raise vicious dogs, nor keep them on the premises where I reside

Parole Only Group Condition:

COMPLETE SEX OFFENDER G PROGRAM

- a. THERAPY Submit to an evaluation and successfully complete Sex Offender Therapy as determined by the treating facility, therapists and the Utah Department of Corrections
- b. CURFEW Enter into and successfully complete established progressive curfews or electronic monitoring, where available, when required by Adult Probation and Parole
- c. NO CONTACT INSTRUCTED Have no direct or indirect contact with the victim(s) or victim's family without prior written approval from Adult Probation and Parole
- d. RELATIONSHIP Do not date or establish a relationship with anyone under the age of 18 without prior written approval of Adult Probation and Parole. This does not preclude contact with children under age 18 who are related to the offender.
- e. REGISTRATION Comply with requirements of state sex offender registration, if applicable
- f. DNA Comply with state DNA specimen requirements
- g. POLYGRAPH Submit to random polygraph examinations

Identification Discussion Topic for Consideration:

Several law enforcement organizations have asked us to consider adopting a standard condition for both probation and parole that requires offenders to provide valid identification. One of the current standard conditions "implies" cooperation with local law enforcement but we have amended the language somewhat in the recommendation to more specifically address the concerns of the local law enforcement communities.

CURRENT: Be cooperative, compliant and truthful in all dealings with Adult Probation and Parole. If arrested, cited or questioned by a peace officer; notify the AP&P Officer within 48 hours.

RECOMMENDED: Be cooperative, compliant and truthful in all dealings with Adult Probation and Parole and other law enforcement officials. Upon request from any law enforcement official I shall provide valid identification. If arrested, cited or questioned by a law enforcement official; notify the AP&P Officer within 48 hours.

1	VISITS	Permit visits to my place of residence, my place of employment or elsewhere by officers of Adult Probation and Parole for the purpose of ensuring compliance with the conditions of the Probation Agreement. I will not interfere with this requirement by having vicious dogs, perimeter security doors, refusing to open the door, etc.
2	REPORTING	Not abscond from probation supervision. A-Reporting: Report as directed by the Department of Corrections. B-Residence: Establish and reside at a residence of record and not change residence without first obtaining permission from the AP&P Officer. C-Leaving the State: Not leave the state of Utah, even briefly, or any other state to which I am released or transferred without prior written permission from the AP&P Officer.
3	CONDUCT	Obey all state, federal and municipal laws, and court orders.
4	WEAPONS	Not possess, have under control, have in my custody or on the premises where residing any explosives, firearms or dangerous weapons. (Dangerous weapon is defined as any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.) Exceptions to this condition may be made by the supervising agent and must be in writing. This waiver will only apply to individuals on probation for a misdemeanor and who have never been convicted of a felony.
5	CHEMICAL ANALYSIS	Abstain from the illegal use, possession, control, delivery, production, manufacture or distribution of controlled substances (58-37-2 U.C.A.) and submit to tests of breath or body fluids to ensure compliance with the Probation Agreement.
6	SEARCHES	Permit officers of Adult Probation and Parole to search my person, residence, vehicle or any other property under my control without a warrant at any time, day or night upon reasonable suspicion to ensure compliance with the conditions of the Probation Agreement.
7	ASSOCIATION	Without approval from the AP&P Officer, I will not knowingly associate with any person who is involved in criminal activity or who has been convicted of a felony.
8	EMPLOYMENT	Unless otherwise authorized by the AP&P Officer, seek, obtain and maintain verifiable, lawful, full-time employment (32 hours per week minimum) as approved by the AP&P Officer. Notify the AP&P Officer of any change in my employment within 48 hours of the change.
9	TRUTHFULNESS	Be cooperative, compliant and truthful in all dealings with Adult Probation and Parole. If arrested, cited or questioned by a peace officer, notify the AP&P Officer within 48 hours.
10	SUPERVISION FEE	Agree to pay a supervision fee of \$30 per month unless granted a waiver by the Department of Corrections under the provisions of Utah Statute 64-13-21.

1	VISITS	Permit visits to my place of residence, my place of employment or elsewhere by officers of Adult Probation and Parole for the purpose of ensuring compliance with the conditions of the Probation Agreement. I will not interfere with this requirement by having vicious dogs, perimeter security doors, refusing to open the door, etc.
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3	CONDUCT	Obey all state, federal and municipal laws, and court orders.
4	WEAPONS	Not possess, have under control, have in my custody or on the premises where residing any explosives, firearms or dangerous weapons. (Dangerous weapon is defined as any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.) Exceptions to this condition may be made by the supervising agent and must be in writing. This waiver will only apply to individuals on probation for a misdemeanor and who have never been convicted of a felony.
5	CHEMICAL ANALYSIS	Abstain from the illegal use, possession, control, delivery, production, manufacture or distribution of controlled substances (58-37-2 U.C.A.) and submit to tests of breath or body fluids to ensure compliance with the Probation Agreement.
6	SEARCHES	Permit officers of Adult Probation and Parole to search my person, residence, vehicle or any other property under my control without a warrant at any time, day or night upon reasonable suspicion to ensure compliance with the conditions of the Probation Agreement.
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8	EMPLOYMENT	Unless otherwise authorized by the AP&P Officer, seek, obtain and maintain verifiable, lawful, full-time employment (32 hours per week minimum) as approved by the AP&P Officer. Notify the AP&P Officer of any change in my employment within 48 hours of the change.
9	TRUTHFULNESS	Be cooperative, compliant and truthful in all dealings with Adult Probation and Parole. If arrested, cited or questioned by a peace officer, notify the AP&P Officer within 48 hours.
10	SUPERVISION FEE	Agree to pay a supervision fee of \$30 per month unless granted a waiver by the Department of Corrections under the provisions of Utah Statute 64-13-21.

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3	CONDUCT	Obey all state, federal and municipal laws, and court orders.
4	WEAPONS	Not possess, have under control, have in my custody or on the premises where residing any explosives, firearms or dangerous weapons. (Dangerous weapon is defined as any item that in the manner of its use or intended use is capable of causing death or serious bodily injury.) Exceptions to this condition may be made by the supervising agent and must be in writing. This waiver will only apply to individuals on probation for a misdemeanor and who have never been convicted of a felony.
5	CHEMICAL ANALYSIS	Abstain from the illegal use, possession, control, delivery, production, manufacture or distribution of controlled substances (58-37-2 U.C.A.) and submit to tests of breath or body fluids to ensure compliance with the Probation Agreement.
6	SEARCHES	Permit officers of Adult Probation and Parole to search my person, residence, vehicle or any other property under my control without a warrant at any time, day or night upon reasonable suspicion to ensure compliance with the conditions of the Probation Agreement.
7	ASSOCIATION	Without approval from the AP&P Officer, I will not knowingly associate with any person who is involved in criminal activity or who has been convicted of a felony.
8	EMPLOYMENT	Unless otherwise authorized by the AP&P Officer; seek, obtain and maintain verifiable, lawful, full-time employment (32 hours per week minimum) as approved by the AP&P Officer. Notify the AP&P Officer of any change in my employment within 48 hours of the change.
9	TRUTHFULNESS	Be cooperative, compliant and truthful in all dealings with Adult Probation and Parole. If arrested, cited or questioned by a peace officer; notify the AP&P Officer within 48 hours.
10	SUPERVISION FEE	Agree to pay a supervision fee of \$30 per month unless granted a waiver by the Department of Corrections under the provisions of Utah Statute 64-13-21.

TAB 7

Nominations to Fill Ben Hadfield's Standing Education Committee's Vacancy

Tom Langhorne recently emailed all District Judges calling for interested judges wanting to fill Ben Hadfield's Standing Education Committee vacancy. Two judges responded affirmatively: Judge George Harmond and recently confirmed Judge Sam Chiara.

Those names were forwarded to the District Judges' Board for consideration. The Board agreed both names should be forwarded to the Standing Education Committee for their consideration. The Standing Education concurred with the Board.

At the last Management Committee meeting, Judge Harmond was ultimately selected to replace Judge Hadfield's vacancy.