

## JUDICIAL COUNCIL MEETING

### AGENDA

Monday, April 24, 2017

Judicial Council Room

Matheson Courthouse

Salt Lake City, Utah

*Chief Justice Matthew B. Durrant, Presiding*

1. 9:00 a.m. Welcome & Approval of Minutes . . . . Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report. . . . . Chief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator's Report. . . . . Daniel J. Becker
4. 9:20 a.m. Reports: Management Committee. . . . Chief Justice Matthew B. Durrant  
Liaison Committee. . . . . Justice Thomas Lee  
Policy and Planning . . . . . Judge Derek Pullan  
Bar Commission. . . . . John Lund, esq.  
(Tab 2 - Information)
5. 9:30 a.m. Uniform Fine and Bail Committee Update/  
2017 Uniform Fine/Bail Schedule. . . . . Judge James Brady  
(Tab 3 – Action) Clayson Quigley
6. 9:50 a.m. Post-Conviction Subcommittee Report. . . . . Judge Fred Voros  
(Tab 4 – Action) Judge Stephen Roth
7. 10:10 a.m. Judicial Performance Evaluation Commission Update. . . . . Jennifer Yim  
(Information) John Ashton
- 10:30 a.m. Break
8. 10:40 a.m. Problem-Solving Court Certifications. . . . . Judge Dennis Fuchs  
(Tab 5 – Action) Rick Schwermer
9. 11:10 a.m. Legislative Update. . . . . Rick Schwermer  
(Information)
10. 11:20 a.m. Judicial Assistant Equivalency Update. . . . . Rob Parkes  
(Information)

11. 11:30 a.m. Compensation Adjustments. . . . . Ray Wahl  
-Commissioner Compensation  
-Staff Compensation  
(Action)
12. 11:40 a.m. Board of Justice Court Judges Update. . . . . Judge Reuben Renstrom  
(Information) Jim Peters
13. 12:00 p.m. Judicial Needs Assessment. . . . . Daniel J. Becker  
(Information)
14. 12:15 p.m. Executive Session  
12:20 p.m. Lunch
15. 12:40 p.m. 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  
(Tab 6) Nancy Sylvester  
Ron Bowmaster  
Keisa Williams
2. Grant Approval  
(Tab 7) Nicholas Stiles  
Karolina Abuzyarova

**TAB 1**

# JUDICIAL COUNCIL MEETING

Minutes  
Monday, March 10, 2017  
Indigo Room  
Hilton Garden Inn  
St George, Utah

Chief Justice Matthew B. Durrant, Presiding

## **ATTENDEES:**

Chief Justice Matthew B. Durrant  
Justice Thomas Lee  
Hon. Marvin Bagley  
Hon. Paul Farr  
Hon. Thomas Higbee  
Hon. David Marx  
Hon. Mary Noonan  
Hon. Reed Parkin  
Hon. Derek Pullan  
Hon. Todd Shaughnessy  
Hon. Kate Toomey  
John Lund, esq.

## **EXCUSED:**

Hon. Ann Boyden  
Hon. Mark DeCaria

## **STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
James Ishida  
Debra Moore  
Jim Peters  
Dawn Marie Rubio  
Rick Schwermer  
Brent Johnson (by phone)

## **GUESTS:**

Neira Siaperas, 3<sup>rd</sup> Juv TCE  
Wendell Roberts, 6<sup>th</sup> Dist TCE  
Hon. James Taylor  
Hon. John Walton  
Sean Toomey

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

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

**Motion:** Judge Toomey moved to approve the minutes from the February 27, 2017 Judicial Council meeting. Judge Farr seconded the motion, and it passed unanimously.

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

Chief Justice Durrant announced the appointment of Mr. Rick Schwermer as the new state court administrator to fill the vacancy left with the upcoming retirement of Mr. Dan Becker.

He expressed his gratitude to Mr. Dan Becker for his leadership shown during his tenure as the state court administrator for the Utah courts. He mentioned that he is confident that Mr. Schwermer will continue to lead the state courts, in a positive manner, as the new state court administrator.

Mr. Schwermer provided a few comments regarding his appointment as the new state court administrator.

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

Mr. Becker reported on the following items:

State Court Administrator Appointment. Mr. Becker congratulated Mr. Schwermer on his appointment as the new state court administrator.



Chief Information Officer. Mr. Ron Bowmaster has announced his upcoming retirement, effective May 1. Mr. Becker acknowledged Mr. Bowmaster's many contributions to the Utah courts.

Judicial Performance Evaluation Commission (JPEC) Survey. A copy of the proposed survey was distributed to members of the Council. Mr. Wahl reviewed the proposed JPEC survey of judges as it relates to the adjective question. Ms. Jennifer Yim, Executive Director of the Judicial Performance Evaluation Commission, requested feedback from judges regarding the proposed changes to the survey to be received by March 31. Any comments or feedback can be sent to Mr. Becker or Mr. Wahl.

Mr. Schwermer offered comments on the method by which the survey information was reported for the last retention election.

Council members were reminded that Ms. Yim is scheduled to provide an update to the Council in April. Further discussion can take place at this time.

#### **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:***

No report was provided at this time.

##### ***Policy and Planning Meeting:***

Judge Pullan reported on the following items: 1) the proposed rule change to CJA Rule 4-202.09 which was discussed at the February Council meeting has been sent out for public comment, and 2) efforts have been shifted to completing the commissioner rule.

##### ***Bar Commission Report:***

Mr. Lund reported on the following items: 1) he welcomed everyone to St. George in conjunction with the Bar's Spring Conference, with attendance expected to be over 500; 2) the Commission recently reviewed a report prepared by a consulting firm with focus on the Bar's structure, as it relates to staffing, with a secondary focus on wage comparability studies; and 3) the ABA report requested on the OPC office is expected in early April.

#### **5. TCE UPDATE: (Neira Siaperas and Wendell Roberts)**

Mr. Becker introduced and welcomed Ms. Siaperas and Mr. Roberts to the meeting. He noted that the court executives use the March meeting to provide their annual update to members of the Judicial Council.

Ms. Siaperas and Mr. Roberts highlighted the following in their update:

- Phase 2 of Mandatory E-Filing in Juvenile Court
  - ❖ As of February 1, 2017, the juvenile court has granted CARE and e-filing access to over 700 law firms
- Child Welfare
  - ❖ Court Improvement Program (CIP) – juvenile court judges and teams have focused on encouraging and monitoring the presence of children at court hearings during child welfare proceedings

- ❖ Indian Child Welfare Act (ICWA) – judges, court staff, and community partners will soon participate in training on the new Indian Child Welfare Act (ICWA) guidelines and regulations
- Probation Positions and Practices
  - ❖ Ongoing structural modifications and evolving probation practices – the juvenile court reallocated and repurposed numerous probation positions
  - ❖ District probation teams have expanded the use of risk assessments and the case planning model with youth and families
  - ❖ The juvenile court implemented the EBP BriefCase toolkit for supervisors
  - ❖ Probation practices have further evolved with emphasis on mental health needs and restorative justice
- District Court – Customer Service
  - ❖ Creation of 13 new training modules for judicial assistants to aid them in assisting court patrons, mostly pro se litigants, to navigate the courts website and utilize OCAP programs
  - ❖ Several districts have implemented improving mentoring programs for new employees and judges
  - ❖ More rural districts have collaborated with the state and local bar in the delivery of remote CLE webcasts
  - ❖ Training on conducting remote appearances, including equipment training, has been provided
  - ❖ Effective use of senior judges, with one district reporting the closure of 97% of assigned cases
- Justice Reinvestment Initiative
- CORIS Rewrite
- Education and Succession Planning
  - ❖ Non-Supervisory Court Skills Academy
  - ❖ Middle Management Leadership Academy
- Court Personnel
  - ❖ Appointment of Mr. Brett Folkman, First District TCE and Mr. James Bauer, Fourth District TCE in 2016
- Facilities
  - ❖ Duchesne court facility remodel – completed in 2016
  - ❖ New Provo courthouse is under construction – anticipated completion – Fall of 2018
  - ❖ New Price courthouse slated to begin March 2017 – anticipated completion – June 2018

Mr. Roberts expressed his gratitude to Mr. Becker, on behalf of the court executives, for his leadership. He also acknowledged Mr. Rick Davis' accomplishments as the Fifth District TCE and wished him well in his upcoming retirement.

#### 6. **FIFTH DISTRICT UPDATE: (Judge John Walton and Judge Thomas Higbee)**

Chief Justice Durrant welcomed Judge Walton and Judge Higbee to the meeting.

Judge Walton reported that changes have been taking place in the Fifth District Court, specifically, the upcoming retirement of Mr. Rick Davis, Fifth District trial court executive. He expressed his appreciation to members of the Judicial Council for their support in addressing the need for an additional judgeship in the Fifth District Court with passage of HB 77 – Fifth District Court Judge in the current legislative session.

Judge Higbee reported that the Fifth District Juvenile Court is fully staff and functioning well.

Chief Justice Durrant thanked them for their update.

**7. SR JUDGE CERTIFICATIONS: (Brent Johnson)**

The following judges have applied for certification as senior judges: 1) Judge Anne Steen, active senior justice court judge; 2) Judge Norman Ashton, active senior justice court judge ; 3) Judge Steve Hansen, active senior judge; and 4) Judge Leslie Brown, inactive senior judge.

They all meet the minimum qualifications with the judicial performance standards.

**Motion:** Judge Toomey moved to forward the recommendations for senior judge certification to the Supreme Court, on behalf of the Council, for the following judges: 1) Judge Anne Steen, active senior justice court judge; 2) Judge Norman Ashton, active senior justice court judge ; 3) Judge Steve Hansen, active senior judge; and 4) Judge Leslie Brown, inactive senior judge. Judge Pullan seconded the motion, and it passed unanimously.

**8. LEGISLATIVE BUDGET UPDATE/INTERIM HIGHLIGHTS: (Daniel J. Becker and Rick Schwermer)**

Mr. Becker expressed his appreciation to the AOC staff who provided support during the 2017 Legislative Session.

A handout outlining the 2017 Legislature: Appropriations Summary was distributed to members of the Council.

He highlighted the following in his Appropriations Summary:

- HB 239 – Juvenile Justice Amendments – focus and attention to this bill took the time of many AOC staff and judges. Mr. Becker expressed his gratitude to Judge Noonan for all she did, on behalf of the Liaison Committee, relative to HB 239.
- Appropriation requests approved for the courts during the 2017 Legislative Session
  - ❖ Fifth District Court Judge
  - ❖ Contracts and Leases
  - ❖ CORIS Rewrite
  - ❖ Juror, Witness, Interpreter FY 2017 Supplemental
- Appropriation requests not funded during the 2017 Legislative Session
  - ❖ GF Restoration to the Court Complex Fund
  - ❖ Law Clerks (3)
  - ❖ Court Visitor Program (GRAMPS)
- Compensation Related Funding
  - ❖ 2% increase for judges and staff
  - ❖ Compensation funding exceptions (to provide funding for the 2% increase for court employees not funded by general funds)
  - ❖ Judicial Retirement Cost Increase
  - ❖ 401K Match for Employees
- Fiscal Note Funding

Mr. Becker offered recommendations on the following:

- HB 239 – Juvenile Justice Amendments. Mr. Becker recommended that the Liaison Committee schedule several meetings with members of the Board of Juvenile Court Judges relative to HB 239 and address the changes resulting from passage of the bill.

- Court Complex Fund. The final bond payment for the Matheson Courthouse is due in FY 2018. The first bond payment for the Provo Courthouse is due in FY 2019. Mr. Becker recommended that the matter of replacing the main line item court complex account with general fund be addressed through a supplemental request.
- Law Clerks. This matter relates to the law clerk bailiffs in the Fourth District Court. Mr. Becker recommended that there is sufficient funding to address one law clerk for the coming fiscal year, if the Council approved it as a priority.
- Court Visitor Program. Mr. Becker recommended one-time funding of the program.

Mr. Schwermer highlighted the following bills which were considered during the 2016 Legislative Session:

- HB 72 – Child Welfare Proceedings Amendments - failed
- HB 77 – Fifth District Court Judge - passed
- HB 93 – Judicial Nominating Process Amendments – subbed, failed
- HB 155 – Driving Under the Influence and Public Safety Revisions – subbed, passed
- HB 170 – Small Claims Amendments – amended, passed
- HB 191 – Judicial Performance Evaluation Commission Amendments/Judiciary Related Amendments – 1<sup>st</sup> Substitute - passed
- HB 208 – Jail Release Orders Amendments – passed
- HB 248 – Domestic Violence Related Amendments – subbed, passed
- HB 250 – Driving Under the Influence Program Amendments – subbed, passed
- HB 254 – Bail Forfeiture Amendments – failed
- HB 332 – Criminal Procedure Revisions – failed
- HB 286 – Essential Treatment and Intervention Act – subbed, passed
- HB 289 – Grandparent Visitation Amendments – failed
- HB 431 – Government Employees Reimbursement Amendments – subbed, passed
- SJR 4 – Joint Resolution Amending Rules of Evidence-Victim Selection - failed
- SB 110 – Sales Tax Collection Amendments - failed
- S B 115 Compulsory Education Revisions - failed
- SB 134 – Indigent Defense Commission Amendments – passed
- SJR 7 Joint Resolution Amending Rules of Criminal Procedure – failed
- SB 167 Bail Amendments – passed
- SB 193 – Judicial Performance Evaluation Commission Modifications – passed
- HB 239 – Juvenile Justice Amendments – Mr. Schwermer responded by noting the process for addressing this bill throughout the legislative session.


Discussion took place.

**Motion:** Judge Toomey moved to enter into an executive session to discuss the character, competence, or physical or mental health of an individual. Judge Shaughnessy seconded the motion, and it passed unanimously.

## 9. EXECUTIVE SESSION:

An executive session was held at this time.

**Motion:** Judge Pullan moved to refer the judge, discussed in the executive session, to the Judicial Conduct for a violation of Rule 2.8 for failure to treat court personnel in a patient, dignified, and courteous matter; 2) refer the second issue to the Judicial Conduct Commission for the issuance of an illegal order; and 3) refer the third issue to the Judicial Conduct Commission



for violation of ethical rules related to political statements in Facebook posts. Justice Lee seconded the motion, and it passed unanimously.

**10. ADJOURN**

The meeting was adjourned.

# Administrative Office of the Courts

Chief Justice Matthew B. Durrant  
Utah Supreme Court  
Chair, Utah Judicial Council

Daniel J. Becker  
State Court Administrator  
Raymond H. Wahl  
Deputy Court Administrator

## Sworn Statement under Rule 2-103(4)(B) of the Utah Code of Judicial Administration Regarding Judicial Council Meeting Closure

I, Justice Matthew B. Durrant, state as follows:

1. On 3/10/2017 (date), the Judicial Council closed its meeting. The meeting was closed only to discuss:
  - ☒ the character, competence, or physical or mental health of an individual;
  - ☐ litigation;
  - ☐ the deployment of security personnel, devices, or systems;
  - ☐ allegations of criminal misconduct;
  - ☐ consideration of a private, protected, sealed, juvenile court social, juvenile court legal, or safeguarded record;
  - ☐ the purchase, or exchange or lease of real property because public discussion would prevent the Council from completing the transaction on the best possible terms; or
  - ☐ the sale of real property because public discussion would prevent the Council from completing the transaction on the best possible terms.
2. For the reason(s) noted above, a recording and minutes were not kept during the closed portion of the meeting.

I declare under penalty of perjury that the statements made in this document are true and correct.

Date 3/10/2017

Kate A Toomey  
~~Justice Matthew B. Durrant~~  
Vice - Chair, Utah Judicial Council

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

**TAB 2**

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE  
MINUTES**

**Tuesday, April 11, 2017  
Matheson Courthouse  
450 South State Street  
Salt Lake City, Utah 84111**

**MEMBERS PRESENT:**

Chief Justice Matthew B. Durrant  
Hon. Kate Toomey, vice chair  
Hon. David Marx (by phone)  
Hon. Todd Shaughnessy

**EXCUSED:**

Hon. Thomas Higbee

**GUESTS:**

**STAFF PRESENT:**

Daniel J. Becker  
Ray Wahl  
Jody Gonzales  
James Ishida  
Debra Moore  
Dawn Marie Rubio  
Rick Schwermer  
Karolina Abuzuarova  
Ron Bowmaster  
Rob Parkes  
Nicholas Stiles  
Nancy Sylvester  
Keisa Williams

**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 Toomey moved to approve the February 27, 2017 Management Committee meeting minutes. Judge Shaughnessy seconded the motion, and it passed unanimously.

**2. ADMINISTRATOR'S REPORT: (Daniel J. Becker)**

Mr. Becker provided the following update:

Legislative Meetings. A legislative update was held on April 7 for judges. A legislative workshop is scheduled for April 14 for the appropriate AOC and court staff. Mr. Schwermer has prepared a legislative action plan which includes 91 pieces of legislation requiring some kind of action from the courts prior to the legislation effective dates.

Executive Budget Committee Meeting. The committee met on Monday, April 10 to discuss deferred and one-time funding requests and the use of unobligated one-time funding.

The FY 2018 Proposed Judicial Council Budget Plan will be presented to the Judicial Council at the May Judicial Council meeting for approval.



### 3. COMMITTEE APPOINTMENTS: (Nancy Sylvester, Ron Bowmaster, and Keisa Williams)

The Committee on Resources for Self-Represented Parties recommended the following committee appointments:

- Reappointment of Ms. Sue Crismon to serve a second term on the committee as a member from a legal service organization that serves low-income clients
- Reappointment of Professor Hernandez to serve a second term on the committee as a law school representative
- Reappointment of Judge Doug Thomas to serve a third term on the committee as district court judge representative, exception requested

**Motion:** Judge Toomey moved to approve the following appointments as recommended by the Committee on Resources for Self-Represented Parties and place it on the April Judicial Council consent calendar: 1) reappointment of Ms. Sue Crismon to serve a second term on the committee as a member from a legal service organization that serves low-income clients, 2) reappointment of Professor Hernandez to serve a second term on the committee as a law school representative, and 3) reappointment of Judge Doug Thomas to serve a third term on the committee as district court judge representative. Judge Shaughnessy seconded the motion, and it passed unanimously.

The Language Access Committee recommended the following committee appointments:

- Appointment of Ms. Monica Diaz Greene to serve on the committee as a defense attorney representative, filling the vacancy on the committee for a defense attorney representative due to the resignation of Ms. Bebe Vanek
- Appointment of Judge Kelly Nicole Schaeffer-Bullock to serve on the committee as a justice court judge representative, filling the vacancy on the committee for a justice court judge as a result of Judge Rick Romney's term expiring
- Appointment of Ms. Lynn Wiseman to serve on the committee as a court clerk representative, filling the vacancy on the committee for a court clerk representative as a result of Ms. Maureen Magagna's term expiring
- Appointment of Ms. Michelle Draper to serve as the committee chair, filling the vacancy on the committee for a committee chair as a result of Judge Rick Romney's term expiring

**Motion:** Judge Shaughnessy moved to approve the following appointments to the Language Access Committee and place it on the April Judicial Council consent calendar: 1) Ms. Monica Diaz Greene to serve on the committee as a defense attorney representative, 2) Judge Kelly Nicole Schaeffer-Bullock to serve on the committee as a justice court judge representative, 3) Ms. Lynn Wiseman to serve on the committee as a court clerk representative, and 4) Ms. Michelle Draper to serve as the committee chair. Judge Toomey seconded the motion, and it passed unanimously.

The Standing Committee on Technology has a vacancy for a trial court executive representative on the committee due to the retirement of Mr. Rick Davis. The following trial court representatives were nominated by the trial court executive membership: 1) Mr. Larry Webster, 2) Mr. Brett Folkman, and 3) Mr. James Bauer.

The Standing Committee on Technology recommended the appointment of Mr. Larry Webster to serve on the committee as the trial court executive representative.

**Motion:** Judge Toomey moved to approve the appointment of Mr. Larry Webster as the trial court executive representative on the Standing Committee on Technology and place it on the April Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

**4. GRANT APPROVALS: (Nicholas Stiles and Karolina Abuzyarova)**

Chief Justice Durrant welcomed Mr. Stiles to the meeting.

Justice for Families Grant. Grant funding is being requested with the Justice for Families Grant in the amount of \$137,074. The grant funding will be used in collaboration with the existing VAWA funding to convert the part-time program coordinator position to a full-time position, effectively doubling the reach of the domestic violence program throughout the state. The grant request requires no cash or in-kind match.

**Motion:** Judge Toomey moved to approve the Justice for Families Grant Application Proposal in the amount of \$137,074 and place it on the April Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

WINGS Focus on Court Oversight, Elder Justice Innovation Grant. Grant funding is being requested with the WINGS Focus on Court Oversight, Elder Justice Innovation Grant in the amount of \$40,000 which includes a \$10,000 match. The grant funding will be used to implement judicial protocols, in court, on establishing limited guardianship and providing oversight for court appointed guardianships to prevent and stop abuse and exploitation of vulnerable adults.

Training on Life Planning Options and Guardianship Grant. Grant funding is being requested with the Training on Life Planning Options and Guardianship Grant in the amount of \$35,000. The grant funding will be used to provide training, implemented by WINGS, for families with children with disabilities who are participants of the ASPIRE program.

**Motion:** Judge Toomey moved to approve the Training on Life Planning Options and Guardianship Grant Application Proposal in the amount of \$40,000 and the WINGS Focus on Court Oversight, Elder Justice Innovation Grant Application Proposal in the amount of \$35,000 and place it on the April Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

**5. JUDICIAL ASSISTANT EQUIVALENCY UPDATE: (Rob Parkes)**

Chief Justice Durrant welcomed Mr. Parkes to the meeting.

Mr. Parkes reminded the Council that he presented information on the Judicial Assistant qualifications, including the Board of District Court Judges recommendation, at the February 14 Management Committee meeting. At that time, the Management Committee requested that human resource staff determine alternative equivalencies to the college degree qualification for the judicial assistant position and present that information at the April Management Committee meeting.

The alternative equivalency for external candidates, as determined by human resources, is as follows:

- BA degree plus two years experience, or a paralegal certificate and four years of related experience

The proposed recommendation by the Board of District Court Judges for external candidates that was presented in February is as follows:

- The recommendation would allow the candidates to have five years of experience working in the legal field with a law firm, legal agency or court OR a BA degree

Mr. Parkes mentioned that the alternative equivalency would not adversely affect the market comparability study slated for the upcoming fiscal year.

Discussion took place.

The information will be shared with members of the Judicial Council at their April meeting and the boards, clerks of court, court executives at future meetings.

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

Chief Justice Durrant reviewed the proposed Judicial Council agenda for the April 24 Council meeting.

**Motion:** Judge Toomey moved to approve the agenda for the April 24 Judicial Council as amended. Judge Shaughnessy seconded the motion, and it passed unanimously.

**7. ADJOURN**

The meeting was adjourned.

# JUDICIAL COUNCIL LIAISON COMMITTEE MEETING

Minutes  
Friday, March 3, 2017  
Matheson Courthouse  
Council Room

Justice Thomas Lee, Presiding

## ATTENDEES:

Hon. Paul Farr  
Justice Thomas Lee  
Hon. Mark DeCaria  
Hon. Mary Noonan

## STAFF PRESENT:

Daniel J. Becker  
Brent Johnson  
Nancy Merrill  
Debra Moore  
Keisa Williams  
Dawn Marie Rubio  
Rick Schwermer  
Nancy Sylvester  
Ray Wahl

## EXCUSED:

## GUESTS:

Hon. Brendan McCullagh

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### 1. WELCOME: (Justice Lee)

Justice Lee welcomed everyone to the meeting.

***Motion:** Judge Mary Noonan moved to approve the minutes from the Liaison Committee Meeting on February 24, 2017. Judge Paul Farr seconded the motion. The motion passed unanimously.*

### 2. H.B. 208 1<sup>st</sup> Sub (Buff) Jail Release Orders Amendments (Chief Sponsor: Ken Ivory) (Judge Paul Farr)

This bill amends provisions related to jail release agreements and jail release court orders.

The Committee agreed the bill is policy.

***Liaison Committee's position:** No position*

### 3. H.B. 239 2<sup>nd</sup> Sub (Gray) Juvenile Justice Amendments (Chief Sponsor: V. Lowry Snow) (Judge Mary Noonan)

This bill modifies provisions related to juvenile justice.

The Committee discussed the status of the bill after Justice Lee, Mr. Schwermer and Mr. Becker met with Representative Snow and Mr. Gordon to discuss the current version of the bill and how the change affects the Council's position. Mr. Schwermer updated the Committee on where the bill currently stands. The Committee discussed the implementation of the bill going forward and the impact it will have on the court. The Committee is most concerned about the changes to the right to counsel.

*Liaison Committee's position: No position*

**4. H.B. 250 2<sup>nd</sup> Sub (Gray) Driving Under The Influence Program Amendments  
(Chief Sponsor: Justin L. Fawson) (Judge Mark DeCaria)**

This bill modifies provisions relating to driving under the influence programs.

The Committee discussed the purpose of the bill. They noted language concerns on line 356- 359.

*Liaison Committee's position: No position but clarify line 356*

**5. H.B. 332 1<sup>st</sup> Sub (Buff) Criminal Procedure Revisions  
(Chief Sponsor: Marc K. Roberts) (Justice Thomas Lee)**

This bill modifies provisions related to criminal procedures.

The Committee noted the revisions made to the bill and suggested that the bill is treading into the domain of ethics and the Court's note.

*Liaison Committee's position: No position*

**6. H.B. 431 1<sup>st</sup> Sub (Buff) Government Employees Reimbursement Amendments  
(Chief Sponsor: Tim Quinn) (Judge Mark DeCaria)**

This bill prohibits government officers or employees from making personal purchases with public funds.

The Committee discussed the bill. They expressed concern with line 164 but agreed the bill is policy.

*Liaison Committee's position: No position*

**7. H.B. 437 State Training And Certification Requirements Amendments  
(Chief Sponsor: Ken Ivory) (Judge Mary Noonan)**

This bill modifies requirements related to required training and certification.

The Committee discussed the process of the bill and how it relates to the courts. They agreed that the bill interferes with the court's right to educate judges.

*Liaison Committee's position: No position but oppose if necessary*

**8. S.B. 273 Energy Development Amendments  
(Chief Sponsor: J. Stuart Adams) (Justice Thomas Lee)**

This bill enacts the Commercial Property Assessed Clean Energy Act or C-PACE Act.

The Committee discussed the bill.

*Liaison Committee's position: No position*

**9. H.B. 191 1<sup>st</sup> Sub (Buff) Judiciary Related Amendments  
(Chief Sponsor: V. Lowry Snow)**

This bill modifies provisions related to the judiciary.

The Committee discussed the change to the bill with regard to the method of declaring candidacy and the effective dates.

*Liaison Committee's position: No position but support the date change*

**TAB 3**

### **Traffic**

A \$30 accident fee may be added to traffic violations resulting in an accident.

In either adult or juvenile court, if an accident has occurred, it may be considered by the court as an aggravating circumstance, and the bail for the cited offense (which caused the accident) may be increased by the indicated amount.

All traffic offenses involving personal injury or death require a MANDATORY APPEARANCE.

A compliance fee of \$8 may be applied to any motor vehicle violation for the operator of a motorcycle or motor-driven cycle, ~~class 3 electric assisted bicycle or autocyde not fully enclosed~~ if the operator was 18 ~~21~~ years old at the time of violation AND the operator was wearing protective head gear (UCA 41-6a-1505), except for DUI offenses.

### **Sentencing**

The felony matrix and misdemeanor matrix are guidelines for setting FINE after adjudication of a case requiring a mandatory appearance. The matrices include a broad range of fines from the statutory maximum to a base minimum within each category of offense. They are to be used in conjunction with the criminal history assessment criteria. From the base financial sanction in each category, the schedules provide an escalation of the fine in correlation with the points accumulated in the criminal history criteria. The matrices also specify where incarceration is likely to be appropriate in addition to the fine. Pre-sentence investigation reports, prepared by Adult Probation and Parole Division, will include the criminal history data necessary to place the defendant's case on the matrix.

### **Application to Adults/Juveniles**

Effective July 1, 1994 the Judicial Council approved a separate Bail Schedule for the Juvenile Court. This Bail Schedule then only applies to adults, although the two Bail Schedules are the same with respect to the minors charged with minor traffic violations. Copies of the separate Juvenile Court Fine and Bail Schedule can be found at [http://www.utcourts.gov/courts/juv/fine\\_bail.htm](http://www.utcourts.gov/courts/juv/fine_bail.htm).



### Aggravating Circumstances

Only use aggravating circumstances if they are not an element of the offense.

1. Multiple documented incidents of violence not resulting in conviction. (Requires court approved stipulation.)
2. Offender presents a serious threat of violent behavior.
3. Victim was particularly vulnerable.
4. Injury to person or property loss was unusually extensive.
5. Offense was characterized by extreme cruelty or depravity.
6. There were multiple charges or victims.
7. Offender's attitude is not conducive to supervision in a less restrictive setting.
8. Offender continued criminal activity subsequent to arrest.
9. Sex Offenses: Correction's formal assessment procedures classify as a high risk offender.
10. Offender was in position of authority over victim(s).
11. Financial crime or theft crime involved numerous victims, an exploitation of a position of trust, a substantial amount of money, or receipt of money from sources including, but not limited to, equity in a person's home or a person's retirement fund.
12. Offender occupied "position of trust" in relation to murder/homicide victim(s) (U.C.A. 76-3-406.5(2)).
13. Offense constitutes a "hate crime" in that it is likely to incite community unrest; cause community to reasonably fear for physical safety or freely exercise constitutionally secured rights (U.C.A. 76-3-203.4).
14. Violence committed in the presence of a child.

#### 15. Other (Specify)

1. Offense caused substantial monetary loss.
2. Offense caused substantial physical or psychological injury to the victim.
3. Offense characterized by extreme cruelty or depravity.
4. Offense involved two or more victims.
5. Offense involved activity which continued over a significant period of time.
6. Repeat offender has demonstrated previous willful inability to comply in less restrictive setting.
7. Offender's validated mental health, psychological, psychosexual, or psychiatric evaluation indicates current treatment needs can't be met in a community-based setting.
8. Offender has demonstrated willful failure to attend or to participate in appropriate educational, vocational, or treatment programs.
9. Offender has demonstrated willful failure to obtain and/or maintain verifiable lawful employment.
10. Offender has demonstrated regular association with individuals engaged in criminal or unlawful behavior.
11. Offender has demonstrated continued exploitive, aggressive or harmful behavior toward others.
12. Other (Specify)

### Mitigating Circumstances

1. Offender's criminal conduct neither caused nor threatened serious harm.
2. Offender acted under strong provocation.
3. There were substantial grounds to excuse or justify criminal behavior, though failing to establish a defense.
4. Offender is young.
5. Offender assisted law enforcement in the resolution of other crimes.
6. Restitution would be severely compromised by incarceration.
7. Offender's attitude suggests amenability to supervision.
8. Offender has exceptionally good employment and/or family relationships.
9. Validated assessment classifies offender as low risk to reoffend.
10. Offender has extended period of arrest-free street time.
11. Offender was less active participant in the crime.
12. All offenses were from a single criminal episode.
13. Offense(s) was "possession only" drug offense (see "possession only" offenses, Addendum B).
14. Offender has completed or has nearly completed payment of restitution.
15. Other (Specify)

1. Offender has engaged in the voluntary screening process in the county jail (LSISV, TCUD & MHS).
2. Offender has paid restitution and/or made good faith effort to begin repayment of restitution to the victim.
3. Offender has demonstrated compliance with all pre-trial conditions.
4. Offender is engaged in community-based supervision and/or treatment services consistent with a validated risk and needs assessment.
5. Offender's current living environment is stable and supportive of offense-specific interventions which do not enable continued criminal or unlawful conduct.
6. Offender is engaged in positive, supportive, pro-social relationships.
7. Offender is engaged in positive, supportive, pro-social community activities.
8. Offender has implemented positive educational or employment plans.
9. Repeat offender has demonstrated ability to remain crime-free, with a gap of 2+ years since termination of previous probation, parole, or completion of sentence of incarceration in jail or prison.
10. Other (Specify)

Violation Code	Description	Man Appr	Deflt Sev	Suggest Bail Includes Sec Surcharge \$50	Comp Credit	Non Mov	Surch	DLD Rpt	BCI Rpt	Tms	Comments
4-23-111	HOLDING A RACON OR COYOTE IN CAPTIVITY	N	MB	\$300	\$100	N	90%	N		C	HB 344 - add new code - compliance credit for proof from LEA/Animal Control that animals are not in captivity
4-24-45	TRANSPORT ANIMALS/NO BRAND INSPECTION	N	MB	\$60	\$0	Y	0%	N	N	C	HB 344 - repeal- renumbered
4-24-306	BRAND INSPECTION REQUIRED TO TRANSPORT LIVESTOCK	N	MB	\$60	\$0	Y	0%	N		C	HB 344 - add new renumbered
4-24-17	TRANSPORT LIVESTOCK W/O PROOF OF OWNERSH	N	MB	\$60	\$0	Y	0%	N	N	C	HB 344 - repeal- renumbered
4-24-307	TRANSPORT LIVESTOCK WITHOUT EVIDENCE OF OWNERSHIP	N	MB	\$60	\$0	Y	0%	N		C	HB 344 - add new renumbered
4-24-34	UNLAWFUL WEBSITE PROMOTING THE SALE OF LIVESTOCK	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - repeal- renumbered
4-24-403	UNLAWFUL WEBSITE PROMOTING THE SALE OF LIVESTOCK	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - add new renumbered
4-24-502(1)(A)	LIVESTOCK NOT BRANDED FORAGING IN OPEN RANGE OR OUTSIDE ENCLOSURE	Y	MB	\$340	\$0	N	90%	N		C	HB 344 - add new
4-24-502(1)(B)	BRAND OR MARK LIVESTOCK W/BRAND OR MARK NOT OF RECORD	Y	MB	\$340	\$0	N	90%	N		C	HB 344 - add new
4-24-502(1)(C)	OBLITERATE CHANGE OR REMOVE A RECORDED BRAND OR MARK	Y	MB	\$340	\$0	N	90%	N		C	HB 344 - add new
4-24-502(1)(D)	DESTROY CONCEAL EVIDENCE OF OWNERSHIP OF THE ANIMAL HIDE	Y	MB	\$340	\$0	N	90%	N		C	HB 344 - add new
4-24-503	USE OF VEHICLE TO TRANSPORT STOLEN LIVESTOCK PROHIBITED	Y	MB	\$340	\$0	N	90%	N		C	HB 344 - add new
4-25-12	ALLOW SWINE TO ROAM AT LARGE	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - repeal- renumbered
4-25-301	ALLOW SWINE TO ROAM AT LARGE	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - add new renumbered
4-32-4	SLAUGHTERHOUSE LICENSE	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - repeal- renumbered
4-32-106	SLAUGHTERING LIVESTOCK EXCEPT IN LICENSED ESTABLISHMENT PROHIBITED	Y	MC	\$340	\$0	N	35%	N	Y	C	HB 344 - add new renumbered
4-32-106(6)	SALE OR OFFER FOR SALE ANY UNINSPECTED MEAT OR POULTRY	Y	MB	\$680	\$0	N	90%	N	Y	C	HB 344 - add new
20A-11-101.7(1)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	N	MB	\$100	\$0	N	90%	N	Y	C	HB 52 - add new offense
20A-11-101.7(2)	CONCEALING CONTRIBUTORS IDENTITY ON CAMPAIGN CONTRIBUTION	N	MB	\$100	\$0	N	90%	N	Y	C	HB 52 - add new offense
32B-5-201(1)(A)	FAILURE TO OBTAIN RETAIL LICENSE FOR SELL/CONSUMPTION ON PREMISES	Y	MB	\$340	\$0	N	90%	N	Y	C	HB 442 needs to be added
32B-7-202(2)(B)	UNLAWFUL PURCHASE OFF PREMISE BEER RETAILER FROM BEER WHOLESALER	Y	MB	\$340	\$0	N	90%	N	Y	C	HB 442 needs to be added
41-1A-201	DRIVING WITHOUT REGISTRATION	N	IN	\$50	\$0	Y	0%	N	Y	C	SB 90 add comment may be dismissed if citation was issued within 2 months of expiration and if registered within 14 days of citation
41-1A-205	INSPECTION REQUIRED REGISTRATION RENEWAL	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - this has been repealed
41-1A-205(1)	ATV SAFETY INSPECTION REQUIRED FOR 1ST TIME REGISTRATION	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - add with new subsections, description
41-1A-205(2)	SALVAGE VEHICLE SAFETY INSPECTION REQUIRED ON REGISTRATION	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - add with new subsections, description



41-1A-205(3)	COMMERCIAL VEHICLE SAFETY INSPECTION REQUIRED	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - add with new subsections, description
41-1A-402(2)	FAIL TO DISPLAY VALIDATION DECAL	N	IN	\$50	\$0	Y	0%	N	N	C	repeal and add with subsection (6)
41-1A-402(6)	FAIL TO DISPLAY VALIDATION DECAL	N	IN	\$50	\$0	Y	0%	N	N	C	add correction subsection
41-1A-404(1)	LOCATION/POSITION OF PLATES	N	IN	\$50	\$0	Y	0%	N	N	C	remove compliance credit
41-1A-414	ABUSE OF PERSON WITH DISABILITIES PARKING	N	IN	\$125	\$100	Y	0%	N	N	C	HB 56 repeal and reenter with subsection below
41-1A-414(3)(A)	ACCESSIBLE PARKING SPACE VIOLATION	N	MC	\$125	\$100	Y	0%	N	N	C	ADD TO COMMENT: credit given for proof of disability parking privileges
41-6A-702	LEFT LANE RESTRICTED/VEHICLE OVER 12,000	N	IN	\$250	\$0	N	35%	N	Y	C	increase fine amount
41-6A-702(1)(A)	HIGH OCCUPANCY VEHICLE LANE RESTRICTION	N	IN	\$250	\$0	N	35%	N	Y	C	increase fine amount
41-6A-702(1)(B)	HOV ON AND OFF RAMP LANE VIOLATION	N	IN	\$250	\$0	N	35%	N	Y	C	increase fine amount
41-6A-702(2)	OPERATING RESTRICTED VEHICLES IN LEFT LANE OF FREEWAY	N	IN	\$250	\$0	N	35%	N	Y	C	increase fine amount
41-6A-702(2)	OPERATING RESTRICTED VEHICLES IN LEFT LANE OF FREEWAY	N	IN	\$250	\$0	N	35%	N	Y	C	increase fine amount
41-1A-1101(5)	UNAUTHORIZED PERSON OPERATE VEHICLE IN IMPOUND LOT	N	IN	\$280	\$0	Y	0%	N	N	C	SB 50 change subsection and severity
41-1A-1101(6)	UNAUTHORIZED PERSON OPERATE VEHICLE IN IMPOUND LOT	N	MC	\$340	\$0	Y	0%	N	N	C	SB 50 change subsection and severity
41-3-303	INSPECTION REQUIRED BEFORE ISSUANCE OF TEMPORARY PERMIT	N	MB	\$110	\$0	Y	0%	N	N	C	HB 265 - repeal and add with new description
41-3-303	EMISSION REQUIRED BEFORE DEALER ISSUANCE OF TEMPORARY PERMIT	N	MB	\$340	\$0	Y	0%	N	N	C	HB 265 - add with new description
41-6A-1009(4)(A)	ENGAGING IN CONDUCT THAT IMPEDES OR BLOCKS TRAFFIC	N	IN	\$50	\$0	Y	0%	N	N	C	HB 161 - repeal and add with new description
41-6A-1009(4)(A)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK TRAFFIC	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add with new description
41-6A-1009(4)(A)(I)	ENGAGE IN CONDUCT THAT IMPEDES AN INTERSTATE SYSTEM	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - repeal and add with new description
41-6A-1009(4)(A)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK AN INTERSTATE SYSTEM	N	IN	\$340	\$0	Y	0%	N	Y	C	HB 161 - add with new description
41-6A-1009(4)(A)(II)	ENGAGING IN CONDUCT THAT IMPEDES A FREEWAY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - repeal and add with new description
41-6A-1009(4)(A)(II)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A FREEWAY	N	IN	\$340	\$0	Y	0%	N	Y	C	HB 161 - add with new description
41-6A-1009(4)(A)(III)	ENGAGING IN CONDUCT THAT IMPEDES A STATE HIGHWAY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - repeal and add with new description
41-6A-1009(4)(A)(III)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A STATE HIGHWAY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add with new description
41-6A-1009(4)(A)(IV)	ENGAGING IN CONDUCT THAT IMPEDES A STATE ROUTE	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - repeal and add with new description
41-6A-1009(4)(A)(IV)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A STATE ROUTE	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add with new description
41-6A-1009(4)(A)(V)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A HIGHWAY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add
41-6A-1009(4)(B)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK SHOULDER AREAS	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add
41-6A-1009(4)(B)(II)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK ON RAMPS	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add
41-6A-1009(4)(B)(III)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK OFF RAMPS	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161 - add

41-6A-1009(4)(B)(IV)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK A DIVIDED HIGHWAY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161- add
41-6A-1009(4)(D)(I)	PEDESTRIAN MAY NOT IMPEDE OR BLOCK TRAFFIC TAKING CONTROL OF MONEY	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161- add
41-6A-1009(4)(D)(II)	DRIVER MAY NOT IMPEDE OR BLOCK TRAFFIC TRANSACTING MONEY FROM PEDESTRIAN	N	IN	\$50	\$0	Y	0%	N	Y	C	HB 161- add
41-6A-1009(9)(B)	PROHIBITED ACTIVITIES BY PEDESTRIAN USING ROADWAY 3RD OR SUBSEQUENT	Y	MC	\$340	\$0	Y	0%				HB 161- add
41-6A-1302(3)	FAIL TO STOP FOR SCHOOL BUS 3 OR MORE OFFENSES W/IN 3 YRS	Y	MC	\$570	\$0	N	35%	Y	N	C	mandatory appearance
41-6A-1505	NO HEADGEAR ON MOTORCYCLE	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 repeal and add with new description
41-6A-1505	< 21 W/O PROTECTIVE HEADGEAR ON MOTORCYCLE OR MOTOR DRIVEN CYCLE	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1505(1)	< 18 OPERATING W/OUT HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 repeal and add with new description
41-6A-1505(1)	< 21 OPERATE/RIDE MOTORCYCLE/ MOTOR DRIVEN CYCLE W/O PROTECTIVE HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1505(1)(A)	< 18 OPERATING MOTORCYCLE W/OUT HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 repeal and add with new description
41-6A-1505(1)(A)	< 21 OPERATE OR RIDE MOTORCYCLE W/O PROTECTIVE HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1505(1)(B)	< 18 OPERATING MOTOR DRIVEN CYCLE W/OUT HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 repeal and add with new description
41-6A-1505(1)(B)	< 21 OPERATE OR RIDE MOTOR DRIVEN CYCLE W/O PROTECTIVE HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1505(1)(C)	< 18 OPERATING AUTOCYCLE W/OUT HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 repeal and add with new description
41-6A-1505(1)(C)	< 21 OPERATING ELECTRIC ASSISTED BIKE W/O PROTECTIVE HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1505(1)(D)	< 21 OPERATING AUTOCYCLE NOT FULLY ENCLOSED W/O PROTECTIVE HEADGEAR	N	IN	\$110	\$0	Y	0%	N	N	C	SB 159 add with new description
41-6A-1508(6)	LOW SPEED VEHICLE NOT TO OPERATE WHERE LIMIT EXCEEDS 35 MPH	N	IN	\$50	\$0	Y	0%	N	N	C	repeal and add with correct subsection below
41-6A-1508(5)	LOW SPEED VEHICLE NOT TO OPERATE WHERE LIMIT EXCEEDS 35 MPH	N	IN	\$50	\$0	Y	0%	N	N	C	correct subsection
41-6A-1508(7)	FAIL TO DISPLAY SLOW SPEED VEHICLE ON REAR OF VEHICLE	N	IN	\$50	\$0	Y	0%	N	N	C	repeal and add with correct subsection below
41-6A-1508(6)	FAIL TO DISPLAY SLOW SPEED VEHICLE ON REAR OF VEHICLE	N	IN	\$50	\$0	Y	0%	N	N	C	correct subsection
41-6A-1601	UNSAFE VEHICLE/FAULTY EQUIPMENT	N	IN	\$50	\$0	Y	0%	Y	N	C	Dismissed on proof of compliance in 20 days - SB 90 change to dismissed on proof of compliance within 14 days.
41-6A-1601(1)	OPERATE UNSAFE, IMPROPER EQUIPPED VEHICLE ON PUBLIC HWY	N	IN	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 20 days - SB 90 change to dismissed on proof of compliance within 14 days.
41-6A-1601(1)(A)	OPERATE/MOVE UNSAFE VEHICLE	N	IN	\$50	\$0	Y	0%	N	N	C	Dismissed on proof of compliance in 20 days - SB 90 change to dismissed on proof of compliance within 14 days.
41-6A-1803(1)	FAILURE TO WEAR A SEAT BELT OR USE CHILD RESTRAINT DEVICE	N	IN	\$45	\$0	Y	0%	Y	N	C	repeal and add with correct subsections below
41-6A-1803(1)(A)	FAILURE TO WEAR OR PROVIDE PROPERLY ADJUSTED SAFETY BELT	N	IN	\$45	\$0	Y	0%	Y	N	C	add with new description
41-6A-1803(1)(B)	FAILURE TO WEAR OR PROVIDE CHILD RESTRAINT DEVICE	N	IN	\$45	\$45	Y	0%	Y	N	C	add with new description dismissed upon proof of acquisition, rental or purchase of child restraint device
41-22-38(1)(B)	FAIL TO HAVE SAFETY CERTIFICATE FOR OHV	N	IN	\$50	\$0	Y	0%	N	N	C	HB 51 repeal no longer applicable



41-22-30(1)(C)	OPERATE AN OHV WITHOUT A VALID DRIVERS LICENSE IN POSSESSION	N	IN	\$50	\$0	Y	0%	N	N	C	HB 51 repeal no longer applicable
41-22-30(2)(B)(I)	OPERATE OR GAVE PERMISSION TO OPERATE AN OHV WITHOUT SAFETY	N	IN	\$100	\$0	Y	0%	N	N	C	HB 51 repeal and amend description
41-22-30(2)(B)(I)	OPERATE/GIVE PERMISSION TO OPERATE W/O OHV SAFETY CERTIFICATE	N	IN	\$100	\$0	Y	0%	N	N	C	HB 51 amend description
41-22-30(2)(B)(II)	OPERATE/GAVE PERMISS TO OPER OHV UNDER 18 YOA W/O DIR SUPERV	N	IN	\$100	\$0	Y	0%	N	N	C	HB 51 repeal and amend description
41-22-30(2)(B)(II)	< 18 OPERATING OHV ON PUBLIC HWY WITHOUT DIRECT SUPERVISION	N	IN	\$100	\$0	Y	0%	N	N	C	HB 51 amend description
53-3-202(3)(A)	DRIVING AS TAXI DRIVER WITHOUT TAXI CAB ENDORSEMENT	N	IN	\$200	\$0	Y	0%	Y	Y	C	HB 391 - repeal, has new description
53-3-202(3)(A)	DRIVING AS TAXI DRIVER WITHOUT CLASS D ENDORSEMENT	N	IN	\$200	\$0	Y	0%	Y	Y	C	HB 391 - add with new description
53-8-205	NO VEHICLE SAFETY INSPECTION	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - Repeal, no longer applicable
53-8-205(4)(A)	NO VEHICLE SAFETY INSPECTION	N	IN	\$50	\$0	Y	0%	N	N	C	HB 265 - Repeal, no longer applicable
58-18-103(2)(A)	INTERNET POSTING OF PERSONAL INFORMATION OF LAW ENFORCEMENT	Y	MB	\$680	\$0	N	90%	N	Y	C	S.B.31 add new
72-7-409	FAILURE TO SECURE LOAD ON VEHICLE	N	IN	\$230	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$200
72-7-409(6)(C)(II)	FAILURE TO SECURE LOAD ON VEHICLE CREATING ACCIDENT - 2ND/SUBSEQUENT	N	IN	\$230	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$200
72-7-409(3)	FAILURE TO COVER LOAD	N	IN	\$230	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$200
72-7-409(6)	FAILURE TO SECURE LOAD/VEHICLE OPERATED ON HWY	N	IN	\$230	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$200
72-7-409(6)(B)(I)	FAILURE TO SECURE LOAD ON VEHICLE CREATING HAZARD	N	IN	\$230	\$0	N	35%	N	N	C	SB 96 - renumbered and statutory fine amount of not less than \$200
72-7-409(6)(B)(II)	FAILURE TO SECURE LOAD ON VEHICLE LEADING TO ACCIDENT	N	MB	\$230	\$0	N	90%	N	N	C	SB 96 - renumbered and statutory fine amount of not less than \$200
72-7-409(6)(B)(II)	FAILURE TO SECURE LOAD - 2ND OR SUBSEQUENT OFFENSE	Y	IN	\$500	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$500
72-7-409(6)(C)(II)	FAILURE TO SECURE LOAD ON VEHICLE CREATING HAZARD - 2ND/SUBSEQUENT	Y	IN	\$500	\$0	N	35%	N	N	C	SB 96 - renumbered and statutory fine amount of not less than \$500
72-7-409(6)(C)(I)	FAILURE TO SECURE LOAD - COMMERCIAL VEHICLE	N	IN	\$500	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$500
72-7-409(6)(D)(I)	COMMERCIAL VEHICLE FAILURE TO SECURE LOAD CREATING HAZARD	N	IN	\$500	\$0	N	35%	N	N	C	SB 96 - renumbered and statutory fine amount of not less than \$500
72-7-409(6)(C)(II)	FAIL TO SECURE LOAD - COMM VEHICLE - 2ND / SUBSEQUENT OFFENSE	N	IN	\$1,000	\$0	N	35%	N	N	C	SB 96 - repeal and add with new subsections. Statutory fine amount not less than \$1000
72-7-409(6)(D)(II)	COMM VEHICLE FAILURE TO SECURE LOAD CREATING HAZARD - 2ND SUBSEQUENT	Y	IN	\$1,000	\$0	N	35%	N	N	C	SB 96 - renumbered and statutory fine amount of not less than \$1000

72-10-109(1)(A)	FAILURE TO LICENSE AIRCRAFT	Y	MC	\$340	\$0	N	35%	N	N	C	SB 111 - repeal to amend description
72-10-109(1)(A)	FAILURE TO OBTAIN CERTIFICATE OF REGISTRATION ON AIRCRAFT	Y	MC	\$340	\$0	N	35%	N	N	C	SB 111 - amend description
72-14-303(2)(A)	FLY UNMANNED AIRCRAFT CARRYING WEAPON W/O CERT OF AUTHORIZATION	Y	MB	\$680	\$0	N	90%	N	Y	C	SB 111 - addition of new code
72-14-403	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT	N	IN	\$100	\$0	N	35%	N	Y	C	SB 111 - addition of new code
72-14-403(8)(D)	UNLAWFUL OPERATION OF UNMANNED AIRCRAFT AFTER INFRACTION CONVICTION	Y	MB	\$340	\$0	N	90%	N	Y	C	SB 111 - addition of new code
76-5-401(3)	UNLAW SEXUAL ACTIVITY MINOR -DEFENDANT < FOUR YEARS OLDER	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense changed to Court mandatory
76-6-206(2)(A)	CRIMINAL TRESPASS	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense - repeal and add with new description
76-6-206(2)(A)	CRIMINAL TRESPASS ENTER OR REMAIN BY PERSON OR UNMANNED AIRCRAFT	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense - SB 111 - expand on description
76-6-206(2)(A)(II)	CRIMINAL TRESPASS W/INTENT TO COMMIT CRIME OTHER THAN THEFT/FELONY	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense - SB 111 add new code
76-6-206(2)(A)(III)	CRIMINAL TRESPASS RECKLESS UNMANNED AIRCRAFT CAUSING FEAR/SAFETY	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense - SB 111 add new code
76-6-206(2)(B)	CRIMINAL TRESPASS KNOWING ENTRY UNLAWFUL	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense
76-6-206(2)(B)	CRIMINAL TRESPASS KNOWING ENTRY UNLAWFUL PERSON OR UNMANNED AIRCRAFT	Y	MB	\$680	\$0	N	90%	N	Y	S	Enhanceable Offense - SB 111 - expand description to include unmanned aircraft
76-6-206.4(2)	CRIMINAL TRESPASS BY LONG-TERM GUEST TO A RESIDENCE	N	MB	\$340	\$0	N	90%	N	Y	S	HB 202 - add new
76-6-703(1)	COMPUTER CRIMES	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 repeal and amend description
76-6-703(1)	COMPUTER CRIMES INTERFERING WITH CRITICAL INFRASTRUCTURE	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 add with new description
76-6-703(1)(A)	COMPUTER CRIMES UNDER \$500 OR INFO NOT CONFIDENTIAL	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 repeal and amend description
76-6-703(1)(A)	COMPUTER CRIMES < \$500 ECONOMIC LOSS DAMAGE OR BENEFIT OBTAINED	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 add with new description
76-6-703(2)(A)	COMPUTER CRIMES - INTENTIONALLY/KNOWINGLY GAINS ACCESS	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 repeal section now defines severity
76-6-703(3)	COMPUTER FRAUD	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 118 repeal and amend description
76-6-703(3)(A)	COMPUTER CRIMES - DISCLOSE/DISSEMINATE ANOTHERS IDENTITY	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 227 add with new description
76-6-703(3)(B)	COMPUTER CRIMES-DISCLOSE/DISSEMINATE AN ADULTS IDENTITY W/HARASSMENT	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 227 add with new description
76-9-308(2)(A)	HARASSMENT OF LIVESTOCK BY MOTORIZED VEHICLE OR ATV	Y	MB	\$680	\$0	N	90%			S	HB 217 - add new
76-9-308(2)(B)	HARASSMENT OF LIVESTOCK BY DOG	Y	MB	\$680	\$0	N	90%			S	HB 217 - add new
76-9-308(2)(C)	HARASSMENT OF LIVESTOCK BY AN UNMANNED AIRCRAFT	Y	MB	\$680	\$0	N	90%			S	HB 217 - add new
76-9-702.3	PUBLIC URINATION	Y	IN	\$100	\$0	N	35%	N	Y	C	Is actually an IN fine reduced to \$100
76-10-1302(1)(A)	ENGAGE IN SEXUAL ACTIVITY W/ANOTHER FOR FEE OR FUNCTION	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 repeal and replace with new description
76-10-1302(1)(A)	ENGAGE/OFFER/AGREE IN SEXUAL ACTIVITY W/ANOTHER FOR FEE OR FUNCTION	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 add with new description
76-10-1302(1)(B)	INMATE IN A HOUSE OF PROSTITUTION	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 repeal and replace with new description



76-10-1302(1)(B)	ARRANGE AND MEET FOR PURPOSE OF SEXUAL ACTIVITY FOR FEE OR FUNCTION	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 add with new description
76-10-1303	PATRONIZING A PROSTITUTE	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 has classified this as a MA and it will be removed from bail schedule
76-10-1303(1)(A)	PATRONIZING A PROSTITUTE	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 has classified this as a MA and it will be removed from bail schedule
76-10-1303(1)(B)	ENTER HOUSE OF PROSTITUTION FOR PURPOSE OF SEXUAL ACTIVITY	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 has classified this as a MA and it will be removed from bail schedule
76-10-1304(1)	AIDING PROSTITUTION	Y	MB	\$1,070	\$0	N	90%	N	Y	S	SB 230 has classified this as a MA and it will be removed from bail schedule
76-10-1313(1)(A)	OFFER/AGREE TO COMMIT SEXUAL ACT W/ANOTHER FOR FEE/FUNCTION	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 repeal and replace with new description
76-10-1313(1)(A)	OFFER/AGREE TO COMMIT SEXUAL ACT FOR FEE/FUNCTIONAL EQUIVALENT	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 add with new description
76-10-1313(1)(B)	PAY/OFFER/AGREE TO PAY FEE TO ANOTHER FOR SEXUAL ACT	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 repeal and replace with new description
76-10-1313(1)(B)	PAY/OFFER/AGREE TO PAY FEE OR FUNCTIONAL EQUIVALENT FOR SEXUAL ACT	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 add with new description
76-10-1313(1)(C)	INTENT TO ENGAGE IN SEXUAL ACTIVITY FOR FEE	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 repeal and replace with new description
76-10-1313(1)(C)	INTENT TO ENGAGE IN SEXUAL ACTIVITY FOR FEE OR FUNCTIONAL EQUIVALENT	Y	MB	\$680	\$0	N	90%	N	Y	S	SB 230 add with new description
78A-6-105	INDIVIDUAL/ENTITY KNOWINGLY ENGAGING IN UNREGULATED CUSTODY TRANSFER	Y	MB	\$680	\$0	N	90%	N	Y	S	HB 199 - add new. (62A-4A-711 defines penalty)
WR1100	FISHING W/O VALID LICENSE 23-19-1	N	MB	\$160	\$60	N	90%	N	Y	C	change to \$160. Dismissed upon proof of valid license at time of ticket issuance
WR1150	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23-19-1	N	MB	\$210	\$60	N	90%	N	Y	C	change to \$210. Dismissed upon proof of valid license at time of ticket issuance?
WR1200	HUNT/TRAP W/O LICENSE - INCLUDES LENDING 23-19-1	N	MB	\$210	\$60	N	90%	N	Y	C	\$60 suspended upon proof of valid license?
WR2001	TAKING/POSS OF PROT WILDLIFE OVERLIMIT-FISH 23-20-3	Y	MB	\$190	\$0	N	90%	N	Y	C	change to \$190
WR2300	TAKING/POSSESSION-PROTECTED WILDLIFE SMALL GAME 23-20-3	Y	MB	\$190	\$0	N	90%	N	Y	C	change to \$190
WR2301	TAKE/POSS PROT WILDLIFE -BEF/AFT LGL HRS MIGR BIRDS 23-20-3	Y	MB	\$190	\$0	N	90%	N	Y	C	change to \$190
WR2302	HUNTING MIGRATORY BIRDS W/O VALID STAMP 23-20-3	N	MB	\$140	\$0	N	90%	N	Y	C	change to \$140
WR2370	UNLAWFUL POSSESSION OF TOXIC SHOT 23-20-3	N	MB	\$140	\$0	N	90%	N	Y	C	change to \$140
WR2660	UNLAWFUL TAKING OF PROTECTED WILDLIFE FROM VEHICLE 23-20-3	Y	MB	\$240	\$0	N	90%	N	Y	C	change to \$240
WR3006	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH/MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3009	WANTON DESTRUCTION OF PROTECTED WILDLIFE-FISH/MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3012	WANTON DESTRUCTION OF PROTECTED WILDLIFE-SMALL GAME/MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3015	WANTON DESTRUCTION OF PROTECTED WILDLIFE-SMALL GAME-MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3109	WANTON DESTR PROT WILDLIFE - OVERLIMIT/OUT OF SEASON-MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3115	WANTON DESTR PROTECTED WILDLIFE BEF/AFT LGL HRS-MB 23-20-4	N	MB	\$400	\$0	N	90%	N	Y	C	change to \$400



WR3209	WANTON DESTR PROTECTED WILDLIFE BEF/AFT LGL HRS-MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR3215	WANTON DESTR PROTECTED WILDLIFE - OVERLIMIT-MB 23-20-4	Y	MB	\$400	\$0	N	90%	N	Y	C	change to \$400
WR4311	PASS/TRAVEL TO STATION/CHECKPNT W/OUT PRESENTING CONVEYANCE 23-27-201(4)	Y	MB	\$680	\$0	N	90%	N	Y	C	change to 1st offense \$140, \$680 thereafter
WR4600	JUVENILE HUNTING W/O PROPER ADULT SUPERVISION 23-20-20	N	MB	\$170	\$0	N	90%	N	Y	C	change to \$170
WR4820	UNLAWFUL USE, ACTIVITY OF/ON DWR LANDS 23-21-7	N	MB	\$210	\$0	N	90%	N	Y	C	change to \$210
WR5000	AQUATIC INVASIVE SPECIES RULE VIOLATIONS R657-60	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5202	NO REQUIRED EVIDENCE OF SEX/SPECIES/AGE ATTACHED TO CARCASS R657-5-17	N	IN	\$190	\$0	N	35%	N	Y	C	change to \$190
WR5204	AERIAL LOCATE WILDLIFE W/IN 48 HRS OF BIG GAME HUNT R657-5-14	N	IN	\$190	\$0	N	35%	N	Y	C	change to \$190
WR5350	COUGAR RULE VIOLATION R657-10	N	IN	\$190	\$0	N	35%	N	Y	C	change to \$190
WR5352	FAIL TO LEAVE EVIDENCE OF SEX/SPECIES ATTACHED TO CARCASS R657-10-14	N	IN	\$190	\$0	N	35%	N	Y	C	change to \$190
WR5400	FISH/CRAYFISH RULE VIOLATION R657-13	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5401	UNLAWFUL POSSESSION OF CORN/BAIT WHILE FISHING R657-13-12	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5602	UNLAWFUL METHODS OF SPOTLIGHTING WITH WEAPON IN POSSESSION R657-54-16	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5603	HUNTING TURKEY WITH A USED OR DETACHED TAG R657-54-11	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5653	UNLAWFUL METHODS OF SPOTLIGHTING WITH WEAPON IN POSSESSION R657-6-24	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5708	HUNTING WATERFOWL WITH A USED OR DETACHED TAG R657-9-5	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5709	SHOOTING IN A RESTRICTED OR CLOSED AREA R657-9-30	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5800	FALCONRY RULE VIOLATIONS R657-20	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5900	ZOOLOGICAL ANIMAL COLLECTION/IMPOR/POSSESS RULE VIOLATION R657-3	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5901	AMPHIBIAN/REPTILE COLLECTION/POSSESSION RULE VIOLATION R657-53	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5940	WALK-IN-ACCESS RULE VIOLATIONS R657-56	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
WR5950	UNLAWFUL USE/ACTIVITY OF/ON DIVISION OF WILDLIFE LANDS R657-28	N	IN	\$140	\$0	N	35%	N	Y	C	change to \$140
172-200	NO SHIPPING PAPERS	N	MB	\$210	\$0	Y	0%	N	N	E	Repeal
172-205	HAZARDOUS WASTE MANIFEST VIOLATION	N	MB	\$570	\$0	Y	0%	N	Y	E	Repeal
172-331	REQUIRED MARKING VIOLATION/BULK PACKAGES	N	MB	\$260	\$0	Y	0%	N	N	E	Repeal
172-500	HAZARDOUS MATERIAL W/OUT PROPER PLACARD	Y	MB	\$510	\$0	Y	0%	Y	Y	E	Repeal
172-502	PLACARDED WHEN NOT HAULING HAZMAT	N	MB	\$210	\$0	Y	0%	N	Y	E	Repeal
172-504	PLACARDING REQUIREMENTS	N	MB	\$210	\$0	Y	0%	Y	Y	E	Repeal
382-201	PROHIB ALC CONCENTRATION FOR COMM VEHICLE DRIVER OR EMPLOYER	N	MB	\$680	\$0	N	90%	N	N	E	Repeal
393-9	LAMPS REFLECTIVE DEVICES/ELECTRICAL	N	MB	\$510	\$0	Y	0%	N	N	E	Repeal
396-9	INSPECTION OF MOTOR VEHICLE IN OPERATION	N	MB	\$570	\$0	Y	0%	N	N	E	Repeal

## **UNIFORM FINE AND BAIL SCHEDULE COMMITTEE**

### **Minutes**

April 20, 2017, noon to 3:00 p.m.  
Council Room, Matheson Courthouse

#### **COMMITTEE MEMBERS**

Hon. James Brady, Chair  
Hon. James Blanch  
Hon. Keith Eddington  
Hon. David Hamilton  
Hon. Paul Parker  
Hon. Brook Sessions

#### **STAFF**

Debra Moore  
Dawn Marie Rubio  
Lisa Crenshaw  
Clayson Quigley

#### **EXCUSED**

Hon. Augustus Chin  
Hon. Paul Parker

### **1. Welcome**

Judge James Brady welcomed everyone in attendance. The presence of a quorum was noted.

### **2. Review and update of Committee activities**

Judge Brady recapped the current goals and recent activities of the Committee. Last year, the Committee had sought and received approval of the Judicial Council to revise the Fine and Bail Schedule to place offenses into categories and establish fines based on those categories. This will standardize the Schedule and make the rationale for recommending fines more understandable and transparent.

### **3. Juvenile Fine and Bail Updates**

Ms. Dawn Marie Rubio, Juvenile Court Administrator noted that she had previously intended to request that the Committee combine the adult and juvenile court fine schedules to provide judges and others the ability to more easily compare the adult and juvenile fines. There are some cases in which fines imposed on juveniles are greater than the adult fines. However, HB239 passed in the 2017 Legislative Session. The provisions of HB239 constitute the most significant juvenile justice reform in the last twenty years. One change will alter the method of assessing fines. Rather than being based on the offense, fines will be based on age groups and levels within each age group. Credit for community service will be granted at the rate of the minimum wage. These fines do not go into effect until July 1, 2018.

In the meantime, juvenile judges have already begun to apply the HB239 fine provisions. However, HB239 will require extensive programming in CARE. It is not feasible to complete that programming before publication of the 2017 adult fine schedule. Ms. Rubio responded to questions from the Committee.

**Judge Eddington then made a motion to wait until next year to make the changes to the fine schedule that will be required to implement HB239. The motion was seconded by Judge Hamilton and, without further discussion, passed unanimously.**

#### **4. Discussion of fine categories**

Judge Brady referred to materials he had distributed to the Committee by email in advance of today's meeting. He reviewed his proposal to place offenses into the following categories: (1) personal, (2) property, (3) public safety, and (4) other. He further proposed that three fine levels be applied to each category for high, medium and low severity offenses. The categories would be identified in a column to the left of the current columns. The Committee would also need to rank the categories by significance. For example, personal and public safety offenses might be ranked higher than property and other offenses. This system was only a tentative proposal and Judge Brady sought input from the Committee members. After discussion, the following motion was made:

**Judge Blanch made a motion to approve the four categories as proposed by Judge Brady. The motion was seconded by Judge Eddington and without additional discussion, passed unanimously.**

#### **5. 2017 Legislative changes to fines and agency requests**

The Committee next turned to the changes to offenses and fines made by the 2017 Legislature. Ms. Lisa Crenshaw presented a spreadsheet version of the 2016 Fine Schedule with the legislative changes indicated. The Committee addressed each change in turn and determined the recommended fine for each offense affected by legislation. As the Committee progressed through the Schedule, Ms. Crenshaw completed the changes. During the meeting, Judge Brady and Judge Blanch left the meeting to handle urgent matters. Judge Blanch gave his proxy to the other Committee members and the discussion continued.

The Committee discussed a comment had been received from a member of the public. The commenter suggested that the fines be increased for offenses relating to High Occupancy Vehicle lanes, burned out tail-lights and failure to secure a load. The Committee discussed the fines for each of these types of offenses. The Committee determined to recommend an increase in the fines for HOV lane violations, but declined to increase the fines for the other types. It was expressed that the objective of tail-light and similar violations is to encourage the violator to fix the issue and are frequently cited as fix-it tickets. The committee discussed that the offenses concerning unsecured loads are set by statute as mandatory minimums and decided to maintain the recommendation as they currently are to maintain clarity, acknowledging the judge's ability to increase the fine if they find it to be appropriate.

The Committee's final recommendations regarding the Fine Schedule are recorded on the spreadsheet attached to these minutes as Exhibit A. At the conclusion of the Committee's discussion, a motion was made:

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**Judge Sessions made a motion, seconded by Judge Cullimore, to adopt recommendations to change the Fine Schedule as recorded by Ms. Crenshaw. No further discussion was conducted and a vote was taken. The Committee approved the motion unanimously.**

There being no further business, the meeting was adjourned.

**TAB 4**

## Post-Conviction Subcommittee Proposals to the Indigent Defense Study Committee

### Background:

The Post-Conviction Subcommittee was formed in 2011 as part of the Indigent Defense Study Committee to identify and evaluate possible means to improve access to legal representation in post-conviction proceedings. Post-conviction cases are civil in nature and, with the exception of capital cases, do not get the benefit of state-funded appointed counsel. This leaves the majority of petitioners to pursue their claims pro se and with minimal resources. Accordingly, this subcommittee has looked at various ways to enhance the ability of post-conviction petitioners to prosecute their cases.

Currently, state inmates may receive some legal assistance from attorneys contracted by the Department of Corrections to provide limited legal services to inmates. This contract attorney system is the means chosen to meet the requirements of *Bounds v. Smith*, 430 U.S. 817 (1977). In *Bounds*, the Supreme Court held "that the fundamental constitutional right of access to the courts requires prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law." *Id.* at 828. The contract attorneys assist inmates in drafting and filing petitions or complaints challenging the legality of their incarceration, conditions of confinement, or the procedures of the Board of Pardons in determining parole. Both federal and state courts are included in the scope of the contract. The contract requires the attorneys to provide legal research to support non-frivolous claims. It thus requires an initial screening by the attorney to determine if an inmate's claim is legally or factually frivolous. The scope of legal services in the contract-attorney contract does not include advocacy in post-conviction proceedings. Rather, the duties of the contract attorney "do not extend past the filing of initial pleadings."

A review of attorney appointment logs from the Gunnison and Draper prisons for years 2010 to 2013 showed that the contract attorneys handle a high volume of inmate meetings. Contract attorneys typically spent one day per week at each prison to meet with inmates, commonly with more than thirty appointments scheduled per day. More than once, the number of appointments scheduled in a single prison visit day

was 66. It was not possible to identify how much of that volume related to state post-conviction proceedings.

To determine the target population for the subcommittee's purposes—post-conviction petitioners who would likely benefit from access to counsel—post-conviction filings in the district courts in the years 2009 to 2012 were reviewed. The number of petitions filed pro se during those years ranged from 21 to 33 per year. More than one-half of those petitions were dismissed without a response from the State. Summary dismissals included petitions dismissed as frivolous in addition to dismissals for failure to pay fees and failure to prosecute.

The State responded to between 8 and 15 petitions each year. Some pro se petitioners were appointed counsel once the court determined that a State response was warranted. The remaining petitioners continued pro se to litigate against the State. This category, pro se petitioners with State appearances in the cases, ranged from 5 to 12 petitions per year, including both petitioners whose requests for counsel were denied and petitioners who did not request counsel. Petitioners who requested counsel and were denied ranged from 5 to 7 per year.

With this background and after reviewing the available information and discussing a variety of issues and options, the subcommittee presents the following proposals for consideration of the full committee.

**1. Develop a post-conviction manual and checklist for use by pro se litigants and pro bono counsel.**

A physical and online manual and checklist could provide detailed information about the requirements and process for post-conviction petitions. Such a resource could have broad impact because it would be beneficial for attorneys unfamiliar with the nature of post-conviction proceedings and would benefit pro se petitioners as well. A checklist to use in parallel to the petition forms would help assure that relevant materials are identified and that issues are raised properly. A manual could include a list of basic issues in post-conviction proceedings, including time and procedural bars; relevant statutes and rules; key cases in this area of practice; basic forms; sample litigation documents including petitions, responsive motions and memoranda; and

discovery documents. Having information consolidated in a freely available resource could provide a good starting point for attorneys interested in pro bono experience.

The manual could be developed through the Pro Bono Initiative at the S.J. Quinney College of Law at the University of Utah with law students working under the supervision of an experienced post-conviction attorney. The supervised law students would first gather relevant materials from individuals and organizations who are currently stakeholders in the post-conviction arena, including the Utah Attorney General's Office, the prison contract attorneys, Salt Lake Legal Defender's Association, experienced post-conviction counsel and the courts.<sup>1</sup> After collecting and compiling available resources, the supervised law students would then research and develop additional relevant materials and checklists.

The resulting manual could be hosted on the Utah State Bar's website and the Utah State Courts' website for easy access to attorneys. The manual should also be made available in hard copy, at least in an abridged form, for inmates, possibly as a resource provided through the prison contract attorneys.

## **2. Develop a more robust post-conviction pro bono program in the Utah State Bar.**

The Utah State Bar currently has an outreach program for soliciting pro bono attorneys in wide ranging practice areas. A more specific post-conviction roster could

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<sup>1</sup> A court resource that was suggested as a possible starting point for developing a manual was the district courts' postconviction benchbook. The primary part of the benchbook was the Post-Conviction Relief Procedural Checklist–Annotated. This annotated checklist presents a step-by-step approach to administrative and substantive issues in postconviction proceedings, and includes statutory, rule, and case law references. In reviewing the benchbook, however, it became apparent that the materials are outdated. The statutory and rule references cite to sections that have been amended or deleted. Similarly, the case law is outdated because new case law has developed under the amended statute and rule. The benchbook may still provide a starting point for a supervised law student to develop materials, but it should be updated as soon as possible to provide current law and standards to district court judges handling postconviction cases.



be developed to enhance access to attorneys in post-conviction proceedings. A New Lawyer Training Program targeting post-conviction could provide free CLE for post-conviction training. A mentor program would also be beneficial in this area to provide an experienced resource for attorneys new to post-conviction litigation. With resources such as training, mentors, and the proposed manual available, a larger roster of attorneys interested in accepting post-conviction cases may be developed. Newer attorneys could benefit from the additional learning experience of pursuing a case, including getting court time.

In addition to outreach to increase the number of attorneys willing to take pro bono cases, the placement of cases could be enhanced by involving district court judges in the process when cases waiting for pro bono counsel languish. The current case placement process starts with the court contacting the Bar seeking pro bono counsel for a petitioner. The Bar solicits pro bono counsel by sending the basic case information out in an email to attorneys who have expressed the interest in taking post-conviction cases. Typically, an attorney will respond to take the case. At times, however, cases may take a long time to place with an attorney.

When a case has not been placed with an attorney after a period of time, the Bar could contact the assigned judge with information needed to have the judge make a call to place the case. The Bar would maintain a list of law firms willing to take pro bono post-conviction cases and give the contact information to the judge. The judge would call the law firm's contact person to assign the case. The Bar would track the law firm appointments and rotate the firms on the list. Adding this step to the current process would assure more timely appointment of pro bono counsel. An outline of the proposed process is attached.

**3. Amend the Post-conviction Remedies Act to expand the factors for trial courts' consideration in determining whether to appoint counsel and to provide funding for expenses.**

The PCRA provides trial courts with discretion to appoint pro bono counsel after considering whether a petition contains factual allegations that may require an evidentiary hearing and whether it involves complicated issues of law or fact. Utah Code § 78B-9-109. Access to counsel may be enhanced by amending the statute to broaden the factors the courts should consider, which may weigh more in favor of appointment. Although access to counsel is not a right in non-capital post-conviction

cases, if a petitioner has successfully stated a non-frivolous claim, the petitioner, the State, and the court would typically benefit from having counsel to further pursue the claim.

Additionally, the statute could provide a process for seeking approval of funds from the court for expenses in the litigation, if funding was made available. The process proposed is modeled after the procedure set out in Utah Code section 78B-9-202, which provides for payment of expenses in post-conviction proceedings involving capital sentences. Briefly, an attorney would petition the court for approval of litigation expenses. A soft cap of \$2000.00 is proposed, which is consistent with the amount available in federal cases. Upon a showing of good cause, a petitioner may obtain funds beyond the \$2000.00. Although this proposal would require new money from the State, providing this funding has the potential to increase the participation of attorneys in the pro bono program because it removes a significant obstacle to providing pro bono assistance, particularly for small law firms or solo practitioners who have greater difficulty in absorbing the litigation costs.

A proposed amended statute accompanies this recommendation memorandum. The proposed amendment includes additional factors for courts to consider in determining whether to appoint pro bono counsel, and includes a process to request funding for litigation expenses. Even if funding is not available, the amendment regarding the appointment of counsel could move forward independently.

#### **4. Create a Post-conviction Center modeled after the Rocky Mountain Innocence Center.**

A separate entity to provide services to post-conviction petitioners would address some of the concerns with the current system and would enhance service and accountability. Forming an Inmate Access to Courts Center as a non-profit, 501(c)(3) organization would furnish flexibility, oversight, and independence, as well as increase levels of service for inmates. The Rocky Mountain Innocence Center could be used as a model for organizing a new entity.

The Rocky Mountain Innocence Center is a non-profit, 501(c)(3) organization that is an independent entity but that has clinic connections with the S.J. Quinney College of Law. The RMIC has a Board of Directors to provide organizational oversight and an

Executive Director to manage the day-to-day operations. The RMIC is associated with a law school clinic where students gain experience and provide useful services in investigating cases accepted by the RMIC.

An Inmate Access to Courts Center (the Center) similarly organized could function to fulfill the access requirements of *Bounds* and provide more complete service to petitioners. Among additional benefits of this model are independence and credibility because the Center would not be a state agency. With connections to the law school either through a clinic or possibly an intern relationship, the Center would also have additional resources available to assist in investigating and preparing post-conviction petitions. For example, law students could do the initial review of the case record and identify issues. The students would gain experience in many concrete legal skills including reviewing the record, interviewing witnesses, identifying issues, and legal drafting.

With this structure, the Center could furnish different levels of service to meet the circumstances. This could range from a minimum of providing case law to pro se petitioners to the maximum of full representation if the petitioner's case raises substantial and complex factual or legal issues. In addition to working with law students to investigate and prepare post-conviction cases, the Center could develop contacts with the Utah State Bar pro bono program. The Center could serve as a clearinghouse, performing the initial case review and preparation with students and presenting the prepared cases to pro bono attorneys for further proceedings. With supervised student involvement to develop the cases, the time load and expense for any single pro bono attorney would be reduced. This could increase the availability of pro bono attorneys by maximizing the use of attorney skills without undue burdens.

This proposal depends on the availability of funding. From the review of the current contracts, the subcommittee made a couple of assumptions: one, that some of the funding from the current contracts could be redirected to a new entity, and two, that the funding may be sufficient to provide a full-time attorney to handle post-conviction petitions with some law student support. The number of pro se post-conviction petitions filed from 2009 to 2012 ranged from 21 to 33 per year. The individual case needs may vary widely, but it appears that one supervising attorney may be able to handle the review of these cases and work with law students to perform a more in

depth analysis. Furthermore, with a larger pool of pro bono attorneys, the work load may also be managed by soliciting pro bono attorneys to follow through with cases after the more labor intensive aspects have been completed.

**TAB 5**

RECOMMENDED FOR CERTIFICATION

First District Adult Drug Court, Logan, Judge Willmore

Lacks a continuum of care (B)

Lack of formal training (P)

**Second District Adult Drug Court, Ogden, Judge Bean (Conditional Certification)**

\*Drug testing on weekends and holidays (R)

Second District Dependency Drug Court, Ogden, Judge Dillon

Lacks continuum of care (B)

Outcomes monitored (B)

Second District Juvenile Drug Court, Ogden,, Judge Frost

Lacks continuum of care (B)

Outcomes monitored (B)

Second District Adult DUI Court, Farmington, Judge Morris


DUI risk and needs (R)

Peer support group training (P)

Housing (B)

Medical and dental treatment (B)

Third District Adult Drug Court, Tooele, Judge Adkins



Third District Adult Drug Court, Park City, Judge Petersen

Peer support group training (P)

Team training on trauma care (P)


Follow up for the first 90 days (B)

Third District Adult Drug Court, Salt Lake City, Judge Skanchy

Third District Adult Drug Court, Salt Lake City, Judge Bernard-Goodman

Third District Adult Mental Health Court, Salt Lake City, Judge Boyden

Exit interview (P)



Fourth District Dependency Drug Court, American Fork, Judge Bazzelle

Less than 15 participants (P)

Exit interview (P)


Fifth District Adult Drug Court, St George, Judge Wilcox

Fifth District Dependency Drug Court, St George, Judge Leavitt

Fifth District Adult Mental Health Court, St George, Judge Walton

Participants incarcerated to achieve clinical objectives (R)

Medical or dental treatment (B)



Issue:

Most if not all of the above courts fail to meet the following certification criteria:

The drug court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates as other participants. (R)

Formal training for new members of the Drug Court Team (P)

New arrests, charges, and convictions are tracked for 3 years following entry in the program (P)

Two year assignment to Treatment Court



# **Problem Solving Court Recommendations**

## PROBLEM SOLVING COURT RECOMMENDATIONS

Members of committee:

Judge Bazzelle, Judge Trease, Judge Skanchy, Judge Manley, Shane Bahr, Dennis Fuchs

### 1. Number of Participants

- a. It was determined by the study group that the number of participants should not be a critical factor as long as the problem solving court was functioning according to the remainder of best practices and not causing any harm to the participants. In Juvenile Court the Judges like to keep their own welfare cases and do not want to combine courts. In smaller jurisdictions it was felt that the problem solving court might ben the only game in town.

### 2. Judicial Assignment

- a. It was determined that there should be established a training protocol for all new problem solving court judges. The protocol should consist of a required number of hours of training within a specified time period, ( 10 hours within 90 days). These hours can be met by either in or out of state training and/or web training. These hours should be self-reported until such time as IT can set up a program to track the hours.
- b. A list of volunteer senior judges who have presided over a problem solving court should be compiled and disseminated for the purpose of acting as mentors for new problem solving court judges.
- c. In addition of list should be compiled of senior problem solving court judges should be compiled with the names of those who would voluntarily, without pay, agree to preside over a problem solving court when the assigned judge is not available. It was felt that this would be preferable to another judge with not prior problem solving court experience presiding in the assigned court judges absence.

### 3. Urinalysis

**Judge Willmore**  
**1<sup>st</sup> District Adult Drug Court**  
**Logan**

Court: FIRST DISTRICT, LOGAN

Judge: WILLMORE

Date: November 29, 2016

## Utah Adult Drug Court Certification Checklist

September, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. <b>R</b> BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. <b>R</b> BPS I A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.<br><b>P</b> BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. <b>R</b> BPS I A |

YES NO

- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**

YES NO

- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 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 BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. P BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. R BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G\*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. R
- ☒ ☐ 48. The minimum length of the program is twelve months. R
- ☒ ☐ 49. 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
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J



YES NO

- ☒ ☐ 52. 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**
- ☒ ☐ 53. 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**
- ☐ ☒ 54. 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**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. 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**
- ☒ ☐ 57. 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**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. 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**
- ☒ ☐ 60. 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**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. 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, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. 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**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. 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**
- ☒ ☐ 73. 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**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☐ ☒ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F (treatment staff is)
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☐ ☒ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☐ ☒ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R** BPS VIII B\*
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R** BPS VIII A\*
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R** BPS VIII B
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R** BPS VIII C
- ☐ ☒ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B** BPS VIII F
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P** BPS VIII F
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P** BPS VIII F
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R**  
CJA 4-409(5)(G)
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P** BPS IX A\*

YES NO

- ☐ ☒ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

**Judge Bean**  
**2nd District Adult Drug Court -**  
**Ogden**



YES NO

- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**



YES NO

- ☒ ☐ 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, BPS VIII D
- ☒ ☐ 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, BPS VIII D
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 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**
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- ☒ ☐ 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 BPS VII A\***
- ☐ ☒ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. P BPS VII H
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- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G
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- ☒ ☐ 48. The minimum length of the program is twelve months. R
- ☒ ☐ 49. 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
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J

YES NO

- ☒ ☐ 52. 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**
- ☒ ☐ 53. 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**
- ☒ ☐ 54. 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**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. 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**
- ☒ ☐ 57. 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**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. 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**
- ☒ ☐ 60. 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**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. 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, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. 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**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. 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**
- ☒ ☐ 73. 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**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A\***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**



**Judge Dillon**  
**2nd District Dependency Drug**  
**Court - Ogden**

Court **SECOND DISTRICT, OGDEN**

Judge: **DILLON**

Date: **December, 21, 2016**

## Utah Dependency Drug Court Certification Checklist

October, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

☐

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**

YES NO

☐

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, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS\* I B**

☐

6. 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**

☐

7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**

☐

8. 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**

☐

9. Offenders 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**

☐

10. 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**

☐

11. The program has a written policy addressing medically assisted treatment. **R**

☐

12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**

- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**

YES NO

- ☒ ☐ 14. 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**
- ☒ ☐ 15. 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**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. 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**
- ☒ ☐ 19. 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**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS\* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS\* III F**
- ☒ ☐ 22. 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**
- ☒ ☐ 23. 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

YES NO

- |                                     |                          |     |   |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 24. | 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. <b>R</b><br>BPS III H, BPS VIII D   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 25. | 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. <b>R</b> BPS III H, BPS VIII D  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 26. | The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. <b>R</b><br>BPS III H  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 27. | 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. <b>R</b> BPS IV A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 28. | 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. <b>R</b> BPS IV A                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 29. | The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. <b>R</b> BPS IV A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 30. | 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. <b>R</b> BPS IV A |

31. ☒ ☐ 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**
- YES NO**
32. ☒ ☐ 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**
33. ☒ ☐ 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**
34. ☒ ☐ 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**
35. ☒ ☐ Drug testing is performed at least twice per week. **R BPS VII A\***
36. ☒ ☐ Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
37. ☒ ☐ Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
38. ☒ ☐ Drug test results are available within 48 hours. **P BPS VII H**
39. ☒ ☐ Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
40. ☒ ☐ Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D\***
41. ☒ ☐ Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E\*, F\***

- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.  
**R BPS VII G**
- YES NO**
- ☒ ☐ 43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G\***
- ☒ ☐ 45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 46. The program requires at least 90 days clean to graduate. **B**
- ☒ ☐ 47. The minimum length of the program is twelve months. **B**
- ☒ ☐ 48. 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**
- ☒ ☐ 49. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 51. 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**
- ☒ ☐ 52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive

an augmented disposition for failing to complete the program.  
**P** BPS IV K\*

YES NO

- |                                     |                                     |     |   |
|-------------------------------------|-------------------------------------|-----|---|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 53. | The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.<br><b>B</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 54. | Standardized patient placement criteria govern the level of care that is provided. <b>P</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 55. | 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. <b>P</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 56. | Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. <b>R</b> BPS V B   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 57. | Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. <b>P</b> BPS V D  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 58. | 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. <b>P</b> BPS V E   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 59. | 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. <b>P</b> BPS V E |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 60. | Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. <b>B</b> BPS V E  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 61. | 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. <b>B</b> BPS V F, BPS VI G   |



62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
63. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- YES NO**
64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
68. There is a secular alternative to 12-step peer support groups. **R**
69. 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**
70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
71. 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**
72. 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**
73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages

of substance abuse treatment and indicated complementary services. **B BPS IX C**

YES NO

- |                                     |                          |     |   |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 74. | Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. <b>P BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 75. | Participants are not excluded from participation in Drug Court because they lack a stable place of residence. <b>R BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 76. | Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. <b>B BPS VI E</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 77. | Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. <b>R BPS VI E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 78. | Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). <b>P BPS VI F</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 79. | Female participants receive trauma-related services in gender-specific groups. <b>B BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 80. | All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. <b>P BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 81. | Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. <b>R BPS VI I*</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 82. | Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. <b>P BPS VI I</b>  |

83. ☒ ☐ Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B BPS VI I**
- YES NO**
84. ☒ ☐ Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
85. ☒ ☐ Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P BPS VI**
86. ☒ ☐ Clients are placed in the program within 50 days of shelter hearing. **R**
87. ☒ ☐ At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. **R BPS VIII B\***
88. ☒ ☐ At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. **R BPS VIII A\***
89. ☒ ☐ Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
90. ☒ ☐ Team members are assigned to Drug Court for no less than two years. **P**
91. ☒ ☐ All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
92. ☒ ☐ Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**

☒ ☐ 93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B** BPS VIII F

YES NO

☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P** BPS VIII F

☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P** BPS VIII F

☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**

☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**

☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P** BPS IX A\*

☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A

☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B\*

☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A

☒ ☐

102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D

☒ ☐

103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D

YES NO

☒ ☐

104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F

☒ ☐

105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G

☐ ☒

106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H

☒ ☐

107. The program conducts an exit interview for self improvement.  
**P**

**Judge Frost  
2nd District Juvenile Drug  
Court - Ogden**

Court: SECOND DISTRICT, OGDEN

Judge: FROST

Date: December 21, 2016

## Utah Dependency Drug Court Certification Checklist

October, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively.<br>R BPS I A                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing.<br>R BPS I A                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources. P BPS I A |

YES NO

- |                                     |                                     |     |   |
|-------------------------------------|-------------------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4.  | The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program.<br><b>R BPS I A</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 5.  | The program admits only participants who are high risk high need as measured by the RANT, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. <b>R BPS* I B</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 6.  | 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.<br><b>R BPS I C</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 7.  | Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. <b>R BPS I C</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 8.  | 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. <b>R BPS I D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 9.  | Offenders with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. <b>R BPS I D</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 10  | 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.<br><b>R BPS I D</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 11. | The program has a written policy addressing medically assisted treatment. <b>R</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 12. | The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. <b>R BPS II B, BPS X E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 13. | The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. <b>R BPS II D</b>  |



**YES NO**

- ☒ ☐ 14. 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**
- ☒ ☐ 15. 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**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. 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**
- ☒ ☐ 19. 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**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS\* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS\* III F**
- ☒ ☐ 22. 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**
- ☒ ☐ 23. 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**

YES NO

- ☒ ☐ 24. 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, BPS VIII D
- ☒ ☐ 25. 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, BPS VIII D
- ☒ ☐ 26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R**  
BPS III H
- ☒ ☐ 27. 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
- ☒ ☐ 28. 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
- ☒ ☐ 29. 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
- ☒ ☐ 30. 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
- ☒ ☐ 31. 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

YES NO

- ☒ ☐ 32. 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**
- ☒ ☐ 33. 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**
- ☒ ☐ 34. 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**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A\***
- ☒ ☐ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D\***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E\*, F\***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

- ☒ ☐ 43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G\***
- ☒ ☐ 45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 46. The program requires at least 90 days clean to graduate. **B**
- ☒ ☐ 47. The minimum length of the program is twelve months. **B**
- ☒ ☐ 48. 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**
- ☒ ☐ 49. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 51. 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**
- ☒ ☐ 52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented disposition for failing to complete the program. **P BPS IV K\***

YES NO

☐☒

53. 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

☒☐

54. Standardized patient placement criteria govern the level of care that is provided.

**P** BPS V A

☒☐

55. 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

☒☐

56. 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

☒☐

57. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction.

**P** BPS V D

☒☐

58. 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

☒☐

59. 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

☐☒

60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators.

**B** BPS V E

☒☐

61. 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.

**B** BPS V F, BPS VI G

☒☐

62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.

**P** BPS V F

☒☐

63. Treatment providers are licensed or certified to deliver substance abuse treatment.

**R** BPS V H

YES NO

- ☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**
- ☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 69. 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**
- ☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 71. 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**
- ☒ ☐ 72. 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**
- ☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**

- | YES                                 | NO                       |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. <b>P BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. <b>R BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. <b>B BPS VI E</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. <b>R BPS VI E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). <b>P BPS VI F</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 79. Female participants receive trauma-related services in gender-specific groups. <b>B BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 80. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. <b>P BPS VI F</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 81. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. <b>R BPS VI I*</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 82. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. <b>P BPS VI I</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. <b>B BPS VI I</b>   |

YES NO

- |                                     |                          |     |   |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 84. | Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. <b>B</b> BPS VI J   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 85. | Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. <b>P</b> BPS VI   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 86. | Clients are placed in the program within 50 days of shelter hearing. <b>R</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 87. | At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. <b>R</b> BPS VIII B*   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 88. | At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. <b>R</b> BPS VIII A*  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 89. | Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. <b>R</b> BPS VIII B                                 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 90. | Team members are assigned to Drug Court for no less than two years. <b>P</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 91. | All team members use electronic communication to contemporaneously communicate about Drug Court issues. <b>P</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 92. | Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. <b>R</b> BPS VIII C                          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 93. | Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. <b>B</b> BPS VIII F |



YES NO

- ☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***
- ☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***
- ☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO



104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F



105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G



106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H



107. The program conducts an exit interview for self improvement.  
**P**

**Judge Morris**  
**2nd District Adult DUI Court -**  
**Farmington**

Court: SECOND DISTRICT, DAVIS COUNTY, OGDEN

Judge: MORRIS

Date: March 21, 2017

## Utah Adult DUI Court Certification Checklist

September, 2016

*Standards followed by an **R** are required features of a DUI Court, and adherence to these standards is required for certification. Standards followed by a **P** indicates 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.*

*Many of these standards are direct restatements of the Adult DUI Court Best Practice Standards, Volume I, copyright 2013, National Association of DUI Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. <b>R</b> BPS I A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. <b>R</b> BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.<br><b>P</b> BPS I A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The DUI Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. <b>R</b> BPS I A |

YES NO

- ☒ ☐ 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, BPS X E
- ☒ ☐ 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

YES NO

- ☒ ☐ 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, BPS VIII D
- ☒ ☐ 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, BPS VIII D
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H

YES NO

- ☒ ☐ 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 BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. **P** BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R** BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the DUI Court population. **P** BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R** BPS VII E\*, F\*
- ☒ ☐ 43. The DUI Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P** BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R** BPS VII G\*
- ☒ ☐ 46. Upon entering the DUI Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R** BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. 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
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R** BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R** BPS IV J



YES NO

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52. 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**

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53. 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**

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54. 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**

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55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**

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56. 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**

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57. 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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58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**

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59. 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**

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60. 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**

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61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**

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62. 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, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. 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**
- ☒ ☐ 71. Participants complete a final phase of the DUI Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. 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**
- ☒ ☐ 73. 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**
- ☐ ☒ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of DUI Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in DUI Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in DUI Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of DUI Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All DUI Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of DUI Court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of DUI Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from DUI Court. **B** BPS VI I
- ☐ ☒ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☐ ☒ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each DUI Court session. **R BPS VIII A\***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to DUI Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about DUI Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a DUI Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in DUI Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in DUI Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the DUI Court model and best practices in DUI Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The DUI Court has more than 15 but less than 125 active participants. **P BPS IX A\***





YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The DUI Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The DUI Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B\*
- ☒ ☐ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the DUI Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the DUI Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The DUI Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the DUI Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the DUI Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

**Judge Adkins**  
**3rd District Adult Drug Court -**  
**Tooele**

## September, 2016

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

	<input type="checkbox"/>	1. Eligibility and exclusion criteria are defined objectively.	<b>R</b> BPS I A
	<input type="checkbox"/>	2. Eligibility and exclusion criteria are specified in writing.	<b>R</b> BPS I A
	<input type="checkbox"/>	3. Eligibility and exclusion criteria are communicated to potential referral sources.	<b>P</b> 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.	<b>R</b> BPS I A

YES NO

- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**



YES NO

- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 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 BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. **P** BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R** BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P** BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R** BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
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- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
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- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

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- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**



**Judge Petersen**  
**3rd District Adult Drug Court –**  
**Park City**

Court: THIRD DISTRICT, SUMMIT COUNTY, SILVER  
SUMMIT

Judge: PETERSEN

Date: December 5, 2016

## Utah Adult Drug Court Certification Checklist

September, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a **BPS** following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

☐

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

- YES NO
- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**

YES NO

- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 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, BPS VIII D**

- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 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 BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***

- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- YES NO**
- ☒ ☐ 39. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D\***
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E\*, F\***
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G**
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R BPS VII G\***
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R BPS VII I**
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☒ ☐ 48. The minimum length of the program is twelve months. **R**
- ☒ ☐ 49. 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**
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**

☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**

YES NO

☒ ☐ 52. 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**

☒ ☐ 53. 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**

☒ ☐ 54. 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**

☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**

☒ ☐ 56. 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**

☒ ☐ 57. 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**

☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**

☒ ☐ 59. 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**

☒ ☐ 60. 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**

☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**

☒ ☐ 62. 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, BPS VI  
G

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. P BPS V F
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. B BPS V H
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. P BPS V H
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. R BPS V I
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. R BPS V I
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. R
- ☐ ☒ 70. 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
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. R BPS V J
- ☒ ☐ 72. 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
- ☐ ☒ 73. 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



74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P** BPS VI D
75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R** BPS VI D
- YES NO
76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J

- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R** BPS VIII B\*
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R** BPS VIII A\*
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R** BPS VIII B
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R** BPS VIII C
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B** BPS VIII F
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P** BPS VIII F
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P** BPS VIII F
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R** CJA 4-409(5)(G)

- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**

- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 110. The program conducts an exit interview for self- improvement. **P**

**Judge Skanchy**  
**3rd District Adult Drug Court –**  
**Salt Lake City**

Court: THIRD DISTRICT, SALT LAKE CITY

Judge: SKANCHY

Date: December 16, 2016

## Utah Adult Drug Court Certification Checklist

September, 2016

*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** indicates 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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YES NO

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. <b>R BPS I A</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. <b>R BPS I A</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.<br><b>P BPS I A</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. The Drug Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. <b>R BPS I A</b> |

YES NO

- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**

YES NO

- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**



YES NO

- ☒ ☐ 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**
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- ☒ ☐ 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 BPS VII A\***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. P BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. R BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G\*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. R
- ☒ ☐ 48. The minimum length of the program is twelve months. R
- ☒ ☐ 49. 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
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J

YES NO

☐

52. 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**

☐

53. 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**

☐

54. 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**

☐

55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**

☐

56. 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**

☐

57. 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**

☐

58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**

☐

59. 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**

☐

60. 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**

☐

61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**

☐

62. 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, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. 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**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. 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**
- ☒ ☐ 73. 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**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L

YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A\***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☒ ☐ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B** BPS IX B
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B** BPS IX C
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P** BPS X A
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B** BPS X B\*
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P** BPS X C
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B** BPS X F
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

**Judge Bernards-Goodman  
3rd District Adult Drug Court –  
Salt Lake City**



Court: THIRD DISTRICT, SALT LAKE CITY

Judge: BERNARD-GOODMAN

Date: December 15, 2016

## Utah Adult Drug Court Certification Checklist

September, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

- |                                     |                          |   |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.<br>P BPS I A  |
| <input checked="" type="checkbox"/> | <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 |

YES NO

- ☒ ☐ 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, BPS X E**
- ☒ ☐ 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**

YES NO

- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 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, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 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 BPS VII A \***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B \***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

- ☒ ☐ 39. Drug test results are available within 48 hours. P BPS VII H
- ☒ ☐ 40. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. R BPS VII B
- ☒ ☐ 41. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. P BPS VII D\*
- ☒ ☐ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E\*, F\*
- ☒ ☐ 43. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. R BPS VII G
- ☒ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G
- ☒ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G\*
- ☒ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I
- ☒ ☐ 47. The program requires at least 90 days clean to graduate. R
- ☒ ☐ 48. The minimum length of the program is twelve months. R
- ☒ ☐ 49. 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
- ☒ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J
- ☒ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J

YES NO

- ☒ ☐ 52. 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**
- ☒ ☐ 53. 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**
- ☒ ☐ 54. 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**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. 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**
- ☒ ☐ 57. 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**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. 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**
- ☒ ☐ 60. 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**
- ☐ ☒ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. 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, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V II**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. 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**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. 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**
- ☐ ☒ 73. 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**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 80. Female participants receive trauma-related services in gender-specific groups. **B** BPS VI F
- ☒ ☐ 81. All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P** BPS VI F
- ☒ ☐ 82. Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. **R** BPS VI I\*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. **P** BPS VI I
- ☒ ☐ 84. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B** BPS VI I
- ☒ ☐ 85. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B** BPS VI J
- ☒ ☐ 86. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P** BPS VI L



YES NO

- ☒ ☐ 87. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 88. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 89. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Drug Court session. **R BPS VIII A\***
- ☒ ☐ 90. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**
- ☒ ☐ 91. Team members are assigned to Drug Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**
- ☒ ☐ 93. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**
- ☐ ☒ 94. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**
- ☒ ☐ 95. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**
- ☒ ☐ 97. Court fees are reasonable and based on each participant's ability to pay. **R CJA 4-409(5)(G)**
- ☒ ☐ 98. Treatment fees are based on a sliding fee schedule. **R**
- ☒ ☐ 99. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

YES NO

- ☒ ☐ 100. Supervision caseloads do not exceed fifty active participants per supervision officer. **B BPS IX B**
- ☒ ☐ 101. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages of substance abuse treatment and indicated complementary services. **B BPS IX C**
- ☒ ☐ 102. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**
- ☒ ☐ 103. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***
- ☐ ☒ 104. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Drug Court. **P BPS X C**
- ☒ ☐ 105. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**
- ☒ ☐ 106. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**
- ☒ ☐ 107. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 108. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 109. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

**Judge Boyden**  
**3rd District Mental Health**  
**Court – Salt Lake City**

Court: THIRD DISTRICT, SALT LAKE CITY

Judge: BOYDEN

Date: February 28, 2017

## Utah Mental Health Court Certification Checklist

October, 2016

*Standards followed by an **R** are required features of a mental health court, and adherence to these standards is required for certification. Standards followed by a **P** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

☐

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 Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. **R BPS I A**

YES NO

- ☒ ☐ 5. Candidates for the Mental Health 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**
- ☒ ☐ 6. Candidates for the Mental Health Court are assessed for eligibility using a validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction and a validated clinical assessment tool that produces a mental health diagnosis. **R BPS\* I C**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. Current or prior offenses may disqualify candidates from participation in the Mental Health Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Mental Health Court. **R BPS I D**
- ☒ ☐ 9. The Mental Health Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B. BPS X E**
- ☒ ☐ 10. The Mental Health Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 11. Each member of the Mental Health 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**
- ☒ ☐ 12. The Mental Health Court judge attends current training events on legal and constitutional issues in Mental Health Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 13. The judge presides over the Mental Health Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 14. Participants ordinarily appear before the same judge throughout their enrollment in the Mental Health Court. **R BPS III C**

YES NO

☒ ☐

15. 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 Mental Health Court team. **R BPS III D**

☒ ☐

16. 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**

☒ ☐

17. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS\* III E**

☒ ☐

18. The Judge spends an average of at least three minutes with each participant. **R BPS\* III F**

☒ ☐

19. 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**

☒ ☐

20. 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**

☒ ☐

21. 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, BPS VIII D**

☒ ☐

22. The judge makes these decisions after taking into consideration the input of other Mental Health Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**

☒ ☐

23. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

☒ ☐

24. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Mental Health Court participants and team members. **R BPS IV A**

☒ ☐

25. 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**

YES NO

- ☒ ☐ 26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 27. 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
- ☒ ☐ 28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P** BPS IV I
- ☒ ☐ 29. Drug testing is random, and is available on weekends and holidays. **R** BPS VII B\*
- ☒ ☐ 30. Drug test results are available within 48 hours. **P** BPS VII H
- ☒ ☐ 31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R** BPS VII B
- ☒ ☐ 32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P** BPS VII D\*
- ☒ ☐ 33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R** BPS VII E\*, F\*
- ☒ ☐ 34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
- ☒ ☐ 35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P** BPS VII G
- ☒ ☐ 36. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R** BPS VII G\*

YES NO

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 37. Upon entering the Mental Health Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. <b>R</b> BPS VII I  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. <b>R</b> BPS IV J  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 39. Jail sanctions are definite in duration and typically last no more than three to five days. <b>R</b> BPS IV J  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. <b>R</b> BPS IV J   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. If a participant is terminated from the Mental Health Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. <b>R</b> BPS IV K            |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 42. The Mental Health Court offers a continuum of care for mental health treatment, and substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. <b>B</b> BPS V A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 43. Standardized patient placement criteria govern the level of care that is provided. <b>P</b> BPS V A  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 44. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Mental Health Court's programmatic phase structure. <b>P</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 45. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to mental health services, detoxification services or sober living quarters. <b>R</b> BPS V B*                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 46. 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. <b>B</b> BPS V E  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 47. 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 psychiatric symptoms. <b>P</b> BPS V E*        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. <b>R</b> BPS V I   |



YES NO

- ☒ ☐ 49. For at least the first ninety days after discharge from the Mental Health 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**
- ☒ ☐ 50. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Mental Health Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 51. Participants are not excluded from participation in Mental Health Court because they lack a stable place of residence. **R BPS VI D**
- ☒ ☐ 52. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P BPS VI F**
- ☒ ☐ 53. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B BPS VI F**
- ☒ ☐ 54. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 55. All Mental Health Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. **P BPS VI F**
- ☒ ☐ 56. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**
- ☒ ☐ 57. Clients are placed in the program within 50 days of arrest. **R**
- ☒ ☐ 58. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each staffing meeting. **R BPS VIII B\***
- ☒ ☐ 59. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement and the judge attend each Mental Health Court session. **R BPS VIII A\***
- ☒ ☐ 60. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

YES NO

☒ ☐

61. Team members are assigned to Mental Health Court for no less than two years.

**P**

☒ ☐

62. All team members use electronic communication to contemporaneously communicate about Mental Health Court issues.

**P**

☒ ☐

63. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements.

**R BPS VIII C**

☐ ☐

64. Before starting a Mental Health Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program.

**B**  
**BPS VIII F**

☒ ☐

65. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Mental Health Courts.

**P BPS VIII F**

☒ ☐

66. New staff hires receive a formal orientation training on the Mental Health Court model and best practices in Mental Health Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter.

**P BPS VIII F**

☒ ☐

67. Court fees are reasonable and based on each participant's ability to pay.

**R**

☒ ☐

68. Treatment fees are based on a sliding fee schedule.

**R**

☒ ☐

69. The Mental Health Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions.

**P BPS X A**

☒ ☐

70. The Mental Health Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals.

**B BPS X B\***

YES NO

☐ ☒

71. New arrests, new convictions, and new incarcerations are monitored for at least three years following each participant's entry into the Mental Health Court. **P**  
BPS X C

☒ ☐

72. A skilled and independent evaluator examines the Mental Health Court's adherence to best practices and participant outcomes no less frequently than every five years. **R** BPS X D

☒ ☐

73. The Mental Health Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R** BPS X D

☒ ☐

74. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Mental Health Court's adherence to best practices and in-program outcomes. **B** BPS X F

☒ ☐

75. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P** BPS X G

☒ ☐

76. Outcomes are examined for all eligible participants who entered the Mental Health Court regardless of whether they graduated, withdrew, or were terminated from the program. **B** BPS X H

☐ ☒

77. The program conducts an exit interview for self improvement. **P**

**Judge Bazzelle**  
**4th District Dependency Drug**  
**Court – American Fork**

Court: FOURTH DISTRICT, AMERICAN FOLK

Judge: BAZZELLE

Date: February 28, 2017

## Utah Dependency Drug Court Certification Checklist

October, 2016

*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** indicates 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.*

*Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, copyright 2013, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.*

YES NO

☐

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**
- YES NO**
- ☒ ☐ 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, or participants who are at high risk for re-abusing the children and they are addicted to or dependent on a substance. **R BPS\* I B**
- ☒ ☐ 6. 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**
- ☒ ☐ 7. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 8. 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**
- ☒ ☐ 9. Offenders 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**
- ☒ ☐ 10. 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**
- ☒ ☐ 11. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 12. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**

- ☒ ☐ 13. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R** BPS II D

YES NO

- ☒ ☐ 14. 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
- ☒ ☐ 15. 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
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P** BPS III B
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R** BPS III C
- ☒ ☐ 18. 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
- ☒ ☐ 19. 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
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R** BPS\* III E
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R** BPS\* III F
- ☒ ☐ 22. 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
- ☒ ☐ 23. 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

YES NO

- ☒ ☐ 24. 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, BPS VIII D
- ☒ ☐ 25. 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, BPS VIII D
- ☒ ☐ 26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. R  
BPS III H
- ☒ ☐ 27. 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
- ☒ ☐ 28. 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
- ☒ ☐ 29. 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
- ☒ ☐ 30. 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



- ☒ ☐ 31. 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**
- YES NO**
- ☒ ☐ 32. 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**
- ☒ ☐ 33. 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**
- ☒ ☐ 34. 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**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A\***
- ☒ ☐ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B\***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D\***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E\*, F\***

- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen.  
R BPS VII G

YES NO

- ☒ ☐ 43. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). P BPS VII G

- ☒ ☐ 44. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. R BPS VII G\*

- ☒ ☐ 45. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. R BPS VII I

- ☒ ☐ 46. The program requires at least 90 days clean to graduate. B

- ☒ ☐ 47. The minimum length of the program is twelve months. B

- ☒ ☐ 48. 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

- ☒ ☐ 49. Jail sanctions are definite in duration and typically last no more than three to five days. R BPS IV J

- ☒ ☐ 50. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. R BPS IV J

- ☒ ☐ 51. 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

- ☒ ☐ 52. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive

an augmented disposition for failing to complete the program.  
**P** BPS IV K\*

YES NO

- |                                     |                                     |     |   |
|-------------------------------------|-------------------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 53. | The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.<br><b>B</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 54. | Standardized patient placement criteria govern the level of care that is provided. <b>P</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 55. | 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. <b>P</b> BPS V A   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 56. | Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. <b>R</b> BPS V B   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 57. | Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. <b>P</b> BPS V D  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 58. | 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. <b>P</b> BPS V E   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 59. | 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. <b>P</b> BPS V E |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 60. | Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. <b>B</b> BPS V E  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 61. | 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. <b>B</b> BPS V F, BPS VI G   |

☒ ☐ 62. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**

☒ ☐ 63. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**

YES NO

☒ ☐ 64. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**

☒ ☐ 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**

☒ ☐ 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. **P BPS V I**

☒ ☐ 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**

☒ ☐ 68. There is a secular alternative to 12-step peer support groups. **R**

☒ ☐ 69. 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**

☒ ☐ 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**

☒ ☐ 71. 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**

☒ ☐ 72. 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**

☒ ☐ 73. Caseloads for clinicians must permit sufficient opportunities to assess participant needs and deliver adequate and effective dosages

of substance abuse treatment and indicated complementary services. **B BPS IX C**

YES NO

- |                                     |                                     |     |   |
|-------------------------------------|-------------------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 74. | Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. <b>P BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 75. | Participants are not excluded from participation in Drug Court because they lack a stable place of residence. <b>R BPS VI D</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 76. | Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. <b>B BPS VI E</b> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 77. | Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. <b>R BPS VI E</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 78. | Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). <b>P BPS VI F</b>   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 79. | Female participants receive trauma-related services in gender-specific groups. <b>B BPS VI F</b>  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | 80. | All Drug Court team members, including court personnel and other criminal justice professionals, receive formal training on delivering trauma-informed services. <b>P BPS VI F (treatment)</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 81. | Participants are not required to participate in job seeking or vocational skills development in the early phases of drug court. <b>R BPS VI I*</b>  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 82. | Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Drug Court. <b>P BPS VI I</b>  |

☒ ☐ 83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B BPS VI I**

YES NO

☒ ☐ 84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. **B BPS VI J**

☒ ☐ 85. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P BPS VI**

☒ ☐ 86. Clients are placed in the program within 50 days of shelter hearing. **R**

☒ ☐ 87. At a minimum, the attorney general, defense counsel, treatment representative, DCFS case worker, GAL and the judge attend each staffing meeting. **R BPS VIII B\***

☒ ☐ 88. At a minimum, the attorney general, defense counsel, treatment representative, DCFS caseworker, GAL and the judge attend each Drug Court session. **R BPS VIII A\***

☒ ☐ 89. Pre-court staff meetings are presumptively closed to participants and the public unless the court has a good reason for a participant to attend discussions related to that participant's case. **R BPS VIII B**

☐ ☒ 90. Team members are assigned to Drug Court for no less than two years. **P (DCFS turnover)**

☒ ☐ 91. All team members use electronic communication to contemporaneously communicate about Drug Court issues. **P**

☒ ☐ 92. Participants provide voluntary and informed consent permitting team members to share specified data elements relating to participants' progress in treatment and compliance with program requirements. **R BPS VIII C**

☒ ☐ 93. Before starting a Drug Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Drug Courts and develop fair and effective policies and procedures for the program. **B BPS VIII F**

YES NO

☒ ☐ 94. Subsequently, team members attend continuing education workshops on at least an annual basis to gain up-to-date knowledge about best practices on topics including substance abuse and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in Drug Courts. **P BPS VIII F**

☒ ☐ 95. New staff hires receive a formal orientation training on the Drug Court model and best practices in Drug Courts as soon as practicable after assuming their position and attend annual continuing education workshops thereafter. **P BPS VIII F**

☒ ☐ 96. Court fees are reasonable and based on each participant's ability to pay. **R**

☒ ☐ 97. Treatment fees are based on a sliding fee schedule. **R**

☐ ☒ 98. The Drug Court has more than 15 but less than 125 active participants. **P BPS IX A\***

☒ ☐ 99. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**

☒ ☐ 100. The Drug Court continually monitors participant outcomes during enrollment in the program, including attendance at scheduled appointments, drug and alcohol test results, graduation rates, lengths of stay, and in-program technical violations and new arrests or referrals. **B BPS X B\***

☒ ☐ 101. The Drug Court monitors its adherence to best practice standards on at least an annual basis, develops a remedial action plan and timetable to rectify deficiencies, and examines the success of the remedial actions. **P BPS X A**

☒ ☐ 102. A skilled and independent evaluator examines the Drug Court's adherence to best practices and participant outcomes no less frequently than every five years. **R BPS X D**

☒ ☐ 103. The Drug Court develops a remedial action plan and timetable to implement recommendations from the evaluator to improve the program's adherence to best practices. **R BPS X D**

YES NO

☒ ☐ 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**

☒ ☐ 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**

☒ ☐ 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**

☐ ☒ 107. The program conducts an exit interview for self improvement.  
**P**