



MEMORANDUM OF UNDERSTANDING

The following MOU content is incorporated into the governance and operational expectations of the Steering Committee as part of a unified process supporting treatment court operations.

AGREEMENT between:

Presiding Circuit Judge:

Elected State's Attorney:

Defense Attorney/Public Defender:

Court Services (Coordinator & CSO):

SUD Treatment Agency Director:

MH Treatment Agency Director:

Law Enforcement (Sheriff/Chief of Police):

Other (specify):

The parties to this Agreement endorse the mission and goals of the treatment court in order to enhance public safety, ensure participant accountability, and reduce the cost to society. By addressing criminal thinking, substance/alcohol use disorders, trauma, and mental and physical health, the participants will realize improved quality of life. The parties recognize that for the goals and mission of the treatment court to be successful, cooperation and collaboration must occur within a network of systems.

The parties to this Agreement understand that the confidentiality of participants' alcohol and drug treatment records are protected under Federal regulations: Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2 and the HIPPA Privacy Rule, 45 CFR 160, 162, and 164. The parties agree to comply with all confidentiality requirements.

PROGRAM GOALS

Improve the lives of participants with substance use disorders in the criminal justice system through the integration of intensive supervision, alcohol and drug treatment, mental health services, alcohol and drug testing, and case management services with criminal justice system processing.

The parties agree that the program will follow the *10 Key Components of Drug Courts* in which the respective agencies will work cooperatively. They are:

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug and other related treatment and rehabilitations services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participant compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court effectiveness.

INDIVIDUAL AGENCY RESPONSIBILITIES AND STAFF COMMITMENTS

Treatment Court Judge

1. The Judge will ensure a cooperative atmosphere for attorneys, Court Services Officers, law enforcement, and treatment providers to stay focused on the task of providing participants with treatment and rehabilitation opportunities.
2. The Judge will ensure the integrity of the treatment court is maintained by having an understanding of the program's policies and procedures.
3. The Judge will participate as an active member of the Staffing Team and will chair the treatment court team.
4. The Judge will assist in motivating and monitoring the participants of the treatment court.
5. The Judge will gather information from the treatment court team and make all final decisions on incentives, sanctions that effect the participants.
6. The Judge will act as a mediator to develop resources and improve interagency linkages.
7. The Judge will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
8. The Judge encourages participants to succeed, treats participants fairly and with respect and is not intimidating.
9. The Judge emphasizes treatment throughout the participant's time in the treatment court.

Ethical Considerations

- The Judge must show impartiality.
- The Judge must be aware of ex parte communication.
- The Judge must demonstrate judicial authority.
- The Judge must not give up their final decision-making authority.
- The Judge must recognize constitutional rights and follow appropriate legal processes.

Treatment Court Coordinator

1. The Coordinator will assist in providing general oversight to the treatment court to include meeting attendance, grant reporting, and administration of the budget (to include management of contracts), program support, funding solicitation and community outreach. The responsibilities exist for the term of this Agreement, as funding permits.
2. The Coordinator will facilitate communication between team members and partner agencies.
3. The Coordinator will assist with organizing court, events and meetings and compiling supporting materials to disseminate to stakeholders and providers of services to maintain linkages.
4. The Coordinator will ensure the treatment court policies and procedures are updated annually and followed during program operations.
5. The Coordinator will ensure all team members follow confidentiality regulations and all appropriate forms are signed and circulated to the appropriate agencies.
6. The Coordinator will provide oversight of the statistical database and evaluation process of the treatment court.
7. The Coordinator will assist in providing or seeking continuing training for the treatment court team and will ensure all new team members receive a treatment court orientation before participating in their first staffing.

Ethical Considerations

- The Coordinator must be knowledgeable of each team members ethical boundaries and how they are incorporated into the treatment court.

Treatment Court Prosecutor

1. The Prosecutor will be assigned to the treatment court for the term of this Agreement and will participate as an active member of the Staffing Team and the Steering/Planning Team.
2. The Prosecutor will assist in identifying defendants arrested for specific offenses that meet program eligibility requirements.
3. The Prosecutor may help resolve other pending legal cases that affect participants' legal status or eligibility.
4. The Prosecutor will participate as a Team member during pre-court staffings and advocate for effective incentives and sanctions for program compliance or lack thereof.
5. The Prosecutor will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.
6. The Prosecutor will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
7. The Prosecutor agrees that a positive drug test or open court admission of drug possession or use will not result in filing of additional charges.
8. The Prosecutor makes decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.

Ethical Considerations

- The Prosecutor must make decisions to protect public safety.
- The Prosecutor must advocate for the victims' interest.

Treatment Court Defense Attorney/Public Defender

1. The Defense Attorney/Public Defender will be assigned to the treatment court for the term of this Agreement and will participate as an active member of the Staffing Team and the Steering/Planning Team.
2. The Defense Attorney/Public Defender will advise the defendant as to the nature and purpose of the treatment court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in treatment court will affect his/her interests.
3. The Defense Attorney/Public Defender will participate as a Team member, operating in a non-adversarial manner during court, to promote a sense of a unified Team presence.
4. The Defense Attorney/Public Defender will review the participant's progress in the program and advocate appropriately for effective incentives and sanctions for program compliance or lack thereof.
5. The Defense Attorney/Public Defender will ensure the constitutional rights of the participant are protected.
6. The Defense Attorney/Public Defender will advocate for the participant's stated interests.
7. The Defense Attorney/Public Defender will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
8. The Defense Attorney/Public Defender explains all the rights that the participant will temporarily or permanently relinquish.
9. The Defense Attorney/Public Defender explains that because criminal prosecution for admitting to substance or alcohol use in open court will not be invoked, the participant is encouraged to be truthful with the team.

Ethical Considerations

- The Defense Attorney/Public Defender must demonstrate integrity to the client.
- The Defense Attorney/Public Defender must protect attorney/client privilege.
- The Defense Attorney/Public Defender must insure the client's due process rights are protected.

Treatment Court (Probation) Court Services Officer

1. The Court Services Officer will be assigned to provide comprehensive case management and field supervision of treatment court participants for the term of this Agreement and to participate as an active member of the Staffing Team and Steering/Planning Team.
2. The Court Services Officer will use a validated criminogenic risk/needs assessment tool to be conducted during the referral process to ensure the treatment court is serving the appropriate target population.
3. The Court Services Officer will provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits, as well as random field visits to participants' homes.
4. The Court Services Officer will develop effective measures for alcohol and drug testing and supervision compliance reporting that provide the treatment court staffing team with

sufficient and timely information to implement sanctions, incentives, and therapeutic interventions.

5. The Court Services Officer will monitor/assist the participant compliance and progress to the adherence of the Judgement and Sentence order and program requirements.
6. The Court Services Officer will participate in pre-court staffings and will provide updates on all active participants and advocate for effective incentives, sanctions, and therapeutic interventions during staffing.
7. The Court Services Officer will coordinate the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, and job skills training and placement to provide a strong foundation for participants.
8. The Court Services Officer will utilize and deliver cognitive-behavioral interventions to address criminal thinking and increase a readiness for change.
9. The Court Services Officer will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
10. The Court Services Officer will develop a written case plan and update based ongoing risk and need assessment.

Ethical Considerations

- The Court Services Officer must make decisions to protect public safety.
- The Court Services Officer must inform the court of non-compliance with judicial orders in a timely manner.

Treatment Court Treatment Provider (SUD & MH)

1. The Treatment Provider will participate fully as a Team member, for the term of this Agreement and will work as a partner to ensure the success of treatment court participants.
2. The Treatment Provider will operate in conjunction with the treatment court team for the assessment and placement of participants in the appropriate level of care to meet their treatment needs.
3. The Treatment Provider will utilize a validated clinical screening and assessment tool to ensure appropriate placement of participants.
4. The Treatment Provider will provide progress reports to the Team prior to staffing, so the Team will have sufficient and timely information.
5. The Treatment Provider will advocate for effective incentives, sanctions, and therapeutic adjustments during staffing.
6. The Treatment Provider will provide information to the Team on assessment, basis of alcohol/substance use, the impact of treatment on the participant, and the potential for relapse.
7. The Treatment Provider will ensure all confidentiality forms are signed with the client and the team.
8. The Treatment Provider will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
9. The Treatment Provider manages the delivery of treatment services and administers behavioral or cognitive-behavioral treatments that are documented in manuals and have been demonstrated to improve outcomes.

10. The Treatment Provider provides clinical case management, provides relapse prevention and continuing care and develops a continuing care plan with participants.

Ethical Considerations

- The Treatment Provider must keep its integrity to the client.
- The Treatment Provider must have a valid release of information executed before sharing patient information.
- The Treatment Provider only needs to share information that is pertinent to court requirements (i.e.; attendance, testing results, where client is in treatment, changes in client treatment).

Treatment Court Law Enforcement

1. Law Enforcement will assist the treatment court team in monitoring of participants and will designate specific officers to perform the service for the term of this Agreement and will assign a representative to participate as an active member of the Steering/Planning Team.
2. Law Enforcement will identify appropriate representatives to participate in the weekly treatment court staffing meetings to provide appropriate information and insight from the law enforcement community's perspective regarding treatment court participants.
3. Law Enforcement will help to identify potential and eligible treatment court participants.
4. Law Enforcement will advocate for effective incentives and sanctions during staffing.
5. Law Enforcement serves as a liaison between the treatment court team and the community and provides information to the treatment court team on community issues related to alcohol and drug use.
6. Law Enforcement will provide information and support to participants in the community, encouraging them to succeed in the treatment court.
7. Law Enforcement will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
8. Law Enforcement may assist with home visits.

Ethical Considerations

- Law Enforcement must protect public safety.
- Law Enforcement is sworn to uphold the law and serve their community.

In creating this partnership and uniting around a single goal of addressing an underlying problem affecting our community, we pledge to enhance communication between courts, law enforcement, advocacy groups, and treatment programs. Through this linkage of services, we expect greater participation and effectiveness in addressing treatment court participants involved in the criminal justice system.

All parties agree to be represented in the treatment court team. The treatment court team will be responsible for modifying and amending this Agreement. The treatment court team will address problems and issues as identified and develop policy and program modifications.

The parties recognize that additional terms, conditions, or collaborative efforts may become necessary as the partnership develops. Such supplemental understandings or specific program details may be set forth in one or more *Addenda* to this Memorandum of Understanding (MOU). Each Addendum shall:

1. Clearly reference this MOU;
2. Be signed by authorized representatives of all parties; and
3. Be considered a binding part of this Agreement upon execution.

☐ *No Addendum is attached at this time.*

☐ *Addendum(s) attached and incorporated herein:*

AGREEMENT MODIFICATIONS

Any individual agency wishing to amend and/or modify this Agreement will notify the coordinator of this issue(s). The coordinator will present the issue(s) to the Steering Committee for the purpose of modifying and/or amending the Agreement. The issues will be decided by consensus (if possible) or by simple majority, if not.

TERMINATION OF AGREEMENT

Individual agencies contemplating termination of their participation in this Agreement shall first notify the coordinator of their concerns. The coordinator shall attempt to resolve the program to ensure continuation of the treatment court. If the coordinator is unable to resolve the concern, the issue(s) will be presented to the Steering Committee to reach a resolution. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

IN WITNESS THEROF, the parties have caused their duly authorized representative to execute this Agreement.

Presiding Circuit Judge

Date

Elected State's Attorney

Date

Defense Attorney/Public Defender

Date

Court Services (Coordinator & CSO)

Date

<hr/> SUD Treatment Agency Director	<hr/> Date
<hr/> MH Treatment Agency Director	<hr/> Date
<hr/> Law Enforcement (Sheriff/Chief of Police)	<hr/> Date
<hr/> Other	<hr/> Date