# NJDTC Program Policies and Procedures Manual
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Mission Statement
The mission of the Ninth Judicial District Treatment Court (NJDTC) is to improve health and pro-social function of adults and families through application of therapeutic jurisprudence.

Objectives
Specifically, NJDTC will:

1. Provide immediate intervention, treatment and structure in the lives of offenders who use drugs through ongoing, active oversight and monitoring by the NJDTC Judge.
2. Improve participants' level of functioning in their environment, address problems that may be contributing to their use of drugs and develop/strengthen their ability to lead crime and drug free lives.
3. Provide participants skills that will aid them in leading productive, crime and drug free lives, including skills that relate to their educational and employment development, sense of self-worth, and capacity to develop positive relationships in the community.
4. Strengthen families of drug-involved by improving their capability to provide structure and guidance.
5. Promote accountability of both participants and those who provide services to them.

Structure & Model
The NJDTC team composition consists of the following: Judge, Substance Abuse Disorder Counselors, Mental Health Counselor, Law Enforcement Officers, Prosecutor, Public Defender, Probation Officers, Community Service Coordinator, and NJDTC Coordinator.

The NJDTC Team has carefully considered and incorporated a strength-based approach into treatment and overall program design. Each service in which you participate is designed to build on a specific strength or meet a specific need. Team members are treated as experts in your case and are consultants in assessment, treatment planning and programmatic decisions. Your positive intentions, accomplishments and talents are acknowledged and praised as frequently as possible, especially in open court, fostering motivation, engagement and responsibility. NJDTC is future-oriented and focuses on what you will accomplish rather than past failures. Simultaneously, however, NJDTC provides you an opportunity to rectify past actions through victim mediation, restitution and/or community service.

Judge
The Judge is part of a NJDTC Team which meets regularly (every other week) to review your progress and compliance with program requirements before the NJDTC hearings. The Judge will supervise and reinforce your treatment by reviewing reports from treatment providers, the Probation Officer and other Team members. The Judge will use both positive and negative incentives to encourage you to comply with treatment.
and other NJDTC requirements. Initially, you will appear before the Judge every other week. **You may be required to appear before the Judge at any time for program non-compliance.**

**Prosecutor**  
The Prosecutor (County Attorney) works with the Probation Officer, Public Defender, Judge, and Team to determine your acceptance into NJDTC. The Prosecutor is a member of the NJDTC Team and will recommend both sanctions and incentives based upon your compliance with the program or lack thereof.

**Public Defender**  
The Public Defender reviews your legal situation and makes sure your legal rights are protected. The Public Defender meets with you to discuss your participation in the NJDTC. In addition, the Public Defender explains the requirements of the NJDTC and assists you and your parent(s)/guardian(s) in completing the paperwork necessary to enter and complete NJDTC. The Public Defender monitors incentives and sanctions imposed by the Court to make sure the sanctions are within the parameters of the NJDTC and are in your long-term best interest. If you are terminated from the NJDTC the Public Defender represents you at the sentencing hearing in district court. When you successfully complete the Program the Public Defender represents you at the final NJDTC hearing.

**Program Coordinator**  
The NJDTC Program Coordinator coordinates monitoring of your progress and information tracking and sharing and to ensure you and your family are best matched with local resources. The Administrator serves as a central point for all your records, reports, and paperwork relevant to NJDTC and maintains and updates all your records throughout the Program and after program completion.

**Probation & Parole Officer**  
The Probation & Parole Officer will be your contact point with the Court. This Officer, with the Public Defender, discusses the NJDTC option with you. The Officer participates in pre-court staffing meetings to review progress and determine incentives and sanctions, appears in court at each NJDTC hearing and closely monitors your compliance with the program. The Probation Officer also identifies you as a NJDTC participant to Sheriff’s Office Dispatch and local 911 services, enabling local law enforcement to advise the Probation & Parole Officer and Judge of any incidents in which you are involved.
**Substance Abuse Treatment Provider**
Treatment providers ensure you receive the highest level of care available, at a reasonable cost, by all contracted and collateral service providers. Treatment Providers will complete chemical dependency evaluations and make diagnoses and referrals to collateral services, especially mental health. Treatment Providers will work closely with you, your Probation Officer, your family and other Team members to develop a comprehensive, coordinated treatment plan based on assessment and evaluation data. Your treatment provider will participate in bi-weekly staffing meetings and status hearings, advocates for effective incentives and sanctions for program compliance. The treatment provider(s) will be present whenever you are required to appear before the Judge. This presence in court provides the Judge valuable information upon which to base supervision and disposition decisions and also serves as a “check and balance” for assessing the truthfulness of your statements to the court and the reason for any lack of treatment progress.

**Mental Health Treatment Provider**
Your mental health treatment provider (if you have one) will participate in bi-weekly staffing meetings and status hearings. Treatment Providers will complete your mental health evaluation and make diagnoses and referrals to collateral services as appropriate. Treatment Providers will work closely with you and your Probation Officer, your family and other Team members to develop a comprehensive, coordinated treatment plan based on assessment and evaluation data. Your mental health treatment provider(s) will be present whenever you are required to appear before the Judge and will participate in bi-weekly staffing meetings. This presence in court provides the Judge valuable information upon which to base supervision and disposition decisions. The presence of the treatment provider(s) also serves as a “check and balance” for assessing the truthfulness of your statements to the court and the reason for any lack of treatment progress.

**Community Supervision**
Community Supervision will be provided by local law enforcement. Verification of employment and/or enrollment in school, drug testing, monitoring of applied program rules such as curfew, identification of relapse signs and identification of positive behaviors will be conducted randomly by law enforcement agencies. Community supervision provides information about your program compliance from law enforcement sources to the Team and makes recommendations to the Team. Community supervision will also help you develop skills to address practical problems of daily living and provides assistance, information and support to encourage you to succeed in NJDTC. Community Supervision facilitates swift delivery of pick up orders if you abscond from NJDTC.
Family Engagement
One objective of NJDTC is to strengthen families of alcohol and/or drug-involved persons, laying a foundation for continuing care and supervision. Your family is an integral part of your success in treatment. Through assessment, you define “family” or individuals who are significant caregivers. Families are encouraged to seek appropriate services to build strengths or fill gaps and connect to community supports such as parent groups, faith-based programs, Neighborhood Councils, etc. Positive intentions, accomplishments and talents of your spouse, children, parent(s)/guardian(s) are acknowledged and praised as frequently as possible, especially in open court.

Target Population
The Ninth Judicial District Treatment Court targets non-violent, adult offenders where there is a reasonable assumption that the offender’s criminal activity is connected directly to the ongoing, chronic, and habitual, abuse of substances. Absent an interruption in their cycle of addiction, it is likely that criteria-eligible offenders will continue to commit crime, re-enter the criminal justice system and be exposed to long-term incarceration, or other negative consequences, that often result from traditional, less resource-intensive, approaches to case disposition. Typically, offenders enrolled in the NJDTC program will have social histories hallmarked by prior contacts with law enforcement, previous exposure to alcohol and drug treatment systems, and a history of relapse into substance abuse.

The Ninth Judicial District Treatment Court targets offenders who require the more intensive focus on treatment, monitoring, and judicial intervention. Significantly, the NJDTC Program recognizes that substance abuse contributes to crime across a wide spectrum of activities. Consequently, the broader name of chemical dependency was chosen as opposed to a DUI Court. As a result, the program does not limit program participation to involvement in a drug-related offense. Adult offenders assessed as habitual substance abusers and otherwise deemed appropriate for the Ninth Judicial District Treatment Court Program will be afforded access to specialized and highly intensive treatment services.

Through effective intervention into the cycle of addiction, the NJDTC transitions program participants from addicted persons to productive citizens capable of meeting the challenges of adult life in a complex world.

Eligibility Criteria
1. Parole and Probation will complete initial legal eligibility screenings, including current offense and criminal history. If you are eligible to participate in NJDTC, your Probation Officer will meet with you to discuss case processing options for your offense, including NJDTC.
2. If you are interested in participating in NJDTC, then the Probation Officer will determine whether you meet the eligibility requirements.
3. The Public Defender will provide an in-depth NJDTC orientation with you and will ensure all contracts and forms are signed.
4. The County Attorney's Office reviews your referral to NJDTC.
5. After your enrollment in the NJDTC, a clinical, multi-dimensional chemical dependency evaluation is completed and an individualized treatment plan developed with your appropriate treatment counselor.

**Supervision Protocol**
During the initial Phase of NJDTC, you are required to appear every other weekly before the Judge for NJDTC Hearings. Frequency of NJDTC Hearings will decrease as you progress into the next phases of the Program or exhibit exemplary performance. Review Hearings are scheduled at 8:45 A.M. every other Wednesday. You are required to attend the NJDTC Hearing. While the primary method of engagement is gentle encouragement, the Judge will, as a last resort, utilize contempt powers to force participation.

**Disqualification or Termination Criteria**
The NJDTC Team, with the Judge maintaining ultimate judicial discretion, may terminate your participation in the Program for any of the following:
- Violence against any team member or participant;
- Conviction for an offense that makes you ineligible to participate in the program;
- Conviction for the sale, manufacture, possession or use of dangerous drugs;
- Repeated violations of NJDTC requirements;
- Any reason deemed sufficient by the NJDTC Team;
- Conviction of any new offense; or
- Violation of other conditions of probation.

**Entry Process & Phases**
Four phases are part of the NJDTC Program. Phases I and II have a minimum of twelve weeks. Phases III and IV are each 24 weeks.

This section includes a detailed description of required and optional programs, treatment, court and community supervision requirements for Treatment Court Program Phase advancement, commencement, delay, demotion, and termination.

Your advancement through the NJDTC’s progressive phases is contingent upon compliant behavior in treatment, the court and community supervision. Program advancement criteria are specifically defined later in this Handbook. Phase advancement may be delayed due to participant non-compliance. Additionally, you may be demoted to prior Program phases. Advancement, delayed advancement and demotion decisions will be made by the Treatment Court Team with the Judge maintaining judicial discretion.
Treatment Protocol
Recognizing the negative influences of peer groups, gangs and family members, the NJDTC Team will develop and implement collateral strategies described below, based on the participant’s interests, to counteract these negative influences.

1. Mental Health Counseling (as deemed appropriate by assessment and the Team)
2. Education. Anger Management classes…
   Participants with children may be required to complete a parenting class. *Parenting Wisely* is a SAMHSA designated best-practice substance abuse programs promoting family communication, improved family management and bonding. *Parenting Wisely* classes are offered free of charge or billable to insurance. Parent Education/Therapy may be initiated upon Program enrollment.
3. Employment portfolio development and employment opportunities. CDTC will facilitate development of portfolios, assist in matching participants with employers and other opportunities.
4. Moral Reconciliation Therapy (MRT). MRT is a 12 lesson cognitive restructuring program facilitated by the Center for Mental Health.
5. Counseling with a chemical dependency treatment provider and implementation of all treatment recommendations of the counselor.
6. Other programs deemed appropriate by the Team based on your individualized treatment plan.

Additional Available Programs
- In-patient chemical dependency and/or mental health treatment
- Independent living
- Community Enhancement
- Community service
- Health care screening and referral

Graduation Criteria
Your approval to graduate from the program is determined by the NJDTC Team with the Judge maintaining judicial discretion. To be considered for graduation, you must have demonstrated a minimum of three months compliance with treatment, court and community supervision requirements, including abstinence from alcohol and other drugs and completion of treatment goals, payment of fines and fees, restitution and community service.

Sanctions and Incentives
Abstinence from use of intoxicating substances such as alcohol and drugs is a key component to NJDTC. Therefore, any alcohol and drug use will be sanctioned consistently and with the goal of holding the NJDTC participant accountable for his or her usage. Therefore, the following sanctions will be imposed for tests indicating the presence of alcohol and drugs:
1\textsuperscript{st} usage – 24 hour confinement & community service or other sanctions
2\textsuperscript{nd} usage – 36 hour confinement & community service or other sanctions
3\textsuperscript{rd} usage – 48 hour confinement & community service or other sanctions
4\textsuperscript{th} usage – Termination from CDTC and filing of Petition to Revoke

The NJDTC may lessen the sanction based on circumstances indicating mitigation, such as if the second or third usage occur after extended periods of abstinence. Similarly, termination based on usage beyond three times is within the discretion of NJDTC Team and the Judge who may choose to continue with the participant in NJDTC.

The following are the range of incentives, sanctions, and treatment-related consequences. The NJDTC Team will consistently apply incentives and sanctions and will match incentives and sanctions to behaviors demonstrated by you. The following list is not all-inclusive. Alternative incentives and sanctions may be employed as recommended and approved by the NJDTC Team, with ultimate discretion residing with the Judge. The ultimate incentive for successful NJDTC participation is the avoidance of a commitment to the Department of Corrections and early release or unsupervised probation.

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<tr>
<th>Incentives</th>
<th>Sanctions</th>
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<td>Verbal praise from the Judge</td>
<td>Judicial warning and/or admonishment</td>
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<td>Courtroom applause</td>
<td>Essay or book report</td>
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<td>Extended curfew</td>
<td>Letter of apology</td>
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<td>Incentive jar</td>
<td>Community service</td>
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<td>Monthly drawings</td>
<td>Imposition of curfew</td>
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<td>Recreational activity</td>
<td>Family conference</td>
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<td>Meal at a restaurant</td>
<td>Monetary fine</td>
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<td>Decreased drug testing frequency</td>
<td>Increased alcohol and drug testing frequency</td>
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<tr>
<td>Reduction of community service hours</td>
<td>Delayed phase advancement or graduation</td>
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<td>Credit toward drug court fees</td>
<td>Phase demotion</td>
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<td>Phase advancement and incentive</td>
<td>Community Service</td>
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<tr>
<td>Early phase advancement and incentive</td>
<td>Confinement</td>
</tr>
<tr>
<td>Graduation</td>
<td>Termination</td>
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<tr>
<td>Avoidance of DOC sentence, early release from probation, unsupervised probation</td>
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**Drug and Alcohol Testing Protocol**

Drug and alcohol testing is an essential aspect of NJDTC. It is, however, only one measure of your progress in the program. NJDTC will include random, visually-supervised urine drug screens and/or breath analysis as per the frequencies outlined in the Phase tables. Alcohol monitoring may also be imposed through the use of
Results from the screens and analyses will be kept in your file and be reviewed by the NJDTC prior to your hearing. The Team will determine appropriate incentives or sanctions based upon test results.

**Urine Testing Protocol**

1. Urine specimen collection may occur at any point and time (e.g., court, place of employment, the participant's home, etc.). The first urine screen occurs at formal orientation.

2. Failure to be available or to appear for drug testing as described in the Phase Tables is considered a positive test and is sanctioned correspondingly.

3. Law Enforcement and/or the Probation Officer provide you detailed instructions regarding specimen collection.

4. You will be asked before providing a urine specimen if you have used drugs or alcohol and if the sample will test positive.

5. You are allowed a maximum of 8 ounces of water to aid your ability to provide a specimen.

6. Whenever possible, provision of all urine samples shall be directly observed.

7. All specimens are checked for dilution. A diluted sample is considered to indicate usage of drugs and/or alcohol.

8. All specimens are checked for temperature.

9. A rapid, five panel screen is completed on all specimens.

10. If the screen results are positive and you have denied drug or alcohol use, then a second rapid, five panel screen is completed. If you admit drug and/or alcohol use, then you will sign a statement to that effect. The statement shall be witnessed by Law Enforcement or Probation.

11. If the second rapid screen is positive, chain of custody is documented and the sample is sent for confirmation testing.

12. If you indicate the results of your UA will be positive, then you will not be assessed a fee for specimen testing. If the test is positive or shows increased levels and you have not indicated prior to the test that the results will be positive, then you will be financially responsible for the costs to complete confirmation testing. Participants are rewarded for abstinence as NJDTC absorbs the cost of negative drug and alcohol tests.

13. A test that indicates presence of a controlled substance or alcohol but below a level which is identified as “positive” is considered to indicate usage and will be sanctioned accordingly.

**Secure Continuous Remote Alcohol Monitoring (SCRAM®) Equipment Protocol**

1. Secure Continuous Remote Alcohol Monitoring Equipment or SCRAM® equipment is utilized by NJDTC to detect alcohol use and to document any alcohol consumption.

2. The use of these monitors or bracelets may be required for the NJDTC participant in any phase of Treatment Court. These bracelets are worn around the ankle and take 48 readings in a 24 hour period.
3. Any NJDTC participant who utilizes a SCRAM® bracelet and its accompanying base station or any other related equipment is responsible for that equipment and any associated costs as delineated in the SCRAM® Program Participant Agreement.

4. Part of this Participant Agreement includes:
   a. Wearing the monitor or bracelet for the duration, usually during Phases I and II, as decided by the NJDTC Team;
   b. Informing your Probation and Parole Officer or the NJDTC Program Coordinator is any problems occur with the equipment or with your leg; and
   c. Understanding that you may not purposefully or intentionally damage any of this equipment such as the bracelet or base station or you may be liable as stated in the SCRAM® Program Participant Agreement.

5. If intentional damage occurs to the Equipment, then you as the NJDTC Participant may be liable to the NJDTC Program for the costs of the replacement.

6. As noted in the SCRAM® Program Participant Agreement, when the SCRAM bracelet detects the presence of alcohol, it will record a positive reading and will transmit an alcohol alert to the SCRAM® base station. The SCRAM® bracelet also has systems to detect interference or tampering and will transmit a tampering or interferant alert to the SCRAM® base station.

7. A NJDTC participant may challenge an alcohol alert as recorded by the SCRAM® base station.

8. Confirmation of the alert will follow. A hearing will be held for confirmatory testimony from Alcohol Monitoring Systems or AMS, if necessary. An AMS representative may testify via Webinar, Met Net, Skype or other videoconference means.

9. Depending upon the circumstances, if the alcohol alert is confirmed by AMS, the NJDTC Team decides the next appropriate consequence including either sanction, transfer, or possible termination from the NJDTC Program.

**Breath Analysis Protocol**

1. Portable breathalyzer equipment is utilized by NJDTC to detect alcohol use and document non-use.

2. Breath analysis may occur at any point and time (e.g., court, place of employment, the participant’s home, etc.). The first breath analysis occurs at formal orientation. Minimally, a breath analysis is completed in conjunction with each urine screening.

3. Failure to be available or to appear for alcohol testing as described in the Phase Tables is considered a positive test and is sanctioned correspondingly.

4. Law Enforcement or Probation Officer will provide you detailed instructions breathalyzer procedures.

5. You will be asked before completing breath analysis if they have used alcohol and if the breath analysis will be positive.

6. Breath analysis is directly administered to you.

7. If you indicate the results will be positive, he or she will not be assessed a fee for urine specimen collection and SAMHSA certified testing of the specimen. If the test is positive you have not indicated prior to the test that the results will be positive, you
will be financially responsible for the costs to complete confirmation testing. You are rewarded for abstinence and honesty as the NJDTC Program absorbs the cost of negative drug and alcohol tests. If you admit to alcohol use, you will sign a statement to that effect. The statement shall be witnessed by Law Enforcement or Probation.

8. **A test that indicates presence of a controlled substance or alcohol but below a level which is identified as “positive” is considered to indicate usage and will be sanctioned accordingly.**

Recent advances in the science of alcohol detection in urine have greatly increased the ability to detect even trace amounts of alcohol consumption. In addition, these tests are capable of detecting alcohol ingestion for significantly longer periods of time after a drinking episode. Because these tests are sensitive, in rare circumstances, exposure to non-beverage alcohol sources can result in detectable levels of alcohol (or its breakdown products). It is YOUR responsibility to limit your exposure to the products and substances detailed below that contain ethyl alcohol. It is YOUR responsibility to read product labels, to know what is contained in the products you use and consume and to stop and inspect these products BEFORE you use them. Use of the products detailed below in violation of this contract will NOT be allowed as an excuse for a positive test result. When in doubt, don’t use, consume or apply.

**Evaluation Design**

The following performance measures are the draft version for the 2009 Montana Drug Courts/Adult Drug Courts. The NJDTC Program has incorporated these measures as part of the evaluation plan. As part of the grant funding requirements from MBCC this year, the NJDTC Program has completed each quarterly report and performance measures in a timely fashion.

**Goal 1: Reduce post-graduation recidivism of drug court participants**

**Performance Measures:**

1. Number of arrests and convictions of graduates resulting in a felony or misdemeanor charge
   - Measured during program, one year post program and two years post program
2. Percentage of graduates who have at least one arrest resulting in a felony or misdemeanor charge
   - Measured during program, one year post graduation and two years post graduation
3. Number of arrests and conviction of drug court participants who did not graduate resulting in a felony or misdemeanor
   - Measured during program, one year post discharge and two years post discharge
4. Percentage of participants who did not graduate resulting in a felony or misdemeanor
• Measured during program, one year post discharge and two years post discharge
  Responsible agency and data base: OCA -- Info Path and Full Court

Goal 2: Retain drug court participants in drug court
Performance Measure:
  1. Cumulative retention rate
     • Percent still participating one month after signing contract, 6 months after signing contract, 12 months after signing contract)
  Responsible agency and data base: OCA--- Info Path

Goal 3: To establish and maintain an acceptable graduation rate
Performance Measure:
  1. Graduation rate = the number of graduates divided by the total number of admissions or (# of graduates / # of admissions (active; death; transfers))
  • Measured annually and cumulatively from the program’s inception
  Responsible agency and data base: OCA – Info Path

Goal 4: Increase the personal, familial, and societal accountability of drug court participants
Performance Measures:
  1. Change in employment status (compare admission to discharge - unemployed, part-time, full-time)
     • Measured by comparing admission and discharge data for number and percentage change
  2. Change in education status
     • Measured by comparing admission to discharge data for number and percentage change
  3. Drug-free babies born
     • Measured by counting the number of drug free babies born while in the drug court process
  4. Drivers’ license restoration
     • Measured by comparing driver’s license status at admission to discharge for number and percentage change
  Responsible agency and data base: OCA -- Info Path

Goal 5: Insure uniform quality of adult drug courts in the State of Montana
Performance Measures:
  1. Montana drug courts will be established and operate according to the Ten Key Components – to be assessed both internally by each drug court team and externally by OCA staff.
2. Montana drug courts will utilize evidence based practices according to Drug Court Quality Standards – to be assessed internally by each drug court team and externally by OCA staff.

Responsible agency and data base: Report from each individual drug court team and reports from OCA staff

**Goal 6: Reduced alcohol and other drug use by drug court participants**

**Performance Measures:**

1. Compare drug use data from admission to discharge (primary, secondary and tertiary drug and drug use in past 30 days)
2. Compare drug offenses in the two year period prior to entering drug court compared to offenses while in drug court and 12 months and 24 months after discharge.

Responsible agency and data base: OCA -- Full Court

**Use of data**

The CDTC Program Coordinator evaluates the program and its participants at three month intervals or when a problem arises. Internal assessment includes the number of participants and the number of incentives distributed during those quarterly markers, similar to the performance measures as listed above. If an objective or performance measure is not working or does not seem attainable, then the project may be modified to consider a workable solution. For example, if the number of participants seem lacking (the referral rate is not steady), then the Coordinator calls a team meeting to brainstorm possible recommendations for potential participants as well as further information dissemination within the community.

**Ethics and Confidentiality**

Under federal law, information regarding substance abuse treatment is protected by the provisions of 42 United Stated Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFR), Part 2. The Ninth Judicial District holds contracts with all case management, treatment and testing organizations providing services to the Treatment Court Programs. The Ninth Judicial District has imposed the following procedure, when conducting an intake interview for a new Treatment Court participant: You will be required to complete a form entitled Consent for Disclosure of Confidential Alcohol or Drug and Mental Health Information to the Ninth Judicial District Chemical Dependency Treatment Court. The original, signed form shall be maintained by the Program Coordinator in your Treatment Court file. The Treatment Court is open to the public. The Team meetings or sessions, however, are closed to the public. Occasionally, guests may be permitted to attend team meetings for training purposes or orientation to the Treatment Court Process. Guests will be required to complete a Confidentiality Statement Form. The completed, signed forms will be maintained by the Court.