

JUDICIAL COUNCIL

AGENDA

February 26, 2018

Council Room

Matheson Courthouse

450 South State Street

Salt Lake City, Utah 84111

9:00 a.m. – 12:00 p.m.

Chief Justice Matthew B. Durrant Presiding

1. 9:00 a.m. Welcome & Approval of MinutesChief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 9:05 a.m. Chair’s ReportChief Justice Matthew B. Durrant
3. 9:10 a.m. Administrator’s ReportRichard Schwermer
4. 9:25 a.m. Reports: Management CommitteeChief Justice Matthew B. Durrant
Liaison Committee..... Justice Thomas Lee
Policy and Planning.....Judge Derek Pullan
Bar Commission.....Rob Rice, esq.
(Tab 2 – Information)
5. 9:35 a.m. Legislative Update.....Jacey Skinner
(Information)
6. 9:55 a.m. Senior Judge CertificationsNancy Sylvester
(Tab 3 – Action)
7. 10:05 a.m. Mental Health Court Application.....Kevin Nudd
(Tab 4 – Action)
8. 10:15 a.m. Problem Solving Court CertificationSr. Judge Dennis Fuchs
(Tab 5 – Action)
9. 10:30 a.m. Ethics Advisory Committee Report..... Judge Michele Christiansen
(Information) Brent Johnson

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|-----|------------|---|---|
| | 10:40 a.m. | Break | |
| 10. | 10:50 a.m. | Language Access Committee Report
(Tab 6 – Information) | Michelle Draper
Kara Mann |
| 11. | 11:00 a.m. | Judicial Outreach Committee Report
(Information) | Judge Elizabeth Hruby-Mills
Geoff Fattah |
| 12. | 11:10 a.m. | Executive session | |
| 13. | 12:00 p.m. | Adjourn | |

Consent Calendar

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

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|----|-----------------------------------|---|
| 1. | Committee Appointments
(Tab 7) | Geoff Fattah – Judicial Outreach
Brent Johnson – Ethics Advisory |
| 2. | Forms Committee forms
(Tab 8) | Brent Johnson |
| 3. | Probation policies
(Tab 9) | Dawn Marie Rubio
Krista Airam |

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

January 22, 2018

Council Room

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

9:00 a.m. to 12:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Attendees:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. Augustus Chin
Hon. Mark DeCaria
Hon. Paul Farr
Hon. Thomas Higbee
Justice Thomas Lee
Hon. David Marx
Hon. Mary Noonan
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Rob Rice, esq.
Hon. John Walton

Staff:

Richard Schwermer
Ray Wahl
Jeni Wood
Karolina Abuzyarova
Shane Bahr
Cathy Dupont
Brent Johnson
Alyn Lunceford
Jim Peters
Dawn Marie Rubio
Jacey Skinner
Nancy Sylvester
Keisa Williams

Excused:

Guests:

Alex Christman, intern
Judge James Blanch
Judge David Connors
Justice Deno Himonas
Commissioner Gil A. Miller, JPEC
Judge David Mortensen
Jennifer Yim, JPEC

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

Chief Justice Matthew Durrant welcomed everyone to the meeting.

Motion: Judge Kate Toomey moved to approve the minutes from the December 18, 2017 Judicial Council meeting. Judge Augustus Chin seconded the motion, and it passed unanimously.

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

Chief Justice Durrant had nothing new to report.

3. ADMINISTRATOR’S REPORT: (Richard Schwermer)

Richard Schwermer said he, Geoff Fattah, and Brent Johnson met with the Salt Lake Tribune (Tribune) to discuss the January 18, 2018 article “Warrants approved in just minutes: Are Utah judges really reading them before signing off?” The meeting went well with the Tribune understanding the courts position. Mr. Schwermer noted the Tribune has offered to post an op-ed piece prepared by the courts. Judge Derek Pullan said sometimes he has read the same warrant multiple times so it may not take long to make a final decision. Judge Todd Shaughnessy said he has received responses from judges on the article but he has not received comments from anyone else. Mr. Schwermer suggested the courts article can be more informative than rebuttal.

Mr. Schwermer and Judge Mary Noonan participated in a H.B. 239 (Juvenile Justice Reform) conference call where it was mentioned that savings are now available in the amount of \$3.8 million dollars. The funds available were broken down as follows: 1) \$1.4 million could be used to form a crisis response team in northern Utah; 2) \$1.2 million ongoing funds and; 3) \$1.2 million one-time funds. Mr. Schwermer recommended giving the remaining \$2.2 million (ongoing and one-time funds) to the Division of Substance Abuse and Mental Health. Judge Noonan said it was a very productive and positive meeting. Judge Noonan noted the rural areas of Utah are a priority for treatment.

Legislative fiscal staff are proposing the elimination of a Second District Judicial judgeship, and a reduction of \$67,300 for child welfare appropriations.

4. COMMITTEE REPORTS:

Management Committee Report:

The committee’s work is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the committee has discussed an internal operating procedure to create consistency of practice. Justice Lee noted the committee has been very busy.

Policy and Planning Meeting:

Judge Derek Pullan said the committee received a proposal for e-filed debt-collections answers. Judge Pullan noted there are details that need to be worked out. Judge Kara Pettit noted there are also out-of-state debt-collection filers. Justice Lee questioned how this would affect clerical workload. Mr. Schwermer noted OCAP does not have a debt-collection module. The OCAP Committee prioritizes modules based on impact and difficulty. Mr. Schwermer noted OCAP charges a fee for filers.

Bar Commission Report:

Rob Rice noted John Lund met with Representative Norm Thurston to discuss Representative Thurston's proposal to amend the constitution to shift the oversight of non-court appearing lawyers from the Supreme Court. Jacey Skinner spoke with Representative Thurston and she believes he will not push this issue, at least this year. Ms. Skinner felt like the meeting with John Lund was helpful.

5. LEGISLATIVE UPDATE: (Jacey Skinner)

Chief Justice Durrant welcomed Jacey Skinner. Ms. Skinner noted not much has happened yet because the first couple of weeks the session is focused on budget issues. Ms. Skinner offered to address any bills the Judicial Council was concerned about. Ms. Skinner requested direct feedback from judges on any bills they have a question or concern about. Ms. Skinner said she met with the Boards to discuss bills and the process. Ms. Skinner is sending proposed bills to specific groups to allow for an open discussion within the group. Ms. Skinner will forward comments she receives to the Liaison Committee.

6. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Commissioner Gil A. Miller and Jennifer Yim)

Chief Justice Durrant welcomed Commissioner Gil Miller and Jennifer Yim. Ms. Yim said JPEC is busy meeting twice a month. Ms. Yim introduced Commissioner Gil Miller. Ms. Yim discussed 1) survey response rates from, 2017; 2) Judicial Council certification; and 3) midterm evaluations.

- **Survey response rates:** In 2015 the attorney response rate was 43%. In 2017 there was 41% attorney response rate. JPEC has taken steps to increase responses and encourage participation. JPEC's efforts are focusing on the responses received with a more targeted approach. Ms. Yim reviewed the rates in other states.
- **Judicial Council certification:** Ms. Yim had two recommendations: 1) being proactive and notifying judges on a regular basis of their caseload dates so they don't go beyond the time-limits; and 2) consider making judges mental and physical health evaluation something other than a self-certification.
- **Midterm evaluations:** Ms. Yim said the evaluations should be sent by the end of January. Ms. Yim noted the evaluations will be sent to Richard Schwermer, on the Judicial Council's behalf.

Ms. Yim said the deliberation process with JPEC is going well. They find the more data they have the better the results will be. Mr. Schwermer thanked Ms. Yim for her continued efforts with the midterm evaluations. Mr. Schwermer noted the Judicial Council will begin reviewing the mid-term evaluations, which has not happened in the past. Justice Lee thanked Ms. Yim and Commissioner Miller for their service with JPEC.

7. MANTI LAND PURCHASE: (Judge David Mortensen and Alyn Lunceford)

Chief Justice Durrant welcomed Judge David Mortensen and Alyn Lunceford. Judge Mortensen briefly described the process in obtaining land for courthouses. Mr. Lunceford

presented a map of three proposed sites for the courthouse. Option 1 is currently available, whereas options 2 and 3 may possibly be available. Mr. Lunceford believes option 1 is the best choice due to price, location, and availability. Mr. Lunceford noted the Council does not need to take action at this time because the purchase agreement has already been signed. Judge Mortensen noted the goal is to obtain additional property.

- Option 1 cost \$250,000
- Option 2 cost \$550,000
- Option 3 cost \$500,000

8. LPP COMMITTEE STATUS REPORT: (Justice Deno Himonas and Cathy Dupont)

Chief Justice Durrant welcomed Justice Deno Himonas and Cathy Dupont. Justice Himonas stated this committee was formed in 2015. The committee is working on new rules and rule amendments as well as education and testing. Utah Valley University is hoping to begin classes this fall. The committee has received a bid to prepare the tests for \$35,000. The LPP Committee will ask the Utah State Bar to fund the tests, as well as oversight of the admissions. Chief Justice Durrant thanked Justice Himonas and Cathy Dupont for their efforts with this new program.

9. WINGS COMMITTEE REPORT: (Judge David Connors and Karolina Abuzyarova)

Chief Justice Durrant welcomed Judge David Connors and Karolina Abuzyarova. Judge Connors briefly addressed the guardianship program and educational outreach for both attorneys and volunteers. Ms. Abuzyarova discussed guardianship cases. There are classes scheduled throughout the state, with the exception of the First and Sixth Districts. Judge Connors said they will discuss the Court Visitor Program at the appropriations committee meeting on February 7.

10. CRIMINAL JURY INSTRUCTIONS COMMITTEE REPORT: (Judge James Blanch)

Chief Justice Durrant welcomed Judge James Blanch. Judge Blanch briefly reviewed the Committee's progress on jury instructions. Judge Blanch said they are amending instructions that contain out-of-date information. The Committee addressed instructions based on case law. Judge Blanch noted they have subcommittees working on instructions. Chief Justice Durrant thanked Judge Blanch and the Committee for all of their continued efforts.

11. SALT LAKE COUNTY HARVARD STUDY CONSIDERATION: (Keisa Williams).

Chief Justice Durrant welcomed Keisa Williams. Ms. Williams briefly discussed the PSA study. Salt Lake County is currently performing in-jail interviews, which they will continue with the new PSA tool. They are proposing running a PSA on every offender. The proposal is performing a study of cases based on the following: 1) even number cases will receive both a PSA and five additional questions; and 2) odd number cases will receive a PSA only. This will include self-reported demographic information. The study does not have an end date because they want to receive enough data be statistically relevant, however, it has in the past been approximately two years.

Motion: Judge Toomey moved to approve the case study for Salt Lake County. Justice Lee seconded the motion, and it passed unanimously.

12. POLICY ON NAMING COURTHOUSES: (Richard Schwermer)

Mr. Schwermer presented the proposed policy. Judge Kara Pettit noted she presented to the Board of District Court Judges the Judicial Councils work, including this item. The policy would read: "The Judicial Council's policy is that courthouses should be named after geographic locations."

Motion: Judge Toomey moved to approve the Policy on Naming Courthouses. Judge Mark DeCaria seconded the motion, and it passed unanimously.

13. CODE OF JUDICIAL ADMINISTRATION RULES 1-205, 3-104, and 6-501: (Nancy Sylvester)

Chief Justice Durrant welcomed Nancy Sylvester. Ms. Sylvester explained each of the proposed rules. Ms. Sylvester noted there were no comments received.

Motion: Judge Higbee moved to approve rules 1-205, 3-104, and 6-501. Justice Lee seconded the motion, and it passed unanimously.

14. THIRD DISTRICT COURT JUDICIAL AND CLERICAL REQUEST: (Shane Bahr)

Chief Justice Durrant welcomed Shane Bahr. Mr. Bahr reviewed the clerical weighted caseload for 2017. Mr. Bahr said the 10% deviation staff level criterion was created in 2006. The requests from the Third District are as follows: 1) 1 clerk from the Second District is moved to the Third District; 2) 7 clerks from the Third Juvenile be moved to the Third District; and 3) 2 clerks from the Seventh District be moved to the Third District. Mr. Bahr is proposing effective immediately moving three FTE vacancies from Third Juvenile to Third District. Mr. Schwermer thought the clerical requests should be a priority.

Regarding the judicial needs, the Council determined that they would wait until December to understand the impact of HB 239 on the Commissioner workload. Mr. Schwermer said the Third Juvenile Commissioner position can be reallocated because the commissioner caseloads are lower due to H.B. 239 changes. Felonies have increased, and must be heard by judges, and NJ referrals have increased, which reduces the utility of a commissioner. One of the clerical positions assigned to the commissioner would need to be used to fund the difference between the cost of a commissioner and judgeship.

Mr. Schwermer said Third District has the highest need for a judicial position. Senator Hillyard has a protected bill for a judicial position in the Third District.

Judge Shaughnessy confirmed that with this action between now and July there would be four new judicial assistants and one new judge position. Judge Higbee would like to see protocol established for future requests.

Mr. Schwermer noted Utah Code § 78A-10-104 states that the recruitment period for a judicial vacancy shall begin immediately. The Seventh District judicial vacancy is now open. Mr. Schwermer said the distance between the courts in the Seventh District is considerable therefore including travel-time is important. Increased travel time if a judge from Price were to handle Moab and Monticello cases would affect the ability of 7th District to continue to assist other districts, and the ability to continue with their problem solving courts. Therefore moving a Seventh District vacancy is problematic.

Mr. Schwermer noted there are three decisions the Council needs to make today. Mr. Schwermer said the Council can move one commissionership and two clerical positions from the Third Juvenile to the Third District.

- 1) Move three vacant clerical FTE's from Third Juvenile to Third District.
- 2) Decision on the Seventh District judicial vacancy.
- 3) Approve moving resources associated with Third Juvenile commissioner and two clerks to fund one Third District judge. This also requires the Council to approve a reduction in force of the Third District Commissioner position.

Motion: Judge Higbee moved to approve the reduction in force of one commissioner and two clerks in the Third Juvenile; use the funds saved to fund a new judge in the Third District opening of a bill for a new judge in the Third District; take no action on Seventh District; and approve the immediate transfer of three FTE positions from the Third Juvenile to Third District. Judge Toomey seconded, Judge Pullan opposed the motion only due to the condition of evaluating a future pattern was not more defined. Chief Justice Durrant noted Judge Pullan's objection to the motion and the motion carries.

15. EXECUTIVE SESSION

Motion: Judge Toomey moved to discuss a security matter. Judge Shaughnessy seconded the motion, and it passed unanimously.

16. CONSENT CALENDAR ITEMS.

- 1) Language Access Committee: appointment of Chris Kunej. Approved without comment.
- 2) Forms Committee: Forms: Certificate of Service, Proof of Service Completed, Acceptance of Service, Consent to Email Service and Notification, Summons In-State, Summons Out-of-State. Judge Kara Pettit briefly discussed the Proof of Service Completed form from the Forms Committee forms submitted. Judge Shaughnessy moved to remove that form and send it back to the Forms Committee. Judge Pettit seconded the motion, and it passed unanimously. Approved as amended.
- 3) Probation Policies: 2.14, 4.15, and 4.18. Approved without comment.

17. ADJOURN

The meeting was adjourned.

Tab 2

**JUDICIAL COUNCIL MANAGEMENT COMMITTEE
MINUTES**

**February 13, 2018
Council room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.**

Members Present:

Chief Justice Matthew B. Durrant, Chair
Hon. Kate Toomey, Vice Chair
Hon. Mary Noonan
Hon. Todd Shaughnessy

Staff Present:

Richard Schwermer
Ray Wahl
Heidi Anderson
Shane Bahr
Cathy Dupont
Geoff Fattah
Brent Johnson
Chris Palmer
Jim Peters
Dawn Marie Rubio
Jeni Wood

Excused:

Hon. David Marx

Guests:

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

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

Motion: Judge Kate Toomey moved to approve the January 9, 2018 Management Committee meeting minutes. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

2. ADMINISTRATOR’S REPORT: (Richard Schwermer)

Richard Schwermer said there was a meeting with lobbyists, bail sureties, and legislators to discuss the pretrial release program. With a minor change to the MOU, the meeting concluded with the understanding that the program should move forward. Mr. Schwermer said it is time to implement the program with an approximate begin date of April 15, 2018. Judge Shaughnessy recommended Chief Justice Durrant send a courtesy letter to the Speaker and President when we get close to that date. The letter will be prepared and sent in April.

Mr. Schwermer noted the EOCJ committee will meet later today to vote on the courts proposed budget, which includes the Guardianship program and the law clerk/bailiff positions.

Mr. Schwermer received notice from the state auditor, who would like to perform an audit on the AOC internal controls. Additionally, an offer has been made on the AOC Audit

Director position. The new Third District judge and clerical positions are still in the discussion stage with our appropriations committee.

3. IT SECURITY AUDIT: (Heidi Anderson)

Heidi Anderson reviewed the recently completed court security audit. Ms. Anderson said there are new policies that will need to be added to bring the courts to an acceptable security level. Some of the new policies would include an incident response team, better wireless control, and an annual review and assessment of results. Subcommittees of the Standing Committee on Technology will address the audit results. Ms. Anderson explained the courts are blocking black-listed IP addresses, which are IP addresses that are known to be malicious. Judge Shaughnessy said the performance of the system should also be addressed along with the security of the system.

Ms. Anderson said IT is monitoring various cloud-based tools. Dropbox, Amazon, Facebook, and Pinterest are websites that are being viewed using the courts network. Ms. Anderson said Dropbox has a security issue with the free-version, however, the paid version does not have any issues. Additionally, court personnel should not be using their court issued email account for non-business related website log-ins. Mr. Schwermer said there will be rules implemented with the Judicial Council's approval that will address some of these issues.

4. CASES UNDER ADVISEMENT: (Dawn Marie Rubio)

Dawn Marie Rubio reviewed the information regarding Judge Renee Jimenez's case under advisement. Mr. Schwermer explained the process of how the Committee addresses this issue with the Judicial Council and JPEC. Judge Mary Noonan suggested tasking a work-group to review the process. Shane Bahr said training may be helpful in understanding the available reports and follow-up on the cases. Mr. Schwermer said the definition of "cases under advisement" can be more accurately described. Mr. Schwermer recommended discussing this at the next management staff meeting to create a proposal for the next JTCE/DTCE meeting. In addition, this will be a topic of discussion at the PJ/TCE/COC conference.

5. PROBATION POLICIES: (Dawn Marie Rubio)

Ms. Rubio addressed two probation policies, the deletion of policy 2.6 and the revision of policy 4.7.

Motion: Judge Noonan moved to delete probation policy 2.6 and put this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

Motion: Judge Toomey moved to approve policy 4.7 revisions and put this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. COMMITTEE APPOINTMENTS: (Geoff Fattah and Brent Johnson)
Outreach Committee

Geoff Fattah briefly addressed the Outreach Committee's recommendation to appoint Michael Anderson, Joyce Pace, and Michelle Oldroyd to serve on the committee.

Motion: Judge Toomey moved to approve Michael Anderson, Joyce Pace, and Michelle Oldroyd as a member of the Outreach Committee and put this item on the Judicial Council consent calendar. Judge Noonan seconded the motion, and it passed unanimously.

Ethics Advisory Committee

Brent Johnson briefly addressed the Ethics Advisory Committee's recommendation to appoint Judge Trent Nelson to serve on the committee.

Motion: Judge Toomey moved to approve Judge Trent Nelson as a member of the Ethics Advisory Committee and put this item on the Judicial Council consent calendar. Judge Shaughnessy seconded the motion, and it passed unanimously.

7. APPROVAL OF JUDICIAL COUNCIL AGENDA: (Chief Justice Durrant)

Chief Justice Durrant addressed the proposed agenda for the February 26, 2018 Judicial Council meeting.

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

8. EXECUTIVE SESSION

Motion: Judge Toomey moved to go into an executive session. Judge Shaughnessy seconded the motion, and it passed unanimously.

9. ADJOURN

The meeting was adjourned.

Policy and Planning Committee

Draft

**Judicial Council Room
Matheson Courthouse
450 S. State St.
Salt Lake City, Utah 84111**

**February 2, 2018
9:00 a.m. to 11:30 a.m.**

Members Present

Hon. Derek Pullan - Chair (by phone)
Hon. Augustus Chin
Hon. Kara Pettit
Rob Rice
Judge John Walton (by phone)

Members Excused

Judge Mary Noonan

Staff

Amber Vinson – Recording Secretary
Nancy Sylvester
Keisa Williams
Richard Schwermer- Court Administrator
Jim Peters
Alex Christman (Intern)

Guests

(1) Welcome and Approval of minutes.

Judge Derek Pullan welcomed the members to the meeting. Judge Pullan addressed the January 5, 2018 minutes. There being no changes, Judge Pettit made a motion to approve the minutes as written. Judge Chin seconded the motion and it passed unanimously.

(2) Update from Supreme Court – BYU LawX Project for Debt Collection Cases.

Ms. Williams provided an update regarding the presentation to the Supreme Court about the LawX Program from BYU. The Supreme Court was supportive of the program in concept, but noted that there were many items that needed to be addressed before the court could authorize emailing the documents. The Court discussed various concerns related to the Rules of Civil Procedure; the Court's other efforts for allowing pro se litigants to e-file, etc. Ms. Williams noted that a link to the program has been included on the court's website as a self-help resource. Jessica Van Buren used the program and identified numerous issues with the documents. First, the documents created by the program do not match the Court's official forms as advertised. Second, there may be substantive errors that need to be reviewed and addressed.

Ms. Sylvester discussed the Civil Rules Committee's work on Rule 5 to address the service of orders by the court. She said much of the discussion revolved around pro se litigants and

their inability to see the docket. The Civil Rules Committee will recommend to this body that email addresses be required for all pro se litigants interacting with Utah State Courts, which will be modeled after the Federal Court System. Ms. Sylvester spoke to the fiscal impact of service of orders by mail versus by electronic means. Judge Pullan expressed concern about pro se litigants being required to utilize an email address when they do not have the means or ability to do so. He suggested creating an alternative method for those circumstances. Ms. Sylvester suggested that the Self-Represented Parties Committee take a look at this and triage what issues should be addressed by what committees.

The Committee asked Ms. Williams to communicate with BYU about the adjustments needed to address the issues identified by Ms. Van Buren. The committee discussed other issues the courts would need to address in order to be responsive to what LawX is trying to do, such as the courts' progress on pro se e-filing. Judge Pullan suggested one committee should take the lead on the project so BYU has one point of communication. Mr. Schwermer stated his preference would be to have Policy and Planning remain the point of contact. The committee discussed the MyCase program the courts are working to implement. Judge Pettit noted that procedures and available resources may be different in each courthouse across the state. The committee should keep that in mind when addressing this program.

The committee determined that Policy and Planning will take the lead on this issue. Judge Pullan asked Ms. Sylvester to compile a master list of the concerns that need to be addressed. Judge Pullan stated that each issue should be defined as Legal, Policy, Procedural, Technological, Forms, Standards, etc., and the list should be prioritized based on the court's resources. The committee will review it at the next meeting. Judge Pullan would like Policy and Planning to create standards that should be followed for any programs like LawX that come to the court with a similar request. Mr. Schwermer spoke to the political interests of implementing such a program. Once complete, Judge Pullan would like to provide a copy of the master list to the Supreme Court for further direction. Issues for discussion:

- Jurisdiction – obtained upon filing an answer?
- Emails – spam, wrong email address, date/time of filing, etc.
- Format of documents – substantive legal issues and consistency with work of Committee on Court Forms
- Differences between courthouses – procedures, resources, etc.
- MyCase will not have all the functionalities of the current e-Filing system

(3) CJA 9-109. Presiding Judges in Justice Court.

Ms. Sylvester provided the latest draft of CJA-9-109. She addressed the feedback from Judge McCullough. Judge McCullough would like to expedite the adoption of the rule; Ms. Sylvester believed the changes are significant enough to warrant sending it out for comment again. She listed the options available to the Committee, and spoke to the timelines. Mr. Schwermer stated expediting the rule would allow for procedures to be adopted prior to the election of presiding judges at the Justice Court Conference in late April. Mr. Peters spoke to the changes listed in the policy. Mr. Rice inquired about whether

there were consistencies between the justice court rule and the juvenile and district court rules. Mr. Peters stated the rule is different because of the uniqueness of justice courts. Ms. Sylvester suggested going through the rule paragraph by paragraph to look at how it reads with the amendments. Based on the number of changes, Judge Pullan requested the rule go out for public comment again. Mr. Schwermer proposed forwarding the changes to the Board of Justice Court Judges for final comment. Ms. Sylvester provided an overview of the rule changes. Mr. Peters spoke to the applicability of the presiding judges and the committee discussed the definition of active justice court judge, in contrast to senior judges. The committee discussed alternative definitions and how those play out with voting for and being a presiding or associate presiding judge. Ms. Sylvester added language in both paragraphs that excluded senior judges from voting for or occupying either role. In that vein, Mr. Schwermer stated there may be a need to explicitly define the inability of senior judges to vote for members of the Board of Justice Court Judges or Judicial Council representatives. Mr. Peters agreed because justice court senior judges are not tied to a specific district. The committee also discussed how a tie for presiding judge of a district would be decided. Rather than a coin toss, the committee determined that in the event of a tie the presiding judge would be selected by the Board of Justice Court Judges. Mr. Peters suggested there may be an absence of willing candidates to become the presiding judge in the smallest districts, and suggested addressing the issue. Discussion took place but the committee ultimately determined that it would not address that situation prematurely.

Judge Pettit inquired about paragraph (1)(D)(iii) with respect to the location of a district meeting, and whether a vote could be performed remotely if a presiding judge needed to be removed. After discussion, the committee chose to define a majority vote without specificity to the location or time of the vote. A line was added to the paragraph to ensure that a judge being removed from the presiding judgeship could not vote on that removal. Ms. Sylvester addressed (2)(B) and the language about who should preside over a districtwide meeting. Judge Pullan suggested an education director may not be eligible to preside over a statewide meeting because they may be a senior judge. The Committee agreed to remove education director as a person who could preside. The committee then discussed the language of paragraph (2)(E), the intent of which is to prevent the public from attending the meetings without the invitation of the presiding judge.

Mr. Peters explained the intent behind the alterations to paragraph (3). Regarding (3)(G), reassignment of cases, the committee decided to use the original language, "In the event that a judge is disqualified from a case, the presiding judges shall assign any judge duly appointed pursuant to Utah Code section 78A-7-208..." Judge Pullan suggested the title of the subsection speaks to the reassignment of judges and not the reassignment of cases. It was determined to title the subsection "Reassignment."

Judge Chin moved to forward the rule as proposed by Mr. Schwermer, by first sending the draft to the Board of Justice Court Judges, then bringing it back to Policy and Planning (by email if few edits; to its next meeting if substantial edits), then to the Judicial Council for expedited action with an effective date of April 15 and the necessary comment period. Mr. Rice seconded the motion, and it passed unanimously.

(4) CJA 2-207. Annual Rulemaking and Periodic Review of the Code.

Ms. Williams reviewed CJA 2-207, and the committee's duty to adopt a schedule for periodic review of the Code of Judicial Administration every five years. She proposed dividing the chapters up based on an estimate of the amount of time it will take to review each chapter. She proposed the following schedule:

- Year 1: Chapters 1-3
- Year 2: Chapter 4
- Year 3: Chapters 5-7 (chapter 8 was repealed)
- Year 4: Chapters 9-10
- Year 5: Appendices

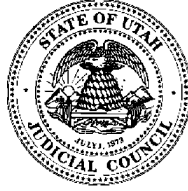
Judge Pullan opened the floor for discussion. Judge Pettit was in favor of breaking the reviews into sections. Mr. Schwermer provided perspective on how the legislature reviews rules and statutes: cleaning up references and language as they go along. Ms. Williams suggested that at least one committee member be assigned to each chapter. Ms. Williams can conduct an initial edit of each chapter and then have the committee member review it before taking it to the Committee for approval. Judge Pullan proposed to adopt the schedule Ms. Williams suggested and divide the committee members into 1-2 member subcommittees by expertise relative to the content of the chapters. The subcommittees should distribute the work in such a way that no one member is overloaded. He asked Ms. Williams to formalize the proposal and email it to him for review. Subcommittees may conduct edits/reviews by any means of communication convenient. Judge Pullan asked to include this item on the agenda for the next meeting.

(5) Other Business

Judge Pettit made a motion to adjourn the meeting. Judge Chin seconded the motion and it passed unanimously. There being no other business the meeting was adjourned at 11:18 a.m.

The next meeting is scheduled for March 2, 2018 in the Judicial Council room at 9:30 a.m.

Tab 3



Administrative Office of the Courts

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

MEMORANDUM

Richard H. Schwermer
State Court Administrator
Raymond H. Wahl
Deputy Court Administrator

To: Judicial Council
From: Nancy Sylvester *Nancy D. Sylvester*
Date: February 5, 2018
Re: Certification of Senior Judges

Judges Lyle R. Anderson (Seventh District Court-retiring July 1, 2018) and Robert W. Adkins (Third District Court-retired January 7, 2018) have applied to be active senior judges. I have attached their application forms, which show compliance with the minimum qualifications for office and with judicial performance standards. Neither judge has complaints pending before the Judicial Conduct Commission or the Utah Supreme Court.

The Council's certification decision will be forwarded to the Utah Supreme Court for its consideration in the appointment process.



Senior Judge Application Active Status

Qualifications for Office

I, Lyle R. Anderson, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- 12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 13) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 14) I was not removed from office or involuntarily retired on grounds other than disability.

- 15) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 16) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 17) I will submit relevant information as requested by the Judicial Council.
- 18) My date of birth is _____ and my retirement date is 7-1-18.
- 19) I have not been subject to any order of discipline for conduct as a senior judge.
- 20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 21) During my current term there have been _____ orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 22) The address at which I can be contacted after retirement is:

My email address and phone
number are:

Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 24) I have held no cases under advisement more than 180 days after submission.
- 25) I am in substantial compliance with the Code of Judicial Conduct.
- 26) I am physically and mentally fit for office.
- 27) I have obtained the following judicial education hours for the years indicated.

2015	2016	2017
52.25	40.75	51.5

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

- 28) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

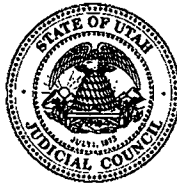
1-18-18

Date

Lyle R. Anderson

Please complete and return by February 1, 2018 to:

Nancy J. Sylvester
P.O. Box 140241
Salt Lake City, Utah 84114-0241
Fax: 801-578-3843
Email: nancyjs@utcourts.gov



Senior Judge Application Active Status

Qualifications for Office

I, Robert W. Adkins, hereby apply for the office of Active Senior Judge and declare as follows:

- 1) I was retained in the last election in which I stood for election.
- 2) I voluntarily resigned from judicial office, retired upon reaching the mandatory retirement age, or, if involuntarily retired due to disability, have recovered from or have accommodated that disability.
- 3) I am physically and mentally able to perform the duties of judicial office.
- 4) I demonstrate appropriate ability and character.
- 5) I am admitted to the practice of law in Utah, but I do not practice law.
- 6) I am eligible to receive compensation under the Judges' Retirement Act, subject only to attaining the appropriate age.
- 7) I am familiar with current statutes, rules and case law, the use of the electronic record, and judicial workspace.
- 8) I am a current resident of Utah and available to take cases.
- 9) I will satisfy the education requirements of an active judge.
- 10) I will accept assignments at least two days per calendar year, subject to being called.
- 11) I will conform to the Code of Judicial Conduct, the Code of Judicial Administration, and rules of the Supreme Court.
- 12) I obtained results on the most recent judicial performance evaluation prior to termination of service sufficient to have been certified for retention regardless of whether the evaluation was conducted for self-improvement or certification;
- 13) I continue to meet the requirements for certification for judicial performance evaluation as those requirements are established for active senior judges.
- 14) I was not removed from office or involuntarily retired on grounds other than disability.

- 15) I was not suspended during my final term of office or final six years in office, whichever is greater.
- 16) I did not resign as a result of negotiations with the Judicial Conduct Commission or while a complaint against me was pending before the Supreme Court or pending before the Judicial Conduct Commission after a finding of reasonable cause.
- 17) I will submit relevant information as requested by the Judicial Council.
- 18) My date of birth is _____, and my retirement date is 1/7/2018.
- 19) I have not been subject to any order of discipline for conduct as a senior judge.
- 20) There ☐ is ☒ is not a complaint against me pending before the Supreme Court or before the Judicial Conduct Commission after a finding of reasonable cause.
- 21) During my current term there have been N/D orders of discipline against me entered by the Supreme Court, and I have attached a copy of each, if applicable.
- 22) The address at which I can be contacted after retirement is:

My email address and phone
number are:

Judicial Performance Evaluation Information

I further declare as follows:

- 23) I have held no more than three cases per calendar year under advisement more than 60 days after submission.
- 24) I have held no cases under advisement more than 180 days after submission.
- 25) I am in substantial compliance with the Code of Judicial Conduct.
- 26) I am physically and mentally fit for office.
- 27) I have obtained the following judicial education hours for the years indicated.

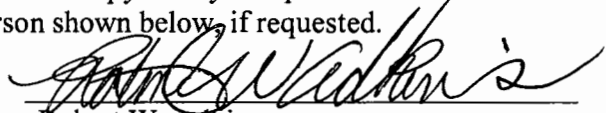
2015	2016	2017
32	32.25	33.75

If you have fewer than 30 hours for the current year, list any course you plan to complete before the end of the year and the estimated number of hours associated with the course.

- 28) I understand that I must contact the Administrative Office of the Courts and request transfer to inactive status prior to any planned leaves of absence that could interfere with my ability to fully comply with annual education requirements.

I waive my claim of confidentiality and request that a copy of any complaints submitted to the Judicial Conduct Commission be sent to the person shown below, if requested.

January 3, 2018
Date


Robert W. Adkins

Please complete and return by January 5, 2018 to:

Nancy J. Sylvester
P.O. Box 140241
Salt Lake City, Utah 84114-0241
Fax: 801-578-3843
Email: nancyjs@utcourts.gov

Tab 4

APPLICATION FOR INITIAL PROJECT PLANNING APPROVAL FOR PROPOSED PROBLEM-SOLVING COURT

Name of Proposed Project: West Valley City Mental Health Court

Court Location: West Valley City Justice Court, 3590 South Constitution Blvd, West Valley City, Utah 84119

Application Submitted by: Judge Clintepious Gilmore, West Valley Justice Court

I. Target Population

Describe the types of cases or the description of the population that will be served by this project. Please be specific.

Residential Criteria: As it is anticipated that the primary stakeholders for this project include Valley Behavioral Health, Salt Lake County Criminal Justice Services, and the West Valley City Police Department's Crisis Intervention Team, the participants in the West Valley City Mental Health Court will be limited to current residents of Salt Lake County.

Medical Criteria: Candidates for the West Valley City Mental Health Court will include defendants with a primary diagnosis of schizophrenia, bipolar disorder, schizoaffective disorder, or other Axis I disorders, such as depression or PTSD. Eligibility in this area is established through a mental health assessment (usually conducted by Valley Behavioral Health).

Diagnosis alone does not guarantee acceptance into the West Valley City Mental Health Court. Other factors of medical eligibility include (but are not limited to): mental health treatment history, substance use/abuse history, personality characteristics, motivation, etc.

Criminogenic Risk Criteria: Candidates for the West Valley City Mental Health Court will only include "high risk" offenders. Eligibility in this area is established through a risk assessment with a court-accepted, validated tool (usually conducted by Salt Lake County Criminal Justice Services).

Legal Criteria: The West Valley City Justice Court's territorial and subject matter jurisdiction includes misdemeanor (Class B & C) offenses as well as infractions committed within the territorial limits of West Valley City. The West Valley City Mental Health Court will service only those offenders with current criminal matters before the court.

Subject matter jurisdiction alone does not guarantee acceptance to the West Valley City Mental Health Court. Other factors of legal eligibility include (but are not limited to): criminal personality characteristics, degree and nature of current offense(s) before the court, criminal history, etc. The West Valley City Prosecutor's Office will determine legal eligibility.

II. Purpose/Goal of Project

Please explain why you believe this project is necessary or desirable. How will a problem-solving approach benefit your target population?

The purpose of the West Valley City Mental Health Court is to reduce the incarceration and recidivism of individuals with serious mental illnesses. The project hopes to address these goals by:

- (a) Linking offenders and caretakers of offenders with local behavioral health services where individual treatment plans can be implemented to address and ameliorate the condition of mentally-ill defendants,
- (b) Providing a non-adversarial forum for criminal justice stakeholders who are committed to offender rehabilitation and the mitigation of public safety concerns posed by mentally-ill offenders,
- (c) Providing a court program for intensive supervision of offenders as treatment plans are implemented by behavioral health professionals intended to stabilize the effects of mental illness on criminal defendants, and
- (d) Reinforcing clear expectations and requirements thru frequent court hearings to provide support to offenders, treatment providers, probation agents and caregivers with treatment goals.

III. What is the size of the proposed project?

Approximately how large is your target population and how many participants would likely be served by the proposed project?

Excluding traffic offenses, the West Valley City Justice Court has disposed of approximately 3,500 criminal cases per year, over the last three years. Based on the volume of cases, it is a consensus belief among the stakeholders that there is an ample population of criminal offenders who would benefit from the project if it were approved.

Based on the commitments agreed to by the Administrator of the West Valley City Justice Court, the West Valley City Prosecutors' Office, the West Valley City Legal Defenders' Office (The Law Firm of Larsen, Larsen, Nash & Larsen), Valley Behavioral Health, Salt Lake County Criminal Justice Services, and the West Valley City Police Department Crisis Intervention Team, is anticipated that the project could service **up to 40 participants**. Each candidate approved for the West Valley City Mental Health Court could have more than one criminal matter pending before the court.

IV. What is the anticipated impact on court staff, clerks and judges, and how will that need be met?

The Administrator of the West Valley City Justice Court has agreed to staff two clerks who will each provide up to four hours per week for a total of eight weekly hours to the project.

We intend to hold staffing meetings with stakeholders and hearings for offenders in the West Valley City Mental Health Court twice per month. Judge Gilmore, of the West Valley City Justice Court, has agreed to make himself available for those regularly scheduled staffing meetings and hearings.

The space in the judicial calendar will be created by combining bi-weekly review calendars and consolidating monthly out-of-county video hearings with regularly scheduled court hearings.

V. Funding considerations/stakeholders

Identify the stakeholders and what they will need to contribute to the project. If you have identified a funding source to support the project, please specify.

Apart from the commitment agreed to by the West Valley City Justice Court outlined in Section IV the other stakeholders have committed the following resources:

Valley Behavioral Health Forensic Unit (“VBHF”)

VBHF agrees to screen and identify candidates who meet the Medical Criteria for the West Valley City Mental Health Court. VBHF also agrees to provide its full array of mental health, substance abuse, domestic violence and other physical and behavioral treatment services to participants in the West Valley City Mental Health Court. These services include group sessions, classes, individual sessions, psychiatric services, medication management, medication assisted treatment, urinalysis testing and coordination with other social services providers court participants qualify for in Salt Lake County.

VBHF agrees to participate in bi-monthly staffing meetings and court proceedings held in the West Valley Mental Health Court as a collaborating behavioral health provider. VBHF agrees to provide each participant in the West Valley City Mental Health Court with an individualized plan for treatment developed to address each client’s unique risks and clinical needs.

Salt Lake County Criminal Justice Services (“CJS”)

CJS administration will provide one probation case manager to participate in bi-monthly staffing meetings and court proceedings held in the West Valley City Mental Health Court. The case manager will work up to twenty (20) hours per week until the court reaches thirty (30) clients; then the case manager will devote forty (40) hours per week to the court.

The case manager will monitor court-ordered probation requirements and report successes/violations to the court; prepare and review the probation agreement and release information; conduct risk/needs assessments using a validated tool; conduct client office visits; prepare Order to Show Cause affidavits and attend violation/review hearings as directed by the court.

West Valley City Police Department Crisis Intervention Team (“CIT”)

CIT officers are specially trained in tactics to effectively interact with persons experiencing a mental health crisis. CIT will provide at least one trained detective to participate in bi-monthly staffing meetings and court proceedings in the West Valley City Mental Health Court.

In addition to attending staffing meetings and court proceedings, CIT will provide CIT-trained detectives to work in conjunction with CJS by conducting field operations for participants of the West Valley City Mental Health Court.

Field operations will extend outside West Valley City boundaries, but within the County of Salt Lake. Field operations will be geared toward assisting West Valley City Mental Health Court participants meet their probation requirements and work toward the successful completion of their CJS probation.

West Valley City Prosecutors' Office ("WVCPO")

The WVCPO agrees to screen and identify candidates who meet the legal criteria for the West Valley City Mental Health Court.

The WVCPO also agrees to designate and provide at least one prosecutor to be present at regularly-scheduled, bi-monthly staffing meetings and court hearings.

The Law Firm of Larsen, Larsen, Nash & Larsen ("LLNL")

It is anticipated that most of the participants in the West Valley City Mental Health Court will meet the court's criteria for indigent legal defense services. LLNL agrees to provide those services to candidates and participants of the West Valley City Mental Health Court.

LLNL also agrees to designate and provide at least one public defender to be present at regularly-scheduled, bi-monthly staffing meetings and court hearings.

Court Administrator Comment:

I am very supportive of creating a Mental Health Court here in West Valley City for the citizens of our city. The West Valley Justice Court is prepared to provide the services and resources to make this process happen for those who need these services and special attention. Having worked in law enforcement for over 30 years before coming here to the court, I saw and interacted with countless individuals who had mental health issues. I watched for years as those with these problems were sent through a court system that was not able to address the issues that affected the individuals and their families, but also the community. Often the only action taken was punitive which resulted in jailing those that needed help more than incarceration. Knowing that this court can address specific needs and

problems for those with mental health issues is exciting for me. I support this application fully and will assist Judge Gilmore in making this court process successful.

Date: January 3, 2018 Signature: Karen D. Mudd

Presiding Judge Comment:

I am optimistic that, among the stakeholder, we can foster a healthy climate and structure to provide a benefit to participants and the community if we are granted approval to start a mental health court in West Valley.

I am encouraged by the mindset of the individuals who have agreed to join in as stakeholders. They all seem willing and purpose-driven.

I have observed Judge Romney's mental health court and staffing meetings in Provo and Judge Trease's mental health court and staffing meetings in the Third District Court. I am impressed with the problem-solving model and the individuals involved and I would like to replicate their successes.

Date: JANUARY 3, 2018 Signature: Christine S. Sarno

Tab 5

Court: CACHE COUNTY, LOGAN

Judge: WILLMORE

Date: FEBRUARY, 2018

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

☐

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**
VERBALLY BUT NOT IN WRITING
- ☒ ☐ 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 LIMITED BY AVAILABILITY**

☒ ☐

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 MEET STATE REQUIREMENTS**

☒ ☐

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

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☐

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 TREATMENT STAFF ONLY
- ☒ ☐ 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**

Court: IRON COUNTY, CEDAR CITY

Judge: BARNES

Date: FEBRUARY, 2018

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

☐

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**
working on the two in seven chance every day

YES NO

- ☐ ☒ 39. Drug test results are available within 48 hours. **P BPS VII H** working on it
- ☒ ☐ 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** no sober living or detox available in the area

☒☐

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 working on a secure email group**
- ☒ ☐ 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**

■ ☐ 11Q. The program conducts an exit interview for self- improvement. **P**

Court: SECOND DISTRICT, OGDEN

Judge: BEAN

Date: February, 2018

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



1. Eligibility and exclusion criteria are defined objectively. **R** BPS I A



2. Eligibility and exclusion criteria are specified in writing. **R** BPS I A



3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A



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

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 GETTING THERE**
- ☒ ☐ 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*** NO WEEKENDS AND HOLIDAYS
- ☒ ☐ 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**

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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**

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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 Drug 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**

☒☐

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

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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 NOT ALWAYS**
- ☒ ☐ 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**

Court: SALT LAKE COUNTY, WEST JORDAN

Judge: HOGAN

Date: FEBRUARY, 2018

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.
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**
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- ☒ ☐ 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*** DEALING WITH NEW DRUG TESTING PROVIDER AND WORKING OUT ISSUES
- ☒ ☐ 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***
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- ☒ ☐ 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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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 RARELY IF NOTHING ELSE IS AVAILABLE**

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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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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**

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- ☐ ☒ 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 ONLY IF MEDICAIDE ELIGIBLE
- ☒ ☐ 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***
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- ☒ ☐ 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**

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 NEW PRESIDING JUDGE OVER COURT**
- ☐ ☒ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B TOO MANY CHANGES**
- ☒ ☐ 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 LIMITED**
- ☒ ☐ 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**
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- ☒ ☐ 110. The program conducts an exit interview for self-improvement. **P**

Court: DAVIS COUNTY, FARMINGTON

Judge: MORRIS

Date: FEBRUARY 2018

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.
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**
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- ☐ ☒ 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**
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- ☒ ☐ 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**
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- ☒ ☐ 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**

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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**

Court: SALT LAKE COUNTY, SALT LAKE CITY

Judge: SCOTT

Date: FEBRUARY, 2018

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.
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 PARTICPATED IN ON-LINE TRAINING PRIOR TO PRESIDING OVER THE COURT**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B JUST STARTED PRESIDING OVER THE DRUG COURT**
- ☒ ☐ 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*** DEALING WITH NEW DRUG TESTING PROVIDER AND WORKING OUT ISSUES
- ☒ ☐

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

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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**

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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**

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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**

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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 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 RARELY IF NOTHING ELSE IS AVAILABLE**

☒ ☐

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**

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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

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

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

R BPS V H

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

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67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R** BPS V I

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

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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 ONLY IF MEDICAIDE ELIGIBLE

- ☒ ☐ 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*
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- ☒ ☐ 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***
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- ☒ ☐ 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**

Court: SALT LAKE COUNTY, SALT LAKE CITY

Judge: SHAUGHNESSY

Date: FEBRUARY, 2018

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.
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

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5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**

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

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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**

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

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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**

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10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court.
R BPS I D

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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**

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

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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**

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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**

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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

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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**

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17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**

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18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**

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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**

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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**

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

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

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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**

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24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

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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**

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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**

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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*** DEALING WITH NEW DRUG TESTING PROVIDER AND WORKING OUT ISSUES
- ☒ ☐ 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

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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**

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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**

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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**

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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 Drug 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 RARELY IF NOTHING ELSE IS AVAILABLE**

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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 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 ONLY IF MEDICAIDE ELIGIBLE
- ☒ ☐ 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**

Court: SALT LAKECOUNTY, SALT LAKE CITY

Judge: SKANCHY

Date: FEBRUARY, 2018

Utah Adult Drug Court Certification Checklist

September, 2016

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YES NO

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1. Eligibility and exclusion criteria are defined objectively. **R BPS I A**

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2. Eligibility and exclusion criteria are specified in writing. **R BPS I A**

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3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A

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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.
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- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, 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**
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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**

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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 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 ONLY IF MEDICAIDE ELIGIBLE**
- ☒ ☐ 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**

Court: WASHINGTON COUNTY, ST GEORGE

Judge: WILCOX

Date: FEBRUARY, 2018

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.
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 HE IS TRYING**
- ☒ ☐ 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

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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**

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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**

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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 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**

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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**

☐

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**

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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**
SEEM TO CHANGE MORE OFTEN BUT TRY TO ADHERE TO TWO YEARS
- ☒ ☐ 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*

☐ ☒ 103. 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

☒ ☐ 104. 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

☒ ☐ 105. 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

☒ ☐ 106. 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

☒ ☐ 107. 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

☒ ☐ 108. 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

■

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

Court: DAVISCOUNTY, FARMINGTON

Judge: FROST

Date: FEBRUARY, 2018

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. R 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. R 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. R 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. R 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. R 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. R 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. R BPS IV A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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

- | | | | |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35. | Drug testing is performed at least twice per week. R BPS VII A* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 36. | Drug testing is random, and is available on weekends and holidays. R BPS VII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. | Drug test results are available within 48 hours. P BPS VII H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 39. | Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. | Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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.
B BPS V A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 54. Standardized patient placement criteria govern the level of care that is provided. P 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. P 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. R 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. P 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. P 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. P BPS V E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. 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 BPS V F, BPS VI G |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. P BPS VI D
<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. R BPS VI D
<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 BPS VI E
<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. R BPS VI E
<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). P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	79. Female participants receive trauma-related services in gender-specific groups. B BPS VI F
<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. P BPS VI F
<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. R BPS VI I*
<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. P BPS VI I
<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 BPS VI I

YES NO

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|-------------------------------------|-------------------------------------|-----|---|
| <input type="checkbox"/> | <input checked="" 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 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. P BPS VI |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 86. | Clients are placed in the program within 50 days of shelter hearing. R |
| <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. R 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. R 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. R BPS VIII B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 90. | Team members are assigned to Drug Court for no less than two years. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 91. | All team members use electronic communication to contemporaneously communicate about Drug Court issues. P |
| <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. R 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 BPS VIII F |

YES NO

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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**

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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**

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

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

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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**

Court: WASHINGTON COUNTY, ST GEORGE

Judge: LEAVITT

Date: FEBRUARY, 2018

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.
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. P BPS I A |

YES NO

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4.

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

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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**

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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

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7.

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

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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**

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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**

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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

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11.

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

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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

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 35. Drug testing is performed at least twice per week. R BPS VII A* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 36. Drug testing is random, and is available on weekends and holidays. R BPS VII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 38. Drug test results are available within 48 hours. P BPS VII H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. R BPS VII E*, F* |
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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. B BPS V A
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	60. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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. P BPS VI D
<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. R BPS VI D
<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 BPS VI E
<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. R BPS VI E
<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). P BPS VI F
<input checked="" type="checkbox"/>	<input type="checkbox"/>	79. Female participants receive trauma-related services in gender-specific groups. B BPS VI F
<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. P BPS VI F
<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. R BPS VI I*
<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. P BPS VI I
<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 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* fluctuates



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**

Court: UTAH COUNTY, AMERICAN FOLK

Judge: BAZZELLE

Date: FEBRUARY, 2018

Utah Juvenile 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

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1. Eligibility and exclusion criteria are defined objectively.
R BPS I A

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2. Eligibility and exclusion criteria are specified in writing.
R BPS I A

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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.
R BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. The program admits only participants who are high risk high need as measured by a validated risk and need assessment tool. P BPS* I B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population.
R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. The program has a written policy addressing medically assisted treatment. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |

YES NO

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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**

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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**

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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**

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17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**

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18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**

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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**

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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**

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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**

YES NO

- ☒ ☐ 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
- ☒ ☐ 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

YES NO

- ☒ ☐ 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* NO WEEKENDS
- ☒ ☐ 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
- ☒ ☐ 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 10 HOURS**
- ☒ ☐ 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

YES NO

- ☒ ☐ 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, detention sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R BPS* IV J**
- ☒ ☐ 50. Detention 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 detention sanction might be imposed. **R BPS* IV J**
- ☒ ☐ 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 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, day treatment, intensive outpatient and outpatient services. **B BPS* V A**

YES NO

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|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 55. Standardized patient placement criteria govern the level of care that is provided. P BPS V A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services.
R BPS* V B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. B BPS V E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. B BPS V E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 juvenile justice system. B BPS* V F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 64. Treatment providers are licensed or certified to deliver substance abuse treatment. R BPS V H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 65. Treatment providers have substantial experience working with juvenile justice populations. B BPS V H |

YES NO

- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. 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**
- ☒ ☐ 68. 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. **P BPS VI**
- ☒ ☐ 69. 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**
- ☒ ☐ 70. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☐ ☒ 71. 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**
- ☒ ☐ 72. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 73. Participants complete a brief evidence-based educational curriculum describing concrete measures they can take to prevent or reverse drug overdose. **P BPS VI L**
- ☒ ☐ 74. 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, as appropriate, after their discharge from the Drug Court. **B BPS* V J**
- ☒ ☐ 75. 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**

YES NO

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76. Clients are placed in the program within 50 days of arrest. **R**

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77. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. **R BPS VIII B***

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78. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each Drug Court session. **R BPS VIII A***

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79. 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**

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80. Team members are assigned to Drug Court for no less than two years. **P**

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

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82. 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**

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83. 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**

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84. 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**

YES NO

- ☒ ☐ 85. 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
- ☒ ☐ 86. Court fees are reasonable and based on each participant's ability to pay. **R**
- ☒ ☐ 87. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 88. The Drug Court has more than 15 but less than 125 active participants. **P** BPS IX A*
- ☒ ☐ 89. 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
- ☒ ☐ 90. 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
- ☒ ☐ 91. 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*
- ☒ ☐ 92. New referrals, 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
- ☒ ☐ 93. 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
- ☒ ☐ 94. 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

- ☒ ☐ 95. 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**
- ☒ ☐ 96. 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**
- ☒ ☐ 97. 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**
- ☐ ☒ 98. The program conducts an exit interview for self improvement. **P**

Court: IRON COUNTY, CEDAR CITY

Judge: BELL

Date: FEBRUARY, 2018

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

- | | | |
|-------------------------------------|--------------------------|---|
| <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.
P BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <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. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B NEWLY APPOINTED JUDGE |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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* UPON SUSPICION**

☒ ☐

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 RE-TESTED FOR CONFIRMATION**

☒ ☐

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

- ☒ ☐ 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. **R BPS VII I**
- ☒ ☐ 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. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 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. **R BPS IV K**
- ☐ ☒ 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 BPS V A NOT ALL IS AVAILABLE**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 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. **P BPS V A**
- ☒ ☐ 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. **R BPS V B***
- ☒ ☐ 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 BPS V E**
- ☒ ☐ 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. **P BPS V E***
- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R 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**

Court: SALT LAKE COUNTY, SALT LAKE CITY

Judge: BRERETON

Date: FEBRUARY, 2018

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

- | | | |
|-------------------------------------|--------------------------|---|
| <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.
P BPS I A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <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. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B JUDGE IS NEW TO MENTAL HEALTH COURT BUT PREVIOUSLY WAS THE DEFENSE ATTORNEY |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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. R 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. R 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. R 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. R 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. R 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 BPS V A |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 43. Standardized patient placement criteria govern the level of care that is provided. P 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. P 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. R 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 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. P 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. R 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 MOST DO**

☒ ☐

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 WAIT ON RECORDS**

☒ ☐

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 TO AN EXTENT**
- ☒ ☐ 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 DISCUSSED BY STAFF BUT NOT ALWAYS WITH CLIENTS**

Court: WASHINGTON COUNTY, ST GEORGE

Judge: WALTON

Date: FEBRUARY, 2018

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

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <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. R BPS I C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. The judge presides over the Mental Health Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 HE IS TYPE A, CANNOT FORCE HIMSELF TO TAKE THAT MEUCH TIME WITH EACH PARTICIPANT. CLAIMS NOT ENOUGH TIME FOR CALENDAR.

☐

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

- ☒ ☐ 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. **R BPS VII I**
- ☒ ☐ 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. **R BPS IV J**
- ☒ ☐ 39. Jail sanctions are definite in duration and typically last no more than three to five days. **R BPS IV J**
- ☒ ☐ 40. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R BPS IV J**
- ☒ ☐ 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. **R BPS IV K**
- ☒ ☐ 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 BPS V A**
- ☒ ☐ 43. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 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. **P BPS V A**
- ☒ ☒ 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. **R BPS V B* SOMETIMES THAT IS ALL THEY HAVE**
- ☒ ☐ 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 BPS V E**
- ☒ ☐ 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. **P BPS V E***


- ☒ ☐ 48. Participants with co-occurring substance abuse issues regularly attend self-help or peer support groups in addition to professional counseling. **R 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**

Tab 6

Utah Language Access Committee Report to Utah Judicial Council

February 26, 2018

I. Spoken Interpreter Usage in Fiscal Year 2017

Spoken Language Interpreters	
District Court	5,449
Juvenile Court	4,380
Justice Court	6,402
Total	16,231

District Usage of Spoken Language Interpreters *excludes Justice Court	
1 st	365
2 nd	1383
3 rd	4621
4 th	2505
5 th	551
6 th	150
7 th	37
8 th	75
Youth Parole Authority	142

Top Requested Languages	
Spanish	14,176
Arabic	419
Vietnamese	179
Somali	159
Portuguese	96
Farsi	96
Mandarin	85

II. Sign Language Interpreter Usage in Fiscal Year 2017

Sign Language Interpreters	
District Court	47
Juvenile Court	103
Justice Court	38
Total	188

District Usage of Sign Language Interpreters *excludes Justice Court	
1 st	24

2nd	16
3rd	41
4th	67
5th	2
6th	0
7th	0
8th	0

III. Completed Projects

- Created and distributed a Bench Card on Spoken Language Interpreters
- Created and distributed a Bench Card on Sign Language Interpreters
- Revised the Conditionally-Approved Court Interpreter Appointment Form
- Revised court's webpage on How to Become a Court Interpreter to make it more user friendly for interpreter candidates.
- Revised the AOC's translation policy regarding court forms to reflect only forms used statewide would be translated, and district-specific forms would not be.

Additionally-

New Chair elected, Michelle Draper, ASL Interpreter

New Language Access Program Coordinator hired, Kara Mann

IV. On-Going Projects

- Selecting video equipment to capture ASL on the record
- Proposed revision to Human Resource Policy 570-Second Language Stipend
- Proposed extensive revisions to CJA Rules 3-306.01-.05

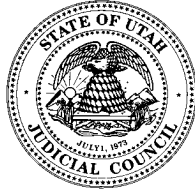
V. On-Going Training Projects

- Creating a handbook for Interpreter Coordinators
- Annual training for Interpreter Coordinators
- Developing a training video for new judges
- Drafting a section on interpreters to be added to the manual for presiding judges
- Drafting a section on interpreters and interpreter coordinators to be included in the TCE and Clerks of Court handbooks currently being created by the Education Department

VI. Future Projects

- Draft and approve a comprehensive translation policy to be included in the court rules
- Update the Language Access Plan, which has not been updated since it was approved in 2011

Tab 7



Administrative Office of the Courts

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

February 5, 2018

Richard H. Schwermer
State Court Administrator
Raymond Wahl
Deputy Court Administrator

MEMORANDUM

TO: Management Committee
Utah Judicial Council

FROM: Geoffrey, staff
Standing Committee on Judicial Outreach

RE: Appointment of Michael Anderson, Joyce Pace and Michelle Oldroyd

These vacancies were created after media attorney Mr. Reymann's second term expired, Justice Court Executive James Peters's term expired and he was promoted, and Ms. Oldroyd was chosen by the Utah Bar to replace Richard Dibblee on the committee.

Each candidate will fill the communication, court executive, and Utah Bar positions respectively. Mr. Anderson was recommended by media attorneys Jeff Hunt and David Reymann to represent the media. Ms. Pace was volunteered among the TCEs, and approve by her peers, to be on the committee.

Mr. Anderson's statement of interest:

"Given my experience with my firm's Media & First Amendment team, our FOI Hotline, the Media Law Resource Center, the ACLU, and other professional and personal activities, I hope you can see that I am genuinely and deeply interested in these issues. I quite enjoyed my prior involvement with the courts and your committee(s) and would very much look forward to working with this group going forward.

I am incredibly grateful for and humbled by the opportunity to be considered for this position. Please let me know if you have any questions or if there is anything else I can do to help."

Ms. Pace's statement of interest:

"I have always been interested in education and in providing education and training on many various subjects. I have also always been passionate about my work in the Judiciary. This committee incorporates both of my interests in a way that is very compelling for me. I am looking forward to assisting in the work of educating diverse communities about the Judiciary as well as providing Judges and teachers with the tools they need to further this mission. I am interested in learning about the court outreach programs and in being a participant in these

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

programs. I hear that this committee is a very worthwhile committee and I appreciate the opportunity to serve in this capacity.”

Ms. Oldroyd has served for many years on the Standing Committee’s Community Relations Subcommittee when she worked as Director of the Utah Commission on Civic & Character Education out of the Lieutenant Governor’s Office. Ms. Oldroyd has been instrumental in helping plan events for the Courts’ Law Day and Constitution Day events. As the current Director of Professional Education for the Utah State Bar, her participation in the Standing Committee would be invaluable.

Rule 3-114. Judicial Outreach

Standing Committee on Judicial Outreach

Intent of the committee:

- To foster a greater role for judges in service to the community.
- To provide leadership and resources for outreach.
- To improve public trust and confidence in the judiciary.

Current member list of the Standing Committee on Judicial Outreach:

Justice John Pearce, Appellate Court judge representative

Judge Elizabeth Hruby-Mills, District Court judge representative (Chair)

Judge Julie Lund, Juvenile Court judge representative

Brent Johnson, state level administrator representative

Tom Langhorne, state level judicial education representative

xxxx, court executive representative

xxxx, Utah State Bar representative

xxxx, communication representative

Jessica Van Buren, Utah State Library representative

Jesse Soriano, civic community representative

Robert Austin, state education representative

Judge Jill Pohlman, Utah Court of Appeals, ex officio

Geoffrey Fattah, Director of Communications, staff liaison

#

MICHELLE M. OLDROYD, ESQ.

■ (801) 297-7033 desk / (801) 557-7124 cell / michelle.oldroyd@utahbar.org ■

Employment

DIRECTOR OF PROFESSIONAL EDUCATION, UTAH STATE BAR
Utah Law & Justice Center, Salt Lake City, Utah

OCTOBER 2017

Create and execute curriculum for professional development for all Utah attorneys post-law school, including teaching on variety of subject matter areas of specialty in the law, ethics, and professionalism & civility.

Staff, host, and plan all Utah State Bar conferences, conventions, section meetings, and continuing education events.

Develop and teach community and student education plans regarding the American rule of law for k-12 students and adult learners.

DIRECTOR, UTAH COMMISSION ON CIVIC & CHARACTER EDUCATION JAN. 2014–OCT. 2017
Office of the Lieutenant Governor, State of Utah

Administered statewide resources, projects, & volunteers for civic education initiatives.

Designed and developed curriculum for civic and character education K-20.

Managed budget, community partnerships, & business correspondence for statewide Commission.

ADJUNCT PROFESSOR OF LAW

JANUARY 2005 – 2017

S.J. Quinney College of Law at the University of Utah

Instruct the “Teaching Law in High School” service learning seminar course for 2Ls & 3Ls.

Plan weekly lessons related to current topics in the law and teaching methods for high schools.

Mentor law students in oral and written communication skills & in professionalism and ethics.

ADR ADMINISTRATOR AND STAFF ATTORNEY

FEBRUARY 2001 - JULY 2011

U.S. District Court for the District of Utah

Organized and administered the mediation and arbitration of civil and bankruptcy disputes.

Mediated procedural, discovery and substantive disputes before the Court.

Served as a resource to counsel on multi-party disputes for process design and implementation.

Created and developed lessons and website for students and teachers about the U.S. court system.

Hosted local, national & international student, teacher, and community groups at Moss Courthouse.

Managed local, national and international media relations in high-profile trials.

Professional Membership

UTAH STATE BAR ASSOCIATION

OCTOBER 2000 - 2017

Dispute Resolution Section; Section Chair 2004-2005 / Vice-Chair 2003-2004 / Secretary 2002-2003 / Member 2000 - 2017.

AMERICAN BAR ASSOCIATION, FEDERAL BAR ASSOCIATION

OCTOBER 2000 - 2017

Member, Alternative Dispute Resolution Sections of ABA and FBA.

UTAH COUNCIL ON CONFLICT RESOLUTION (UCCR)

2000 - 2017

Chair, Board of Trustees 2012 – 2013 & 2005 - 2006 / Vice-Chair, 2004-September 2005 / Chair, Annual Statewide ADR Symposium Planning Committee, 2013 & 2002-2003.

UTAH LAW-RELATED EDUCATION PROJECT <i>Chair, Board of Directors, 2005 - 2006 / Secretary, Board of Directors, 2003-2005.</i>	2003 - 2017
UTAH COALITION FOR CIVIC EDUCATION AND SERVICE LEARNING <i>Member, Board of Directors, 2005 - 2013.</i>	2005 - 2013
UNIVERSITY OF UTAH YOUNG ALUMNI ASSOCIATION <i>President, YA Board of Directors 2006 - 2008/ Member, 2004 - 2008 / Chair, Scholarship Fund Homecoming 5K, 2005.</i>	2004 - 2008

Publications and Speaking Engagements

- “Fourteenth Amendment Equal Protection & Due Process: Transforming American Democracy”; A Hinckley Institute Forum celebrating Law Day; April 11, 2017.
 - “Civic Engagement in Government and Community: Dialogue for Students”; South Jordan Elementary, AMES Charter High School, and Kearns High School; January – May 2017.
 - Cover story/article on professional accomplishments and contribution to law and education in *Pro-Files* magazine; Selected by international colleagues for feature; Spring 2016.
 - “Get to Know Your Three Branches of Government”, A Statewide Celebration of Constitution Day – Events at the Utah State Capitol, September 17, 2014.
 - “ADR in Federal Courts,” panelist/presenter, Tri-State Federal Bar Association Program, Jackson Hole, Wyoming, September 24, 2011.
 - “A Hybrid Process: A Judge and A Mediator Collaborate” panelist/facilitator, American Bar Association Conference, San Francisco, CA; April 9, 2010.
 - “Panel Discussion on Ethics and Discipline”, discussion organizer and facilitator, Utah Council on Conflict Resolution Annual ADR Symposium, May 13, 2009.
 - “Ethics in Action”, Presentation on Conflict Resolution to the Community of Caring Annual Youth Leadership Summit at the University of Utah, July 12, 2006.
 - “One Hour Snapshot: Developing Your Mediation Skills in 60 Minutes” co-presenter, Utah State Bar Annual Convention in Sun Valley, Idaho, July 15, 2005.
 - “Conflict Resolution: Applying the Process” keynote speaker, 2005 Annual Summer Teachers’ Institute, Hosted by the Community of Caring at the University of Utah, *Educating for Democracy Through Civic, Character & Service Learning*, June 15, 2005.
 - “Pulling Together to Educate the Public about the Courts”, 2004 National Outreach Symposium sponsored by the Administrative Office of the U.S. Courts, April 21 - 23, 2004.
 - “The Practice of Restorative Justice”, Restorative Justice Symposium at the University of Utah S. J. Quinney College of Law, March 20 - 22, 2002.
 - Accompanying article published in *Utah Law Review* Symposium Edition, entitled “Restoration: A Component of Justice”, Volume 2003 Number 1.
 - “Cultural Competency Training” training facilitator and instructor, Administrative Office of the Utah State Courts mandatory training for all employees, January 14 & 23, 2002 and December 4 & 13, 2001. Training renewed for Utah Justice Courts in 2005.
-

Education

JURIS DOCTOR

1997 - 2000

University of Utah College of Law (now S. J. Quinney College of Law) Salt Lake City, Utah

Member, Golden Key National Honor Society, 1997-1999.

Member, Honor Society of Phi Kappa Phi, 1997-1999.

Completed over 150 hours in Mediation Clinic, 1998-1999.

Directed Research Project in Alternative Dispute Resolution, 2000.

CALI Award for Excellence in Dispute Resolution, 1999.

CALI Award for Excellence in American Legal History, 1999.

Member first U of U team to participate in National Mediation Advocacy Competition, 2000.

BACHELOR OF ARTS, SPEECH COMMUNICATION, *cum laude*

1995 - 1997

University of Utah

Salt Lake City, Utah

President's Award, 1995-1997.

Honors at Entrance Scholarship, 1995.

Awards and Distinctions

- Only Utah attorney with recognition for public service and expertise in ADR and law-related education in *Elite American Lawyers*, 2011 – 2017.
 - *Distinguished Humanitarian Professional*, as chosen by colleagues, 2016-2017.
 - *Top Female Executive & Elite Women Professionals Worldwide* as chosen by national colleagues, 2012 - 2016.
 - One of twelve *Distinguished Government Professionals in America*, 2011.
 - Lifetime Member and Profile since 2009, *Cambridge Who's Who* Registry of Executives, Professionals & Entrepreneurs, endorsed for her dedication, leadership and excellence in governmental affairs.
 - Attorney Supervisor, S.J. Quinney College of Law Pro Bono Project, *Kids' Court*, partnership with University of Utah, Rose Park Elementary & Minority Law Caucus, 2008 - 2016.
 - 2007 Scott M. Matheson Award recipient, for contributions to law-related education in Utah, from the Matheson Family & the Utah State Bar, May 1, 2007.
 - Member, Utah Legal Elite 2006, for practice as Arbitrator/Mediator, as compiled by *Utah Business*, January 2006.
 - Member, Utah State Courts' Judicial Council's Standing Committees on Alternative Dispute Resolution and on Judicial Outreach, 2005-2017. ADR Ethics & Discipline Subcommittee Member, 2007-2008.
 - Staff Director, Tenth Circuit Historical Society Committee for the District of Utah, recording the oral history of Utah's federal judiciary & hosting annual events highlighting historic cases and counsel of our federal courts, 2005-2011.
 - 2004 Peacekeeper Award from the Utah Council on Conflict Resolution for contributions made to the profession of mediation in Utah, May 2004.
-

MICHAEL S. ANDERSON

201 East 100 South, Suite 700 • Salt Lake City, Utah 84111
(801) 257-7983 • manderson@parrbrown.com

EDUCATION

KING'S COLLEGE LONDON – SCHOOL OF LAW

2010-2011

Degree: Master of Laws

Award: With Distinction (Top 5%)

Specialism: Public Law & Global Governance: International Media Law and Comparative Constitutional Law

COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK – COLUMBIA LAW SCHOOL

2008-2010

Degree: Juris Doctor

Award: Harlan Fiske Stone Scholar (Top 2.5-25%)

Certificate: Parker School Certificate in Foreign and Comparative Law

Activities: Columbia Journal of Transnational Law: Staff (1L), Articles Editor (2L)

American Constitutional Society National Moot Court Team: Member (1L), Director (2L)

Student Senator (1L, 2L): Various Standing and Ad Hoc Committees

Organizations: Columbia Society for International Law (Speaker Committee), Public Interest Law Foundation, American Constitution Society, Federalist Society, American Civil Liberties Union, Entertainment, Arts, and Sports Law Society

UNIVERSITY OF UTAH

2000-2006

Degree: Honors Bachelor of Science

Awards: Magna Cum Laude (Top 1-3.5%)

Honors at Entrance Scholarship (Full Tuition)

Pi Sigma Alpha Honors Society

Majors: Political Science

Prior Film (Major) and Digital Animation (Minor)

Activities: ASUU Presenter's Office: Concerts Chair, Festivals Chair

Political Science Student Advisory Committee

UNIVERSITY OF CAMBRIDGE (Study Abroad)

2005

EXPERIENCE

PARR BROWN GEE & LOVELESS – SHAREHOLDER / PARTNER

2009-Present

Significant practice with Media & First Amendment group in a variety of litigation matters involving privacy and defamation law and firm's pro bono Freedom of Information Hotline covering both state and federal laws. Other practice comprised of complex commercial litigation involving intellectual property, insurance, securities, and constitutional, international, and comparative law. Previously served on firm's financial, recruiting, and ethics committees. Currently chairing firm's technology committee.

THE GAS UNION – FOUNDER & CO-OWNER

2013-Present

Founded startup to reduce costs and increase profits for artists across music industry, including management, production, distribution, merchandising, and promotion. First release reached #1 Independent on Billboard, among other accolades. Collaborated with artists and agencies on extensive social-media campaigns, resulting in millions of views on YouTube.

E*TRADE FINANCIAL – BROKER & FINANCIAL SERVICES

2006-2008

Worked on specialty team responsible for complex trades and triage of sensitive issues for large clients. Series 7 and 63 licenses.

SIMMONS MEDIA GROUP (X96) – PROMOTIONS & EVENT COORDINATOR

2005-2006

Coordinated promotions, marketing, and events for large radio station. Collaborated with executive, sales, and talent departments.

ASUU PRESENTER'S OFFICE – CONCERTS CHAIR & FESTIVALS CHAIR

2004-2006

Produced festivals (12,000+ attendees) and concerts (100-5,000+ attendees). Managed budgets in excess of \$150,000. Generated revenue via ticket sales, advertisers, and donations. Directed all marketing efforts. Oversaw all day-of-show activities and personnel.

ACTIVITIES & INTERESTS

Professional: Meritas Entertainment Group Steering Committee; Parr Brown's FOI Hotline and Pro Bono Asylum Project; ACLU of Utah; Media Law Resource Center; Tuesday Night Bar; David K. Watkiss – Sutherland II Inn of Court; and American Bar Association.

Other: Music (toured in rock band from 2000-2004); film (awarded Best Technical Achievement at film festival); economics and sci-fi/fantasy books; "geek" podcasts and trivia nights; board and video games; college football, professional baseball, and soccer.

JOYCE PACE

206 W TABERNACLE, ST. GEORGE 84770

(435) 986-5722 ▪ joycep@utcourts.gov



Experience

Trial Court Executive ▪ May 2017 - Present

Utah State Courts, Fifth Judicial District ▪

Served as Interim Court Executive prior to appointment in May.

Chief Probation Officer – December 2005 – May 2017

Utah State Courts, Fifth Judicial District

Served on Restorative Justice Committee, E-Referral Committee, PO Education Committee for Senior Projects, and Chief's Hiring Committee Workgroup. Graduated from APPA Leadership Institute in 2014, and Michigan State University Judicial Administration Program in 2016.

Probation Officer – September 2001 – December 2005

Utah State Courts, Fifth Judicial District

Developed and facilitated Skills Group for youth. Served as District CARE Specialist. Served on Drug and Alcohol Committee

Associate Substance Abuse Counselor – December 1999 – September 2001

Southwest Behavioral Health Center – Horizon House

Supervised and counseled adult individuals with Substance Abuse issues in residential setting. Performed substance abuse assessments using SASSI and ASAM. Designed and facilitated education groups for clients. Worked with the State of Utah in implementing the TOPPS II project. Certified as Human Services Worker.

Controller – 1994-1999

Cedar Valley Lumber

Complete charge of all financial aspects of retail lumber yard/hardware store. Selected and implemented new computer system. Recruited, trained and supervised personnel.

Counselor II – 1992-1994

State of Utah, Department of Youth Corrections, Southwest Utah Youth Center

Assisted in creating the Home Detention program in Iron County, serving as Home Detention Counselor for first year. Supervised youth in detention center. Provided group and individual counseling.

Indian Child Welfare Worker – 1989-1992

Paiute Indian Tribe of Utah

Worked with children and their families in four reservations regarding their physical, emotional and social well being. Interfaced with allied agencies in meeting the needs of the Paiute children. Served on the Governor's Committee for the Strengthening of Families, Iron County Youth Council, National Organization of Juvenile Offenders of Sex (NOJOS) and the National Organization for Child Abuse Prevention (CAP).

Education

Southern Utah University

June 2001 ▪ Bachelors Degree in Sociology

- Member of AKD Honor Society. Acted as Research Assistant to sociology professors in Spring 2001. Researched effectiveness of service learning. Results were published in sociology journal. Worked with Wellness Center in facilitating National Eating Disorders Awareness week. Created Website dedicated to eating disorders awareness.

Southern Utah University

May 1987 – Bachelors Degree in Psychology/ Sports Medicine

Served as Student Athletic Trainer for 5 years.

Dixie High School

1976 - Diploma

SUSAN VOGEL
777 E. South Temple, 5J
Salt Lake City, Utah 84102
(415) 218-0010, susanv@utcourts.gov

EDUCATION

- 1977 Universidad Nacional Autónoma de México, Mexico City
Classes (all in Spanish) in international relations, art history, archeology,
and political science.
- 1979 B.A., English, summa cum laude, San Francisco State University
Worked throughout college as an English tutor for minority students.
- 1983 J.D., University of California, Hastings College of the Law, San Francisco
Articles Editor, Hastings Constitutional Law Quarterly
- 1991 Stanford University, Stanford, CA
Continuing education courses on avant-garde art and Latin American art and
literature.

EXPERIENCE

- 2000-present Self-Help Center, Utah State Courts, Salt Lake City
Staff Attorney. Assist pro se parties, in English and Spanish, in understanding court
procedures and forms. Draft webpages and advise on website changes to assist pro
se litigants. Review and comment on how legislation and court rule changes affect
pro se litigants. Work closely with Consulate of Mexico in Salt Lake City on Mexican
laws affecting pro se litigants in Utah State Courts (e.g., service of process in
Mexico). Researched and wrote website on service of process in Mexico. Engage in
outreach to Latino community to provide better access to judicial system. Service on
Supreme Court Advisory Committee on the Rules of Civil Procedure and Debt
Collection Forms Subcommittee of Utah Judicial Council's Standing Committee on
Court Forms.
- 1994-present Pince-Nez Press, Salt Lake City/San Francisco
Owner of small independent publishing company. Feature writing for the San
Francisco Chronicle (food section, book review), SF Weekly, Santa Clara Magazine, et
al., Voices of Mexico, Continuum, and others. Extensive free-lance writing about the
law for Santa Clara University, including feature articles and attorney profiles.
- 1997-99 The Basic Fund, San Francisco, CA
Set up and ran scholarship program for low income students. Recruited schools and
families in low income neighborhoods to participate; promoted program to
foundations. Extensive outreach/presentations to schools. Reported to board.
- 1991-1994 Attorney, San Francisco Bay Area
Contract attorney on construction cases, mainly complex multiparty cases, many
with special masters.
- 1990-91 National Hispanic University, San Jose, CA
Set up development office. Bilingual office.

1983-1990 Attorney, Jones, Waldo, Holbrook & McDonough, SLC, UT
Construction law and lobbying practice. Service on firm Recruitment Committee.
Extensive pro bono work. Partner, 1987-1990.

Freelance writing for Utah Bar Journal. Service on Utah State Bar Advertising
Committee. Active in Inns of Court and Women Lawyers of Utah.

COMMUNITY SERVICE

2010-present Artes de México en Utah. Advisory board member. Co-founded nonprofit with local
Mexican artists and designers to promote the appreciation of Mexican art in Utah.
Engage in grant-writing, board development, and teach free community classes on
Mexican art and history. Built and maintain partnerships include Consulate of
Mexico in Salt Lake City, University of Utah Center for Latin American Studies,
Weber State University Center for Multicultural Excellence, Moab Valley
Multicultural Center, SUU, UVU, SLCC, Univision, the Church of Jesus Christ of Latter-
day Saints, Centro Civico Mexicano, Centro de la Familia de Utah, and many other
entities and organizations.

2006-08 Volunteer ESL tutor, ESL Learning Center, SLC
Twice a week, tutored English to Mexican immigrant mothers at their housing
complex in West Valley City.

2005-2010 Maliheh Free Clinic, SLC
Developed and implemented training program for interpreters. Scheduled and
supervised interpreters.

2001-05 Bilingual volunteer, Ronald McDonald House
Provided help and support for families of ill children.

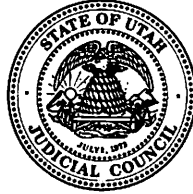
1983-85 Fundraising Committee, YWCA of Utah

1987-90 President, Utah Lawyers for the Arts
Recruited volunteer lawyers to provide free legal services for artists; promoted
lawyer involvement in the arts.

OTHER

Licensed to practice law in Utah and California. (Inactive status)

2011 Cesar Chavez Prize for Social Justice and the Arts, Utah Coalition de la Raza;
2014 Utah Community Foundation Enlightened 50; 2017 Judicial Council
Meritorious Service Award.





Administrative Office of the Courts

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

February 6, 2018

Richard H. Schwermer
State Court Administrator
Ray Wahl
Deputy Court Administrator

MEMORANDUM

TO: Management Committee / Utah Judicial Council
FROM:  Brent Johnson
RE:  Ethics Committee appointment

Name of Committee: Ethics Committee

Reason for Vacancy: Justice Court Judge Catherine Roberts retired and therefore had to resign from her position on the committee.

Eligibility requirements: Under rule 1-205 of the Utah Code of Judicial Administration, the Ethics Advisory Committee must include one justice court judge.

Current committee member list:

Judge Michele Christiansen, Court of Appeals, Chair
Tawni Anderson, Attorney with Hall, Prangle & Schoonveld
Judge Renee Jimenez, Third Juvenile Court
Judge Wallace Lee, Sixth District Court
Judge Laura Scott, Third District Court Judge

Description of recruitment process: A notice was sent seeking volunteers to fill the justice court position on the Ethics Advisory Committee. There were five responses received.

List of names for consideration (at least two, preferably three):

Judge Ronald Powell, Stockton Justice Court
Judge Trent Nelson, Roy Justice Court
Judge Bryan Memmott, Plain City Justice Court
Judge Brook Sessions, Heber City Justice Court
Judge Stevan Ridge, Provo Justice Court

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

The Board of Justice Court Judges has recommended Judge Trent Nelson for the position. Based on Mr. Nelson's resume, the Ethics Advisory Committee is fine with that recommendation. The Committee's next choice would be Judge Brook Sessions.



James Peters <jamesp@utcourts.gov>

Ethics Advisory Committe

Judge Ronald Powell <repowell@utcourts.gov>
To: James Peters <jamesp@utcourts.gov>

Tue, Dec 12, 2017 at 4:40 PM

Mr. Peters,

I would be interested in contributing my time and skills to the Ethics Advisory Committee. To date I have not participated on any committees. I hope to be considered.

I have been a justice court judge since April 2004 in Stockton and have also substituted in many other jurisdictions as a judge without incident.

My qualifications may also enclude:

Nine (9) years law enforcment experiance in California.

Many hours of training in addition to legal Institute.

Seventy years on the planet interacting with other humans.

Thank you for the opportunity to apply.

Respectfully submitted.

Ronald E Powell



James Peters <jamesp@utcourts.gov>

Soliciting Interest to Serve on the Ethics Advisory Committee

Judge Trent Nelson <tnelson@utcourts.gov>
To: James Peters <jamesp@utcourts.gov>

Wed, Dec 13, 2017 at 12:32 PM

Jim, I have the time and interest in serving on the Ethics Advisory Committee. Please also find attached a current resume. I am not currently serving on any committees directly under the justice court umbrella, though I am waiting to hear back on my participation on the working group that is in charge of updating the Right's Video that is shown in court.

I have contributed on a few other law related committees, including the following:

Current participation:

Utah Supreme Court's Advisory Committee on Rules of Professional Conduct;
Weber County Subcommittee, of the State of Utah's Committee on Disproportionate Minority Contact; and
Child Welfare Improvement Council (fka "Child Abuse Advisory Committee") of the Division of Child and Family Services for Utah.

Past participation:

Adolescent Substance Abuse Cap, Weber-Morgan Health Department.

Thanks for considering me. If you have any questions or concerns, please do not hesitate to contact me. Thanks, Trent Nelson, Roy/Weber County Justice Court

[Quoted text hidden]



resume 4.docx
15K

TRENT D. NELSON, ATTORNEY AT LAW, LLC

P.O. Box 214, Kaysville, UT 84037 (801) 547-8985 trentdnelson@hotmail.com

EDUCATION	<p>Utah State University Logan, Utah, Masters of Business Administration, 09/2001</p> <p>Brigham Young University Provo, Utah, Jurist Doctorate, 04/1998</p> <ul style="list-style-type: none">- Editor-in-Chief, <i>BYU JOURNAL OF PUBLIC LAW</i>; <i>cum laude</i>- 1996-98 Trial Advocacy Teams; 1996 competition finalist- Research assistant for Associate Dean Scott Cameron on education topics <p>Weber State University Ogden, Utah, Bachelor of Arts, Economics, 05/1995</p> <ul style="list-style-type: none">- <i>Cum laude</i>, departmental honors; Outstanding Economics Graduate 1995
EXPERIENCE	<p>Justice Court Judge, <i>Roy/Weber County Justice Court</i>, Feb 2017 to present time</p> <p>City Prosecutor, <i>Roy City Corporation</i>, September 2011 to Feb 2017</p> <p>Private Attorney, <i>Trent D. Nelson, Attorney at Law, LLC</i>, Kaysville, Utah, June 2001 to present time</p> <ul style="list-style-type: none">- Provide legal counseling in litigation, juvenile law and family law- Provide legal counseling in estate planning (trusts, wills, POAs), & probate- Provide legal services as Guardian ad Litem in Juvenile and District Courts <p>Attorney, <i>Strong & Hanni</i>, Salt Lake City, Utah, August 2000 to May 2001</p> <ul style="list-style-type: none">- Performed work in products liability, insurance defense, construction and related defense, and general litigation <p>Attorney Clerk, <i>Second District Judicial Court</i>, Ogden, Utah, June 1998 to August 2000</p> <ul style="list-style-type: none">- Performed legal research & writing for seven district court judges; civil, domestic & criminal law <p>Instructor, <i>Stevens-Henager College</i>, Provo, Utah, Spring 1998</p> <ul style="list-style-type: none">- Taught classes covering medical law and legal assisting <p>Law Clerk, <i>Davis County School District</i>, Farmington, Utah, Summer 1996</p> <ul style="list-style-type: none">- advised District on civil rights, harassment, and policy <p>Law Clerk, <i>Utah Attorney General's Office</i>, Criminal Division, December 1995 to June 1996; assisted in preparation of felony trials</p>
PUBLICATIONS	<p><i>Congressional Attention Needed for the Stay-Put Provision of the Individuals with Disabilities Education Act</i>, 1997 <i>BYU EDUCATION AND LAW JOURNAL</i> 49</p> <p><i>Child Protective Orders: I'm in Juvenile Court? Now what do I do?</i> <i>UTAH JOURNAL OF FAMILY LAW</i>, FALL/WINTER 2012</p>
COMMUNITY SERVICE	<p><i>Co-chair</i>, State of Utah's <i>Child Welfare Improvement Council</i></p> <p><i>Member</i>, Utah Supreme Court Committee on Rules of Professional Conduct</p> <p><i>Member</i>, Weber County's Disproportionate Minority Contact Subcommittee</p> <p><i>Child Welfare Law Specialist</i>, National Association of Counsel for Children</p> <p><i>Chair</i>, Juvenile Law Section, Utah State Bar, 2012-2013</p> <p><i>Legal speaker</i>, Utah AG's <i>Safe at Home Program</i> (stopping domestic violence)</p>
INTERESTS	<p>Enjoy fly-fishing, backpacking, golfing, snow skiing, camping and hiking with family; interested in culture and travel; Eagle Scout</p>
REFERENCES	<p>Available upon request</p>



James Peters <jamesp@utcourts.gov>

Soliciting Interest to Serve on the Ethics Advisory Committee

Judge Bryan Memmott <bmemmott@utcourts.gov>
To: James Peters <jamesp@utcourts.gov>

Wed, Dec 13, 2017 at 3:22 PM

I'm happy to throw my hat in the ring. I would be happy to serve on the ethics committee

Bryan Memmott

Sent from my iPhone

[Quoted text hidden]



James Peters <jamesp@utcourts.gov>

Soliciting Interest to Serve on the Ethics Advisory Committee

Brook Sessions <brooksessions@gmail.com>
To: James Peters <jamesp@utcourts.gov>

Thu, Dec 14, 2017 at 11:42 AM

Jim,

I am interested in serving on The Ethics Advisory Committee. I talked to Cathy before she retired and she spoke very highly of the committee and recommended participation. She told me that it is not a time intensive committee. I have time to serve on the committee and I am willing to do so if selected.

I am currently serving on the following committee:

- Chair of the Trust and Confidence Committee.
- Fine and Bail Schedule soon to be Fine Committee. (two to three meetings per year.)
- Committee on Self Represented Parties (meetings every other month)

Attached is my Resume. Let me know if you need any further information.

I think it would be good to have a member of the committee who is also on the Board of Justice Court Judges. The judge would be in a good position to the board's input to the committee as well as to update the board on the issues that come before the Ethics Committee.

Judge Sessions

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resume Brook May 2017 .pdf
123K

RÉSUMÉ MR. BROOK J. SESSIONS

520 N Main Street
Suite #208
Heber City UT 84032
Work: (385) 208-1933

OBJECTIVE: To be a part of the community and to better myself as a judge to serve the people of Utah with fairness, compassion and equality.

EDUCATION:

Active Member of the Utah State Bar, USB #6136. Inactive Member of the Oregon State Bar, OSB #91539.

J.D. University of Oregon School of Law, 1991.
Top Half of Class.
Third Year Class Representative.
Participated in People's Law School.
Litigated cases with The Lane County Prosecution Clinic.

B.S. Utah State University, 1988.
Major; Business Administration/Finance.
Minor; Economics.
Member of the USU Business Partners Program.

LEGAL EXPERIENCE:

Wasatch County Justice Court Judge: August 2015-present.

Private Practice, Brook Sessions, P.C., 2012-present.

Mediation Services, and Bankruptcy

Private Practice, with Harris & Carter L.L.C., 1992-2012.

Diverse General Civil Trial Practice

Judicial Clerk, The Honorable Allan C. Bonebrake, 1991-1992.

Washington County Circuit Court; Worked as Bailiff, Jury supervision,
Court clerk, research and opinion drafting.

Prosecution Clinic, Lisa Schickish, Supervisor, Spring 1991.

Mr. Brook J. Sessions

Page Two

Résumé

PERSONAL:

I am married and five children. I love skiing and trying to keep up with my son on a snowboard. I enjoy competing in triathlons, participating in other sports, outdoor activities and watching RSL games. I love hiking or going out riding my dirt bike and exploring Utah. I enjoy finding new hobbies, continuing my education through The Great Courses and spending time with my family. My wife and I love to travel and when we are home, I enjoy cooking.

REFERENCES:

Mr. Scott Williams
3450 Triumph Blvd. Ste 102
Lehi UT 84043
(801) 636-1335

scott@swloutah.com

Mr. Douglas Baxter, Esq.
Attorney at Law
Jamestown Square
3325 N. University Ave. #200
Provo UT 84604
(801) 375-9801

dbaxter@utahlawinfo.com

The Honorable Judge
Lynn W. Davis
125 N. 100 W.
Provo UT 84601
(801) 429-1054

jdavis@utcourts.gov



James Peters <jamesp@utcourts.gov>

Soliciting Interest to Serve on the Ethics Advisory Committee

Judge Stevan Ridge <sridge@utcourts.gov>

Sat, Dec 16, 2017 at 9:13 PM

To: James Peters <jamesp@utcourts.gov>

Probably too late Jim, but I would serve if needed.
Judge Stevan W. Ridge

Sent from my iPad

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☐ This is a private record.

Name

Address

City, State, Zip

Phone

Email

I am ☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Plaintiff/Petitioner's Attorney ☐ Defendant/Respondent's Attorney (Utah Bar #: _____)
☐ Plaintiff/Petitioner's Licensed Paralegal Practitioner
☐ Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the ☐ District ☐ Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

Ex Parte Motion for Alternative Service

(Utah Rule of Civil Procedure 4(d))

Case Number

Judge

Commissioner (domestic cases)

1. I ask the court to order alternative service of _____ (title of document(s)) be made upon _____ (name of person to be served).
2. My last contact with _____ (name of person to be served) was on _____ (date) under the following circumstances (Describe.):

3. I have done the following to locate the above-named person (Describe all the things you have done to try to find the person.):

4. The attempts to serve the above-named person have failed because:

5. ☐ I believe that the above-named person is avoiding service because:
(Describe how you know the person should be at the address(es) used, and how many times service was attempted. Provide dates, address(es) and other relevant information.)

6. I ask for an order allowing the above-named document(s) to be served by the following methods: (Choose all that apply.)

☐ Sending an e-mail to _____ (e-mail address) with the document(s) attached.

☐ Sending a text message to _____ (phone number) saying they can get a copy of the document(s) from the court.

☐ Mailing the document(s) by certified mail with return receipt requested to the above-named person in the care of the following name and address:

☐ Publishing a summons once a week for 4 consecutive weeks in

_____ (name of newspaper),
a newspaper of general circulation in _____
county.

- ☐ Posting a notice on the social media network listed below saying they can
get a copy of the document(s) from the court:

_____ (name of social
media network, such as Facebook or Twitter.)

User name of person to be served: _____.

- ☐ Other method (Describe.):

7. I believe the method(s) of service described above will give actual notice
because (Be specific about each method of service requested):

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Plaintiff/Petitioner

v.

Defendant/Respondent

**Findings of Fact, Conclusions of
Law, and Order on Motion for
Alternative Service**

(Utah Rule of Civil Procedure 4(d))

Case Number

Judge

Commissioner (domestic cases)

The matter before the court is an Ex Parte Motion for Alternative Service of

_____ (title of
document(s)) ON

_____ (name of person to be served).

This matter is being resolved by the pleadings and other papers.

Having considered the documents filed with the court, the evidence and the arguments,
and now being fully informed,

The court finds:

1. The moving party ☐ has ☐ has not used reasonable diligence to locate and serve the person to be served.
2. There ☐ is ☐ is not good cause to believe that the person to be served is avoiding service, or that their whereabouts are unknown.

The court concludes:

3. Alternative service of the document(s) ☐ would ☐ would not most likely give notice to the person to be served.

The court orders:

4. The Motion for Alternative Service is ☐ granted ☐ denied.
5. The above-named document(s) may be served by the following methods: (Choose all that apply.)
 - ☐ Sending an e-mail to _____ (e-mail address) with the document(s) attached.
 - ☐ Sending a text message to _____ (phone number) saying they can get a copy of the document(s), including this order, from the court.
 - ☐ Mailing the document(s) by certified mail with return receipt requested to the above-named person in the care of the following name and address:

 - ☐ Publishing a summons once a week for 4 consecutive weeks in _____ (name of newspaper), a newspaper of general circulation in _____ county.
 - ☐ Posting a notice on the social media network listed below saying they can get a copy of the document(s), including this order, from the court:

_____ (name of social media network, such as Facebook or Twitter.)

User name of person to be served: _____.

☐ Other method (Describe.):

6. Service is complete once the method(s) of service ordered in paragraph 5 above is complete. The moving party must file proof of service with this court.

7. A copy of this Order on Motion for Alternative Service must be served with the document(s) named above, unless service is by publication.

If service is by publication, a Summons for Publication must be published in the newspaper designated in paragraph 5 above.

Date

Signature ►

Judge

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Summons for Publication

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

The State of Utah To: _____ (name of defendant/respondent):

A lawsuit has been started against you. You must respond in writing for the court to consider your side. You can find an Answer form on the court's website: www.utcourts.gov/howto/answer/.

You must file your Answer with this court:

(court name and address). You must also mail or hand deliver a copy of your Answer to the other party or their attorney:

(party or attorney name and address).

Your response must be filed with the court and served on the other party within 30 days of the last day of this publication, which is _____ (date).

If you do not file and serve an Answer by the deadline, the other party can ask the court for a default judgment. A default judgment means the other party wins, and you do not get the chance to tell your side of the story.

Read the complaint or petition carefully. It explains what the other party is asking for in their lawsuit. You are being sued for (briefly describe the subject matter and the sum of money or other relief demanded):

Date

Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

Proof of Alternative Service

Plaintiff/Petitioner

v.

Defendant/Respondent

Case Number

Judge

Commissioner (domestic cases)

1. On _____ (date), I served

_____ (name of person being served)
by delivering a copy of

_____ (title
of document(s)) by the following method (Choose all that apply.):

[] Sending an e-mail to _____ (e-mail address) with
the document(s) attached.

[] Sending a text message to _____ (phone number)
saying they can get a copy of the document(s) from the court.

[] Mailing the document(s) by certified mail with return receipt requested to the
above-named person in the care of the following name and address:

☐ Publishing a summons once a week for 4 consecutive weeks in _____ (name of newspaper), a newspaper of general circulation in _____ county.

☐ Posting a notice on the social media network listed below saying they can get a copy of the document(s), including the court's order, from the court: _____ (name of social media network, such as Facebook or Twitter.)

User name of person to be served: _____.

☐ Other method (describe):

2. (Choose one.)

☐ A copy of the Order on Motion for Alternative Service was served. (Service was not by publication.)

☐ A copy of the Order on Motion for Alternative Service was not served because service was by publication.

3. I am filing the following to prove service was made as ordered. (Choose all that apply.)

☐ A copy of the e-mail sent to _____ (e-mail address).

☐ A screen shot of the text message sent to _____ (phone number).

☐ The certified mail return receipt for the envelope sent to the above-named person in the care of the name and address in paragraph 1.

☐ A copy of the proof of publication from _____ (name of newspaper).

[] A screen shot of the notice posted on the social media network listed below:

_____ (name of social media network.)

[] Other (describe):

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the ☐ District ☐ Justice Court of Utah

Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>V.</p> <p>_____ Defendant/Respondent</p>	<p>Proof of Completed Service (Utah Rule of Civil Procedure 4)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

1. The following documents were served by the method described below (Choose all that apply.):
- ☐ Summons (File or attach copy.)
 - ☐ Complaint or Petition
 - ☐ Amended Complaint or Petition
 - ☐ Notice of Divorce Education Requirements
 - ☐ Notice of URCP 26.1 Disclosure and Discovery Requirements in Domestic Relations Actions
 - ☐ Notice of URCP 26.3 Disclosure Requirements in Unlawful Detainer Actions
 - ☐ Parenting Plan
 - ☐ Other: _____ (describe)

Complete paragraph 2, or paragraphs 3 and 4.

Service by Mail

(Service by mail requires a signed receipt. Attach the receipt.)

2. ☐ I served the following person by sending a copy of the documents listed in Paragraph (1) by mail or commercial courier service to:

Name of Addressee

Address

City, State, Zip

I have attached a signed receipt proving delivery. It was signed by:

- ☐ the addressee personally.
- ☐ someone authorized by appointment or by law to receive service of process on behalf of the addressee.

Service by Third Person

3. ☐ I am over the age of 18, and

- I am not a party or an attorney for a party to this action.
- I have not been convicted of a felony violation of a sex offense (Listed in Utah Code 77-41-102(16)).
- I am not a respondent in a protective order proceeding (Utah Code 78B-7-101 et seq.).

4. ☐ On _____ (date), I went to _____

(address),
and I delivered the documents listed in paragraph 1 to

(name),
who is (Check one.):

- ☐ the named defendant/respondent.
- ☐ the named plaintiff/petitioner.
- ☐ a person of suitable age and discretion residing at that address, which is the named party's residence. (Describe why the person lives at the named party's residence and why they are of suitable age and discretion.)

☐ an agent authorized by appointment or by law to receive service of process on behalf of the named party.

If serving a corporation, partnership, or an unincorporated association

☐ an officer, a managing agent, general agent.

OR

☐ an agent authorized by appointment or by law to receive service of process and by also mailing a copy of the complaint and summons to the named party, if the agent is one authorized by statute to receive process and the statute so requires.

If serving a city or town

☐ the city/town recorder.

If serving a county

☐ the county clerk.

If serving the state

☐ the attorney general, and to

_____ (name
of any other person or agency required by statute to be served) at

_____ (address).

If serving a department or agency of the state

☐ a member of named party's governing board, executive employee or secretary.

If the document was served in some other way

☐ Other (Describe how the document was served.)

I declare under criminal penalty of the State of Utah that everything stated in this document is true.

Date

Signature ►

Printed Name

Certificate of Service

I certify that I filed with the court and served a copy of this Proof of Service on the following people.

Person's Name	Method of Service	Served at this Address	Served on this Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email (Person agreed to service by email.) <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

Date

Signature ►

Printed Name

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Utah State Courts

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Recommendation to Delete Policy 2.6 Petition

Section 2.6 Petition

Table of Contents

Policy:

Based on the preliminary inquiry, the court may authorize the filing of or request that the prosecuting attorney file a petition.

Scope:

This policy applies to all probation department staff of the Utah State Juvenile Court.

Authority:

- [UCA 78A-6-108](#)
- [UCA 78A-6-602](#)
- Utah Rules of Juvenile Procedure - [Rule 17](#)

Procedure:

1. A probation officer or prosecutor may file a petition if:
 - 1.1 The minor denies the charge;
 - 1.2 A no action closure or non-judicial closure is inappropriate; or
 - 1.3 The minor fails to complete a non-judicial agreement; or
 - 1.4 The minor's or the public's interest requires that a petition be filed.
2. The petition shall allege the offense as it is designated by statute or ordinance and shall include:
 - 2.1 Concise terms of the definition of the offense together with a designation of the section or provision of law allegedly violated;
 - 2.2 The name, age, and residence of the minor;
 - 2.3 The names and residences of the minor's parent(s), guardian, or the nearest known relative, if no parent or guardian is known; and,
 - 2.4 The name and residence of the person having physical custody of the minor.
 - 2.5 The petition shall indicate any unknown information required for the petition.
3. The closure of an offense by filing of a petition will be made within 30 days of the intake date, unless:
 - 3.1 The minor and parent fails to appear for a preliminary inquiry appointment and a subsequent appointment is scheduled within a reasonable amount of time; or
 - 3.2 For other extenuating circumstances beyond the control of the probation department.

History: Effective May 3, 2006 - Revised November 19, 2010

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Section 4.7 Interstate Compact for Juveniles

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Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

[UCA 55-12-100 through 118](#)

78A-6-103, 106.5, 117

R547-13-4(1)(d)

ICJ Rules-Interstate Commission for Juveniles (www.juvenilecompact.org)

~~Juvenile Interstate Data System-JIDS (jids.juvenilecompact.org)~~

Procedure:

1. Sending a minor on Interstate Compact:

- 1.1 ~~Once a minor is adjudicated and is relocating out of state,~~
The probation officer shall complete **and submit to the Utah ICJ Office** all **applicable** pertinent Interstate Compact forms **once a minor is adjudicated and is establishing a residence out of the state:** which include
 - 1.1.1 Form IA/VI Application for Services and Waiver;
 - 1.1.2 Form IV Parole and Probation Investigation Request (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, assessments and evaluations, and any other pertinent information);
 - 1.1.3 Form VII Travel Permit (mandatory for sex offenders).
- 1.2 The probation officer shall complete **all assessments and case plans as outlined in probation policy.** ~~the above referenced forms in the Juvenile Interstate Data System (JIDS) and upload the related documents.~~
- 1.3 The probation officer shall maintain responsibility for the case until **Interstate Compact probation**

supervision jurisdiction is terminated notify the Utah ICJ Office once the documents are submitted.

2. Receiving a minor on Interstate Compact:

- 2.1 The assigned probation officer shall conduct and submit a home evaluation to the Utah ICJ Office within 30 days recommending that supervision be accepted or denied. The Utah ICJ Office will make a final determination of whether or not the case is accepted for supervision. ~~When a state makes a request for courtesy supervision, the Utah ICJ Office will process the Request for Transfer of Supervision packet and will notify the chief probation officer in the district where the minor will reside.~~
- 2.2 The probation officer shall submit ICJ Form IX (Quarterly Progress, Violation, or Absconder Report) every 90 days to the Utah ICJ Office. ~~The chief probation officer/supervisor will assign a probation officer to conduct a home evaluation.~~
- 2.3 The probation officer shall submit ICJ Form IX (Quarterly Progress, Violation, or Absconder Report) to the Utah ICJ Office within 5 business day of any violation or new charge. ~~The assigned probation officer shall conduct and submit a home evaluation (in JIDS) within 30 days to recommend that supervision be accepted or denied. The Utah ICJ Office will notify the sending state of the recommendation of the home evaluation.~~
- 2.4 ~~If supervision is approved, the probation office shall submit a quarterly progress report (in JIDS) report every 90 days and route the report to the Utah ICJ Office.~~
- 2.5 ~~If a violation occurs or new charges are received, the probation officer will submit a violation report (in JIDS) within 10 business days and route the report to the Utah ICJ Office.~~

3. Runaways:

- 3.1 An out of state runaway may be released from detention by juvenile authorities to parents or legal

guardians within the first 24 hours of being detained (excluding weekends and holidays) of detainment. ~~Refer to ICJ Rule 6-101.~~

- 3.2 **A detention hearing shall be scheduled for any out of state runaway held longer than 24 hours (excluding weekends and holidays). The Utah ICJ office shall be notified that the minor is in detention.** ~~When an out of state runaway is held longer than 24 hours (excluding weekends and holidays) a detention hearing shall be scheduled and the probation officer shall inform the Utah ICJ Office.~~
- 3.2.1 **At the detention or subsequent hearing, the probation officer shall present the Form III (Consent for Voluntary Return of Out of State Juvenile) and the ICJ Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile to the Court.**
- 3.2.2 **The probation officer shall forward the signed forms to the Utah ICJ Office immediately following the hearing.**
- 3.2.3 **All travel arrangements will be coordinated through the Utah ICJ Office.**
- 3.3 **The probation officer shall contact the Utah ICJ office for further direction if the runaway does not voluntarily agree to return home and refuses to sign the Form III.** ~~The Utah ICJ Office will forward a Juvenile Rights Form and a Form III (Consent for Volunatry Returo of Out of State Juvenile) to the probation officer to be presented at the detention hearing.~~

4. Travel Permits

- 4.1 The probation officer **shall complete ICJ Form VII Travel Permit and submit to the Utah ICJ office for a minor traveling out of state for a period longer than 24 hours under the following circumstances:** ~~must complete a For VII Travel Permit when a minor under court jurisdiction is traveling out of state for a period longer than 24 hours~~ ~~Travel permits are mandatory for youth who have been adjudicated on the following offenses or case circumstances:~~
- 4.1.1 **The minor has been adjudicated for:**
- Sex-related offenses;

- Violent offenses that have resulted in personal injury or death;
 - Offenses committed with a weapon;
- 4.1.2** The minor is testing placement and is eligible for transfer under ICJ rules. ~~Violent offenses that have resulted in personal injury or death;~~
- 4.1.3** The minor is returning to the state from which they were transferred for the purposes of visitation; ~~Offenses committed with a weapon;~~
- 4.1.4** The minor is transferring to a subsequent state with the approval of the initial sending state. ~~Minors who are state committed as defined by ICJ Rule 1-101;~~
- ~~4.1.5 Minors who are testing placement and subject to the terms of the Compact;~~
- ~~4.1.6 Minors returning to the state from which they were transferred for the purposes of visitation;~~
- ~~4.1.7 Minors transferring to a subsequent state with the approval of the initial sending state;~~
- ~~4.1.8 Minors for which the victim notification laws, policies and practices of the sending and/or receiving state require such notification.~~

4.2 The probation officer may submit ICJ Form VII Travel Permit for minors placed in a residential treatment facility for notification purposes. ~~Minors placed in a residential treatment facility may be placed on a travel permit for notification purposes only.~~

4.3 A travel permit shall not exceed 90 calendar days.

~~4.4 The probation officer shall submit the signed Form VII travel permit (in JIDS) and route the permit to the Utah ICJ Office.~~

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History:

Effective August 1, 2001

Policy Group 9/20/2017

Chiefs 1/11/2018

JTCEs 2/1/2018

Board 2/9/2018

Section 4.7 Interstate Compact for Juveniles

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Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation staff of the Utah State Juvenile Court.

Authority:

UCA 55-12-100 through 11878A-6-103, 106.5, 117

R547-13-4(1)(d)

ICJ Rules-Interstate Commission for Juveniles (www.juvenilecompact.org)

Procedure:

1. Sending a minor on Interstate Compact:
 - 1.1 The probation officer shall complete and submit to the Utah ICJ office all applicable Interstate Compact forms once a minor is adjudicated and is establishing a residence out of state:
 - 1.1.1 Form IA/VI Application for Services and Waiver;
 - 1.1.2 Form IV Parole and Probation Investigation Request (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, assessments and evaluations, and any other pertinent information);
 - 1.1.3 Form VII Travel Permit (mandatory for sex offenders).
 - 1.2 The probation officer shall complete all assessments and case plans as outlined in probation policy.
 - 1.3 The probation officer shall maintain responsibility for the case until Interstate Compact probation supervision is terminated.

2. Receiving a minor on Interstate Compact:

- 2.1 The assigned probation officer shall conduct and submit a home evaluation to the Utah ICJ Office within 30 days recommending that supervision be accepted or denied. The Utah ICJ Office will make a final determination of whether or not the case is accepted for supervision.
- 2.2 The probation officer shall submit ICJ Form IX (Quarterly Progress, Violation, or Absconder Report) every 90 days to the Utah ICJ Office.
- 2.3 The probation officer shall submit ICJ Form IX (Quarterly Progress, Violation, or Absconder Report) to the Utah ICJ Office within 5 business day of any violation or new charge.

3. Runaways:

- 3.1 An out of state runaway may be released from detention by juvenile authorities to parents or legal guardians within 24 hours of being detained (excluding weekends and holidays).
- 3.2 A detention hearing shall be scheduled for any out of state runaway held longer than 24 hours (excluding weekends and holidays). The Utah ICJ office shall be notified that the minor is in detention.
 - 3.2.1 At the detention or subsequent hearing, the probation officer shall present the Form III (Consent for Voluntary Return of Out of State Juvenile) and the ICJ Juvenile Rights Form for Consent for Voluntary Return of Out of State Juvenile to the Court.
 - 3.2.2 The probation officer shall forward the signed forms to the Utah ICJ Office immediately following the hearing.
 - 3.2.3 All travel arrangements will be coordinated through the Utah ICJ Office.
- 3.3 The probation officer shall contact the Utah ICJ office for further direction if the runaway does not voluntarily agree to return home and refuses to sign the Form III.

4. Travel Permits

- 4.1 The probation officer shall complete ICJ Form VII Travel Permit and submit to the Utah ICJ office for a minor traveling

out of state for a period longer than 24 hours under the following circumstances:

- 4.1.1 The minor has been adjudicated for:
 - Sex-related offenses;
 - Violent offenses that have resulted in personal injury or death;
 - Offenses committed with a weapon;
 - 4.1.2 The minor is testing placement and is eligible for transfer under ICJ rules;
 - 4.1.3 The minor is returning to the state from which they were transferred for the purposes of visitation;
 - 4.1.4 The minor is transferring to a subsequent state with the approval of the initial sending state.
- 4.2 The probation officer may submit ICJ Form VII Travel Permit for minors placed in a residential treatment facility for notification purposes.
- 4.3 A travel permit shall not exceed 90 calendar days.

History:

Effective August 1, 2001

Revised by policy group 9/20/17

Chiefs 1/11/2018

JTCE 2/1/2018

Board 2/9/2018

Section 4.7 Interstate Compact for Juveniles

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Policy:

The Interstate Compact for Juveniles (ICJ) provides for the transfer of supervision of minors under court jurisdiction, establishes a procedure for the return of runaways and outlines the process for submitting travel permits.

Scope:

This policy applies to all probation officers of the Utah State Juvenile Court.

Authority:

[UCA 55-12-100 through 118](#)

ICJ Rules-Interstate Commission for Juveniles (<http://www.juvenilecompact.org/>)

Juvenile Interstate Data System -JIDS (jids.juvenilecompact.org)

Procedure:

1. Sending a minor on Interstate Compact:

- 1.1 Once a minor is adjudicated and is relocating out of state, the probation officer shall complete all pertinent Interstate Compact forms which include:
 - 1.1.1 Form IA/VI Application for Services and Waiver;
 - 1.1.2 Form IV Parole and Probation Investigation Request (including cover letter, petitions, orders, legal and social history, parole/probation conditions, school records, immunizations, assessments and evaluations, and any other pertinent information);
 - 1.1.3 Form VII Travel Permit (mandatory for sex offenders).
- 1.2 The probation officer shall complete the above referenced forms in the Juvenile Interstate Data System (JIDS) and upload the related documents.
- 1.3 The probation officer shall notify the Utah ICJ Office once the documents are submitted.

2. Receiving a minor on Interstate Compact:

- 2.1 When a state makes a request for courtesy supervision, the Utah ICJ Office will process the Request for Transfer of Supervision packet and will notify the chief probation officer in the district where the minor will reside.
- 2.2 The chief probation officer/supervisor will assign a probation officer to conduct a home evaluation.
- 2.3 The assigned probation officer shall conduct and submit a home evaluation (in JIDS) within 30 days to recommend that supervision be accepted or denied. The Utah ICJ Office will notify the sending state of the recommendation of the home evaluation

- 2.4 If supervision is approved, the probation officer shall submit a quarterly progress (in JIDS) report every 90 days and route the report to the Utah ICJ Office.—
- 2.5 If a violation occurs or new charges are received, the probation officer will submit a violation report (in JIDS) within 10 business days and route the report to the Utah ICJ Office.

3. Runaways:

- 3.1 An out of state runaway may be released by juvenile authorities to parents or legal guardians within the first 24 hours (excluding weekends and holidays) of detainment. Refer to ICJ Rule 6-101.
- 3.2 When an out of state runaway is held longer than 24 hours (excluding weekends and holidays), a detention hearing shall be scheduled and the probation officer shall inform the Utah ICJ Office.
- 3.3 The Utah ICJ Office will forward a Juvenile Rights Form and a Form III (Consent for Voluntary Return of Out of State Juvenile) to the probation officer to be presented at the detention hearing.
- 3.4 If the runaway voluntarily agrees to return home and signs the Form III, the probation officer will forward the forms to the Utah ICJ Office. Travel arrangements will be coordinated through the respective ICJ Offices within 5 business days.
- 3.5 If the runaway does not voluntarily agree to return home and refuses to sign the Form III, the probation officer will contact the Utah ICJ Office to begin the requisition (return home) process. Refer to ICJ Rule 6-103.

4. Travel Permits

- 4.1 The probation officer must complete a Form VII Travel Permit when a minor under court jurisdiction is traveling out of state for a period longer than 24 hours. Travel permits are mandatory for youth who have been adjudicated on the following offenses or case circumstances:
 - 4.1.1 Sex-related offenses;
 - 4.1.2 Violent offenses that have resulted in personal injury or death;
 - 4.1.3 Offenses committed with a weapon;
 - 4.1.4 Minors who are state committed as defined by ICJ Rule 1-101;
 - 4.1.5 Minors who are testing placement and subject to the terms of the Compact;
 - 4.1.6 Minors returning to the state from which they were transferred for the purposes of visitation;
 - 4.1.7 Minors transferring to a subsequent state with the approval of the initial sending state.
 - 4.1.8 Minors for which the victim notification laws, policies and practices of the sending and/or receiving state require such notification.
- 4.2 Minors placed in a residential treatment facility may be placed on a travel permit for notification purposes only.
- 4.3 A travel permit shall not exceed 90 calendar days.
- 4.4 The probation officer shall submit the signed Form VII travel permit (in JIDS) and route the permit to the Utah ICJ Office.

History:

Effective August 1, 2001

Revised and approved November 13, 2015