

JUDICIAL COUNCIL MEETING

AGENDA

**September 18, 2018
Snowbird Resort
9385 S. Snowbird Center Dr.
Snowbird, Utah 84092
12:30 p.m. – 4:00 p.m.**

Chief Justice Matthew B. Durrant Presiding

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

1. 12:30 p.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant
(Tab 1 – Action)
2. 12:35 p.m. Chair’s Report..... Chief Justice Matthew B. Durrant
3. 12:40 p.m. Administrator’s ReportRichard Schwermer
4. 12:50 p.m. Reports: Management Committee Chief Justice Matthew B. Durrant
Liaison Committee.....Justice Thomas Lee
Policy and Planning Judge Derek Pullan
Bar Commission..... Rob Rice, esq.
(Tab 2 – Information)
5. 1:05 p.m. Education Committee Report..... Judge Diana Hagen
(Tab 3 – Information) Tom Langhorne
Kim Free
6. 1:20 p.m. Review of Current Judicial Workload Data Inputs..... Kim Allard
(Discussion)
7. 1:35 p.m. Court Commissioner Conduct Committee Report.....
(Information) Judge Michele Christiansen Forester
Jacey Skinner
8. 1:45 p.m. Review of Revised Certification Standards and Certification of Problem
Solving Courts.....Senior Judge Dennis Fuchs
(Tab 4 – Action)
- 2:15 p.m. Break
9. 2:25 p.m. Online Dispute Resolution ProgramJustice Deno Himonas
(Action)

10. 2:40 p.m. Commissioner Evaluations Nancy Sylvester
(Tab 5 – Information)
11. 2:55 p.m. Proposed Council Legislation Jacey Skinner
(Action)
12. 3:10 p.m. Approval of New Commissioner Third District Court Peyton Smith
(Tab 6 – Action)
13. 3:20 p.m. JPEC Rule 597-3-2 Proposed Changes Richard Schwermer
(Tab 7 – Action)
14. 3:35 p.m. Executive Session – There will be an Executive Session
15. 4:00 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.

1. Committee Appointments Technology Committee – Heidi Anderson
(Tab 8) Self-Represented Parties Committee – Nancy Sylvester
2. Rules Published for Public Comment Michael Drechsel
(Tab 9)
3. Probation Policies Dawn Marie Rubio
(Tab 10)

Tab 1

JUDICIAL COUNCIL MEETING

Minutes

August 17, 2018

Large Conference Room (A)

Matheson Courthouse

450 S. State St.

Salt Lake City, Utah 84111

1:45 p.m. – 3:15 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. Ryan Evershed
Hon. Paul Farr
Justice Thomas Lee
Hon. David Marx
Hon. Mark May
Hon. Kara Pettit
Hon. Derek Pullan
Hon. Todd Shaughnessy
Hon. John Walton
Rob Rice, esq.

Staff:

Richard Schwermer
Ray Wahl
Jacey Skinner
Shane Bahr
Cathy Dupont
Michael Drechsel
Jim Peters
Dawn Marie Rubio
Nancy Sylvester
Jeni Wood

Excused:

Guests:

Annie Knox – Deseret News

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

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

Motion: Judge Kate Toomey moved to approve the minutes from the July 16, 2018 Judicial Council meeting. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

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

Chief Justice Durrant thanked the Council for a successful budget and planning meeting.

3. **ADMINISTRATOR'S REPORT: (Richard Schwermer)**

Richard Schwermer discussed employee appreciation efforts that were discussed at recent TCE meetings. Karl Sweeney is the new Audit Director and Chris Talbot is the new Facilities Director. Mr. Schwermer noted Judge Shaughnessy was commended for his work with his drug

court at the recent Rio Grande press conference. The Lt. Governor will speak at the Annual Conference in September at Snowbird.

Mr. Schwermer reminded the Council that the October meeting will be held in the new Price Courthouse. The dedication of the courthouse will be held the morning of the Council meeting at 10:30 a.m. if anyone is interested in attending. Tours will be available between 11:00 - 12:00.

Mr. Schwermer next stated that the Judicial Compensation Commission meets every two years to discuss compensation for judges and that they will meet later this month. In the past, the courts have requested the Commission keep salaries at an appropriate market level, and then advance the salaries to keep pace with cost of living increases. Mr. Schwermer noted judges' salaries are ranked 18th in the U.S. Justice Lee said he would like to know what caliber of people the courts are finding during the appointment process. Mr. Schwermer discussed data that had been previously reported to the Commission in that regard. Chief Justice Durrant said Senator Lyle Hillyard has been supportive in helping the courts with judicial salaries. Rob Rice asked if an increase could be addressed where trends are measured and added to a COLA. The Council agreed that this year is one in which a request for more than a cost of living adjustment is probably not needed. Mr. Schwermer, Chief Justice Durrant, and Jacey Skinner will be attending the meeting with the Commission.

4. COMMITTEE REPORTS:

Management Committee Report:

The work of this committee is reflected in the minutes.

Liaison Committee Report:

Justice Thomas Lee said the Liaison Committee would meet after the Council meeting. Justice Lee noted he asked Brent Johnson to review the Utah Code for procedural and court rule conflicts.

Policy and Planning Committee Report:

Judge Derek Pullan said the probation consolidation rule is nearly complete. The rule will be presented to the Board of District Court Judges and is anticipated to be addressed with the Council in September. The professional appearance policy is almost done as well.

Bar Commission Report:

Rob Rice said the Bar's Summer convention was an excellent experience. Senator Mike Lee and Senator Cory Booker presented. Chief Justice Durrant stated the convention was the best one he has attended. Next year the convention will be in Park City.

5. COMMISSIONER AND SENIOR JUDGE ANNUAL RECERTIFICATIONS: (Nancy Sylvester)

Nancy Sylvester reviewed the requests for recertification of several individuals. Ms. Sylvester discussed the rule addressing the education requirements for senior judges.

Commissioner

Commissioner Michelle Tack, Third District Court

Active Senior Judges

Judge Judith Atherton, District Court
 Judge L. Kent Bachman, Juvenile Court
 Judge Russell Bench, Court of Appeals
 Judge Judith Billings, Court of Appeals
 Judge Wayne Cooper, Justice Court
 Judge L.A. Dever, District Court
 Judge Clint Judkins, District Court
 Judge Michael Lyon, District Court
 Judge Frederic Oddone, Juvenile Court
 Judge Gary Stott, District Court
 Judge Ronald Wolthuis, Justice Court

Inactive Senior Judges

Judge William Bohling, District Court
 Judge Gordon Low, District Court
 Judge Allan Vail, District Court

Motion: Judge Toomey moved to approve recertification's of Commissioner Michelle Tack, Third District Court; Judge Judith Atherton, District Court; Judge L. Kent Bachman, Juvenile Court; Judge Russell Bench, Court of Appeals; Judge Judith Billings, Court of Appeals; Judge Wayne Cooper, Justice Court; Judge L.A. Dever, District Court; Judge Clint Judkins, District Court; Judge Michael Lyon, District Court; Judge Frederic Oddone, Juvenile Court; Judge Gary Stott, District Court; Judge Ronald Wolthuis, Justice Court; Judge William Bohling, District Court; Judge Gordon Low, District Court; and Judge Allan Vail, District Court as presented. Judge Shaughnessy seconded the motion, and it passed unanimously.

6. EXECUTIVE SESSION

An executive session was not held.

7. CONSENT CALENDAR ITEMS

1) Forms Committee Forms. Notice of Voluntary Dismissal; Motion to Appoint a Parent Coordinator; Motion to Waive 30-Day Divorce Waiting Period; Motion to Voluntary Dismiss; Order on Motion to Waive 30-Day Divorce Waiting Period; Stipulation to Appoint Parent Coordinator; Order on Motion to Voluntary Dismiss; Memorandum Opposing Motion to Appoint Parent Coordinator; Parent Coordinator Qualification Statement; Order on Motion to Appoint a Parent Coordinator; and Parent Coordinator's Quarterly Report. Approved without comment.

2) Probation Policies. Revisions to 1.4, 2.7, 2.8, and 4.8. Approved without comment.

3) Rules for Public Comment. Code of Judicial Administration rule 1-205 and rule 4-508. Approved without comment.

4) Consideration of VOCA Grant for CASA Coordinator. Approved without comment.

5) Committee Appointments.

- GAL Oversight Committee appointment of Ron Gordon. Approved without comment.
- Outreach Committee appointment of Judge Jill Pohlman, Judge Craig Bunnell, and Kim Free. Approved without comment.
- Self-Represented Parties Committee appointment of Judge Suchada Bazzelle. Approved without comment.
- MUJI – Civil Committee reappointment of Joel Ferre. Approved without comment.

8. ADJOURN

The meeting adjourned.

Tab 2

JUDICIAL COUNCIL MANAGEMENT COMMITTEE

Minutes
September 4, 2018
Council Room
Matheson Courthouse
450 South State Street
Salt Lake City, Utah 84111
12:00 p.m. – 2:00 p.m.

Chief Justice Matthew B. Durrant, Presiding

Members Present:

Chief Justice Matthew B. Durrant, Chair
 Hon. Kate Toomey, Vice Chair
 Hon. David Marx
 Hon. Todd Shaughnessy

Staff Present:

Richard Schwermer
 Ray Wahl
 Jacey Skinner
 Heidi Anderson
 Shane Bahr
 Tracy Chorn
 Cathy Dupont
 Dawn Marie Rubio
 Karl Sweeney
 Nancy Sylvester
 Diane Williams
 Jeni Wood

Excused:

Jim Peters

Guests:

Justice Deno Himonas

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

Chief Justice Matthew Durrant welcomed everyone to the meeting.

After reviewing the minutes, the following motion was made:

Motion: Judge David Marx moved to approve the August 7, 2018 Management Committee meeting minutes. Judge Kate Toomey seconded the motion, and it passed unanimously.

2. ADMINISTRATOR'S REPORT: (Richard Schwermer)

Chief Justice Durrant discussed the recent meeting with the Judicial Compensation Commission regarding judicial and executives' pay increases. Richard Schwermer said the members of the Commission are fairly new. Mr. Schwermer noted Dixon Burton encouraged the Commission to make district and juvenile court salaries consistent with appellate courts. Jacey Skinner said they sought an equitable compensation.

Mr. Schwermer next discussed an employee survey that was recently completed by the Human Resources Department. The AOC responses to management has increased significantly since the last survey. Mr. Schwermer distributed and reviewed the results of JPEC's 2018-19 work priorities list.

3. AUDIT REPORT – MORGAN COUNTY JUSTICE COURT FULL AUDIT REPORT: (Karl Sweeney, Diane Williams)

Diane Williams reviewed the full audit completed on Morgan County Justice Court. Ms. Williams addressed a letter submitted to the Committee by Judge Brian Brower. Many of the significant findings were the result of the model that had the county treasurer accounting for money. Another large group of findings related to the security when handling the money. Ms. Williams noted the justice court is a one-clerk courthouse. Ms. Williams would like to revisit the courthouse in approximately six months to ensure changes have been implemented. Judge Toomey felt six months may be too long and the court should be revisited sooner. The Committee agreed to a revisit in three months.

Motion: Judge Marx moved to accept the Morgan County final audit report. Judge Toomey seconded the motion, and it passed unanimously.

4. COMMITTEE APPOINTMENTS: (Heidi Anderson and Nancy Sylvester) Technology Committee

Heidi Anderson addressed the justice court judge vacancy. The Committee recommended Judge Clemens Landau from the Salt Lake City Justice Court be appointed.

Motion: Judge Toomey moved to approve the appointment of Judge Clemens Landau to the Technology Committee, and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

Self-Represented Parties Committee

Nancy Sylvester addressed the attorney and member of the public vacancies. The Committee recommended appointment of Charles Stormont to fill the attorney position and Shawn Newell to fill the public position.

Motion: Judge Toomey moved to approve the appointment of Charles Stormont and Shawn Newell to the Self-Represented Parties Committee, and to place this item on the Judicial Council consent calendar. Judge Todd Shaughnessy seconded the motion, and it passed unanimously.

5. RECORDS ACCESS APPEAL – SCOTT GOLLAHER: (Nancy Sylvester)

Ms. Sylvester described the Legal Department's role in advising the Management Committee of GRAMA issues. Ms. Sylvester noted Brent Johnson originally addressed the GRAMA request from Scott Gollaher. Ms. Sylvester said that at no time did Richard Schwermer make a decision on this appeal; therefore, he did not need to be excused from the meeting.

Emails were provided to Mr. Gollaher originally. Mr. Gollaher is seeking unredacted minutes from the January 9, 2018 meeting as well as deliberations from the Management Committee from that meeting.

Chief Justice Durrant welcomed Mr. Gollaher to the meeting, by phone. Mr. Gollaher explained he is seeking an audio copy of the full January 9, 2018 Management Committee meeting. Mr. Gollaher said he received the portion of his testimony. Mr. Gollaher reviewed correspondence he had with the Legal Department. Chief Justice Durrant noted the Committee reviewed the information provided. Mr. Gollaher stated he fully covered the information he provided but believes the rules state the meeting is public. Chief Justice Durrant reviewed Mr. Gollaher's GRAMA appeal and stated the Committee is well informed of the issues.

Mr. Gollaher's call was ended. Chief Justice Durrant said any discrepancies between GRAMA and rules are important to review. Ms. Sylvester reviewed the Utah Code § 63 G-2-702, which states that the judiciary is not a political subdivision and is not subject to a portion of the GRAMA statute.

Motion: Judge Toomey moved to have Ms. Sylvester prepare an order explaining the denial of Scott Gollaher's appeal to obtain unredacted minutes and deliberations from the Management Committee. Judge Shaughnessy seconded the motion, and it passed unanimously.

Ms. Sylvester will prepare the order and send it to all Management Committee members for review.

6. PROBATION POLICIES 2.10, 3.1, 3.2, 3.3, 3.4, 4.3, AND 4.13 (Dawn Marie Rubio)

Dawn Marie Rubio addressed each of the policies. Policy 2.10 was recently approved; however, the Board of Juvenile Court Judges requested the rule be revised. Rule 3.1 was last updated in 2011 and needed to be amended to conform to H.B. 239. Rule 3.2, 3.3, and 3.4 are recommended for deletion because rule 3.1 now contains the pertinent consolidated information. Rule 4.3 and 4.13 required significant revisions to conform to H.B. 239. Mr. Schwermer thanked Ms. Rubio, Dennis Moxon, and the other members who have worked on these.

Motion: Judge Toomey moved to approve the proposed changes, as amended, to rules 2.10, 3.1, 4.3, and 4.13 and the deletion of rules 3.2, 3.3, and 3.4, and to place this item on the Judicial Council consent calendar. Judge Marx seconded the motion, and it passed unanimously.

7. ONLINE DISPUTE RESOLUTION PROGRAM: (Justice Deno Himonas)

Justice Deno Himonas discussed a significant change in the small claims ODR program. The program was originally voluntary. The program has now been drafted as mandatory, based upon feedback from a successful program in British Columbia. Tim Shea had originally planned to report to the Committee on a regular basis, however, that has stalled. Justice Himonas apologized for the lack of reporting. The pilot program will begin September 19 in West Valley. Justice Himonas explained the steps of the program. Justice Himonas said there are situations where a litigant can opt-out. Judge Marx expressed concerns over the mandatory requirement. Justice Himonas said at any time a litigant can opt out of the program. Judge Shaughnessy clarified every litigant must initially register with the program. Chief Justice Durrant stated he

believes this program should begin as mandatory; however, the Council will always be the final decision-maker. Mr. Schwermer recommended having a PowerPoint presentation explaining the process steps to give the Council context about the mandatory nature of the program.

8. PROPOSED JPEC RULE AMENDMENT: (Richard Schwermer)

Mr. Schwermer reviewed the proposed changes to rule 597-3-2. Judge Shaughnessy asked about the impact of changing the scoring from 3.6 to 3.0. Mr. Schwermer said Dr. Jennifer Yim said there would be no change with this portion of the amendment. Judge Shaughnessy was concerned that all public comments received would be evaluated by JPEC. All public comments will now be available through a GRAMA request. The Committee agreed to add this item to the Judicial Council agenda for further discussion and Mr. Schwermer will discuss this with Dr. Yim.

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

Chief Justice Durrant addressed the proposed agenda for the September 18, 2018 Judicial Council meeting. Judge Toomey noted the agenda would need to be amended to include JPEC rule 597-3-2 discussion.

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

10. EXECUTIVE SESSION

An executive session was held.

11. ADJOURN

The meeting adjourned.

**UTAH JUDICIAL COUNCIL
POLICY AND PLANNING COMMITTEE
MEETING MINUTES**

Judicial Council Room (N301), Matheson Courthouse
450 South State Street, Salt Lake City, Utah 84114
January 1, 2019 – 12:00 p.m. to 2:00 p.m.

DRAFT

MEMBERS PRESENT:

Judge Derek Pullan, Chair
Judge Augustus Chin
Judge Ryan Evershed
Judge John Walton

MEMBERS EXCUSED:

Rob Rice
Judge Kara Pettit

GUESTS:

Rob Parkes
Judge Dennis Fuchs
Shane Bahr

STAFF:

Michael Drechsel
Minhvan Brimhall

(1) WELCOME AND APPROVAL OF MINUTES

Judge Pullan welcomed the members to the meeting. The committee addressed the August 3, 2018 minutes. Judge Pullan noted that Rob Rice mentioned via email that: 1) he believed the committee, at the last meeting, approved language stating that ties are optional for in court appearance; and 2) this didn't appear to be reflected in the minutes. The committee members discussed the conversation from the previous meeting. Ultimately, the committee decided that no changes were necessary. Judge Chin made a motion to approve the minutes as written. Judge Walton seconded the motion. The motion passed unanimously.

(2) REVIEW OF RULES BACK FROM PUBLIC COMMENT:

The committee reviewed six rules that have now been published for public comment from June 25, 2018 through August 10, 2018. For the six published rules, only one public comment was received.

CJA 3-401 – Office of General Counsel – No public comments were received for this rule.

CJA 3-414 – Court Security – One comment was received for this rule, which the committee considered and discussed prior to taking action on the proposed rule. The committee determined that the comment received would not result in any further revisions to the rule prior to the rule being submitted to the Judicial Council.

CJA 4-403 – Electronic Signature and Stamp Use – No comments were received for this rule.

CJA 4-701 – Failure to Appear – No comments were received for this rule.

CJA 4-202.03 – Records Access – No comments were received for this rule.

CJA 4-202.09 – Miscellaneous – No comments were received for this rule.

Judge Walton motioned to recommend to the Judicial Council that the proposed revisions be adopted and published as final rules. Judge Chin seconded the motion. The motion was approved unanimously.

As part of the discussion of these rules, Mr. Drechsel reported that (as an example) Rule 4-202.09 is frequently revised. Recently, the Publishers noted a difference between the current version of this rule to the new rule that has been submitted to them for final publication. This happened because different revisions of a single rule were running in parallel to each other, with each of the revisions taking place in separate documents that were not tracking consistently with each other. This results from the relatively long time frame for rule amendments (from first request to change, to Policy & Planning, to the Judicial Council for approval to publish for public comment, to the public comment period, to Policy & Planning for a second review, and then to the Judicial Council for final consideration prior to adoption. When a single rule is in multiple phases of that process for different revisions, the possibility arises that certain revisions will not be accurately reflected consistent in the final version(s) of the rule. Mr. Drechsel proposes that when rules are in revision process the rule be placed on "hold" until all proposals, amendments, and comments are completed before opening the rule back up for additional revisions. This would eliminate confusion and duplication of multiple amended versions.

Judge Pullan asked that Mr. Drechsel's proposal (and any other possible solutions to the problem) be placed on the next meeting's agenda for further discussion in this committee.

(3) RULE 4-202.02 RECORDS CLASSIFICATION:

Recent changes in the law affected the options available to victims in juvenile court matters to collect restitution. In district and justice court matters, the restitution order can be entered as a civil judgment and the victim has the ability to use the judgment collection methods available for civil judgments. While the law requires the juvenile court to enter restitution orders as civil judgments, the juvenile court was not able to provide a collection mechanism for victims. A solution was created to this issue, whereby an abstract of the juvenile court judgment could be filed in the district court, which would permit the victim to pursue restitution collection via civil process. Those abstracts would not, however, preserve the confidential nature of juvenile court proceedings. The proposed amendment would classify the abstracts issued in connection with juvenile court judgments as "private."

The committee discussed the process as it currently exists, as well as where the satisfaction of judgment might be filed. The committee discussed the proposed amended language to CJA 4-202.02(4)(A). No revisions to the proposed language were suggested or discussed by the committee.

With no further discussion, Judge Evershed made motion to recommend that this revision be approved by the Judicial Council to be published for public comment. Judge Walton seconded the motion. The motion was approved unanimously.

(4) HUMAN RESOURCES PROFESSIONAL APPEARANCE:

Mr. Parkes provided an update on revisions made to professional appearance policy. Since the previous meeting, and based upon the input of the committee at the August 3 meeting, Mr. Parkes revised the policy into a single "Standard Professional Attire Guideline," removing the distinction between courtroom attire and business attire. Under the current version of this policy, as presented to the committee today, collared polo-style shirts are only permitted as part of casual Friday dress standards, or when special occasion permits, i.e. department outing, training, or directed by a department manager.

This committee discussed additional minor languages to the proposed guidelines, including the addition of some language to the first sentence of the Casual Day Guideline page (additional language in bold and underlined): "The casual day guideline is applicable on Friday, for full day trainings, or, **as occasion requires**, on a day designated by district or administrative management."

After concluding the discussion, Judge Chin made motion to recommend to the Management Committee that this version of the professional appearance policy be adopted, with the corrections discussed by the committee during the meeting. Judge Evershed seconded the motion. The motion passed unanimously. Mr. Parkes will make those minor revisions prior to presenting the final version of the policy to the Management Committee.

(5) RECORDING/PHOTOGRAPHY IN COURTHOUSES:

The committee started (but did not finish) a discussion about rules related to recording and photography in the courthouses. Mr. Drechsel presented proposal for a new Rule 4-401. A proposed amendment was on the agenda for Rule 4-401.02, as well, but the committee did not undertake a discussion of that proposed amendment during this meeting. Rule 4-401 would provide a statewide policy regarding recording and photography in courthouses. This has been a topic of consideration by the AOC management committee and will be the subject of conversation at upcoming meetings and conferences.

The new rule may be drafted to allow (or require) each courthouse to identify a location within their respective building where recording and photography will be permitted. This proposed rule would not implicate recording or photography of actual court hearings by news media outlets as Rule 4-401.01 already addresses such activity and that rule appears to be functioning well.

The committee discussed whether the rule should authorize recording and photography which would allow law schools and/or educational entities to record for educational purposes (i.e., moot court, mock trial, etc.). The new rule, as presently drafted, allows presiding judges to authorize recording and photography for special purposes, i.e. adoptions, drug court graduation, etc.

Due to time constraints, discussion of the proposed Rule 4-401 for recording and photography in the courthouse will be continued at the next meeting. No action was taken by the committee as it relates to Rule 4-401 or 4-401.02 during this meeting.

(6) PROPOSED NEW RULE – CONSOLIDATION OF PROBATION:

Judge Pullan stated that final changes have been made on the rule for probation consolidation. The rule changes have been reported to Board of District Court Judges at its most recent meeting on August 24. The Board provided some feedback to the committee. That feedback was communicated to the committee by Mr. Drechsel and Judge Pullan. Mr. Drechsel addressed a concern that was mentioned by the Board related to the statutory language in the language Utah Code § 77-18-1(12)(b)(i) (requiring “the court that authorized probation” to review the affidavit alleging violation of probation). The Board recommended that the rule not be implemented unless that language was addressed legislatively so that the rule does not have to work around that language. This was a sentiment that the committee shared. The committee also considered feedback that would result in the proposed rule being amended to require that restitution determination hearings would remain in the sending court, so victims and witnesses would not have to travel to a new court location to participate in such matters. Finally, the committee discussed adding specific language that states that a prosecutor could oppose consolidation if victim rights issues existed in the case. The committee recognized that the prosecutor is always able to object to consolidation for that, or any other, reason. In fact, any of the involved parties could, under the terms of the proposed rule, object to consolidation of probation for any reason or no reason at all. For these reasons, the committee did not believe that it was necessary to spell out in detail any particular reason for objecting to application of the rule in any particular case.

The committee recommends sending the proposed changes of this rule to the Judicial Council for further review (including possible publication for public comment). Mr. Drechsel is instructed to clearly inform the Judicial Council regarding the recommended legislative amendment to Utah Code § 77-18-1(12)(b)(i) prior to adopting a final version of this rule. Judge Chin motioned to approve the recommendations as proposed. Judge Walton seconds the motion. The motion was approved unanimously.

(7) PROBLEM SOLVING COURT WORKING GROUP UPDATE:

Judge Fuchs provided an update on the problem solving court working group's efforts regarding the certification checklist. It was reported that the working group had reviewed each item on the adult certification checklist to determine which of the checklist items should be "Required." The working group proposed that several of the previously "required" items be classified as "presumed to be required." Several other minor amendments were made to the existing version of the checklist. Judge Pullan noted that there remain 53 "Required" items, 41 "Presumed Required" items, and 15 "Best Practice" aspirational items. There was specific discussion by the committee of a number of the "Required" items to determine if those really need to be classified as required.

The committee then turned its attention to CJA 4-409. The working group reported that it had not undertaken a separate review of amendments to that rule as part of its efforts, though the rule was used as a guideline for drafting of the checklist. The committee discussed the reasons why the list of requirements in the rule is so much shorter than the list in the checklist. The committee reviewed several items on the checklist and rule 4-409 for language clarification and to determine if the rule was duplicative of the checklist. The committee recommends that the certification checklist be sent to the Judicial Council for modification, which would include amendment to the minimum requirements of rule 4-409. The proposed amendments to the rule included: 1) striking the majority of Rule 4-409(5) (as those items were perceived by the committee, based upon the discussion, to be duplicative of items on the checklist); and 2) providing greater detail in the rule regarding the Judicial Council's options when reviewing the certification of a problem solving court (i.e., certify, conditionally certify, or de-certify) and provide time for a problem solving court to remedy any deficiencies identified during the certification review process. Mr. Drechsel will draft language and proposal for the changes for presentation to the Judicial Council.

Judge Fuchs noted that because the certification checklist is needed quickly for review of some problem solving courts, the checklist is presently on the Judicial Council's September agenda for review and adoption. Once approved, other problem solving court certification checklists (mental health, juvenile dependency, etc.) will be updated to reflect the same underlying changes.

Judge Walton motioned to submit the checklist to the Judicial Council for review as amended by this committee. Judge Evershed seconded the motion. Judge Walton's motion was approved unanimously.

(8) REVIEW 2019 COMMITTEE MEETING DATES:

The committee voted unanimously to cancel the July 2019 due to holiday and summer schedules.

(9) ADJOURN

The next meeting is scheduled for October 5, 2018, in the Judicial Council room at 12:00 p.m. There being no other business the meeting was adjourned at 2:10 pm.

Tab 3



Utah Judicial Institute

000018

Utah State Courts

Standing Education Committee's 2018 Annual Report to the Judicial Council



BOTTOM LINE

A High Volume of Deliverables:

Over 114, day-long classes taught for courts' staff (over 3,000 students served)

Continually adding new classes to meet students' needs and courts' gaps



Two Dozen Major Statewide Conferences Also...

Specialty Workshops :

- Two “Smarter Sentencing” Conferences
 - Law and Literature Retreat
 - State Tax Law Seminar
- PJ/TCE/Clerk of Court Conference



INNOVATIVE & SPECIAL PROJECTS

- **Developed a PJ Manual, a TCE Manual and a Clerk of Court Manual**
- **Redesigned New Judge Orientation Curriculum (expanded to 2 weeks)**
**including 1 on 1 specialized training*
- **Redesigned Probation Officer Curricula**

Academies Continue to Achieve Court's Succession Planning Strategy

- 1. Court Skills Academy (For non-supervisory court employees)**
- 2. Middle Management Leadership Academy (for supervisory personnel)**



The Academies' Measurable Outcomes

- **Overall, more than 1 in 4 of all Academy graduates have been promoted**
- **44% of the 2014 Academy graduates, alone, were promoted**



The Academies' Measurable Outcomes

We conducted students' self-assessed, **pre
and **post** Academy skills and ability
measurements**

**These SKA's assessments mirrored the
Academy's 3 dozen learning objectives**



The Academies' Measurable Outcomes

- **100%** of all students assessed their skills and abilities, **for each of the 36 learning objectives**, as having improved as a result of attending...most were significantly improved
- Their immediate supervisors were similarly surveyed with similar results

MSU Judicial Administration Program

- The only university credentialed certificate program in judicial administration
- Graduated 8 Students in 2017
- 25 third round of MSU students will graduate in 2019

Revised and Enhanced NJO

- **Redesigned the NJO curriculum**
- **Added a second week of NJO training (for more advanced skill and knowledge development)**



In the Juvenile Probation World...

- **Completed a major case planning curriculum rewrite to include the most current evidence best practices**
- **Statewide training was rolled out in '18**



In the Juvenile Probation World...

- **Completed a major case planning curriculum rewrite to include the most current evidence best practices**
- **Statewide training was rolled out in '18**



Utah Judicial Institute

000030

Utah State Courts

In the Justice Court World...

- **Now have Presiding Judges**
- **You will have a chance to meet them at this year's Annual Judicial Conference**
 - **Developing a "clerk certification" curriculum**
- **Redesigned Justice Court Judges' Curriculum**



In the Justice Court World...

- **Piloted using discreet, two-way “bench cameras” for remote mentoring purposes**
- **Will be using “ZOOM” video technology going forward to enhance mentoring**



Utah Judicial Institute

000032

Utah State Courts

Most importantly, the Standing Education Committee and the Utah Judicial Institute...

**Greatly Appreciates
the Judicial Council's Support!**

Tab 4

REVISED

Court:

Judge:

Date:

Utah Adult Drug Court Certification Checklist

2018

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

Many of these standards are direct restatements of the Adult Drug Court Best Practice Standards, Volume I, and Volume II, 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 type="checkbox"/> | <input type="checkbox"/> | 1. Eligibility and exclusion criteria are defined and applied objectively. R
BPS I A |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <input 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 **or some other approved and validated assessment tool.** **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 **not** disqualify candidates from participation in the Drug Court **if unless** 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 P** 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 P** 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~~ P 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 **but not limited to** 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** **P** 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~~ **Drug testing utilized by the Drug Court uses** scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R** BPS VII G
- ☐ ☐ 44. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P** BPS VII G
- ☐ ☐ 45. Metabolite levels falling below industry- or manufacturer-recommended cutoff scores are not interpreted as evidence of new substance use or changes in substance use patterns, unless such conclusions are reached by an expert trained in toxicology, pharmacology or a related field. **R** BPS VII G*
- ☐ ☐ 46. Upon entering the Drug Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R** BPS VII I
- ☐ ☐ 47. The program requires at least 90 days clean to graduate. **R**
- ☐ ☐ 48. The minimum length of the program is twelve months. **R**
- ☐ ☐ 49. Unless a participant poses an immediate risk to public safety, jail sanctions are administered after less severe consequences have been ineffective at deterring infractions. **R** BPS IV J
- ☐ ☐ 50. Jail sanctions are definite in duration and typically last no more than three to five days. **R** BPS IV J
- ☐ ☐ 51. Participants are given access to counsel and a fair hearing if a jail sanction might be imposed. **R** BPS IV J

YES NO

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

YES NO

- ☐ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models.
P BPS V F
- ☐ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment.
R BPS V H
- ☐ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☐ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☐ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☐ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☐ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy.
P BPS V I
- ☐ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☐ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☐ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☐ ☐

75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R** BPS VI D

YES NO

- ☐ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☐ ☐ 77. Participants ~~suffering from~~ **diagnosed with** mental illness receive **appropriate** 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 P**
- ☐ ☐ 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** **P** 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: Box Elder County, Brigham City

Judge: Maynard

Date: May, 2018

Utah Adult Drug Court Certification Checklist 2018

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**














YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☐ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Cache County, Logan

Judge: Willmore

Date: May, 2018

Utah Adult Drug Court Certification Checklist

2018

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, and Volume II, 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.



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

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**














YES NO

- ☒ ☐ 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V 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, (ASAP)

Judge: Blanch

Date: July, 2018

Utah Adult Drug Court Certification Checklist

2018

*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, and Volume II, 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

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|
| <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> </div> | <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> </div> |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|---|

- ☐ ☒ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☐ ☒ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Sevier County, Richfield

Judge: Bagley

Date: July, 2018

Utah Adult Drug Court Certification Checklist 2018

*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, and Volume II, 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"/> YES <input type="checkbox"/> NO | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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 |

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

- ☒ ☐ 76. Participants are assessed using a validated instrument for major mental health disorders that co-occur frequently in Drug Courts, including major depression, bipolar disorder (manic depression), posttraumatic stress disorder (PTSD), and other major anxiety disorders. **B** BPS VI E
- ☒ ☐ 77. Participants suffering from mental illness receive mental health services beginning in the first phase of Drug Court and continuing as needed throughout their enrollment in the program. **R** BPS VI E
- ☒ ☐ 78. Participants are assessed using a validated instrument for trauma history, trauma-related symptoms, and posttraumatic stress disorder (PTSD). **P** BPS VI F
- ☒ ☐ 79. Participants with PTSD or severe trauma-related symptoms are evaluated for their suitability for group interventions and are treated on an individual basis or in small groups when necessary to manage panic, dissociation, or severe anxiety. **B** BPS VI F
- ☒ ☐ 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*** PROGRAM HAD 10 PARTICIPANTS AT TIME OF OBSERVATION

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: Tooele County, Tooele

Judge: Bates

Date: May, 2018

Utah Adult Drug Court Certification Checklist 2018

*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, and Volume II, 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**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Weber County, Riverdale City, Justice Court

Judge: Renstrom

Date: July, 2018

Utah Adult Drug Court Certification Checklist

2018

*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, and Volume II, 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.

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

YES NO

- ☒ ☐ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☒ ☐ 6. Candidates for the Drug Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the Drug Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Drug Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the Drug Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☐ ☒ 13. The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☒ 15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 17. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Uinta County, Vernal

Judge: McClellan

Date: July, 2018

Utah Adult Drug Court Certification Checklist 2018

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☐ ☒ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☒ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Utah County, Provo (Probation)

Judge: Eldridge

Date: June, 2018

Utah Adult Drug Court Certification Checklist 2018

*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, and Volume II, 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**

YES NO

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

YES NO

- ☒ ☐ 52. Participants are not terminated from the Drug Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the Drug Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☒ ☐ 54. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Drug Court's programmatic phase structure. **P BPS V A**
- ☒ ☐ 57. Participants are not incarcerated to achieve clinical or social service objectives such as obtaining access to detoxification services or sober living quarters. **R BPS V B**
- ☒ ☐ 58. Participants receive a sufficient dosage and duration of substance abuse treatment to achieve long-term sobriety and recovery from addiction. **P BPS V D**
- ☒ ☐ 59. Participants meet with a treatment provider or clinical case manager for at least one individual session per week during the first phase of the program. **P BPS V E**
- ☒ ☐ 60. Participants are screened for their suitability for group interventions, and group membership is guided by evidence-based selection criteria including participants' gender, trauma histories and co-occurring psychiatric symptoms. **P BPS V E**
- ☒ ☐ 61. Treatment groups ordinarily have no more than twelve participants and at least two leaders or facilitators. **B BPS V E**
- ☒ ☐ 62. Treatment providers administer behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes for addicted persons involved in the criminal justice system. **P BPS V F, BPS VI G**

YES NO

- ☒ ☐ 63. Treatment providers are proficient at delivering the interventions and are supervised regularly to ensure continuous fidelity to the treatment models. **P BPS V F**
- ☒ ☐ 64. Treatment providers are licensed or certified to deliver substance abuse treatment. **R BPS V H**
- ☒ ☐ 65. Treatment providers have substantial experience working with criminal justice populations. **B BPS V H**
- ☒ ☐ 66. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. **P BPS V H**
- ☒ ☐ 67. Participants regularly attend self-help or peer support groups in addition to professional counseling. **R BPS V I**
- ☒ ☐ 68. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. **R BPS V I**
- ☒ ☐ 69. There is a secular alternative to 12-step peer support groups. **R**
- ☒ ☐ 70. Before participants enter the peer support groups, treatment providers use an evidence-based preparatory intervention, such as 12-step facilitation therapy. **P BPS V I**
- ☒ ☐ 71. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the Drug Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the Drug Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of Drug Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Drug Court because they lack a stable place of residence. **R BPS VI D**

YES NO

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

YES NO

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

YES NO

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

Court: Weber County, Ogden

Judge: DiReda

Date: April, 2018

Utah Adult DUI Court Certification Checklist 2018

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

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

YES NO


☐

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


☐

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


☐

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


☐

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

YES NO

- ☐ ☒ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B WORKING ON GETTING IMPAIRED DRIVER ASSESSMENT**
- ☒ ☐ 6. Candidates for the DUI Court are assessed for eligibility using validated risk-assessment tool that has been demonstrated empirically to predict criminal recidivism or failure on community supervision and is equivalently predictive for women and racial or ethnic minority groups that are represented in the local arrestee population. **R BPS I C**
- ☒ ☐ 7. Candidates for the DUI Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction. **R BPS I C**
- ☒ ☐ 8. Evaluators are trained and proficient in the administration of the assessment tools and interpretation of the results. **R BPS I C**
- ☒ ☐ 9. Current or prior offenses may disqualify candidates from participation in the DUI Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a DUI Court. **R BPS I D**
- ☒ ☐ 10. Offenders charged with non-drug charges, drug dealing or those with violence histories are not excluded automatically from participation in the DUI Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the DUI Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication. **R BPS I D**
- ☒ ☐ 12. The program has a written policy addressing medically assisted treatment. **R**
- ☒ ☐ 13. The DUI Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B, BPS X E**
- ☒ ☐ 14. The DUI Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. **R BPS II D**
- ☒ ☐ 15. Each member of the DUI Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

YES NO

- ☒ ☐ 16. The DUI Court judge attends current training events on legal and constitutional issues in DUI Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 17. The judge presides over the DUI Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 18. Participants ordinarily appear before the same judge throughout their enrollment in the DUI Court. **R BPS III C**
- ☒ ☐ 19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the DUI Court team. **R BPS III D**
- ☒ ☐ 20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☐ 21. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 22. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 24. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**
- ☒ ☐ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**
- ☒ ☐ 26. The judge makes these decisions after taking into consideration the input of other DUI Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H, BPS VIII D**
- ☒ ☐ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**

YES NO

- ☒ ☐ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to DUI Court participants and team members. **R BPS IV A**
- ☒ ☐ 29. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**
- ☒ ☐ 30. The DUI Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**
- ☒ ☐ 31. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**
- ☒ ☐ 32. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R BPS IV F**
- ☒ ☐ 33. The DUI Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 36. Drug testing is performed at least twice per week. **R BPS VII A***
- ☒ ☐ 37. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 38. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**

YES NO

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

o

YES NO

- ☒ ☐ 52. Participants are not terminated from the DUI Court for continued substance use if they are otherwise compliant with their treatment and supervision conditions, unless they are non-amenable to the treatments that are reasonably available in their community. **R BPS IV K**
- ☒ ☐ 53. If a participant is terminated from the DUI Court because adequate treatment is not available, the participant does not receive an augmented sentence or disposition for failing to complete the program. **R BPS IV K**
- ☐ ☒ 54. The DUI Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 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 DUI 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 DUI Court focusing on relapse prevention and continuing care. **R BPS V J**
- ☒ ☐ 72. Participants prepare a continuing-care plan together with their counselor to ensure they continue to engage in pro-social activities and remain connected with a peer support group after their discharge from the DUI Court. **P BPS V J**
- ☒ ☐ 73. For at least the first ninety days after discharge from the DUI Court, treatment providers or clinical case managers attempt to contact previous participants periodically by telephone, mail, e-mail, or similar means to check on their progress, offer brief advice and encouragement, and provide referrals for additional treatment when indicated. **B BPS V J**
- ☒ ☐ 74. Where indicated, participants receive assistance finding safe, stable, and drug-free housing beginning in the first phase of DUI Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**

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

YES NO

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

- ☒ ☐ 99. The DUI Court has more than 15 but less than 125 active participants. **P** BPS IX A*

YES NO

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

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

Court: Carbon County, Price

Judge: Bunnell

Date: August, 2018

Utah Dependency Drug Court Certification Checklist 2018

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

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 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. | Candidates for the Drug Court are assessed for eligibility using validated clinical-assessment tool that evaluates the formal diagnostic symptoms of substance dependence or addiction.
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 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"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10 | If adequate treatment is available, candidates are not disqualified from participation in the Drug Court because of co-occurring mental health or medical conditions or because they have been legally prescribed psychotropic or addiction medication.
R BPS I D |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. | The program has a written policy addressing medically assisted treatment. R |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 12. | The Drug Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. R BPS II B, BPS X E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. | The Drug Court regularly monitors the delivery of incentives and sanctions to ensure they are administered equivalently to all participants. R BPS II D |

YES NO

- | | | | |
|-------------------------------------|--------------------------|-----|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. | The judge presides over the Drug Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. | Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. R BPS III C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. | Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. | The Judge spends an average of at least three minutes with each participant. R BPS* III F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. | If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B |

YES NO

- ☒ ☐ 24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☒ ☐ 26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H
- ☒ ☐ 27. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
- ☒ ☐ 28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
- ☒ ☐ 29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
- ☒ ☐ 31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO



32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**



33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**



34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**



35. Drug testing is performed at least twice per week. **R BPS VII A***



36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***



37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**



38. Drug test results are available within 48 hours. **P BPS VII H**



39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.



40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***



41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***













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

YES NO

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

YES	NO		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	53.	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. 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

- ☒ ☐ 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**
- ☒ ☐ 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. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☒ ☐ 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**
- ☒ ☐ 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***
- ☒ ☐ 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**
- ☒ ☐ 83. Participants are required to have a stable job, be enrolled in a vocational or educational program, or be engaged in comparable pro-social activity as a condition of graduating from Drug Court. **B BPS VI I**

YES NO

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

YES NO

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

YES NO

- ☐ ☒ 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☒ ☐ 107. The program conducts an exit interview for self improvement. **P**

Court: Salt Lake County, West Jordan

Judge: Jimenez

Date: June, 2018

Utah Dependency Drug Court Certification Checklist 2018

*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, and Volume II, 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**
WORKING WITH PARTNERS TO COMPILE THE RESEARCH
- ☒ ☐ 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

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☐ ☒ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B* ONLY WHILE IN RESIDENTIAL**
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☐ ☒ 38. Drug test results are available within 48 hours. **P BPS VII H**
DEPENDS ON PROVIDERS
- ☒ ☐ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☐ ☒ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
DEPENDS ON CLINICAL RECOMMENDATIONS
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

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

- | YES | NO | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.
B BPS V A NO RESIDENTIAL AVAILABLE |
| <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

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 64. Treatment providers have substantial experience working with criminal justice populations. B BPS V H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 65. Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. P BPS V H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 66. Participants regularly attend self-help or peer support groups in addition to professional counseling. P BPS V I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 67. The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. R BPS V I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 68. There is a secular alternative to 12-step peer support groups. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 70. Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. R BPS V J |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	84.	Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B 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

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

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

YES NO

- ☒ ☐ 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☐ ☒ 107. The program conducts an exit interview for self improvement. **P**

Court: Utah County, Orem

Judge: Nielsen

Date: June, 2018

Utah Dependency Drug Court Certification Checklist 2018

*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, and Volume II, 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 NEW JUDGE**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES NO

- ☒ ☐ 24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☒ ☐ 26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H
- ☒ ☐ 27. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
- ☒ ☐ 28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
- ☒ ☐ 29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
- ☒ ☐ 31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☐ ☒ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☒ ☐ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☒ ☐ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☐ ☒ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **10 HOURS**
- ☒ ☐ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

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

- | YES | NO | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.
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

- | | | | | |
|-------------------------------------|--------------------------|-----|---|-------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 64. | Treatment providers have substantial experience working with criminal justice populations. | B BPS V H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 65. | Treatment providers are supervised regularly to ensure continuous fidelity to evidence-based practices. | P BPS V H |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 66. | Participants regularly attend self-help or peer support groups in addition to professional counseling. | P BPS V I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 67. | The peer support groups follow a structured model or curriculum such as the 12-step or Smart Recovery models. | R BPS V I |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 68. | There is a secular alternative to 12-step peer support groups. | R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 70. | Participants complete a final phase of the Drug Court focusing on relapse prevention and continuing care. | R BPS V J |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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

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

YES NO

- | | |
|--|--|
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> <input type="checkbox"/> | 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 |
| <input type="checkbox"/> <input checked="" type="checkbox"/> | 107. The program conducts an exit interview for self improvement.
P |

Court: Utah County, Spanish Folk

Judge: Smith

Date: August, 2018

Utah Dependency Drug Court Certification Checklist 2018

*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, and Volume II, 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

- | | | | |
|-------------------------------------|-------------------------------------|-----|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 16. | The judge presides over the Drug Court for no less than two consecutive years. P BPS III B |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 17. | Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. R BPS III C |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 20. | Status hearings are scheduled no less frequently than every four weeks until participants graduate. R BPS* III E |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 21. | The Judge spends an average of at least three minutes with each participant. R BPS* III F |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 23. | If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. R BPS IV B |

YES NO

- ☒ ☐ 24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D
- ☒ ☐ 25. The judge makes these decisions after taking into consideration the input of other Drug Court team members and discussing the matter in court with the participant or the participant's legal representative. **R** BPS III H, BPS VIII D
- ☒ ☐ 26. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R** BPS III H
- ☒ ☐ 27. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Drug Court participants and team members. **R** BPS IV A
- ☒ ☐ 28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A
- ☒ ☐ 29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A
- ☒ ☐ 30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A
- ☒ ☐ 31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO

- ☒ ☐ 32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☒ ☐ 33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☒ ☐ 34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☒ ☐ 35. Drug testing is performed at least twice per week. **R BPS VII A***
- ☐ ☒ 36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***
- ☐ ☒ 37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**
- ☐ ☒ 38. Drug test results are available within 48 hours. **P BPS VII H**
- ☐ ☒ 39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.
- ☐ ☒ 40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***
- ☒ ☐ 41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***
- ☒ ☐ 42. The Drug Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

YES NO

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

- | YES | NO | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 53. The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.
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

- ☒ ☐ 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**
- ☒ ☐ 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. Female participants receive trauma-related services in gender-specific groups. **B BPS VI F**
- ☐ ☒ 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**
- ☒ ☐ 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***
- ☒ ☐ 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**
- ☒ ☐ 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

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 84. Participants receive immediate medical or dental treatment for conditions that are life-threatening, cause serious pain or discomfort, or may lead to long-term disability or impairment. B 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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

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

YES NO

- ☒ ☐ 104. Information relating to the services provided and participants' in-program performance is entered into an electronic database. Statistical summaries from the database provide staff with real-time information concerning the Drug Court's adherence to best practices and in-program outcomes. **B BPS X F**
- ☒ ☐ 105. Staff members are required to record information concerning the provision of services and in-program outcomes within forty-eight hours of the respective events. **P BPS X G**
- ☒ ☐ 106. Outcomes are examined for all eligible participants who entered the Drug Court regardless of whether they graduated, withdrew, or were terminated from the program. **B BPS X H**
- ☐ ☒ 107. The program conducts an exit interview for self improvement. **P**

Court: Weber County, Ogden

Judge: Heward

Date: April, 2018

Utah Dependency Drug Court Certification Checklist 2018

*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, and Volume II, 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

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

YES NO

- ☒ ☐ 14. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**
- ☒ ☐ 15. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**
- ☒ ☐ 16. The judge presides over the Drug Court for no less than two consecutive years. **P BPS III B**
- ☒ ☐ 17. Participants ordinarily appear before the same judge throughout their enrollment in the Drug Court. **R BPS III C**
- ☒ ☐ 18. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**
- ☒ ☐ 19. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**
- ☒ ☐ 20. Status hearings are scheduled no less frequently than every four weeks until participants graduate. **R BPS* III E**
- ☒ ☐ 21. The Judge spends an average of at least three minutes with each participant. **R BPS* III F**
- ☒ ☐ 22. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**
- ☒ ☐ 23. If a participant has difficulty expressing him or herself because of such factors as a language barrier, nervousness, or cognitive limitation, the judge permits the participant's attorney or legal representative to assist in providing such explanations. **R BPS IV B**

YES NO

☐

24. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R** BPS III H, BPS VIII D

☐

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

☐

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

☐

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

☐

28. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R** BPS IV A

☐

29. The Drug Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R** BPS IV A

☐

30. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R** BPS IV A

☐

31. Consequences are imposed for the non-medically indicated use of intoxicating or addictive substances, including alcohol, cannabis (marijuana) and prescription medications, regardless of the licit or illicit status of the substance. **R** BPS IV F

YES NO



32. The Drug Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**



33. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**



34. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**



35. Drug testing is performed at least twice per week. **R BPS VII A***



36. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***



37. Testing regimens are not scheduled in seven-day or weekly blocks. The chances of being tested should be at least two in seven every day. **P BPS VII B**



38. Drug test results are available within 48 hours. **P BPS VII H**



39. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled.



40. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Drug Court population. **P BPS VII D***



41. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***



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

YES NO

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

YES	NO		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	53.	The Drug Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. B BPS V A NO RESIDENTIAL AVAILABLE
<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 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***
- ☒ ☐ 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: Weber County, Ogden

Judge: Noland

Date: June, 2018

Utah Juvenile Drug Court Certification Checklist 2018

*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, and Volume II, 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

- ☒ ☐ 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 a validated risk and need assessment tool. **P 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**

☐

YES NO

☒☐

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

☐☒

15. Each member of the Drug Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P BPS II F**

☒☐

16. The Drug Court judge attends current training events on legal and constitutional issues in Drug Courts, judicial ethics, evidence-based substance abuse and mental health treatment, behavior modification, and community supervision. **P BPS III A**

☒☐

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

☒☐

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

☒☐

19. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Drug Court team. **R BPS III D**

☒☐

20. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒☐

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

☒☐

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

☒☐

23. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒☐

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

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***
- ☒ ☐ 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**
- ☒ ☐ 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

- ☒ ☐ 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.
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. **B 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 juvenile justice system. **B BPS* V F**
- ☒ ☐ 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 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 | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 76. Clients are placed in the program within 50 days of arrest. R |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 77. At a minimum, the prosecutor, defense counsel, treatment representative, law enforcement/probation and the judge attend each staffing meeting. R BPS VIII B* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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* |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 80. Team members are assigned to Drug Court for no less than two years. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 81. All team members use electronic communication to contemporaneously communicate about Drug Court issues. P |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 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: Box Elder County, Brigham City

Judge: Cannell

Date: August, 2018

Utah Mental Health Court Certification Checklist 2018

*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, and Volume II, National Association of Drug Court Professionals. Those are indicated by a BPS following the standard, and the citation to the section of the document in which the standard is found. An asterisk indicates a modification of the NADCP standard.

YES NO


☐

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


☐

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


☐

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


☐

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

YES NO

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

YES NO

☒☐

15. The judge regularly attends pre-court staff meetings during which each participant's progress is reviewed and potential consequences for performance are discussed by the Mental Health Court team. **R BPS III D**

☒☐

16. Participants appear before the judge for status hearings no less frequently than every two weeks during the first phase of the program. **R BPS III E**

☒☐

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

☒☐

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

☒☐

19. The judge allows participants a reasonable opportunity to explain their perspectives concerning factual controversies and the imposition of sanctions, incentives, and therapeutic adjustments. **R BPS III G**

☒☐

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

☒☐

21. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H, BPS VIII D**

☒☐

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

☒☐

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

☒☐

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

☒☐

25. The policies and procedures provide a clear indication of which behaviors may elicit an incentive, sanction, or therapeutic adjustment; the range of consequences that may be imposed for those behaviors; the criteria for phase advancement, graduation, and termination from the program; and the legal and collateral consequences that may ensue from graduation and termination. **R BPS IV A**

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☒ ☐

30. Drug test results are available within 48 hours. **P BPS VII H**

☒ ☐

31. Participants are required to deliver a test specimen within 8 hours of being notified that a drug or alcohol test has been scheduled. **R BPS VII B**

☒ ☐

32. Randomly selected specimens are tested periodically for a broader range of substances to detect any new drugs of abuse that might be emerging in the Mental Health Court population. **P BPS VII D***

☒ ☐

33. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R BPS VII E*, F***

☒ ☐

34. The Mental Health Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R BPS VII G**

☒ ☐

35. If a participant denies substance use in response to a positive screening test, a portion of the same specimen is subjected to confirmatory analysis using an instrumented test, such as gas chromatography/mass spectrometry (GC-MS). **P BPS VII G DONE IN SOME CIRCUMSTANCES BUT NOT ALWAYS**

☒ ☐

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***
- ☒ ☐ 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 NEEDS IMPROVEMENT
- ☒ ☐ 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**

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**
- ☒ ☐ 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 DONE IN SOME CIRCUMSTANCES BUT NOT ALWAYS**

☒ ☐

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***
- ☒ ☐ 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 NEEDS IMPROVEMENT

☒☐

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: Weber County, Ogden

Judge: Hyde

Date: July, 2018

Utah Mental Health Court Certification Checklist 2018

*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, and Volume II, 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

- | | |
|---|---|
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: inline-block; width: 20px; height: 20px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 20px; border: 1px solid black; margin-right: 5px;"></div> | 4. The Mental Health Court team does not apply subjective criteria or personal impressions to determine participants' suitability for the program. R BPS I A |

YES NO

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

YES NO

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

YES NO

☒ ☐

26. The Mental Health Court has a range of sanctions of varying magnitudes that may be administered in response to infractions in the program. **R BPS IV A**

☒ ☐

27. For goals that are difficult for participants to accomplish, such as abstaining from substance use or obtaining employment, the sanctions increase progressively in magnitude over successive infractions. For goals that are relatively easy for participants to accomplish, such as being truthful or attending counseling sessions, higher magnitude sanctions may be administered after only a few infractions. **R BPS IV A**

☒ ☐

28. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives. **P BPS IV I**

☒ ☐

29. Drug testing is random, and is available on weekends and holidays. **R BPS VII B***

☐ ☒

30. Drug test results are available within 48 hours. **P BPS VII H GENERALLY YES BUT NOT ALWAYS**

☒ ☐

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 DONE IN SOME CIRCUMSTANCES BUT NOT ALWAYS**

☒ ☐

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***
- ☒ ☐ 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: Hansen

Date: June, 2018

Utah Veteran Veteran's Court Certification Checklist 2018

*Standards followed by an **R** are required features of a Veteran's 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 Veteran's Court Best Practice Standards, Volume I, and II, National 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.

NO YES

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

- ☐ ☒ 5. The program admits only participants who are high risk high need as measured by the RANT. **R BPS* I B**
- ☐ ☒ 6. Candidates for the Veteran's 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 Veteran's 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 Veteran's Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran's 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 Veteran's Court. **R BPS I D**
- ☐ ☒ 11. If adequate treatment is available, candidates are not disqualified from participation in the Veteran's 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 Veteran's Court regularly monitors whether members of historically disadvantaged groups complete the program at equivalent rates to other participants. **R BPS II B**
- ☐ ☒ 14. The Veteran's 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 Veteran's Court team attends up-to-date training events on recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups. **P** BPS II F
- ☐ ☒ 16. The Veteran's Court judge attends current training events on legal and constitutional issues in Veteran's 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 Veteran's 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 Veteran's 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 Veteran's 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. 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

- ☐ ☒ 25. The judge is the ultimate arbiter of factual controversies and makes the final decision concerning the imposition of incentives or sanctions that affect a participant's legal status or liberty. **R BPS III H**
- ☐ ☒ 26. The judge makes these decisions after taking into consideration the input of other Veteran's Court team members and discussing the matter in court with the participant or the participant's legal representative. **R BPS III H**
- ☐ ☒ 27. The judge relies on the expert input of duly trained treatment professionals when imposing treatment-related conditions. **R BPS III H**
- ☐ ☒ 28. Policies and procedures concerning the administration of incentives, sanctions, and therapeutic adjustments are specified in writing and communicated in advance to Veteran's 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 Veteran's 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 Veteran's Court team relies on expert medical input to determine whether a prescription for an addictive or intoxicating medication is medically indicated and whether non-addictive, non-intoxicating, and medically safe alternative treatments are available. **P BPS IV F**
- ☐ × ☐ 34. Phase promotion is predicated on the achievement of realistic and defined behavioral objectives, such as completing a treatment regimen or remaining drug-abstinent for a specified period of time. **P BPS IV I**
- ☐ × ☐ 35. Treatment is reduced only if it is determined clinically that a reduction in treatment is unlikely to precipitate a relapse to substance use. **P BPS IV I**
- ☐ × ☐ 36. Drug testing is performed at least twice per week. **R**
- ☐ × ☐ 37. Drug testing is random, and is available on weekends and holidays. **R**
- ☐ ☐ 38. 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**
- ☐ × ☐ 39. Drug test results are available within 48 hours. **P**
- ☐ × ☐ 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**
- ☐ × ☐ 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 Veteran's Court population. **P**

- ☐ ☒ 42. Collection of test specimens is witnessed and specimens are examined routinely for evidence of dilution, tampering and adulteration. **R**
- ☐ ☒ 43. The Veteran's Court utilizes scientifically valid and reliable testing procedures and establishes a chain of custody for each specimen. **R**
- ☐ ☒ 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**
- ☐ ☒ 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**
- ☐ ☒ 46. Upon entering the Veteran's Court, participants receive a clear and comprehensive explanation of their rights and responsibilities relating to drug and alcohol testing. **R**
- ☐ ☒ 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**

- ☐ ☒ 52. Participants are not terminated from the Veteran's 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 Veteran's 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 Veteran's Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services.
B BPS V A
- ☐ ☒ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☐ ☒ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Veteran's 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**
- × 63. Treatment providers are proficient at delivering 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**

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 71. Participants complete a final phase of the Veteran's Court focusing on relapse prevention and continuing care. R BPS V J |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 Veteran's Court. P BPS V J |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 73. For at least the first ninety days after discharge from the Veteran's 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 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 74. Clients are placed in the program within 50 days of arrest. R |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 75. At a minimum, the prosecutor, defense counsel, VJO, law enforcement and the judge attend each staffing meeting. R |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 76. At a minimum, the prosecutor, defense counsel, VJO, law enforcement and the judge attend each Veteran's Court session. R |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 77. Team members are assigned to Veteran's Court for no less than two years. P |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 78. All team members use electronic communication to contemporaneously communicate about Veteran's Court issues. P |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 79. Participants agree in writing to a release of information for records necessary for each participating entity. R |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 80. Court fees are reasonable and based on each participant's ability to pay. R |

- ☐ ☒ 81. Treatment fees are based on a sliding fee schedule. **R**
- ☐ ☒ 82. The Veteran's Court has more than 15 but less than 125 active participants. **P**
- ☐ ☒ 83. The program conducts an exit interview for self- improvement. **P**
- ☐ ☒ 84. The program maintains adequate data for program monitoring.

R

85. The program utilizes veteran mentors.

P

86. The veteran mentors go through a recognized training program.

P

Court: Utah County, Provo

Judge: Powell

Date: May, 2018

Utah Veteran Veterans Court Certification Checklist 2018

*Standards followed by an **R** are required features of a Veteran 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 Veteran Court Best Practice Standards, Volume I, and II, as adopted in 2015 by the National Association of Veteran 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

- | | |
|---|---|
| <div style="display: inline-block; width: 20px; height: 15px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 15px; border: 1px solid black; margin-right: 5px;"></div> | 1. Eligibility and exclusion criteria are defined objectively. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 15px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 15px; border: 1px solid black; margin-right: 5px;"></div> | 2. Eligibility and exclusion criteria are specified in writing. R BPS I A |
| <div style="display: inline-block; width: 20px; height: 15px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 15px; border: 1px solid black; margin-right: 5px;"></div> | 3. Eligibility and exclusion criteria are communicated to potential referral sources.
P BPS I A |
| <div style="display: inline-block; width: 20px; height: 15px; background-color: black; margin-right: 5px;"></div> <div style="display: inline-block; width: 20px; height: 15px; border: 1px solid black; margin-right: 5px;"></div> | 4. The Veteran 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 Veteran 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 Veteran 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 Veteran Court if empirical evidence demonstrates offenders with such records cannot be managed safely or effectively in a Veteran 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 Veteran Court. **R BPS I D**
- ☒ ☐ 11. If adequate treatment is available, candidates are not disqualified from participation in the Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran Court judge attends current training events on legal and constitutional issues in Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran Court offers a continuum of care for substance abuse treatment including detoxification, residential, sober living, day treatment, intensive outpatient and outpatient services. **B BPS V A**
- ☒ ☐ 55. Standardized patient placement criteria govern the level of care that is provided. **P BPS V A**
- ☒ ☐ 56. Adjustments to the level of care are predicated on each participant's response to treatment and are not tied to the Veteran 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 Veteran 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 Veteran Court. **P BPS V J**
- ☐ ☒ 73. For at least the first ninety days after discharge from the Veteran 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 Veteran Court and continuing as necessary throughout their enrollment in the program. **P BPS VI D**
- ☒ ☐ 75. Participants are not excluded from participation in Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran Court. **R** BPS VI I*
- ☒ ☐ 83. Participants with deficient employment or academic histories receive vocational or educational services beginning in a late phase of Veteran 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 Veteran 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 Veteran 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 Veteran Court for no less than two years. **P**
- ☒ ☐ 92. All team members use electronic communication to contemporaneously communicate about Veteran 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 Veteran Court, team members attend a formal pre-implementation training to learn from expert faculty about best practices in Veteran 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 Veteran Courts. **P BPS VIII F**
- ☒ ☐ 96. New staff hires receive a formal orientation training on the Veteran Court model and best practices in Veteran 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 Veteran 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 Veteran 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 Veteran 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 Veteran Court. **P** BPS X C

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

☒ ☐ 106. The Veteran 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 Veteran 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 Veteran 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**

CERTIFICATION RECOMMENDATIONS

First District Adult Drug Court. Logan, Judge Willmore

Monitors members of historically disadvantaged groups	(R)
Lack of continuum of care	(B)
Contact for 90 days	(B)
Trauma related training	(P)
Supervision caseloads do not exceed 50	(B)
New arrests monitored	(P)

First District Adult Drug Court, Brigham City, Judge Maynard

Monitors members of historically disadvantaged groups	(R)
Training for cultural bias	(P)
Drug tests available within 48 hours	(P)
Lack of continuum of care	(B)
Contact for 90 days	(B)
Supervision caseloads do not exceed 50	(B)
Electronic database	(B)

Second District DUI Court, Ogden, Judge DiReda

Drug tests available within 48 hours	(P)
Lack of continuum of care	(B)
12 step facilitation therapy	(P)
Trauma related training	(P)
Supervision caseloads do not exceed 50	(B)

New arrests monitored	(P)
Electronic database	(B)
Exit interview	(P)
Second District Adult Drug Court, Riverdale Justice Court, Judge Renstrom	
Monitors members of historically disadvantaged groups	(R)
Continuum of care	(B)
Medical and dental treatment	(B)
Electronic database	(B)
Third District Adult (ASAP) Drug Court, Salt Lake City, Judge Blanch	
Team members assigned for at least 2 years	(P)
Third District Adult Drug Court, Tooele, Judge Bates	
Monitors historically disadvantaged groups	(R)
Fourth District Adult (Probation) Drug Court, Provo, Judge Eldridge	
Monitors historically disadvantaged groups	(R)
Drug testing available on weekends and holidays	(R)
Sixth District Adult Drug Court, Richfield, Judge Bagley	
Monitors historically disadvantaged groups	(R)
More than 15 participants	(P)
Eight District Adult Drug Court, Vernal, Judge McClellan	
Monitors historically disadvantaged groups	(R)
Cultural bias training	(P)
Drug tests available within 48 hours	(P)
Randomly tested for broader range of drugs	(P)
Continuum of care	(B)
12 step facilitation therapy	(P)

Gender specific groups	(B)
Drug Overdose education for participants	(P)
New arrests monitored	(P)
Electronic database	(B)
Information recorded within 48 hours by staff	(B)
Exit interview	(P)
Third District Veteran Court, Salt Lake City, Judge Hansen	
Fourth District Veteran Court, Provo, Judge Powell	
Drug testing available on weekends and holidays	(R)
Exit interview	(P)
Second District Juvenile Drug Court, Ogden, Judge Noland	
Written Policy addressing MAT	(R)
Cultural bias training	(P)
Drug tests available within 48 hours	(P)
Continuum of care	(B)
Sufficient dosage of care for long term sobriety	(P)
Drug overdose education for participants	(P)
Continuing care plan	(B)
Contact after 90 days	(B)
Assignment to drug court for 2 years	(P)
New hires receive a formal orientation	(P)
More than 15 participants	(P)
Electronic database	(B)
Exit interview	(P)
Second District Dependency Drug Court, Ogden, Judge Heward	

Monitors historically disadvantaged groups	(R)
Continuum of care	(B)
Training for new staff	(B)
Electronic database	(B)
Third District Dependency Drug Court, West Jordan, Judge Jimenez	
Cultural bias training	(P)
Drug testing available on weekends and holidays	(R)
Drug tests available within 48 hours	(P)
Random tests for broader range of drugs	(P)
Contact in the first 90 days	(B)
Exit interview	(P)
Fourth District Dependency Drug Court, Orem, Judge Nielsen	
Monitors historically disadvantaged groups	(R)
Drug tests available on weekends and holidays	(R)
Test specimen given within 8 hours	(P)
Minimum length of program is 12 months	(B)
Training for trauma informed services	(P)
Members assigned for no less than 2 years	(P)
New staff training	(B)
Exit interview	(P)
Fourth District Dependency Drug Court, Spanish Folk, Judge Smith	
Training on cultural bias	(P)
Drug testing on weekends and holidays	(R)
Drug tests available within 48 hours	(P)
Test specimens delivered within 8 hours	(P)

Randomly testing for broader range of drugs	(P)
Minimum length of program is 12 months	(B)
Contact within 90 days	(B)
Training on trauma informed services	(P)
Staff assigned for no less than 2 years	(P)
More than 15 participants	(P)
Exit interview	(P)
Seventh District Dependency Drug Court, Price, Judge Bunnell	
Monitors historically disadvantaged groups	(R)
Continuum of care	(B)
Electronic database	(B)
First District Adult Mental Health Court, Brigham City, Judge Cannell	
Monitors historically disadvantaged groups	(R)
New staff training	(P)
Electronic database	(B)
Staff recording services within 48 hours	(P)
Second District Adult Mental Health Court, Ogden, Judge Hyde	
Monitors historically disadvantaged groups	(R)
Drug tests available within 48 hours	(P)
Random tests for broader range of drugs	(P)
New staff training	(P)
Second District Adult Mental Health Court, Farmington, Judge Dawson	
Monitors historically disadvantaged groups	(R)
Random tests for broader range of drugs	(P)
New staff training	(P)

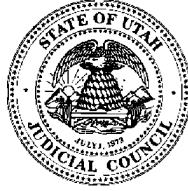
ALL CERTIFIED EXCEPT FOR THE FOLLOWING:

FOURTH DISTRICT ADULT DRUG COURT, PROVO, JUDGE ELDRIDGE	TESTING
FOURTH DISTRICT VETERAN COURT, PROVO, JUDGE POWELL	TESTING
SECOND DISTRICT JUVENILE DRUG COURT, OGDEN, JUDGE NOLAND	TESTING
THIRD DISTRICT DEPENDENCY DRUG COURT, WEST JORDAN, JUDGE JIMENEZ	TESTING
FOURTH DISTRICT DEPENDENCY DRUG COURT, OREM, JUDGE NIELSEN	TESTING
FOURTH DISTRICT DEPENDENCY DRUG COURT, SPANISH FOLK, JUDGE SMITH	TESTING

CONDITIONAL CERTIFICATION WAS GIVEN TO THREE PROBLEM SOLVING COURTS IN FEBRUARY, 2018

WEBER COUNTY ADULT DRUG COURT, JUDGE BEAN	TESTING
AMERICAN FOLDK JUVENILE DRUG COURT, JUDGE BAZZELL	TESTING
WASHINGTON COUNTY ADULT MENTAL HEALTH COURT, JUDGE WALTON	TIME

Tab 5



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: September 7, 2018
Re: Certification of Senior Judges and Commissioners

The commissioner evaluation process is governed by Utah Code of Judicial Administration [Rule 3-111](#). Rule 3-111 provides that commissioners shall be evaluated annually and those evaluations provided to the Judicial Council. The following commissioners' evaluations are attached:

- Michelle Blomquist: Third District
- Kim Luhn: Third District
- Joanna Sagers: Third District
- Thomas Patton: Fourth District

Commissioner Luhn received an overall evaluation rating of "needs improvement." She and Judge Skanchy have agreed on a plan for improvement.

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

UTAH STATE COURTS
COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: *Blomquist*
District: *3rd District*
Presiding Judge: *Stanchy*
Evaluation Period: *Jun 2018*

INSTRUCTIONS

Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, ~~and should review 5 of the commissioner's cases in conjunction with the performance evaluation.~~ *not done, nor likely to be done. RS*

PERFORMANCE CRITERIA

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

2. Is Attentive to the Factual and Legal Issues before the Court

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

3. Adheres to Precedent and Clearly Explains Any Departures from Precedent

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

Absent any empirical data for this annual evaluation period other than one judge response, this Court concludes that Commissioner Blomquist is meeting or exceeding expectations. Information was obtained from a 2017 evaluation and the one judge's evaluation.

5. Writes Clear Judicial OpinionsRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

6. Clearly Explains the Legal Basis for Judicial OpinionsRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's CourtRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

8. Maintains Decorum in the CourtroomRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial SystemRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

10. Prepares for HearingsRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

11. Avoids Impropriety and the Appearance of ImproprietyRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

12. Displays Fairness and Impartiality toward All PartiesRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and DecisionsRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

14. Manages Workload AppropriatelyRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary Delay

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD

Provide a cumulative rating of the court commissioner's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

COMMISSIONER COMMENTS

Please attach or include any comments provided by the court commissioner to the evaluation.

CERTIFICATION

We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.

Court Commissioner Signature:

Michelle T. [Signature]

Date:

August 15, 2018

Presiding Judge Signature:

[Signature]

Date:

15 August 2018

UTAH STATE COURTS
COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: *Kim Luhn*
District: *3rd*
Presiding Judge: *SKenney*
Evaluation Period: *June 2018*

INSTRUCTIONS

Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, and should review 5 of the commissioner's cases in conjunction with the performance evaluation.

PERFORMANCE CRITERIA

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

2. Is Attentive to the Factual and Legal Issues before the Court

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

3. Adheres to Precedent and Clearly Explains Any Departures from Precedent

Rating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable
Justification:

5. Writes Clear Judicial OpinionsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not ApplicableJustification: ~~do not have any entries on this for firm on evaluation~~**6. Clearly Explains the Legal Basis for Judicial Opinions**Rating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's CourtRating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

8. Maintains Decorum in the CourtroomRating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial SystemRating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

10. Prepares for HearingsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

11. Avoids Impropriety and the Appearance of ImproprietyRating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

12. Displays Fairness and Impartiality toward All PartiesRating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and DecisionsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

14. Manages Workload AppropriatelyRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary Delay

Rating: ☐ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☒ Not Applicable

Justification: no info to evaluate this issue.

OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD

Provide a cumulative rating of the court commissioner's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating: ☒ Needs Improvement ☐ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification: The largest issue is decorum, fairness and confidence in the judiciary. Additionally while admittedly a small sample poor. Commissioner Luhn's scores have all fallen in every category rated, except 1. Finally, the overall score is below the judge & her peers.

COMMISSIONER COMMENTS

Please attach or include any comments provided by the court commissioner to the evaluation.

CERTIFICATION

We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.

Court Commissioner Signature:



Date:

8/15/18

Presiding Judge Signature:



Date:

Aug 15, 2018

UTAH STATE COURT'S COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: *Thomas Sayer*
 District: *3rd District*
 Presiding Judge: *T. S. Sayer*
 Evaluation Period: *2017 - July 2018*

INSTRUCTIONS

Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, and should review 5 of the commissioner's cases in conjunction with the performance evaluation.

PERFORMANCE CRITERIA

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

2. Is Attentive to the Factual and Legal Issues before the Court

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

3. Adheres to Precedent and Clearly Explains Any Departures from Precedent

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

5. Writes Clear Judicial OpinionsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

6. Clearly Explains the Legal Basis for Judicial OpinionsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's CourtRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

8. Maintains Decorum in the CourtroomRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial SystemRating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

10. Prepares for HearingsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

11. Avoids Impropriety and the Appearance of ImproprietyRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

12. Displays Fairness and Impartiality toward All PartiesRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and DecisionsRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

14. Manages Workload AppropriatelyRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

15. Shares Proportionally the Workload within the DistrictRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

16. Issues Opinions and Orders without Unnecessary DelayRating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD

Provide a cumulative rating of the court commissioner's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating: ☐ Needs Improvement ☒ Meets Expectations ☐ Exceeds Expectations ☐ Not Applicable

Justification:

COMMISSIONER COMMENTS

Please attach or include any comments provided by the court commissioner to the evaluation.

CERTIFICATION*We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.*

Court Commissioner Signature:



Date:

Aug 17, 18


Presiding Judge Signature:



Date:

17 August 2018

This is my first evaluation of Commissioner Sager. I do not have any empirical data or reports on Commissioner Sager to undertake a fair evaluation as she does not have a midterm or final evaluation for performance. I have heard no complaints or expression of dissatisfaction concerning the Commissioner and I only know she has been active in suggestions and proposed modifications to make the process better for parties and litigants. Given the lack of information I have rated Commissioner Sager as "meets expectations."



UTAH STATE COURTS COURT COMMISSIONER PERFORMANCE EVALUATION

Court Commissioner: Thomas Patton
 District: Fourth District
 Presiding Judge: James Brady
 Evaluation Period: July 2017-2018

INSTRUCTIONS

Court commissioners shall be evaluated annually based on the sixteen performance criteria listed below, and provided with an overall rating for the review period. The presiding judge shall provide a rating and a written justification which summarizes the commissioner's performance on each of the criterion for the evaluation period. When rating a commissioner's performance, the presiding judge shall use the following scale:

- **Needs Improvement** – The commissioner does not meet expectations and requires improvement in the rating area as designated on the attached annual performance plan.
- **Meets Expectations** – The commissioner is performing at the expected level, and may periodically exceed expectations.
- **Exceeds Expectations** – The commissioner consistently exceeds expectations.

In evaluating the commissioner, the presiding judge may consider feedback from other members of the bench who work with the commissioner. The presiding judge should consider the objective data addressing the commissioner's performance provided by the TCE, and should review 5 of the commissioner's cases in conjunction with the performance evaluation.

PERFORMANCE CRITERIA

1. Demonstrates an Understanding of the Substantive Law and Relevant Rules of Procedure and Evidence

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: Commissioner Patton understands the substantive law from this study, constant use of and referral to the statutes and recent appellate decisions. He trains others on these items.

2. Is Attentive to the Factual and Legal Issues before the Court

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: I know of no cases that are not dealt with timely. He is efficient, instructive and helpful in keeping cases moving. He allows proffers, and attempts to focus attorneys on the legal and factual issues that he is considering in his hearing. He is informed of all documents in the file when the case is called.

3. Adheres to Precedent/Clearly Explains Any Departures from Precedent

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not

Applicable Justification: Nearly every decision includes his citation to the precedent. He is

informed, and teaches attorneys to cite to cases instead of relying on arguments based on what they feel the outcome ought to be.

4. Grasps the Practical Impact on the Parties of the Commissioner's Rulings, Including the Effect of Delay and Increased Litigation Expense

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: Commissioner Patton imposes a practical element to the issues he is presented. Parties a given advance notice of their time limits, the issues that need to be addressed. When necessary they may be given more time, and the Commissioner encourages negotiations prior to the hearing. His procedures are designed to move cases forward efficiently, at the least cost, while allowing the parties issues to be heard, and fairly decided.

5. Writes Clear Judicial Opinions

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: The Commissioner does not write judicial opinions.

6. Clearly Explains the Legal Basis for Judicial Opinions

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: The Commissioner excels in explaining the legal basis for his decisions. He provide real examples of the effects of his rulings. He cites to statutes, rules and cases that support the ruling.

7. Demonstrates Courtesy toward Attorneys, Court Staff, and Others in the Commissioner's Court

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: The judges of the 4th District appreciate that the Commissioner speaks plainly to the parties, and counsel. He uses his active listening, tone, and phrasing to show courtesy and respect.

8. Maintains Decorum in the Courtroom

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: The Commissioner is award of his courtroom and those who are in it. For the most part participants are well-behaved, those who aren't are called on it. The Commissioner use tone of voice, eye contact, clear speaking, pointed questioning, direct instructions, listening and directing others to listen, showing respect and requiring others to show respect in his courtroom.

9. Demonstrates Judicial Demeanor and Personal Attributes that Promote Public Trust and Confidence in the Judicial System

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: He is honest, respectful, courteous, plain spoken, and confident in his dealings with attorneys and the public.

10. Prepares for Hearings

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: Commissioner Patton spend hours each week, reading pleadings before his hearings. Often he is more prepared and aware of the content of the documents filed than are the attorneys.

11. Avoids Impropriety and the Appearance of Impropriety

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: Commissioner Patton has few conflicts, but when he does, he announces them and recuses, or at least informs the parties of potential conflicts and allows them to decide whether they want to move for his disqualification. He avoids impropriety in his public and private life.

12. Displays Fairness and Impartiality toward All Parties

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: The Commissioner has no favorites in parties or attorneys. His demeanor is consistent. He demonstrates no bias toward any demographic group.

13. Communicates Clearly and Explains the Basis for Written Rulings, Court Procedures, and Decisions

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: See response to number 6 above.

14. Manages Workload Appropriately

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: He has maintained the largest Commissioner case load in the state for several years. He uses clerical staff, and established procedures to manage his workload, and to meet the needs of the court patrons.

15. Shares Proportionally the Workload within the District

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification: His proportion of the District workload is greater than the other commissioners he has worked with, primarily because we have been understaffed in judicial officers and because the other Commissioner in our district is shared with the Juvenile Court. Recently our share of the Commissioner was increased, which allowed a more proportional division of the work.

16. Issues Opinions and Orders without Unnecessary Delay

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

OVERALL PERFORMANCE RATING FOR EVALUATION PERIOD

Provide a cumulative rating of the court commissioner's performance for the designated evaluation period, reflective of the ratings for the sixteen performance criteria.

Rating: ☐ Needs Improvement ☐ Meets Expectations ☒ Exceeds Expectations ☐ Not Applicable

Justification:

COMMISSIONER COMMENTS

Please attach or include any comments provided by the court commissioner to the evaluation.

CERTIFICATION

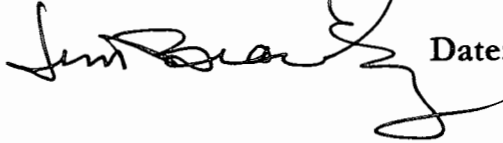
We have discussed this performance evaluation in detail and the court commissioner understands the evaluation. Future expectations are clear as the presiding judge has provided a new performance plan with clear objectives for the next evaluation period.

Court Commissioner Signature:



Date: Sept 5, 2018

Presiding Judge Signature:



Date: Sept 5, 2018

Tab 6

**This item
will be
sent
separately**

Tab 7

R597-3-2. Survey.

(1) General provisions.

(a) All surveys shall be conducted according to the evaluation cycles described in R597-3-1, *supra*.

(b) The commission may provide a partial midterm evaluation to any judge whose appointment date precludes the collection of complete midterm evaluation data.

(c) The commission shall post on its website the survey questionnaires upon which the judge shall be evaluated at the beginning of the survey cycle.

(d) The commission may select retention survey questions from among the midterm survey questions.

(e) Periodically, reviews may be conducted to ensure compliance with administrative rules governing the survey process.

(f) The commission may consider narrative survey comments that cannot be reduced to a numerical score.

(g) Surveys shall be distributed by the third-party contractor engaged by the commission to conduct the survey. The contractor shall determine the maximum number of survey requests sent to a respondent, but in no event shall any respondent receive more than nine survey requests.

(2) Respondent Classifications

(a) Attorneys

(i) Identification of survey respondents.

(A) Within 10 business days of the end of the evaluation cycle, the clerk for the judge or the Administrative Office of the Courts shall identify as potential respondents all attorneys who have appeared before the judge who is being evaluated at a minimum of one hearing or trial during the evaluation cycle.

(B) Attorneys who have been confirmed as judges during the evaluation cycle shall be excluded from the attorney pool.

(C) Within 10 business days of the end of the evaluation cycle, the Office of the Professional Conduct shall identify all judges who have referred an attorney for allegations of misconduct.

(D) An attorney who has been referred by a judge to the Office of Professional Conduct shall be excluded from the attorney pool of the referring judge.

R597-3-4. Minimum Performance Standards.

(1) In addition to the minimum performance standards specified by statute or administrative rule, the judge shall:

(a) ~~Demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, by the totality of the circumstances~~ that the judge's conduct in court promotes procedural fairness for court participants. To determine if the judge meets the minimum performance standard of procedural fairness:

(i) commissioners shall consider only data collected as part of the judge's performance evaluation, pursuant to 78A-12-203(2).

(ii) the standard shall be commensurate with the standard set forth for scored minimum performance standards on the judicial performance survey, as in 78A-12-205(1)(b)(i).

(iii) commissioners shall vote, with a majority of the quorum constituting the decision of the commission.

(iv) the outcome of the vote shall establish the rebuttable presumption as it applies to procedural fairness, in accordance with 78A-12-203(4)(b).

(b) Meet all performance standards established by the Judicial Council, including but not limited to:

- (i) annual judicial education hourly requirement;
- (ii) case-under-advisement standard; and
- (iii) physical and mental competence to hold office.

(2) No later than October 1st of the year preceding each general election year, the Judicial Council shall certify to the commission whether each judge standing for retention election in the next general election has satisfied its performance standards.

R597-3-5. Public Comments.

(1) Persons desiring to comment about a particular judge with whom they have had experience may do so at any time, either by submitting such comments on the commission website or by mailing them to the executive director.

(2) In order for the commission to consider comments in making its retention recommendation on a particular judge, comments about that judge must be received no later than March 1st of the year in which the judge's name appears on the ballot.

(3) Comments received after March 1st of the year in which the judge's name appears on the ballot will be included as part of the judge's mid-term evaluation report in the subsequent evaluation cycle.

(4) Comments received about a judge after the mid-term evaluation cycle ends will be included in the judge's next retention evaluation report.

~~(5) Persons submitting comments pursuant to this section must include their full name, address, and telephone number with the submission.~~ Persons submitting comments may choose whether to include their name and contact information with their submission.

(6) All public comments are subject to GRAMA, pursuant to 78A-12-206(1).

R597-3-2. Survey.

(1) General provisions.

(a) All surveys shall be conducted according to the evaluation cycles described in R597-3-1, supra.

(b) The commission may provide a partial midterm evaluation to any judge whose appointment date precludes the collection of complete midterm evaluation data.

(c) The commission shall post on its website the survey questionnaires upon which the judge shall be evaluated at the beginning of the survey cycle.

(d) The commission may select retention survey questions from among the midterm survey questions.

(e) Periodically, reviews may be conducted to ensure compliance with administrative rules governing the survey process.

(f) The commission may consider narrative survey comments that cannot be reduced to a numerical score.

(g) Surveys shall be distributed by the third-party contractor engaged by the commission to conduct the survey. The contractor shall determine the maximum number of survey requests sent to a respondent, but in no event shall any respondent receive more than nine survey requests.

(2) Respondent Classifications

(a) Attorneys

(i) Identification of survey respondents.

(A) Within 10 business days of the end of the evaluation cycle, the clerk for the judge or the Administrative Office of the Courts shall identify as potential respondents all attorneys who have appeared before the judge who is being evaluated at a minimum of one hearing or trial during the evaluation cycle.

(B) Attorneys who have been confirmed as judges during the evaluation cycle shall be excluded from the attorney pool.

(C) Within 10 business days of the end of the evaluation cycle, the Office of the Professional Conduct shall identify all judges who have referred an attorney for allegations of misconduct.

(D) An attorney who has been referred by a judge to the Office of Professional Conduct shall be excluded from the attorney pool of the referring judge.

R597-3-4. Minimum Performance Standards.

(1) In addition to the minimum performance standards specified by statute or administrative rule, the judge shall:

(a) ~~Demonstrate by a preponderance of the evidence, based on courtroom observations and relevant survey responses, by the totality of the circumstances that the judge's conduct in court promotes procedural fairness for court participants.~~ To determine if the judge meets the minimum performance standard of procedural fairness:

(i) commissioners shall consider only data collected as part of the judge's performance evaluation, pursuant to 78A-12-203(2).

(ii) the standard shall be commensurate with the standard set forth for scored minimum performance standards on the judicial performance survey, as in 78A-12-205(1)(b)(i).

(iii) commissioners shall vote, with a majority of the quorum constituting the decision of the commission.

(iv) the outcome of the vote shall establish the rebuttable presumption as it applies to procedural fairness, in accordance with 78A-12-203(4)(b).

(b) Meet all performance standards established by the Judicial Council, including but not limited to:

- (i) annual judicial education hourly requirement;
- (ii) case-under-advisement standard; and
- (iii) physical and mental competence to hold office.

(2) No later than October 1st of the year preceding each general election year, the Judicial Council shall certify to the commission whether each judge standing for retention election in the next general election has satisfied its performance standards.

R597-3-5. Public Comments.

(1) Persons desiring to comment about a particular judge with whom they have had experience may do so at any time, either by submitting such comments on the commission website or by mailing them to the executive director.

(2) In order for the commission to consider comments in making its retention recommendation on a particular judge, comments about that judge must be received no later than March 1st of the year in which the judge's name appears on the ballot.

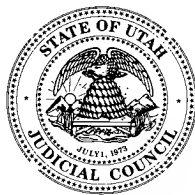
(3) Comments received after March 1st of the year in which the judge's name appears on the ballot will be included as part of the judge's mid-term evaluation report in the subsequent evaluation cycle.

(4) Comments received about a judge after the mid-term evaluation cycle ends will be included in the judge's next retention evaluation report.

~~(5) Persons submitting comments pursuant to this section must include their full name, address, and telephone number with the submission.~~ Persons submitting comments may choose whether to include their name and contact information with their submission.

(6) All public comments are subject to GRAMA, pursuant to 78A-12-206(1).

Tab 8



Administrative Office of the Courts

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

August 24, 2018

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

MEMORANDUM

TO: Management Committee and Judicial Council
FROM: Nancy Sylvester
RE: Self-represented Parties Committee Appointment

Name of Committee: The Standing Committee on Resources for Self-represented Parties

Reason for Vacancy: Public member Kristin Godwin stopped attending committee meetings and Shaunda McNeill's first term expired. Ms. McNeill is not seeking a second term.

Eligibility requirements: These positions require a member of the public and a bar member. See UCJA Rule 1-205(1)(B)(viii).

Current committee member list:

Last Name	First Name	Representing	Original Appointment	Current Appointment	Term Ends
Bazzelle	Suchada	Juvenile court judge	17-Aug-18	17-Aug-18	17-Aug-21
Collins	Lisa	Appellate clerk of court	11-Sep-12	26-Oct-15	26-Oct-18
Crismon	Sue	Salt Lake Legal Defenders	28-Apr-14	28-Apr-17	28-Apr-20
Fjeldsted	Monica	Urban clerk of court (designee)	11-Sep-17	11-Sep-17	11-Sep-20
Frank	Carol	Rural clerk of court	22-Feb-10	23-Nov-15	23-Nov-18
Griffith	Susan	Public	24-Feb-14	27-Feb-17	27-Feb-20
Francis	Leslie	S J Quinney College of Law	20-Nov-17	20-Nov-17	20-Nov-20
Godwin	Kristin	Public	26-Jun-17	26-Jun-17	26-Jun-20
Hernandez	Carl	J Reuben Clark Law School	28-Apr-14	28-Apr-17	28-Apr-20

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

Hoskins	Catherine	Juvenile court judge	01-May-18	01-May-18	01-May-21
Kent	Jacob	OCAP (ULS)	27-Feb-17	27-Feb-17	27-Feb-20
Lawrence	Barry	CHAIR-District court judge	23-Nov-15	10-Dec-16	10-Dec-19
Martinez	Chris	Legal Aid Society of Salt Lake	28-Apr-14	28-Apr-17	28-Apr-20
McNeil	Shaunda	Bar	22-Jun-15	22-Jun-15	22-Jun-18
Sessions	Brook	Justice court judge	20-Nov-17	20-Nov-17	20-Nov-20
Sudbury	Virginia	Low Income Attorney	28-Feb-11	27-Feb-17	27-Feb-20
Thomas	Doug	District court judge	16-Mar-11	28-Apr-17	28-Apr-20
Player	Nathanael	SHC	11-Sep-17	-	-
Van Buren	Jessica	State Law Library	28-Feb-05	-	-

Description of recruitment process:

For the Bar member position, an email was circulated to the Bar. Judge Lawrence also reached out directly to Charles Stormont about applying based on his access to justice work with the Bar and his pro se calendar work with the courts. For the public member position, the committee directly recruited from the Martin Luther King Commission. Several members of the commission attended a committee meeting recently and the committee recognized that the commission was a critical partner in its outreach work.

List of names for consideration:

Public member

Shawn Newell

Bar member

Charles Stormont
Tatiana Christensen
Michael Hinckley
Peter Strand
Kimberly Crandall
Wendy Brown

Statement of interest:

See attached.

List of other current and past committee assignments:

See attached.

Recommendation:

The committee recommends that Shawn Newell and Charles Stormont be appointed.



Nancy Sylvester <nancyjs@utcourts.gov>

Shawn 2007 resume.doc

Shawn Newell <snewell@indsupply.com>
To: Nancy Sylvester <nancyjs@utcourts.gov>

Thu, Aug 2, 2018 at 10:14 AM

Nancy,
I know my resume is lengthy, but I want everyone to know as much as possible about my experiences since I am coming from outside of the judicial system.
Shawn

My interest in serving on this committee stems from what I see as a need for our communities to have a greater understanding of the judicial system. Individuals also need to understand the considerations of self representation as well as the resources available to them when working with and through our legal system.

I intend to share, through my advocacy, resulting messages and considerations, from the committee to community leaders, community groups and individuals thus creating a greater level of intelligence about how the judicial system and how it works for these stakeholders and citizens.

2 attachments

Shawn 2007 resume.doc
40K

ATT00001.htm
1K

Shawn E. Newell
6870 So. Nye Dr.
Cottonwood Heights, UT 84121

Work (801) 842-7064
Cell (801) 414-8484
snewell@indsupply.com

Vice President of Business Development
Sales Management/Branch Operations/ Outside Sales/ New Business
Development/Marketing/ Territory Management

Professional manager, successful in creating regional territory growth, developing sales personnel, and creating new business opportunities, in the region. Focused researcher and developer of key market analysis and strategies. Experience in direct customer sales in a number of market segments including local and Federal government entities as well as privately and publicly held corporations. Energized communicator focused on team dynamics and task completion.

Professional Experience

Industrial Supply Company (ISC), Salt Lake City, Utah

2004-2014

Vice President of Sales

A 90-year-old general distribution company. Industrial Supply is the regions leader in maintenance, repair and operations supplies. The company is versatile in the value added products offered to customers. Products include vendor managed inventory programs, e-commerce and contractual agreements.

Assist in the development of annual sales projections. Creating regional sales projections based on business trends and the analysis of current customer business forecast.

Create market plans for the northern region of Utah. Assist the sales force in the creation of workable sales plans. Illustrate the paths to success through formal and informal training. Coordinate training activities with overlap into the entire company's management teams.

Additional cross functional activities include coordinating the activities of manufacturer representatives and company joint activities, with concern to the sales personnel.

Shawn E. Newell

Work (801) 842-7064

Industrial Supply Company

2002-2004

Regional Sales Manager

Responsible for ISC northern regional sales and marketing plans.

Hired and developed the sales, branch manager, warehouse and driving personnel, for the regional Branch. Performed quarterly reviews with regional personnel. Coordinated branch operations, with the team members.

Developed sales territories. Through mapping area business locations and researched SIC codes to determine the most efficient means and potential product penetration that best fit the area manufacturers.

Industrial Supply Company

1985- 2002

Sales Representative

Direct customer sales. Developed new customer relationships for Industrial Supply Company. Responsible for customer accounts annual averaging more than \$3 million in annual sales.

Developed and marketed a newly created cutting tool department. Calling on machine, welding and fabrication companies. Made presentations on new tooling for existing applications and worked with customers on new application solutions.

Government sales. Worked directly with local, State and federal entities to create an awareness of the ISC's capabilities and products.

Riverside Press Enterprise

1/1980 - 7/1980

Sales Representative

The Press Enterprise is Riverside California's regional newspaper covering the inland empire.

Door to door subscription sales. Worked in various markets developing new subscribers and renewing cancelled customers.

Shawn E. Newell

Work (801) 842-7064

Education & Training

PES University / Toyota Lean Training System 2007

**University of Phoenix /Murray, UT.
Master of management/MM 2006**

**Salt Lake Community College/Salt Lake City, UT.
Marketing Management/AAS 1993**

**University of Utah/Salt Lake City, UT.
Bachelor of Science/Sociology 1986**

**Utah State University/Logan, UT.
Continuing education Credits**

Professional & Community Affiliations

**Vice President of the Salt Lake Branch of the NAACP – and serves
as the Labor and Industry Committee Chairman**

**Commissioner on the Governor's MLK Human Rights Commission
2014- Present**

**Chairman Salt lake Community College Marketing PAC Member
2013- Present**

**Chairman Salt Lake Community College Workforce and Economic
Advisory Board June 2016- June 2018**

**The Ron McBride Foundation Board
Chief Diversity Officer
2017-2018**

**Salt Lake Chamber of Commerce Presidents Ambassador
2017- Present**

Shawn E. Newell

Work (801) 842-7064

**Salt Lake Community College Alumni Council President
2017-Present**

**Salt Lake Community College Board of Trustees
2017-Present**

**ME4U Community Coalition
2017- Present**

**Utah Manufacturers Association Board
May 2018- Present**

Founder of the Utah Multicultural Civic Council

Salt Lake Basketball Officials Association

Ute Conference Officials Board

Past memberships:

**Crimson Club Board Member
University of Utah Athletic Department**

Toast Masters

Delta Epsilon Chi

Salt Lake City Junior Chamber of Commerce

Volunteer Youth Football Coach

Volunteer Youth Basketball Coach



000288

Minhvan Brimhall <minhvanb@utcourts.gov>

VACANCIES ON COURT COMMITTEES

Charles Stormont <castormont@utah.gov>

Mon, Jul 30, 2018 at 9:34 PM

To: minhvanb@utcourts.gov

Cc: Nancy Sylvester <nancyjs@utcourts.gov>, Judge Barry Lawrence <blawrence@utcourts.gov>

Dear Minhvan,

Attached please find my application for the vacancy on the Standing Committee on Resources for Self-Represented Parties, together with a copy of my resume. Should you need anything further to consider my application, please do not hesitate to let me know. Thank you.

Regards, Charles

Charles A. Stormont
Director, Right of Way
Utah Department of Transportation

4501 South 2700 West, Box 148420

Salt Lake City, Utah 84114-8420


385.226.8948

castormont@utah.gov

[Quoted text hidden]

2 attachments

 **Advisory and Standing Committees Form.Crim Proc.Eth Adv.Self-Rep.docx**
404K

 **2018.07.10 C. Stormont Updated Resume.pdf**
123K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Stormont First: Charles

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

☐ Advisory Committee on the Utah Rules of Criminal Procedure

☐ Ethics Advisory Committee

☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

I applied for the Supreme Court's Advisory Committee on the Rules of Civil Procedure approximately 8 years ago, but was not selected.

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

Third District Pro Bono Committee, AAA Task Force, Bar Examiner (Ethics, Constitutional Law)

- 5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:**

Futures Commission of the Utah State Bar

- 6. Please provide your contact information:**

Bar Number: 11490

Firm or Organization: Utah Department of Transportation

Mailing Address: 4501 South 2700 West, Box 148420

City/Town: Salt Lake City

State: Utah

Zip Code: 84114-8420

County: Salt Lake County

Email Address: castormont@utah.gov

Phone Number: 385.226.8948

- 7. Number of Lawyers in Firm or Organization:** 10 supporting my Division at AG's Office

- 8. Years of Practice:** 17

- 9. Type of Practice:** Civil Litigation, Land Use, Debt Collection

- 10. Publications?** Please see resume for list

- 11. Academic Distinctions?** University of Virginia School of Law, Law Review Editorial Board;

Davidson College, Phi Beta Kappa and William Scott Bryant Memorial Award

- 12. Other Distinctions, Recognitions, or Awards?** Utah Judicial Council Service to the Courts Award

(Co-recipient, 2015); S.J. Quinney College of Law, Pro Bono Initiative Distinguished Pro Bono

Attorney (2016); Utah State Bar Pro Bono Law Firm of the Year (AG's Office, 2015)

- 13. Gender:** Male

- 14. Race or Ethnic Group:** Caucasian

15. Please Describe your experience and interest in the committee:

As the founder of the Debt Collection Volunteer Attorney Program, I was personally responsible for the development and oversight of numerous volunteers and regularly volunteered on the debt calendar to provide service to unrepresented defendants. Through this work, I learned how critically important it is that we work as a Bar to improve access to justice for all parties to ensure that our judiciary is respected and that the strength of our judicial branch can continue and grow. While we have been successful in recruiting additional resources to the program, so I am no longer managing the day-to-day functioning of the program, I have expanded my work to support other pro bono programs in the federal courts (e.g., asylum partnership with Holy Cross Ministries; bankruptcy adversary proceeding program), expanding the debt collection program to the Second District, and working to add eviction cases to the calendar. I have also served on the Board of Open Legal Services, a low bono legal service provider, and thus understand the challenges and opportunities of this additional approach to solving access to justice issues. My interest in access to justice stems from a desire to help others, something I learned by watching my mother constantly give to others despite her own challenges as a single mom. It is an example I want to set for my children, and the personal rewards cannot be beat when you can see how your efforts help others in need.

CHARLES ALAN STORMONT
 1029 1st Avenue, Salt Lake City, UT 84103
 801.521.4427 (home); 801.810.7049 (cell)
 cas7w@yahoo.com

EDUCATION

University of Virginia School of Law Charlottesville, VA

Juris Doctor, May 2001

- *Virginia Law Review*, Editorial Board

Davidson College Davidson, NC

Bachelor of Science with Honors in Political Science, May 1998

Majors: Mathematics and Political Science, *cum laude*

- Phi Beta Kappa
- Richard R. Bernard Society for Mathematics
- William Scott Bryant Memorial Award Recipient
- Habitat for Humanity Volunteer

Harvard University Cambridge, MA

Visiting Undergraduate, 1996-1997

- House and Neighborhood Development (HAND) Volunteer

EMPLOYMENT

Utah Department of Transportation Salt Lake City, UT

Director of Right-of-Way and Property Management June 2018 to present

Appointed to oversee Division responsible for acquisition of property needed for highway projects, relocation of displaced businesses and persons, management of properties acquired, oversight of local government highway projects using state and federal funds, utilities, access management, and statewide permits.

Utah Transit Authority Salt Lake City, UT

Senior Counsel December 2016 to June 2018

Civil litigation attorney, including eminent domain/property acquisitions, construction litigation, and employment matters. Assist Government Records Access and Management team and oversee efforts to increase transparent operations of organization.

Fabian VanCott Salt Lake City, UT

Of Counsel June 2016 to May 2018

Civil litigation attorney, including representation of clients before Utah Division of Occupational and Professional Licensing (accounting malpractice allegations), Utah State Bar Admissions Office (character and fitness review), Salt Lake County Clerk (election recount), Utah Department of Transportation (eminent domain and relocation), and Park City Planning Commission (non-profit opposition to development proposal).

Stormont Billings PLLC Salt Lake City, UT

Member May 2015 to May 2016

Co-founder of a full service boutique law firm, focusing on civil litigation, including jury and bench trials, as well as advising clients on related political, governmental, and public relations issues as needed.

Utah Attorney General's Office Salt Lake City, UT

Assistant Attorney General July 2008 to May 2015

Principal practice was eminent domain litigation for the Utah Department of Transportation. Managed independent litigation case load from pleadings through resolution, including first and second charring trials. Extensive work with expert witnesses on land use and appraisal issues. Counseled client on contract and risk management issues. Regularly consulted with attorneys in other fields regarding litigation strategy and case management issues. Conducted license revocation trials for Driver License Division.

Howrey LLP Salt Lake City, UT

Senior Associate, September 2007 to July 2008; *Associate*, July 2006 to September 2007

Principal practice areas were antitrust and intellectual property litigation. Antitrust practice involved counseling and litigation in federal courts. Intellectual property practice focused on litigation to protect trademark rights. Both practice areas involved participation in all phases of discovery and significant motions practice.

Vinson & Elkins L.L.P. Washington, DC

Associate, October 2001 to June 2006; *Summer Associate*, Summer 2000

Principal practice involved antitrust and patent litigation. Antitrust practice involved counseling, litigation, and representation before the U.S. Department of Justice and Federal Trade Commission under the Hart Scott Rodino Act. Patent litigation practice focused on discovery and remedies issues, including expert witness preparation. Assisted with damages issues, claim construction briefing, and witness preparation in complex patent litigation that resulted in favorable jury verdict. Took and defended depositions in complex patent litigation. Led client and legal teams to ensure compliance with discovery obligations in patent litigation and merger investigations.

SPEAKING ENGAGEMENTS

LAND USE

- UTAH STATE BAR, REAL PROPERTY SECTION, Use of Experts in Utah Eminent Domain Cases, April 19, 2018 (presenter)
- INTERNATIONAL RIGHT OF WAY ASSOCIATION, Reviewing Appraisals in Eminent Domain, Preparing an Effective Rebuttal Report, March 14, 2014 (presenter)
- INTERNATIONAL RIGHT OF WAY ASSOCIATION, 2013 Annual Conference, Changing Our View of Damages, June 24, 2013 (panel member)
- UTAH COUNCIL OF LAND SURVEYORS, 2012 & 2013 Annual Conferences, A Surveyor's Role in Litigation and How to Be an Effective Witness, February 9, 2012 & February 28, 2013 (presenter)
- UTAH LAND USE INSTITUTE, 2011 Land Use Conference, Eminent Domain Update – Recent Cases and Practice Pointers, October 12, 2011 (panel member)

PRO BONO SERVICES

- UTAH STATE BAR, Pro Se Debt Collection Calendar Training, June 21, 2018 (co-presenter)
- UTAH STATE BAR SUMMER CONVENTION, Pro Bono for Attorneys: During Your Career and Beyond, July 29, 2017 (panel member)
- UTAH STATE BAR LITIGATION SECTION, Easy Pro Bono Service (Landlord-Tenant and Debt Collection Calendar Training), Bountiful Courthouse, March 31, 2017 (presenter on debt collection issues)
- UTAH STATE BAR CORPORATE COUNSEL SECTION, Pro Bono Challenges and Opportunities for Corporate Counsel, October 29, 2015 (panel member)
- UTAH ATTORNEY GENERAL'S OFFICE - ANNUAL CONFERENCE, Pro Bono and the Judiciary, November 5, 2014 (panel member)
- UTAH STATE BAR, The Ethics of Pro Bono - Fulfilling a Lawyer's Responsibility Through Short Term Representation, June 18, 2014 (presenter)

OTHERS

- UTAH DIVISION OF ARCHIVES AND RECORDS SERVICES, A Day of Sunshine Open Government Conference, Privacy from a Legal Perspective, March 13, 2018 (presenter)
- UTAH STATE BAR LIMITED SCOPE SECTION, Applying Limited Scope Representation to Non-Family Law Practices, May 12, 2017 (panel member)
- INSIDE UTAH POLITICS, Is Medicaid Expansion Waiver Enough?, November 5, 2017 (panel member)
- INSIDE UTAH POLITICS, Have Politics Become Too Extreme?, May 28, 2017 (panel member)
- UTAH DEBATE COMMISSION, Utah Attorney General Debate, October 1, 2014 (one of two invited candidates for live television debate)
- DOUG WRIGHT SHOW, Utah Attorney General Debate, October 23, 2014 (one of three invited candidates for live radio debate)
- SALT LAKE ROTARY CLUB, Utah Attorney General Debate, August 26, 2014 (one of two invited candidates for debate)
- SALT LAKE TRIBUNE, Trib Talk with Jennifer Napier-Pearce, October 9, 2014 (video podcast interview)
- SOUTHERN UTAH LIVE, A Story to Tell, October 8, 2014 (video podcast interview)
- TODAY AT UTAH POLICY, Interview, September 29, 2014 (video podcast interview)
- RIVERVIEW MIDDLE SCHOOL Teaching the Constitution, September 17, 2014 (presenter for Constitution Day)
- DEMOCRATS OF SOUTHERN UTAH, A Discussion of Public Lands in Utah, September 15, 2014 (presenter)
- WOMEN'S DEMOCRATIC CLUB OF UTAH, A Discussion of Public Lands in Utah, September 6, 2014 (presenter)
- SALT CITY THROWDOWN, Better Know a Candidate, May 24, 2014 (radio podcast interview)
- UTAH ATTORNEY GENERAL'S OFFICE - TAX AND REVENUE DIVISION, Brown Bag Luncheon, A Rough Primer on Expert Reports Under the Utah Rules of Civil Procedure, May 19, 2011 (presenter)
- UTAH ATTORNEY GENERAL'S OFFICE - STATE AGENCY COUNSEL DIVISION, Division Meeting, A Brief Primer on Metadata: What it is, Why You Must Pay Attention to It, and How to Avoid Some Common Pitfalls, September 13, 2010 (presenter)

CHARLES ALAN STORMONT (CONTINUED)

PUBLICATIONS

- FUTURES COMMISSION OF THE UTAH STATE BAR, Report and Recommendation no the Future of Legal Services (July 2015) (contributing member)
- UTAH BAR JOURNAL, Pro Bono Signature Project: Debt Collection Volunteer Attorney Program (July/August 2014) (co-author)
- ABA ENVIRONMENTAL LITIGATION COMMITTEE, 50-State Survey of Protections Available for Purchasers of Contaminated Property (January 2014) (co-author of summary of Utah law)
- ABA SECTION OF LITIGATION, Circuit Conflicts in Antitrust Litigation (2009) (contributing author, assisted with preparation of manuscript for publication)
- ABA SECTION OF ANTITRUST LAW, Premerger Coordination Handbook (2006) (contributing author, assisted with preparation of manuscript for publication)
- ABA SECTION OF ANTITRUST LAW - INTELLECTUAL PROPERTY COMMITTEE HOLMES GROUP TASK FORCE, Status Report on Developments Relating to the Jurisdiction of the United States Court of Appeals for the Federal Circuit (January 2004) (contributing editor)
- ABA SECTION OF ANTITRUST LAW, Premerger Notification Practice Manual (3d ed. 2003) (contributing author, assisted with preparation of manuscript for publication)

PROFESSIONAL/VOLUNTEER ACTIVITIES & AWARDS

- Debt Collection Volunteer Attorney Program, 2013 to present
 - Responsible for creation and management of pro bono program that assists *pro se* defendants appearing during the Third District Court's weekly debt collection calendar, including regular representation of defendants, including at trial
 - Recognized as important factor in award of Pro Bono Law Firm of the Year by Utah State Bar in 2015
- I.J. & Jeanné Wagner Jewish Community Center, November 2015 to present (Member, Board of Directors)
 - Chair of Board Development Committee
- Open Legal Services, June 2015 to present (Chair, Board of Directors)
- S.J. Quinney College of Law, Pro Bono Initiative 2016 Distinguished Pro Bono Attorney
- Utah Democratic National Committeeman, July 2016 to present
- Utah Judicial Council 2015 Service to the Courts Award (Co-recipient)
- Utah State Bar Third District Pro Bono Committee, February 2013 to present (Member)
- Utah State Bar, Affordable Attorneys for All Task Force, Co-Chair August 2016 to present; Community Lawyering Subcommittee Co-chair, August 2015 to August 2016
- Utah State Bar, Futures Commission of the Utah State Bar, November 2014 to July 2015 (Member)
- Utah State Bar, Bar Examiner (Ethics, Constitutional Law), 2010 to present
- David K. Watkiss - Sutherland II Inn of Court, March 2012 to present
- Democratic Candidate for Utah Attorney General, March 2014 to November 2014
- C.O. and Kittie Fenner Charitable Foundation, 2001 to present (Member, Board of Directors)
- Youth Sports Coach, 2008 to 2010, 2013 to present (Baseball, Soccer, Basketball)
- Three Forks Cafe, LLC, Co-owner, October 2011 to November 2013 (located in the I.J. & Jeanné Wagner Jewish Community Center, offered a selection of fresh soups, salads, sandwiches, breakfast items, and coffee; family owned and operated; winner 2012 "Best Reward for a Workout" by City Weekly)



000295

Minhvan Brimhall <minhvanb@utcourts.gov>

application for the vacancy on the Standing Committee on Resources for Self-represented Parties

1 message

Tatiana B. Christensen <tchristensen@utahlegalservices.org>
To: "minhvanb@utcourts.gov" <minhvanb@utcourts.gov>

Tue, Jul 31, 2018 at 9:04 AM

Thank you for accepting my application and resume.

Best,

Tatiana


Tatiana B. Christensen
Attorney / Pro Bono Director
Utah Legal Services, Inc.
205 North 400 West
Salt Lake City, Utah 84103-1125
(801) 328-8891 ext. 3373


<https://www.utahlegalservices.org/>



This e-mail and its attachments are confidential. Do not forward, print or copy without authorization from the sender. If misdirected, please delete this communication and notify the sender immediately. This communication is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521. The information being transmitted is intended only for the use of the individual or entity named above.

2 attachments

 **workresume.doc**
34K

 **Application 2018.docx**
403K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Christensen

First: Tatiana

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

☐ Advisory Committee on the Utah Rules of Criminal Procedure

☐ Ethics Advisory Committee

☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

No

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

N/A

5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:

N/A

6. Please provide your contact information:

Bar Number: 10728

Firm or Organization: Utah Legal Services

Mailing Address: 205 N 400 W

City/Town: Salt Lake City

State: UT

Zip Code: 84103

County: Salt Lake County

Email Address: tchristensen@utahlegalservices.org

Phone Number: 801-328-8891, ext. 3373

7. Number of Lawyers in Firm or Organization: 22

8. Years of Practice: 9

9. Type of Practice: family law, expungements, pro bono management

10. Publications? N/A

11. Academic Distinctions? Graduated top 50% at J. Reuben Clark Law School (BYU)

12. Other Distinctions, Recognitions, or Awards? N/A

13. Gender: female

14. Race or Ethnic Group: Caucasian

15. Please Describe your experience and interest in the committee:

I have been a staff attorney at Utah Legal Services since September 2010. At ULS, I worked as a domestic lawyer for five years, handling divorce, custody, protective order, and stalking injunction matters. I then moved into the area of expungement law for a year. Subsequent to that, I have worked on pro bono projects, such as managing a Pro Bono Innovation Fund grant from the Legal Services Corporation, and became the Pro Bono Director for ULS in August 2017.

I am interested in improving the resources for self-represented parties, especially as so much of my work as Pro Bono Director at ULS and ULS's mission in general has to do with providing legal support and services to the most vulnerable among Utah's population. In my position at ULS, I have had several opportunities to consider the needs of and data related to self-represented parties, such as helping to administer several focus groups on legal needs in rural areas a couple of years ago, and would like to bring my experience to this committee.

Tatiana Bryan Christensen

tatianabryanchristensen@gmail.com 801-615-1654

Education

J. REUBEN CLARK LAW SCHOOL, BRIGHAM YOUNG UNIVERSITY, Provo, Utah

Juris Doctor, April 2005

- Moot Court Team, 2003-2004
- Trial Advocacy Team, 2003-2004
- Advocacy (Legal Research and Writing) Teaching Assistant, 2003-2005
- Dean's Fellow (Tutor), 2003-2004

TISCH SCHOOL OF THE ARTS, NEW YORK UNIVERSITY, New York, New York

Bachelor of Fine Arts in Acting, May 1999

- Graduated cum laude
- Minor in English

Bar Memberships

- Utah State Bar

Experience

UTAH LEGAL SERVICES, INC., Provo, Utah

Staff Attorney, September 2010 - present

- Draft court documents and represent clients in court for divorce, custody, and other domestic actions and expungement proceedings
- Experience managing pro bono projects, cases, and grants, including taking the position of Pro Bono Director in August 2017

MARCUMSMITH, LLC, Alpine, Utah

Writing Consultant, September 2005 - July 2007

- Assisted in the writing of *egonomics*, released by Simon & Schuster in September 2007, including consulting with the authors on content, organization, grammar, punctuation, and style
- Performed copy editing on the company's website and other marketing materials

JONES, WALDO, HOLBROOK & MCDONOUGH, Salt Lake City, Utah

Law Librarian, January - June 2007

- Brought on to assess the firm's library needs and assist in recruiting a new full-time librarian
- Managed information resources for the firm and researched for many of its 75+ attorneys

INTERNATIONAL CENTER FOR LAW AND RELIGION STUDIES, Provo, Utah

Research Assistant, June - August 2003

- Helped plan and facilitate a conference on church-state relations for visiting Russian delegates
- Conducted research for law review article on media, religion, and civil society

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, Mexico City, Mexico

Summer Associate with In-house Counsel, May - June 2003

- Assisted in the legal implementation of a low-interest-rate educational loan program in several Latin American and Caribbean countries
- Researched trademark and other intellectual property issues in Colombia

Skills

- Fluent Spanish and some American Sign Language (ASL)



000300

Minhvan Brimhall <minhvanb@utcourts.gov>

Application Vacancies on Court

1 message

Michael Hinckley <mhinckley@agutah.gov>
To: "minhvanb@utcourts.gov" <minhvanb@utcourts.gov>

Wed, Jul 25, 2018 at 8:23 AM

Ms. Brimhall,

Please see the attached documents as my application for the vacancies on the judicial committees. Thank you for your consideration.

Regards,

Michael V. Hinckley

Assistant Attorney General

Insurance Fraud Section

Fraud Division, Utah Attorney Generals Office

1385 S. State, Suite 110

Salt Lake City UT 84115


801-694-1531


mhinckley@agutah.gov

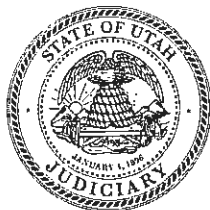
CONFIDENTIALITY NOTICE

This email transmission from the Office of the Utah Attorney General, contains information which may be confidential and/ or legally privileged. The information is intended only for the use of the individual or entity named on this transmission. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this email is strictly prohibited and that the email should be deleted immediately. If you have received this email in error, please notify us at mhinckley@agutah.gov. The unauthorized disclosure, use or publication of confidential or privileged information inadvertently transmitted to you may result in criminal and/ or civil liability.

2 attachments

 **Michael Hinckley Resume.docx**
28K

 **Hinckley.Advisory and Standing Committees Form.Crim Proc.Eth Adv.Self-Rep.docx**
404K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Hinckley

First: Michael

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

☐ Advisory Committee on the Utah Rules of Criminal Procedure

☒ Ethics Advisory Committee

☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

No

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

None

5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:

None

6. Please provide your contact information:

Bar Number: 15162

Firm or Organization: Utah Attorney General's Office

Mailing Address: 1385 S. State St., Suite 110

City/Town: Salt Lake City

State: Utah

Zip Code: 84115

County: Salt Lake

Email Address: mhinckley@agutah.gov

Phone Number: 801-694-1531

7. Number of Lawyers in Firm or Organization: 180+

8. Years of Practice: 4

9. Type of Practice: Criminal Prosecution

10. Publications? An Unreasonable Expectation? Warrantless Searches of Cell Phones, 2013 BYU.L.

REV. 1363

11. Academic Distinctions? cum laude, Dean's List Fall 2012, Fall 2013

12. Other Distinctions, Recognitions, or Awards? BYU Journal of Public Law: Managing Editor of Articles 2013-2014

13. Gender: Male

14. Race or Ethnic Group: White

15. Please Describe your experience and interest in the committee:

Ethics Advisory Committee – I have a long-standing interest in legal ethics. Further, I am just
now starting a long-term study of prosecutorial and judicial ethics and the opportunity to serve
on this committee would help that learning. I also had the opportunity to work as a district court
judicial clerk right out of law school and have some familiarity with judges and the processes
they go through to arrive at decisions.

Resources for Self-represented Parties – As a prosecutor I have often dealt with defendants who
do not qualify for a court appointed defense attorney but cannot afford to pay a private
attorney. There is a gap there that needs to be addressed. This problem is even more acute on
the civil side as there are no government provided attorneys for indigent civil defendants. I
would like to be a part of the solution to these problems.

Michael V. Hinckley

408 N. 1348 E., Lehi, UT 84043 mvhinck@gmail.com 435-764-6375

Experience

Assistant Attorney General, Utah Attorney General's Office, Salt Lake City, UT, June

2016–Present

- ♦ Prosecute complex felony insurance fraud and related crimes
- ♦ Conduct pre-filing investigations in conjunction with state investigators including the writing and/or approval of warrants and investigative subpoenas for phone records, bank records and other financial documents
- ♦ Conduct pre-filing witness interviews
- ♦ Research legal issues pertaining to motions in pending cases; write and argue motions
- ♦ Negotiate appropriate case dispositions
- ♦ Determine if charges should be filed and determine appropriate charges to file
- ♦ Extensive preliminary hearing, jury trial, and bench trial experience
- ♦ Direct and cross-examine expert witnesses including medical, financial, and other experts
- ♦ Prepare and conduct cross-examination of defense witnesses and anticipate defense strategy
- ♦ Prepare police, civilian, expert, and professional witnesses
- ♦ Research legal issues and respond to pre- and post-conviction motions, both in motion practice and in oral argument
- ♦ Conduct plea negotiations and determine proper dispositions
- ♦ Train junior attorneys in trial preparation, trial skills, oral advocacy, and strategy using live witnesses and motions within my assigned case load and trials

Adjunct Professor, Salt Lake Community College, Salt Lake City, UT, January 2018–Present

- ♦ Plan, organize, and teach a Political Science course introducing students to American political institutions
- ♦ Use media and interactive discussion designed to encourage critical thinking and to improve student understanding and about how political decisions impact regular citizens
- ♦ Ensure that the content and level of material asked in exams are adequately covered in classroom teaching

Associate Prosecutor, Salt Lake City Prosecutor's Office, Salt Lake City, UT, August 2015–June

2016

- ♦ Screened and prosecuted a high-volume case load including driving under the influence, domestic violence, drug offenses, theft offenses, traffic citations, sexual solicitation, assault and other misdemeanor and infraction level offenses
- ♦ Extensive jury trial, bench trial, and motion hearing experience both in justice court and district court
- ♦ Prepared police and civilian witnesses

Law Clerk/Bailiff, Judge Howard, Utah 4th District Court, Provo, UT, June 2014–August 2015

- ♦ Drafted bench memoranda and court decisions
- ♦ Performed legal research and analysis; analyzed records, trial transcripts, briefs, and case law
- ♦ Consulted with the judge on complex legal matters
- ♦ Provided court security

Michael V. Hinckley Resume

Extern, Utah County Attorney's Office, Provo, UT, May–August 2013

- ♦ Prosecuted crimes on the county level; tried a misdemeanor level jury trial
- ♦ Prepared and filed documents with the court

Research Assistant, J. Reuben Clark Law School, Provo, UT, October 2012–April 2014

- ♦ Performed research for various scholarly articles regarding the treatment of the mentally ill in both criminal and civil contexts

Extern, Utah Attorney General's Office, Salt Lake City, UT, June–August 2012

- ♦ Assisted in prosecuting insurance fraud and related crimes
- ♦ Developed case strategy, screened cases, and drafted court filings
- ♦ Attended suspect interviews and helped prepare for and conduct a preliminary hearing

Education & Memberships

Utah State Bar, October 2014

U.S. District Court, District of Utah, October 2014

J. Reuben Clark Law School, Brigham Young University, Provo, UT

Juris Doctor, April 2014

- ♦ GPA 3.51, *cum laude*, Dean's List Fall 2012, Fall 2013
- ♦ Journal of Public Law; Associate Editor, 2012–2013, Managing Editor of Articles, 2013–2014
- ♦ Author, *An Unreasonable Expectation? Warrantless Searches of Cell Phones*, 2013 B.Y.U.L. REV. 1363

Utah State University, Logan, UT

Bachelor of Science in Political Science and History, May 2010

- ♦ Honors: *cum laude*, Pi Sigma Alpha, and Phi Alpha Theta
- ♦ S. George Ellsworth Scholarship (full tuition), 2008–2009

Interests

- ♦ Marathon running, snowboarding, classic literature, World War II, World War I, and Cold War history, hiking, American Sign Language (beginner)

References

- ♦ **Judge Fred D. Howard**, Retired Utah District Court Judge, Utah Fourth District Court
164 East 3800 North, Provo, UT 84604
801-921-1115
- ♦ **Daryl L. Bell**, Director, Insurance Fraud Section, Utah Attorney General's Office
1385 S. State, Suite 110, Salt Lake City, UT 84115
dbell@utah.gov
801-330-0801
- ♦ **Erwin Petilos**, Assistant Attorney General, Insurance Fraud Section, Utah Attorney General's Office
1385 S. State, Suite 110, Salt Lake City, UT 84115
epetilos@agutah.gov
562-618-3562



000306

Minhvan Brimhall <minhvanb@utcourts.gov>

Application for Committees

1 message

peter strand <pstrand@representveterans.com>
To: minhvanb@utcourts.gov

Wed, Jul 25, 2018 at 9:07 AM

Attached please find my application.

--

Sincerely,

Peter J. Strand


Peter J. Strand
Staff Attorney and Director,
Lawyers for Veterans,

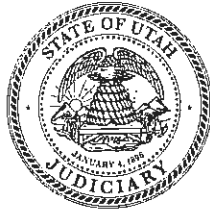
10808 S. River Front Parkway, #3102
South Jordan, UT 84095
Phone: (801) USA-VET 2 <872-8382>
Fax: (801) 606-3113
www.RepresentVeterans.Com

NOTE - Nothing in this email is intended to form a contract or alter the terms, benefits or conditions of an existing contract.

PRIVILEGE STATEMENT - The information in this message (and any attachments) is confidential and may consist of attorney work product and/or legally privileged information. If you are not the designated recipient of this message, please immediately contact Peter J. Strand by telephone: 801-872-8382. Thank you.

ELECTRONIC COMMUNICATION NOTICE -- This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. sec. 2510-2521, is confidential and may contain attorney-client materials and/or attorney work product, legally privileged and protected from disclosure. If the reader of this email is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

 **Advisory and Standing Committees Form.Crim Proc.Eth Adv.Self-Rep.docx**
403K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Strand First: Peter

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

- ☐ Advisory Committee on the Utah Rules of Criminal Procedure
☒ Ethics Advisory Committee
☐ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

I have applied for the Ethics Advisory Committee once before

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

14. Gender: Male

15. Race or Ethnic Group: Caucasian

16. Please Describe your experience and interest in the committee:

As the Supervising Attorney of a small nonprofit firm that represents low income veterans in various case types I have significant experience assisting self-represented parties. It was for this reason that I was nominated to serve on the OCAP policy board by my peers in the litigation section. I also serve as a judge protem for SLC. I spend a substantial amount of my time attempting to serve my community at large whether it is through my Free Wills for Veterans program, the monthly veterans legal clinic my firm runs, or through speaking and education programs at the local k-12 and law schools here in Utah.

I am interested in working with more experienced attorneys in the bar and so I volunteer for these committees. My interest in the Committee on Resources for Self-represented Parties stems from the number of such parties I am called on to assist. My interest in ethics is because of the fundamentally challenging nature of the subject matter.



000309

Minhvan Brimhall <minhvanb@utcourts.gov>

Vacancies on Court Committees

1 message

Kimberly Crandall <KCrandall@slco.org>

Tue, Jul 31, 2018 at 4:43 PM

To: "minhvanb@utcourts.gov" <minhvanb@utcourts.gov>

Please attached application form and resume. Thank you!

Kimberly M. Crandall


Deputy District Attorney

35 East 500 South

Salt Lake City, Utah 84111

kcrandall@slco.org

385-468-7519

 **application committee.docx**
391K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Crandall First: Kimberly

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

- ☐ Advisory Committee on the Utah Rules of Criminal Procedure
☒ Ethics Advisory Committee
☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

I have applied previously. I think maybe one or two times.

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

I am on the Utah Judicial Council Standing Committee on Pretrial Release and Supervision.

I am on the Utah State Bar Awards Committee.

5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:

I am currently on the two above committees and have not served on any before now.

6. Please provide your contact information:

Bar Number: 8826

Firm or Organization: Salt Lake County District Attorney's Office

Mailing Address: 35 East 500 South

City/Town: Salt Lake City

State: Utah

Zip Code: 84111

County: Salt Lake County

Email Address: kcrandall@slco.org

Phone Number: 801-651-9278 or 385-468-7519

7. Number of Lawyers in Firm or Organization: Around 100

8. Years of Practice: 18 years

9. Type of Practice: Criminal Law

10. Publications? N/A

11. Academic Distinctions? N/A

12. Other Distinctions, Recognitions, or Awards?

Salt Lake County District Attorney 2013 Trial Attorney of the Year.

13. Gender: Female

14. Race or Ethnic Group: White

Please Describe your experience and interest

I have been a Deputy District Attorney with the Salt Lake County District Attorney's Office since my admission to the Bar in 2000. Over the last ten years I have prosecuted special victim and domestic violence cases. From February 2018 to the present I have been on the Homicide Team.

I am interested in either the Ethics Advisory Committee or the Standing Committee on Resources for Self-Represented Parties.

My training and experience in practicing criminal law has prepared me for the Ethics Advisory Committee. My professional life and caseload is centered around a processing of information, reviewing of facts, and eventually a decision on how to proceed with a case. Criminal law is fact specific but also requires proper interpretation of the law and the intent behind it. It is also an area that involves extremely high stakes and thereby requires constant ethical conduct.

My experience in criminal law has also prepared me for and the Standing Committee on Resources for Self-Represented Parties. From my start in prosecution in 2001 until the present I have dealt with the individuals who choose to represent themselves. In fact, that culminated a couple of years ago in the West Jordan Courthouse when I prosecuted a man for Rape of a Child who insisted on self-representation. It was an interesting experience to say the least.

I would like a new legal challenge and believe my acquired skills, experience, and knowledge, would be helpful to either one of the Committees. I appreciate your consideration.

KIMBERLY M. CRANDALL

12063 Park Haven Lane, Riverton UT 84096 | 801-651-9278 | kcrandall@slco.org

EDUCATION

Juris Doctorate	2000
University of Utah, S.J. Quinney College of Law	Salt Lake City, Utah

Bachelor of Arts: English	1995
Westminster College	Salt Lake City, Utah

LEGAL EXPERIENCE

Deputy District Attorney	2001 to Present
Salt Lake County District Attorney's Office	Salt Lake City, Utah

2018. Homicide Team.

2008 to 2018. Special Victim Team.

2006 to 2008. Domestic Violence Team.

2001 to 2006. General Felony Team.

Litigate cases before judges in the Third District Court; both Matheson and West Jordan Divisions.

Salt Lake County District Attorney's Office 2013 Trial Attorney of the Year.

Screen cases with police agencies to initiate prosecution, requiring hours of reading and reviewing the materials to determine which cases to file in accordance with Utah law.

Draft all legal motions and memorandums as necessary for vertical prosecution.

Weekly meetings with both child and adult victims and victim representatives, requiring sensitivity to their situations and needs.

Staff cases with both other District Attorney staff and Administration in a collaborative effort.

COMMUNITY INVOLVEMENT

Utah State Bar Awards Committee. 2018.

Utah Judicial Council Standing Committee on Pretrial Release and Supervision. 2018.

Children's Justice Center Multi-Disciplinary Team. 2008 to Present.

Viewmont Elementary School Community Council. 2016 to Present.



000314

Minhvan Brimhall <minhvanb@utcourts.gov>

Committee Vacancies

1 message

Wendy Brown <wendymbrown@outlook.com>

Tue, Jul 31, 2018 at 4:50 PM

To: "minhvanb@utcourts.gov" <minhvanb@utcourts.gov>

Please consider my application for the committee vacancies advertised earlier this month by the Utah Bar.

2 attachments



Wendy Brown Committee Application.pdf

136K



2018 Resume.pdf

121K



Application

Utah Supreme Court Advisory Committees

Utah Judicial Council Standing Committees

The Utah Supreme Court and the Utah Judicial Council have vacancies on one or more of their committees. Any interested candidate is invited to complete this application and submit it along with the candidate's resume to Minhvan Brimhall at minhvanb@utcourts.gov. A brief description of the vacancies, work of the committees, and application deadline is appended to this announcement.

If you have any questions, please contact the respective staff person:

- Advisory Committee on the Rules of Criminal Procedure: Brent Johnson at brentj@utcourts.gov;
- Ethics Advisory Committee: Brent Johnson at brentj@utcourts.gov;
- Standing Committee on Resources for Self-represented Parties: Nancy Sylvester at nancyjs@utcourts.gov.

1. Your Name?

Last: Brown First: Wendy

2. What committee(s) are you applying for? (mark 'x' for all that pertain)

☒ Advisory Committee on the Utah Rules of Criminal Procedure

☒ Ethics Advisory Committee

☒ Standing Committee on Resources for Self-represented Parties

3. Have you applied for a committee appointment previously? If so, how many times?

No, I haven't

4. List any other Supreme Court, Judicial Council, or Bar Commission committees you are currently serving on:

N/A

5. List any Supreme Court, Judicial Council, or Bar Commission committees you have served on in the past:

N/A

6. Please provide your contact information:

Bar Number: 16208

Firm or Organization: The Stone Law Firm (soon to change to Stirba, P.C.)

Mailing Address: 3115 E Lion Lane, Suite 160

City/Town: Holladay

State: UT

Zip Code: 84121

County: Salt Lake

Email Address: wendymbrown@outlook.com

Phone Number: 801-608-5762

7. Number of Lawyers in Firm or Organization: 2

8. Years of Practice: 3.5

9. Type of Practice: Criminal Defense

10. Publications? Yes, see resume for citations

11. Academic Distinctions? Yes, see resume for details

12. Other Distinctions, Recognitions, or Awards? See resume

13. Gender: Female

Wendy M. Brown

6542 West 3880 South, West Valley City, UT 84128 | 801.608.5762 | WendyMBrown@outlook.com

EXPERIENCE

The Stone Law Firm, Salt Lake City, UT
Associate Attorney, January 2018 to Present

Utah Court of Appeals, Salt Lake City, UT
Judicial Clerk, January 2015 to January 2018

- Judge David Mortensen (June 2016 to January 2018)
- Senior Judge Pamela Greenwood (January 2016 to June 2016)
- Judge Gregory Orme (January 2015 to January 2016)

Sherrets Bruno & Vogt LLC, Omaha, NE
Associate Attorney and Law Clerk, March 2013 to November 2014

Law Office of David W. Brown, Salt Lake City, UT
Law Clerk and Ghostwriter, December 2011 to Present, as needed

EDUCATION

Creighton University School of Law, J.D., *magna cum laude*, 2014

- Ranked 9 of 121
- Executive Editor, *Creighton Law Review*
- Honorable Lyle E. Strom Scholar in Trial Advocacy
- CALI Excellence for the Future Awards in Trusts and Estates I, Marriage and Divorce, Scientific Evidence, Trusts and Estates II, and Advanced Trial Practice
- Achievements in several practical skills competitions, including *Champion* of the 2014 TYLA Regional Trial Team Competition, *Finalist* and *Outstanding Opening Statement* in the 2014 National Voir Dire Competition, and *Champion* and *Outstanding Oralist* in the 2012 Creighton University Moot Court Competition

Brigham Young University, B.A., History, 2011

PUBLICATIONS

David W. Brown & Wendy M. Brown, *Effective Methods of Dealing with Uncivil Attorneys*, written materials for Utah State Bar CLE (June 17, 2015), *updated* May 24, 2018.

Wendy Brown, Note, *Something Smells Sour: The Nebraska Supreme Court Misunderstands Occupation Taxes and Upholds a Rotten Restaurant Tax in Anthony, Inc. v. City of Omaha*, 46 CREIGHTON L. REV. 259 (2013).

ASSOCIATIONS

Utah Bar, February 2017 | **Nebraska Bar**, September 2014 | **Order of Barristers**, May 2014

COMMUNITY INVOLVEMENT

Layton High School, Mock Trial Coach | **Empress Theatre**, Choreographer & Director of Social Media



Chambers of
Justice John A. Pearce

Supreme Court
of the
State of Utah

450 South State Street, S520
PO Box 140210
Salt Lake City, Utah 84114-0210
Telephone: (801) 238-7935
Fax: (801) 238-7980
Email: supremecourt@utcourts.gov

August 3, 2018

Chief Justice Matthew B. Durrant
Utah State Courts
450 South State Street
Salt Lake City, UT 84114

Re: Standing Committee on Technology

Chief Justice Durrant:

The Technology Committee develops and makes recommendations to the Judicial Council relating to the plans, priorities, and strategies that guide and govern the acquisition and use of technology in Utah's courts.

We currently have a vacancy on the Committee because Judge Mathew Funk has completed his second term and is not eligible to serve a third.

I would ask that the Council act favorably on the nomination of Judge Clemens Landau to fill the Justice Court judge position on the Technology Committee.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Pearce".

John A. Pearce
Chair, Standing Committee on Technology

cc: Heidi Anderson

Tab 9



Administrative Office of the Courts

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

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

Jacey Skinner
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council

FROM: Michael C. Drechsel, Associate General Counsel – AOC

DATE: Monday, September 10, 2018

RE: CJA 4-202.02(4)(A) – Records Classification

This proposal comes from a problem in implementing recent legislation. That legislation changed the options available to a juvenile court as it pertained to collecting restitution. In the district and justice courts, when a court issues a restitution order, the court is to enter that amount as a civil judgment. Entering the amount as a civil judgment allows the victim to independently collect the amounts that are owed. Prior to recently enacted legislation, victims did not have the same opportunity in juvenile court. The new legislation states that the juvenile court is to enter restitution as a civil judgment, which would then allow the victim to collect the judgment. The problem that was not considered by the legislature is that the juvenile courts presently do not have the ability to create civil judgments and enter such judgments into a civil docket. Although all cases in the juvenile courts are considered civil, the juvenile courts do not have the ability to enter monetary civil judgments.

In order to resolve this problem, a process was developed by which the juvenile court would enter a civil judgment in the docket. The court would then create an abstract of the judgment which will be filed in district court, where the victim could then take advantage of the collection procedures available in the district courts. The legislation does not expressly provide for this process and the legislature may not have understood that civil judgments cannot be entered in juvenile court and they probably intended that such judgments would stay there. This means that the legislature would have expected these judgments to remain confidential, similar to other documents entered in the juvenile courts.

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

Therefore, the proposal is to have these juvenile court abstracts of judgment classified as “private” when they are filed in the district court. The designation will still allow the victim to take advantage of civil processes, but will keep the confidentiality that was perhaps intended.

Draft June 13, 2018

Rule 4-202.02. Records classification.**Intent:**

To classify court records as public or non-public.

Applicability:

This rule applies to the judicial branch.

Statement of the Rule:

(1) **Presumption of Public Court Records.** Court records are public unless otherwise classified by this rule.

(2) **Public Court Records.** Public court records include but are not limited to:

(2)(A) abstract of a citation that redacts all non-public information;

(2)(B) aggregate records without non-public information and without personal identifying information;

(2)(C) appellate filings, including briefs;

(2)(D) arrest warrants, but a court may restrict access before service;

(2)(E) audit reports;

(2)(F) case files;

(2)(G) committee reports after release by the Judicial Council or the court that requested the study;

(2)(H) contracts entered into by the judicial branch and records of compliance with the terms of a contract;

(2)(I) drafts that were never finalized but were relied upon in carrying out an action or policy;

(2)(J) exhibits, but the judge may regulate or deny access to ensure the integrity of the exhibit, a fair trial or interests favoring closure;

(2)(K) financial records;

(2)(L) indexes approved by the Management Committee of the Judicial Council, including the following, in courts other than the juvenile court; an index may contain any other index information:

(2)(L)(i) amount in controversy;

(2)(L)(ii) attorney name;

(2)(L)(iii) case number;

(2)(L)(iv) case status;

(2)(L)(v) civil case type or criminal violation;

(2)(L)(vi) civil judgment or criminal disposition;

(2)(L)(vii) daily calendar;

(2)(L)(viii) file date;

(2)(L)(ix) party name;

(2)(M) name, business address, business telephone number, and business email address of an adult person or business entity other than a party or a victim or witness of a crime;

(2)(N) name, address, telephone number, email address, date of birth, and last four digits of the following: driver's license number; social security number; or account number of a party;

(2)(O) name, business address, business telephone number, and business email address of a lawyer appearing in a case;

(2)(P) name, business address, business telephone number, and business email address of court personnel other than judges;

(2)(Q) name, business address, and business telephone number of judges;

(2)(R) name, gender, gross salary and benefits, job title and description, number of hours worked per pay period, dates of employment, and relevant qualifications of a current or former court personnel;

(2)(S) unless classified by the judge as private or safeguarded to protect the personal safety of the juror or the juror's family, the name of a juror empaneled to try a case, but only 10 days after the jury is discharged;

(2)(T) opinions, including concurring and dissenting opinions, and orders entered in open hearings;

(2)(U) order or decision classifying a record as not public;

(2)(V) private record if the subject of the record has given written permission to make the record public;

(2)(W) probation progress/violation reports;

(2)(X) publications of the administrative office of the courts;

(2)(Y) record in which the judicial branch determines or states an opinion on the rights of the state, a political subdivision, the public, or a person;

(2)(Z) record of the receipt or expenditure of public funds;

(2)(AA) record or minutes of an open meeting or hearing and the transcript of them;

(2)(BB) record of formal discipline of current or former court personnel or of a person regulated by the judicial branch if the disciplinary action has been completed, and all time periods for administrative appeal have expired, and the disciplinary action was sustained;

(2)(CC) record of a request for a record;

(2)(DD) reports used by the judiciary if all of the data in the report is public or the Judicial Council designates the report as a public record;

(2)(EE) rules of the Supreme Court and Judicial Council;

(2)(FF) search warrants, the application and all affidavits or other recorded testimony on which a warrant is based are public after they are unsealed under Utah Rule of Criminal Procedure 40;

(2)(GG) statistical data derived from public and non-public records but that disclose only public data;

(2)(HH) Notwithstanding subsections (6) and (7), if a petition, indictment, or information is filed charging a person 14 years of age or older with a felony or an offense that would be a felony if committed by an adult, the petition, indictment or information, the adjudication order, the disposition order, and the delinquency history summary of the person are public records. The delinquency history summary shall

contain the name of the person, a listing of the offenses for which the person was adjudged to be within the jurisdiction of the juvenile court, and the disposition of the court in each of those offenses.

(3) Sealed Court Records. The following court records are sealed:

(3)(A) records in the following actions:

(3)(A)(i) Title 78B, Chapter 6, Part 1, Utah Adoption Act six months after the conclusion of proceedings, which are private until sealed;

(3)(A)(ii) Title 78B, Chapter 15, Part 8, Gestational Agreement, six months after the conclusion of proceedings, which are private until sealed; -

(3)(A)(iii) Section 76-7-304.5, Consent required for abortions performed on minors; and

(3)(A)(iv) Section 78B-8-402, actions for disease testing;

(3)(B) expunged records;

(3)(C) orders authorizing installation of pen register or trap and trace device under Utah Code Section 77-23a-15;

(3)(D) records showing the identity of a confidential informant;

(3)(E) records relating to the possession of a financial institution by the commissioner of financial institutions under Utah Code Section 7-2-6;

(3)(F) wills deposited for safe keeping under Utah Code Section 75-2-901;

(3)(G) records designated as sealed by rule of the Supreme Court;

(3)(H) record of a Children's Justice Center investigative interview after the conclusion of any legal proceedings; and

(3)(I) other records as ordered by the court under Rule 4-202.04.

(4) Private Court Records. The following court records are private:

(4)(A) records in the following actions:

(4)(A)(i) Section 62A-15-631, Involuntary commitment under court order;

(4)(A)(ii) Section 76-10-532, Removal from the National Instant Check System database;

(4)(A)(iii) Title 78B, Chapter 6, Part 1, Utah Adoption Act, until the records are sealed; and

(4)(A)(iv) Title 78B, Chapter 15, Part 8, Gestational Agreement, until the records are sealed;

and

(4)(A)(v) cases initiated in the district court by filing an abstract of a juvenile court restitution

judgment.

(4)(B) records in the following actions, except that the case history; judgments, orders and decrees; letters of appointment; and the record of public hearings are public records:

(4)(B)(i) Title 30, Husband and Wife, including qualified domestic relations orders, except that an action for consortium due to personal injury under Section 30-2-11 is public;

(4)(B)(ii) Title 77, Chapter 3a, Stalking Injunctions;

(4)(B)(iii) Title 75, Chapter 5, Protection of Persons Under Disability and their Property;

(4)(B)(iv) Title 78B, Chapter 7, Protective Orders;

(4)(B)(v) Title 78B, Chapter 12, Utah Child Support Act;

(4)(B)(vi) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
 (4)(B)(vii) Title 78B, Chapter 14, Uniform Interstate Family Support Act;
 (4)(B)(viii) Title 78B, Chapter 15, Utah Uniform Parentage Act; and
 (4)(B)(ix) an action to modify or enforce a judgment in any of the actions in this subparagraph (B);
 (4)(C) affidavit of indigency;
 (4)(C) ~~an~~ affidavit supporting a motion to waive fees;
 (4)(D) aggregate records other than public aggregate records under subsection (2);
 (4)(E) alternative dispute resolution records;
 (4)(F) applications for accommodation under the Americans with Disabilities Act;
 (4)(G) jail booking sheets;
 (4)(H) citation, but an abstract of a citation that redacts all non-public information is public;
 (4)(I) judgment information statement;
 (4)(J) judicial review of final agency action under Utah Code Section 62A-4a-1009;
 (4)(K) the following personal identifying information about a party: driver's license number, social security number, account description and number, password, identification number, maiden name and mother's maiden name, and similar personal identifying information;
 (4)(L) the following personal identifying information about a person other than a party or a victim or witness of a crime: residential address, personal email address, personal telephone number; date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information;
 (4)(M) medical, psychiatric, or psychological records;
 (4)(N) name of a minor, except that the name of a minor party is public in the following district and justice court proceedings:
 (4)(N)(i) name change of a minor;
 (4)(N)(ii) guardianship or conservatorship for a minor;
 (4)(N)(iii) felony, misdemeanor, or infraction;
 (4)(N)(iv) child protective orders; and
 (4)(N)(v) custody orders and decrees;
 (4)(O) nonresident violator notice of noncompliance;
 (4)(P) personnel file of a current or former court personnel or applicant for employment;
 (4)(Q) photograph, film, or video of a crime victim;
 (4)(R) record of a court hearing closed to the public or of a child's testimony taken under URCrP 15.5:
 (4)(R)(i) permanently if the hearing is not traditionally open to the public and public access does not play a significant positive role in the process; or
 (4)(R)(ii) if the hearing is traditionally open to the public, until the judge determines it is possible to release the record without prejudice to the interests that justified the closure;

(4)(S) record submitted by a senior judge or court commissioner regarding performance evaluation and certification;

(4)(T) record submitted for in camera review until its public availability is determined;

(4)(U) reports of investigations by Child Protective Services;

(4)(V) victim impact statements;

(4)(W) name of a prospective juror summoned to attend court, unless classified by the judge as safeguarded to protect the personal safety of the prospective juror or the prospective juror's family;

(4)(X) records filed pursuant to Rules 52 - 59 of the Utah Rules of Appellate Procedure, except briefs filed pursuant to court order;

(4)(Y) records in a proceeding under Rule 60 of the Utah Rules of Appellate Procedure; and

(4)(Z) other records as ordered by the court under Rule 4-202.04.

(5) Protected Court Records. The following court records are protected:

(5)(A) attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the courts concerning litigation, privileged communication between the courts and an attorney representing, retained, or employed by the courts, and records prepared solely in anticipation of litigation or a judicial, quasi-judicial, or administrative proceeding;

(5)(B) records that are subject to the attorney client privilege;

(5)(C) bids or proposals until the deadline for submitting them has closed;

(5)(D) budget analyses, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(5)(E) budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the court's contemplated policies or contemplated courses of action;

(5)(F) court security plans;

(5)(G) investigation and analysis of loss covered by the risk management fund;

(5)(H) memorandum prepared by staff for a member of any body charged by law with performing a judicial function and used in the decision-making process;

(5)(I) confidential business records under Utah Code Section 63G-2-309;

(5)(J) record created or maintained for civil, criminal, or administrative enforcement purposes, audit or discipline purposes, or licensing, certification or registration purposes, if the record reasonably could be expected to:

(5)(J)(i) interfere with an investigation;

(5)(J)(ii) interfere with a fair hearing or trial;

(5)(J)(iii) disclose the identity of a confidential source; or

(5)(J)(iv) concern the security of a court facility;

(5)(K) record identifying property under consideration for sale or acquisition by the court or its appraised or estimated value unless the information has been disclosed to someone not under a duty of confidentiality to the courts;

(5)(L) record that would reveal the contents of settlement negotiations other than the final settlement agreement;

(5)(M) record the disclosure of which would impair governmental procurement or give an unfair advantage to any person;

(5)(N) record the disclosure of which would interfere with supervision of an offender's incarceration, probation, or parole;

(5)(O) record the disclosure of which would jeopardize life, safety, or property;

(5)(P) strategy about collective bargaining or pending litigation;

(5)(Q) test questions and answers;

(5)(R) trade secrets as defined in Utah Code Section 13-24-2;

(5)(S) record of a Children's Justice Center investigative interview before the conclusion of any legal proceedings;

(5)(T) presentence investigation report;

(5)(U) except for those filed with the court, records maintained and prepared by juvenile probation; and

(5)(V) other records as ordered by the court under Rule 4-202.04.

(6) **Juvenile Court Social Records.** The following are juvenile court social records:

(6)(A) correspondence relating to juvenile social records;

(6)(B) custody evaluations, parent-time evaluations, parental fitness evaluations, substance abuse evaluations, domestic violence evaluations;

(6)(C) medical, psychological, psychiatric evaluations;

(6)(D) pre-disposition and social summary reports;

(6)(E) probation agency and institutional reports or evaluations;

(6)(F) referral reports;

(6)(G) report of preliminary inquiries; and

(6)(H) treatment or service plans.

(7) **Juvenile Court Legal Records.** The following are juvenile court legal records:

(7)(A) accounting records;

(7)(B) discovery filed with the court;

(7)(C) pleadings, summonses, subpoenas, motions, affidavits, calendars, minutes, findings, orders, decrees;

(7)(D) name of a party or minor;

(7)(E) record of a court hearing;

(7)(F) referral and offense histories

(7)(G) and any other juvenile court record regarding a minor that is not designated as a social record.

(8) **Safeguarded Court Records.** The following court records are safeguarded:

(8)(A) upon request, location information, contact information, and identity information other than name of a petitioner and other persons to be protected in an action filed under Title 77, Chapter 3a, Stalking Injunctions or Title 78B, Chapter 7, Protective Orders;

(8)(B) upon request, location information, contact information and identity information other than name of a party or the party's child after showing by affidavit that the health, safety, or liberty of the party or child would be jeopardized by disclosure in a proceeding under Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act or Title 78B, Chapter 14, Uniform Interstate Family Support Act or Title 78B, Chapter 15, Utah Uniform Parentage Act;

(8)(C) location information, contact information, and identity information of prospective jurors on the master jury list or the qualified jury list;

(8)(D) location information, contact information, and identity information other than name of a prospective juror summoned to attend court;

(8)(E) the following information about a victim or witness of a crime:

(8)(E)(i) business and personal address, email address, telephone number, and similar information from which the person can be located or contacted;

(8)(E)(ii) date of birth, driver's license number, social security number, account description and number, password, identification number, maiden name, mother's maiden name, and similar personal identifying information.



Administrative Office of the Courts

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

Richard H. Schwermer
State Court Administrator

Ray Wahl
Deputy Court Administrator

Jacey Skinner
Deputy Court Administrator

MEMORANDUM

TO: Judicial Council Members

FROM: Michael C. Drechsel, Associate General Counsel – AOC

DATE: Tuesday, August 28, 2018

**RE: Amendment to CJA, Appendix I –
Classification of “Criminal Investigations” Court Records**

The Policy and Planning Committee recommends to the Judicial Council that the following amendment to the Code of Judicial Administration be published for public comment.

Appendix I of the Code of Judicial Administration outlines a summary of the classification of court records by case type. One of the case types listed in that summary is “Criminal Investigations.” These are cases where a prosecutor is seeking judicial authorization to conduct a criminal investigation, pursuant to Utah Code section 77-22-1 et seq. The current version of Appendix I states that the court records associated with this case type are “Protected.” While this “Protected” designation is consistent with both CJA 4-202.02(5)(J) and Utah Code section 63G-2-305(10), it does not accurately reflect the underlying statutory process used to create the records.

Utah Code section 77-22-2 contains provisions that allow a court, upon request from a prosecutor, to order that activities and documents associated with the criminal investigation be kept secret. See Utah Code §§ 77-22-2(6)(a), (6)(d), and (7)(a). If the request is granted, the court records subject to the order would be “protected.” Until such a request is made and granted, the court records are “public” records (see Utah Code § 77-22-2(7)(c) (stating that in granting the request, the court “shall order that all information be placed in the public file except information that [should be protected]”; see also Utah Code § 77-22-2(7)(d) (stating that “the court shall narrow the secrecy order as much as reasonably possible in order to preserve

**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 openness of court records while protecting the interests [that favor protecting the records]”).

The current version of CJA Appendix I presumes that court records related to criminal investigations are always “protected.” After reviewing this matter, the Policy and Planning Committee believes that a more accurate summary of the classification of court records associated with the “Criminal Investigation” case type is “Public unless otherwise ordered.” This classification starts with the premise that these court records are public by default, but upon being presented with an appropriate request, a court could order that the records be “protected.”

This amendment should be approved for public comment.

APPENDIX I. SUMMARY OF CLASSIFICATION OF COURT RECORDS

This chart is intended for use as a summary of how case record series are treated given classification of the case. “Public,” “Private,” “Protected,” and “Sealed” have the meanings given them by Rule 4-202.03.

“Semi-private” is an administrative description of a case in which the documents generally are private, but case identification is a matter of public record, as are the case history and the orders, judgments, and decrees. See Rule 4-202.02(4)(B)(i)-(ix).

Select documents and other records in a “public” or “semi-private” case may be otherwise classified by court order or because of the nature of the record or the nature of information within a record.

Case Type	Summary Classification	Case Identification Is	Case History Is	Documents Are	Judgment Is
Abstract of Judgment	Public	Public	Public	Public	Public
Adjudication of Marriage/Common Law Marriage	Semi-private	Public	Public	Private	Public
Administrative Agency Review	Public	Public	Public	Public	Public
Administrative Search Warrant	Private until 20 days after filing	Private until 20 days after filing	Private until 20 days after filing	Private until 20 days after filing	
Adoption	Sealed within 6 months after decree	Private until Sealed	Private until Sealed	Private until Sealed	Private until Sealed
Asbestos	Public	Public	Public	Public	Public
Attorney Discipline	Public	Public	Public	Public	Public
Child Support Lien	Public	Public	Public	Public	Public
Civil Rights	Public	Public	Public	Public	Public
Civil Stalking	Semi-private	Public	Public	Private	Public
Cohabitant Abuse	Semi-private	Public	Public	Private	Public
Condemnation	Public	Public	Public	Public	Public
Conservatorship	Semi-private	Public	Public	Private	Public
Contract	Public	Public	Public	Public	Public
Criminal Investigations	Protected <u>Public unless otherwise ordered</u>	Protected <u>Public unless otherwise ordered</u>	Protected <u>Public unless otherwise ordered</u>	Protected <u>Public unless otherwise ordered</u>	Protected <u>Public unless otherwise ordered</u>
Custody and Support	Semi-private	Public	Public	Private	Public
Debt Collection	Public	Public	Public	Public	Public
Deposit of Will	Sealed	Sealed	Sealed	Sealed	Sealed
Divorce	Semi-private	Public	Public	Private	Public
Estate/personal representative	Public	Public	Public	Public	Public
Eviction	Public	Public	Public	Public	Public
Extradition	Public	Public	Public	Public	Public
Felony	Public	Public	Public	Public	Public
Foreign Judgment	Public	Public	Public	Public	Public
Forfeiture of Property	Public	Public	Public	Public	Public
Gestational Agreement	Sealed within 6 months after decree	Private until Sealed	Private until Sealed	Private until Sealed	Private until Sealed
Grandparent Visitation	Semi-private	Public	Public	Private	Public
Guardianship	Semi-private	Public	Public	Private	Public
Hospital Lien	Public	Public	Public	Public	Public
Infraction	Public	Public	Public	Public	Public
Interpleader	Public	Public	Public	Public	Public
Involuntary Commitment	Private	Private	Private	Private	Private

Judgment By Confession	Public	Public	Public	Public	Public
Juvenile Court case types	Private	Private	Private	Private	Private
Lien Mortgage Foreclosure	Public	Public	Public	Public	Public
Malpractice	Public	Public	Public	Public	Public
Minors Settlement	Public	Public	Public	Public	Public
Miscellaneous	Public	Public	Public	Public	Public
Misdemeanor	Public	Public	Public	Public	Public
Name Change	Public	Public	Public	Public	Public
Other Civil	Public	Public	Public	Public	Public
Parking	Public	Public	Public	Public	Public
Paternity	Semi-private	Public	Public	Private	Public
Personal Injury	Public	Public	Public	Public	Public
Petition to modify	Determined by the classification of the case in which the petition is filed.				
Post Conviction Relief	Public	Public	Public	Public	Public
Probate	Public	Public	Public	Public	Public
Property Damage	Public	Public	Public	Public	Public
Property Rights	Public	Public	Public	Public	Public
Renew Judgment	Public	Public	Public	Public	Public
Separate Maintenance	Semi-private	Public	Public	Private	Public
Sexual Harassment	Public	Public	Public	Public	Public
Small Claims	Public	Public	Public	Public	Public
Small Claims Trial De Novo	Public	Public	Public	Public	Public
Subpoena for Deposition	Public	Public	Public	Public	Public
Supervised Administration	Public	Public	Public	Public	Public
Tax Court	Public	Public	Public	Public	Public
Tax Lien	Public	Public	Public	Public	Public
Tax Protest	Public	Public	Public	Public	Public
Traffic	Public	Public	Public	Public	Public
Trust	Public	Public	Public	Public	Public
UCCJA Action	Semi-private	Public	Public	Private	Public
UISFSA Action	Semi-private	Public	Public	Private	Public
Water Rights	Public	Public	Public	Public	Public
Workforce Services Liens	Public	Public	Public	Public	Public
Writs	Public	Public	Public	Public	Public
Wrongful Death	Public	Public	Public	Public	Public
Wrongful Termination	Public	Public	Public	Public	Public

Tab 10



Administrative Office of the Courts

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

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

TO: Members of the Judicial Council Management Committee

FROM: Dawn Marie Rubio, J.D.
Utah Juvenile Court Administrator
Commissioner, Interstate Compact for Juveniles

DATE: September 4, 2018

RE: Proposed Probation Policies Review and Approval

The Board of Juvenile Court Judges, Juvenile Trial Court Executives, Statewide Chiefs of Probation, and the Probation Policy Workgroup vetted the following policies which are now advanced to Management Committee for review and consideration. Additionally, I seek placement on the Judicial Council's consent agenda for September 18, 2018.

Section 2.10, Juvenile Court Fines and Service Hours [Recommendation to Approve]—*This policy, last updated in June 2018, was revised under the direction of the Board of Juvenile Court Judges. The Board directed that this policy be simplified, and that specific instructions for amounts of hours and fines be removed from dispositional recommendations submitted by probation officers. Instead, the Board preferred that probation officers' court reports summarize factors in the minor's life that impact their ability to pay fines and complete community service hours, leaving the types and specific amounts of sanctions to be determined by the bench.*

Section 3.1, Victim Outreach and Response (formerly Victim Rights) [Recommendation to Approve]—*This policy, last updated in 2011, required revision in order to conform to changes in statute resulting from HB 239 last year. The purpose of the policy is to provide direction to probation officers on their responsibilities to contact victims, collect and file Victim Impact Statements, determine restitution amounts in nonjudicial cases, and summarize victim issues in court reports. Significant changes include a consolidation of victim-oriented policies into this single policy, changes to determining restitution in nonjudicial cases, and clarification that changes in the law have transferred responsibility for requesting restitution orders from probation officers to prosecutors. If approved, this policy would replace existing Policies 3.1 Victim Outreach, 3.2 Restitution, 3.3 Restitution Fund Guidelines, and 3.4 Victim Offender Mediation Program. Therefore, policies 3.2, 3.3 and 3.4 are being recommended for deletion.*

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

Section 3.2, Restitution [Recommendation to Delete]—*This policy, last updated in 2013, is being recommended for deletion in conjunction with a recommendation to approve changes to Section 3.1 Victim Outreach and Response, which consolidate several sections.*

Section 3.3, Restitution Fund Guidelines [Recommendation to Delete]—*This policy, last updated in 2002, is strictly procedural and simply links to the court Restitution Manual. It is being recommended for deletion in conjunction with a recommendation to approve changes to Section 3.1 Victim Outreach and Response, which consolidate several sections.*

Section 3.4, Victim Offender Mediation Program [Recommendation to Delete]—*This policy, last updated in 2001, is being recommended for deletion in conjunction with a recommendation to approve changes to Section 3.1 Victim Outreach and Response, which consolidate several sections.*

Section 4.3, Case Planning (formerly Probation Supervision and Correctional Plan) [Recommendation to Approve]—*This policy, last updated in 2013, required significant revision in order to conform to changes in statute resulting from HB 239 last year. The purpose of the policy is to provide direction to probation officers in developing case plans for moderate and high-risk minors. Changes promulgated by HB239 require case plans for all moderate and high-risk minors referred for delinquency, when their referral is resolved by nonjudicial agreement, or adjudication of the offenses.*

Section 4.13, Courtesy Supervision (formerly Courtesy Probation Supervision) [Recommendation to Approve]—*This policy, last updated in 2013, required revision in order to conform to changes in statute resulting from HB 239 last year. The purpose of the policy is to provide guidelines to both sending and receiving probation officers working with minors who live away from their home district office. Significant changes include removal of language that restricts courtesy supervision to formal probationers, and clarification of assignments for probation officers in both the sending and receiving districts.*

I will be available to respond to questions during your meeting on September 4, 2018.

Thank you.

cc:

Honorable James R. Michie, Jr., Chair-Board of Juvenile Court Judges

ATTACHMENTS

Section 2.10 Juvenile Court Fines & Service Hours

Policy:

This policy provides direction for recommending fines and service hours at dispositional hearings.

Scope:

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

Authority:

UCA 78A-6-117

Procedure:

1. The probation officer shall recommend fines based upon each adjudicated episode.
 - 1.1. For minors under age 15 at adjudication the fine is \$180.00 (may be converted to 24 hours of service by the Court).
 - 1.2. For minors 16 years of age and older the fine is \$270.00 (may be converted to 36 hours of service by the Court).
2. The probation officer may recommend an additional five to ten community service hours for each adjudicated episode.
 - 2.1. The recommended community service amount for a misdemeanor episode is five hours.
 - 2.2. The recommended community service amount for a felony episode is ten hours.

History:

Revised and Approved 6/25/2018

Section 2.10 Juvenile Court Fines & Service Hours

Policy:

This policy gives directions for providing information regarding fines and service hours to the Court at dispositional hearings.

Scope:

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

Authority:

- [UCA 78A-6-17](#)

Procedure:

1. The probation officer shall provide information in the dispositional report regarding the minor's ability to pay a fine and/or complete service hours, including but not limited to the following factors:
 - 1.1. Age;
 - 1.2. Employability;
 - 1.3. Current employment status;
 - 1.4. Prior Adjudications;
 - 1.5. Response to nonjudicial adjustments;
 - 1.6. Response to prior interventions;
 - 1.7. Level of parental support/supervision;
 - 1.8. Mental health and/or medical concerns;
 - 1.9. School and/or community involvement that may impact time; and
 - 1.10. Any other aggravating or mitigating factor.

History:

Effective 6/25/2018

Revised by Policy Group 7/17/2018

Approved by Board of Juvenile Judges 8/10/2018

Utah Courts Intranet

Section 3.1 Victim Rights

[Table of Contents](#)

[View Addendums for this Policy](#)

Policy:

All victims shall be afforded the opportunities outlined in the Victims Bill of Rights and the Juvenile Court staff shall treat victims with dignity, respect, courtesy, and sensitivity.

Scope:

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

Authority:

[UCA 77-37-2 \(3\)](#)

[UCA 77-38-1 through 14](#)

[UCA 77-38-2\(5\)](#)

[UCA 78A-6-110](#)

Utah Rules of Judicial Administration

Juvenile Court Operations - [Rule 7-302\(3\)\(c\)](#)

Memorandum of November 2, 2000: [Ordering Restitution to Insurance Companies](#)

Procedure:

1. All victims of an offense referred to the juvenile court shall be contacted within fourteen days of the referral.
 - o 1.1. The victim shall receive by mail, either from the prosecutor's office or the probation office a:
 - 1.1.1 Restitution letter.
 - 1.1.2 Victim impact statement.
 - 1.1.3 Victim information pamphlet.
2. The probation officer shall summarize the information from the restitution letter, worksheet, and the victim impact statement if available, for the dispositional report to the court.
 - o 2.1. Restitution requests and victim impact statements shall be submitted to the court at the time of disposition. A restitution worksheet shall be submitted as required to conform to local practice.

disposition. A restitution worksheet shall be submitted as required to conform to local practice.

000340

- 2.2. The probation officer shall recommend a payment schedule and due date for restitution.
 - 2.3. In cases where there are multiple co-defendants, coordination of restitution shall conform to local practice.
3. A victim of a crime, the representative of the victim, or both shall have the right to be present at court hearings at the discretion of the judge. (See 77-38-2(5))
4. The probation officer shall not disclose the following victim's information without the consent of the victim or court order:
- 4.1 Address.
 - 4.2 Telephone number.
 - 4.3 Place of employment.
 - 4.4 Other locating information.
5. If a victim requests mediation in districts where the service is available, immediate efforts should be made to advance this request. (See Policy 3.4 Victim Offender Mediation).
6. Upon adjudication, the court may order that the minor or the minor's parents (See 78A-6-1113) repair, replace, or otherwise make reasonable restitution for damage or loss caused by the minor's wrongful act, including costs of treatment as stated in Section 78A-6-321.
- 6.1. The court may issue orders necessary for the collection of court ordered restitution.
 - 6.2. If restitution is ordered the court shall notify the victim of the order.
7. Requests for extensions of time to comply with payment requirements should be carefully considered. If an extension is granted, the probation officer should notify the victim.
- 7.1. An Order to Show Cause should be filed when restitution is overdue and efforts to collect have been unsuccessful. Local practice shall dictate when an Order to Show Cause will be filed on overdue accounts.
8. The juvenile court judges are not precluded by statutory language from order restitution to insurance companies.

History: Effective March 1, 2001

Board of Juvenile Court Judges approved 12/9/11

TCE's approved 10/7/11

Chiefs approved 8/11/11

Chiefs Policy Group approved 5/18/11

Addendum 3.1.1 Memo: Ordering Restitution to Insurance Companies

MEMORANDUM

To: Board of Juvenile Court Judges

From: Peggy Gentles, Staff Attorney

Subject: Ordering Restitution to Insurance Companies

Date: November 2, 2000

I was asked to research whether juvenile court judges can order restitution to insurance companies in delinquency proceedings.

Section 3.2 Restitution

Policy:

The probation department shall contact victims to seek restitution information.

Scope:

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

Authority:

- [UCA 78A-6-117](#)
- Restorative Justice Manual-Chapter 5 (Restitution Fund Guidelines)

Procedure:

1. Sending information to victims of juvenile offenders.
 - 1.1 Victims who have suffered personal injury or property loss will be sent a victim information packet that includes a restitution claim form and a victim impact statement within 14 days of the receipt of a referral.
2. Multiple co-defendant cases.
 - 2.1 One probation officer shall coordinate the gathering of information from the victim and make every effort to ensure that only one packet is sent to the victim.
3. Processing victim information received.
 - 3.1 Upon receipt of victim information, the probation officer shall ensure that all necessary documentation is available to provide sufficient support for the claim.
 - 3.2 The probation officer or other person designated by the district shall contact the victim if the victim has indicated they wish to be notified of court proceedings.
 - 3.3 Mediation may be considered, after preliminary inquiry, to resolve issues with the victim's claim and referred minor(s).
 - 3.4 When a case is closed non-judicially a minor must agree to pay any restitution owing on the case.
 - 3.5 A restitution worksheet will be completed, by a probation officer, on cases where a petition is filed. The worksheet shall conform to local practice and shall include the following:
 - 3.5.1 Name of juvenile(s);
 - 3.5.2 Case number(s);
 - 3.5.3 Amount of restitution;
 - 3.5.4 Incident number;

- 3.5.5 Name of victim(s);
- 3.5.6 If claim is made by an insurance company, include policy or claim number;
- 3.5.7 Date and type of loss.
- 4. Restitution Recommendations.
 - 4.1 The probation officer, shall consider and include, the following:
 - 4.1.1 The age, employment status, and ability of the juvenile to pay;
 - 4.1.2 Any restitution paid voluntarily by the minor;
 - 4.1.3 Minimum monthly payments on substantial victim claims;
 - 4.1.4 Court work program opportunities using established district policies.
 - 4.2 At any stage of court proceedings a restitution hearing may be requested.
- 5. Juveniles on the juvenile court work program shall receive credit toward their restitution obligations at a rate set forth by the Trial Court Executives group and ratified by the Board of Juvenile Court Judges. Victims of these juveniles will receive payment from the appropriate funding source upon receipt of the hours worked and according to the established accounting cycle.

History: Revised July 12, 2013- Effective August 5, 2013

Section 3.3 Restitution Fund Guidelines

Table of Contents

Policy:

To establish a policy regarding how restitution funds are administered by the Juvenile Court.

Scope:

This policy applies to those in the Juvenile Court responsible for managing restitution work programs and the attendant funds.

Authority:

UCA 62A-7-109.5

UCA 34-40-103

UCA 34-40-104

UCA 63-63a,

Utah Code of Judicial Administration Rule 7-307

Utah Labor Commission Rules Rule 610-2

Utah Labor Commission Variance, April 20, 1999

Procedure:

Refer to chapter 6, page 16 of the Restitution manual.

- Restitution Fund Guidelines - Restitution Manual

History: Effective August 2002

[Table of Contents](#) | [Previous](#) | [Next](#)

Section 3.4 Victim-Offender Mediation Program (VOM)

Table of Contents

Policy:

The victim offender mediation program shall be operated as an alternative means to settle disputes between victims and offenders.

Scope:

Where victim mediation is available, this policy applies to all Utah State Juvenile Court.

Authority:

Utah Rules of Judicial Administration Operations of the Court Rule 4-510

Procedures:

1. Referrals for mediation are appropriate, either post adjudicated or non-judicial, for:
 - o 1.1 Restitution in dispute.
 - o 1.2 Simple assaults.
 - o 1.3 Property crimes.
 - o 1.4 Relationship mending.
2. Those who may make referrals for mediation:
 - o 2.1 Juvenile Court Judge.
 - o 2.2 Intake Officer.
 - o 2.3 Probation Officer.
3. A Mediation Referral Notice must be completed by the probation officer assigned to the case and submitted to the mediation coordinator along with any pertinent information available, such as, police reports, restitution information, court order, etc.
4. When scheduling a mediation, the VOM coordinator will investigate the case for co-defendants, accurate victim information, or any other information available that may be useful to conduct a productive mediation.
 - o 4.1 The coordinator contact parties to assess willingness to participate.
 - o 4.2 Participation in the mediation program is voluntary for victims.
 - o 4.3 If the parties are agreeable, a mediation session is scheduled.
5. If any of the parties decline mediation, a letter is sent to the referring judge or probation officer informing them of the party's decision not to participate in mediation.
 - o 5.1 Victims who decline to be involved in the mediation process should still be entitled to payment of restitution.

6. When a mediation has been successfully completed, a Mediation Agreement and Stipulation form is signed by all of the parties involved and returned to the VOM coordinator for processing. 000345
- 6.1 Copies of the signed mediation agreement are made and sent to all parties.
 - 6.2 The original signed agreement is returned to the judge's clerk to be filed.
7. If the mediation is unsuccessful, a letter is sent to the probation officer and judge informing them of the outcome.
8. If there are multiple victims in a single criminal episode, all victims request for restitution must be considered even though all victims may not be present for the mediation.
9. If the disputed amount of restitution cannot be resolved at mediation, the matter is referred back to the probation officer by the VOM Coordinator to be set for a restitution hearing.

History: Effective March 1, 2001

[Table of Contents](#) | [Previous](#)

OLD-DELETE

Section 3.1 Victim Outreach and Response

Policy:

This policy provides direction to probation department staff regarding outreach and response to victims.

Scope:

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

Authority:

- UCA 77-37-2 (3)
- UCA 77-38-(1-14)
- UCA 77-38-2(5)
- UCA 78A-6-110
- UCA 78A-6-117
- Utah Rules of Judicial Administration - Juvenile Court Operations - Rule 7-302(3)(c)
- Utah Rules of Juvenile Procedure - Rule 50
- Utah State Restorative Justice Manual

Procedure:

1. The probation officer shall ensure that a Victim Packet is sent to the identified victim(s) within seven days of being assigned a referral. The probation officers shall coordinate the gathering of information from the victim(s) on cases with multiple defendants.
 - 1.1. A victim packet will include:
 - 1.1.1. A cover letter;
 - 1.1.2. A victim impact statement;
 - 1.1.3. A victim restitution statement; and
 - 1.1.4. A victim contact information form (eFiled as safeguarded).
 - 1.2. The probation officer shall ensure that the Victim Packet is correctly eFiled.
2. The probation officer shall review the documentation received from the victim and verify that contact information is accurate in CARE.
 - 2.1. The probation officer shall ensure that additional documentation is requested if insufficient information is received from the victim (see

- Addendum 3.1.1 Probation Practices to Determine Nonjudicial Restitution).
- 2.2. The probation officer shall ensure that the notice of hearing and/or notice of expungement boxes are marked in CARE when a victim requests notification.
 - 2.3. The probation officer shall ensure requests for Victim Offender Mediation are referred to the Victim Offender Mediation Program and all mediation documents are correctly eFiled.
 - 2.4. The probation officer shall notify the prosecutor when a Failure to Complete Mediation form is received.
3. The probation officer shall address responses from the Victim Packet with the referred minor and the minor's parent/guardian/custodian during the preliminary interview.
 4. The probation officer shall not disclose the following victim information without a court order:
 - 4.1. Address;
 - 4.2. Telephone number;
 - 4.3. Place of employment;
 - 4.4. Email address; and
 - 4.5. Other identifying information.
 5. The probation officer shall summarize non-safeguarded information from the Victim Packet in all applicable court reports.
 6. The probation officer shall ensure the victim is notified when a nonjudicial adjustment includes restitution or when restitution is court ordered, and document that contact in a case note.
 7. The probation officer shall ensure the victim is notified when a nonjudicial adjustment includes a no-contact provision or when the court issues a no-contact order.
 8. Is is not the probation officer's responsibility to request a restitution order from the court.

History:

Updated by Policy Group 6/20/2018

Approved by Chiefs 6/26/2018

Approved by Juvenile TCEs 7/12/2018

Approved by Board of Juvenile Court Judges 8/10/2018

Section 4.3 Probation Supervision and Correctional Plan

[Table of Contents](#) | [Previous](#) | [Next](#)

Policy:

Within forty five (45) days of the order for probation, the probation officer shall develop a Probation Supervision and Correctional Plan (PRBSCP). The PRBSCP will address the issues identified in the protective risk assessment.

Scope:

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

Authority:

Utah Rules of Judicial Administration
Juvenile Court Operations - [Rule 7-304](#)

Procedure:

1. The PRBSCP shall be tailored to each minor. In developing the plan, the probation officer will work with the minor and family and include the Balanced and Restorative Justice principles. The PRBSCP should be updated every 180 days as goals of the plan are completed or as a minor's needs change.
2. The PRBSCP should include:
 - 2.1 The identified risk and protective factors.
 - 2.2 The services needed to address the risk and protective factors.
 - 2.3 A statement of the intended outcomes and/or goals and the roles of the parties involved in the case.
 - 2.4 A statement that specifies progress toward the intended outcomes and goals if the plan is being updated.
 - 2.5 The elements of the court order (fines, restitution, community service hours, counseling, etc.) and the due dates.
3. The court order shall be used as the case plan for minors identified as low risk on the risk assessment unless extenuating circumstances indicate otherwise.

4. The completed PRBSCP shall be signed by the parent(s)/guardian(s), the minor, and the probation officer. The PRBSCP shall be filed with the court within 45 days and uploaded into CARE. A copy shall be given to each signing party. If the parent or minor refuses to sign the plan, the matter should be addressed with the Court.
5. Successful completion of the goals outlined in the PRBSCP should result in the recommendation of termination of probation.

History: Effective August 10, 2012- Revised June 14, 2013

OLD-DELETE

Section 4.3 Case Planning

Policy:

The probation officer shall develop an individualized case plan in collaboration with the minor and the minor's parent or guardian which is informed by the results of the Behavior Analysis Worksheet (BAW) and Protective Risk Assessment (PRA).

Scope:

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

Authority:

UCA 78A-6-123

Procedure:

1. The probation officer shall complete the Protective and Risk Assessment (PRA) and Behavioral Analysis Worksheet (BAW) in CARE on all minors who score moderate or high on the most recent risk assessment in the development of a case plan.
 - 1.1. The probation officer shall enter a summary of the minor's pattern of behavior into the case plan worksheet if the minor refuses or is unable to complete the BAW.
2. The probation officer shall collaborate with the minor and the minor's parent or guardian in the development of the case plan which shall include:
 - 2.1. Identification of priority risk items based upon a review of the PRA and the BAW results (best practice indicates four to six risk items be identified);
 - 2.2. Protective factors identified in the PRA;
 - 2.3. Mental health factors;
 - 2.4. Responsivity factors; and
 - 2.5. Incentives.
3. The probation officer shall collaborate with the minor and the minor's parent or guardian to identify goals, action steps, strategies and stages of change specific to the priority risk items prior to eFiling the case plan.
4. The probation officer shall eFile the case plan and provide a written copy to the minor and the minor's parent or guardian within 14 days of disposition or signing of the nonjudicial agreement.

5. The probation officer shall enter all notes and progress related to the case plan in the case plan worksheet.
6. The probation officer shall continue to work with the minor on the case plan until the minor's case has been concluded.
7. The probation officer shall use evidence-based case management methods including modeling and skill practice to address the minor's identified risk items.
8. The probation officer shall complete a reassessment of the BAW and PRA and create an updated case plan when there is a new charge or significant change that increases or decreases scoring values for the PRA questions.
 - 8.1. The BAW does not need to be updated if the PRA reassessment is being completed because of an increase in protective factors.
9. The probation officer shall file the working case plan document every 90 days, prior to every review hearing or within seven days of the minor's case being concluded.

History:

Effective August 10, 2012

Revised June 14, 2013

Updated Policy Group May 15, 2018

Approved by Chiefs June 13, 2018

Approved by Juvenile TCEs July 12, 2018

Approved by Board of Juvenile Court Judges August, 10, 2018

Section 4.13 Courtesy ~~Probation~~ Supervision

Policy:

This policy provides guidelines for ~~ease management when a judge in a district maintains jurisdiction over a probation case but the minor moves outside of the geographic area or district~~ **probation officers who will be supervising minors from a district office other than the home district office. This includes supervising minors who temporarily reside outside of their home district office boundaries, minors placed in residential treatment facilities outside of their home district office and minors who present a conflict of interest to the home district office.**

Scope:

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

Authority:

UCA 78A-6-103

Rules of Judicial Administration Juvenile Court Operations - Rule 7-304 & ~~Rule 7-305~~

Rules of Judicial Administration Juvenile Court Operations - Rule 7-305

Procedure:

- ~~1. The supervisor and/or the clerical department from the sending office will review the electronic record and ensure it is updated as a part of the courtesy supervision process.~~
1. The Chief Probation Officers **probation supervisor** of the sending and receiving districts **office will shall contact the probation supervisor of the receiving district office and coordinate the following** arrange for the courtesy supervision of the case within 30 **seven** days **of the transfer of supervision;** document the arrangements in case notes in CARE, and determine which district will be responsible for the following:
 - ~~1. Probation orientation;~~
 - 1.1 Completion **and update** of any **risk** assessments ~~and reassessments;~~
 - 1.2 Completion **and update** of **the** case plans, case notes, and other updates;
 - 1.3 Completion of **any** court reports **required;** and
 - 1.4 **Reporting and contact instructions;**
 - 1.5 **Arrangements for treatment facility contacts, if necessary; and**
 - 1.6 All other court and supervision requirements.
- 2 **The probation supervisor and the clerical manager from the sending district office shall review the electronic record and ensure that it is complete and updated. The sending district office should be set as the home district office on the CARE case profile.**

- ~~3 The sending probation officer will maintain monthly contact with the receiving probation officer.~~
- 4 The ~~receiving~~ probation officer **from the receiving district will shall** initiate contact with the ~~sending~~ probation officer **from the sending district** for all matters which may impact the status or placement of the minor's case.
- 5 The ~~sending~~ probation officer **from the sending district is shall be** responsible to ~~file~~ **eFile court reports, reports and recommendations and** any ~~warrants for detention and/or~~ affidavits for orders to show cause **or warrants** with the judge of jurisdiction.
~~5.2 Both probation officers should staff the case when a change in status or placement is anticipated.~~
- 6 **The probation officer from the sending district office shall ensure that R**reviews and all other hearings will be set before the judge of jurisdiction.

History:

Prior Effective Date November 9, 2013

Updated by Policy Group June 29, 2018

Section 4.13 Courtesy Supervision

Policy:

This policy provides guidelines for probation officers who will be supervising minors from a district office other than the home district office. This includes supervising minors who temporarily reside outside of their home district office boundaries, minors placed in residential treatment facilities outside of their home district office and minors who present a conflict of interest to the home district office.

Scope:

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

Authority:

- UCA 78A-6-103
- Rules of Judicial Administration Juvenile Court Operations - Rule 7-304
- Rules of Judicial Administration Juvenile Court Operations - Rule 7-305

Procedure:

1. The probation supervisor of the sending district office shall contact the probation supervisor of the receiving district office and coordinate the following within seven days of the transfer of supervision:
 - 1.1. Completion and update of any risk assessments;
 - 1.2. Completion and update of the case plan;
 - 1.3. Completion of any court reports required;
 - 1.4. Reporting and contact instructions;
 - 1.5. Arrangements for treatment facility contacts, if necessary; and
 - 1.6. All other court and supervision requirements.
2. The sending district office should be set as the home district office on the CARE case profile.
3. The probation officer from the receiving district shall initiate contact with the probation officer from the sending district for all matters which may impact the status or placement of the minor's case.
4. The probation officer from the sending district shall be responsible to eFile court reports, reports and recommendations and any affidavits for orders to show cause or warrants with the judge of jurisdiction.
5. The probation officer from the sending district office shall ensure that reviews and all other hearings will be set before the judge of jurisdiction.

History:

Prior Effective Date November 9, 2013

Updated by Policy Group June 20, 2018

Approved by Juvenile TCEs July 12, 2018

Approved by Board of Juvenile Court Judges August 10, 2018

NEW-APPROVE