

ADMINISTRATIVE OFFICE OF THE COURTS
MODEL LOCAL MEMORANDUM OF UNDERSTANDING
FOR DRUG TREATMENT COURT
Drug Treatment Court (DTC)
Local Memorandum of Understanding
Between:

Drug Treatment Court Program, Judicial District XX (DTC)
Division of Community Corrections, Judicial District XX, (DCC)
Treatment Accountability for Safer Communities SC of Blank County, (TASC)
Treatment Provider Agency; (Agency)
XX County Criminal Justice Partnership Program, (CJPP)
District Attorney's Office, Judicial District XX
Public Defender's Office or Defense Attorney, Judicial District XX
Law Enforcement Agency, City/County XX
Drug Treatment Court Judge, Judicial District

This memorandum, entered into on this the ____ day of _____, 2006 is an agreement in principle concerning the anticipated roles, responsibilities, and expectations of the parties noted above;

- I. All signatories agree to the following:
 - a. Adhere to the NC Drug Treatment Act and the NC Drug Treatment Court Guidelines promulgated by the Administrative Office of the Courts.
 - b. Adhere to all federal and state confidentiality laws including 42 CFR, Health Insurance Portability and Accountability Act (HIPAA) (when applicable), and other appropriate laws.
 - c. Contribute, as requested, to the development of the offender's common case plan within 30 days of admission to DTC, and support implementation and revisions to the plan.
 - d. Attend staffings with all partner agencies to determine treatment progress, update individual offender case plans, and make joint decisions concerning compliance and subsequent incentives or sanctions.
 - e. Attend case review hearings as requested.
 - f. Whenever possible attend DTC conferences and training seminars if funding is available.

- II. AOC DTC agrees to the following:
 - a. Identify target population offenders for DTC and work with the district attorney's office, defense counsel, and/or the Division of Community Corrections to recommend DTC as a sanction.
 - b. Facilitate the referral process for DTC.

- c. Conduct screening for DTC referrals and share results with appropriate team members.
- d. Conduct intake interview and share appropriate releases/information with team members.
- e. Make referrals to TASC for assessment for treatment as soon as possible but no later than 48 hours after the court sanctions the offender to DTC.
- f. Schedule team case staffings and calendar cases for court review.
- g. Coordinate collection and compilation of a status report from all team members to use at team meetings and court reviews.
- h. Maintain records and enter data in the DTC Management Information System.
- i. Coordinate meetings of the Local Management Committee.

III. DCC Agrees to the following:

- a. Serve as the lead agency responsible for the offender in the community and the related case management.
- b. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court Program.
- c. Ensure that the following special conditions of probation are included in the court judgment:
 - 1. Submit at reasonable times to warrantless searches;
 - 2. Not use, possess, or control any illegal drug or controlled substance;
 - 3. Supply a breath, urine, and/or blood specimen for analysis;
 - 4. Report for initial evaluation, participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- d. Provide copies of all court judgments and orders, violation reports, and crime reports to DTC team members.
- e. Provide community corrections case management at the appropriate level to monitor and address offender behavior and compliance. Case management includes offender contact within the community, residence, and at collateral agencies; addressing specific offender needs, behaviors, and criminogenic risk factors identified through assessments, case plans, and by observation through direct assistance or referrals to appropriate service agencies; and taking appropriate action concerning compliance issues that provide for public safety, including victim safety.

- f. Make every reasonable effort to encourage and enforce offender compliance with assessment, treatment, and other agency requirements.
 - g. Conduct drug screens on all offenders in coordination with team members. Share all drug screen results with partner agencies.
 - h. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review.
 - i. Discuss and consider partner agency recommendations prior to the initiation of the formal violation process.
 - j. Protect the rights of victims of offenders in the DTC.
- IV. TASC agrees to the following:
- a. Recommend to DTC staff and judges that appropriate intermediate sanction probationers and community sanction offenders at risk of revocation be ordered to participate in the Drug Treatment Court Program.
 - b. Within 10 working days of referral, provide a timely assessment of probationers referred to the DTC to determine treatment and other support services needs.
 - c. Provide appropriate care management services; care management includes, obtaining Local Management Entity (LME) authorization for treatment services; making treatment and support services referrals to appropriate providers and supporting client choice in treatment; coordinating and monitoring offender progress; adjusting plans; and providing progress reports.
 - d. Conduct and/or assist Community Corrections with urinalysis test. Share all test results with partner agencies.
 - e. Submit information to the DTC Coordinator 24 hours in advance of a team case staffing meeting so that a written report can be completed for the team staffing and the court review
 - f. Provide updates to the treatment and case plan. Provide recommendations concerning treatment plan adjustments.
- V. Treatment Provider/CJPP agrees to the following:
- a. Provide authorized services to offenders referred to the DTC in accordance with standards established by relevant state guidelines.
 - b. Conduct drug screens on offenders in coordination with team members. Share all drug screen results with partner agencies.
 - c. Submit information to the TASC Coordinator 24 hours in advance of a team case staffing so that a written report can be completed for the team staffing and the court review.
- VI. District Attorney's Office agrees to the following:

- a. Screen offenders for participation in Drug Treatment Court.
- b. Ensure that special conditions of probation (#13, 14,15 & 18) are included in the court judgment.
- c. Hold DTC offenders accountable for their actions in accordance with the law.
- d. Protect the rights of victims of offenders involved in the DTC.

VII. Public Defender/Defense Attorney

- a. Ensure the rights of the offender are protected.
- b. Aid in the achievement of the offenders' long-range rehabilitative goals.

VIII. Law Enforcement Officer

- a. Accompany probation officers in conducting warrantless searches.
- b. Observe and report on offenders' behavior in the community.

IX. (Optional) Designated Superior or District Drug Treatment Court Judge agrees to the following:

- a. Preside over DTC court sessions at least twice per month.
- b. During court sessions, motivate offenders towards success while holding them accountable for their actions.
- c. Ensure that all cases are staffed prior to court sessions.
- d. Monitor the offender's progress in relation to his/her case plan and address compliance by delivering incentives or sanctions.
- e. Promote non-adversarial and power-sharing relationships between team members.
- f. Serve as the final arbiter when the team is unable to reach consensus.

This the _____ day of _____, 2007

Drug Treatment Court Coordinator

Judicial District Manager, DCC

Manager, TASC

Program Director, CJPP

Director, Treatment Agency

Assistant District Attorney

Defense Attorney

Law Enforcement Officer

Drug Treatment Court Judge

CC: All Parties to MOU