

Appendix H
10 Key Components of Drug Courts
(National Association of Drug Court Professionals)

Key Component #1: Drug courts integrate alcohol and other drug treatment services with justice system case processing.

Key Component #2: Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.

Key Component #3: Eligible participants are identified early and promptly placed in the drug court program.

Key Component #4: Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.

Key Component #5: Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6: A coordinated strategy governs drug court responses to participants' compliance.

Key Component #7: Ongoing judicial interaction with each drug court participant is essential.

Key Component #8: Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

Key Component #9: Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.

Key Component #10: Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

Appendix I

Outcome Based Practices

Background:

NPC Research is a leading and well-respected evaluator and researcher of drug courts. An NPC research report titled, “Exploring the Key Components of Drug Courts: A Comparative Study of 18 Adult Drug Courts on Practices, Outcomes, and Costs,” revealed the following:

“Given the rapid expansion of drug courts across the country, there has been interest in standardizing the drug court model. The National Association of Drug Court Professionals led this effort in their groundbreaking publication, *Defining Drug Courts: The Key Components* (National Association of Drug Court Professionals, 1997). In this work, they prescribe 10 operational characteristics that all drug courts should share as benchmarks for performance. These include practices such as drug testing, judicial interaction with participants, and the integration of alcohol and other drug treatment services with justice system case processing.

“Today, the 10 Key Components are well established and ubiquitous among drug court systems. However, the key components are essentially guidelines for implementation and leave much room for each drug court’s interpretation. For example, the key components prescribe frequent drug testing of participants but do not specify the preferred method of testing or define ‘frequent.’ They prescribe independent evaluations and periodic staff trainings; however, the frequency of these activities is not addressed. In practice, each drug court’s adherence to the 10 Key Components may look very different.”

The research report explores how different drug court programs implementing the 10 Key Components and how practices vary across programs. It also examines whether and how the practices have impacted program costs, participant outcomes, and outcome costs related to participant criminal justice recidivism.

In brief, NPC found that drug court programs that incorporated the following practices within each of the 10 key components produced the best outcomes and cost savings. Therefore, CJC has incorporated these practices into the Measure 57 Intensive Drug Court Grant Program request for grant proposal guidelines in an attempt to garner better outcomes and foster more consistency than what has been experienced with drug courts as usual. This will enhance the evaluation process and provide optimal data to test the theory that that a stringent drug court program combined with intensive supervision will reduce recidivism among the drug dependent members of the Measure 57 offender population at a higher rate than a prison sentence or supervision as usual.

Outcome-Based Practices within the 10 key Components:

Component #1:

- The Treatment provider(s) (or a treatment supervisor responsible for overseeing participant treatment) attends every court session

Component #2:

- The Prosecutor attends every team meeting
- The Public Defender attends every team meeting
- Prosecutor and Public Defender attend court sessions

Component #3:

- Ideally, participants should enter the program within 20 days of arrest. If that is not possible, participants should enter the program as soon thereafter as possible

Component #4:

- Basic requirements for all participants on frequency of treatment sessions (e.g., 2 to 3 group sessions per week)
- Program takes 1 or more years for participant completion
- Programs have a phase that focuses on relapse prevention
- Programs use a single treatment agency

Component #5:

- Programs require greater than 90 days clean before graduation
- Programs require random drug testing at least 2 times per week in the first phase.
- Programs receive test results within 48 hours of sample collection

Component #6:

- Programs have Judge be the sole provider of rewards.
- Programs ensure the possibility of jail as a sanction is readily available
- Programs have written rules for team response to participant behaviors (see the CJC website for examples of written sanction and incentive guidelines).

Component #7:

- The Judge is assigned for a term of greater than two year or indefinitely.
- Programs require participants to attend court sessions every week in the first phase.
- Programs require participants attend court sessions 1 time per month in the last phase.
- Judges spend at least 3 minutes with each participant in Court

Component #8:

- Programs use electronic databases
- Programs use evaluation feedback and program statistics to modify program practices as needed

Component #9:

- Programs provide formal training for all team members
- All new hires go through formal training or orientation
- Team members receive training prior to program implementation

Component #10:

- Program includes law enforcement representation at every team meeting
- All team members attend every team meeting
- Programs have formal partnerships with community members

Appendix J Screening and Assessment Guidelines

Overview:

The Oregon Risk Assessment Tool will be utilized to assess risk and the TCU Drug Screen Tool II will be utilized to assess addiction severity. For those who are approved to enter the program, participation will be made a court-ordered condition of supervision and the consequence for program failure will be a part of the court order as well. For examples of procedural guidelines for post adjudication Courts that conduct screening and assessment prior to sentencing, see the additional application materials available at our website- oregon.gov/cjc.

These screening tools are not necessarily intended to replace other risk and needs assessments (e.g. OCMS or LSCMI) currently in use. CJC recommends use of a validated risk and needs assessment like the LSCMI to determine appropriate service levels.

Please note that for those Counties participating in the Random Assignment research project, program placement (after the screening and assessment process is complete) may be subject to slightly different guidelines.

The Oregon Risk Assessment Tool:

The Oregon Risk Assessment Tool requires the offender's SID number and the ORS number for the highest level Measure 57 crime or conviction. The Tool then pulls data from the CCH and displays the offender's factors and risk scores. The risk score is based on felony re-arrest, property re-arrest for Measure 57 charges and reconviction of felony and violent re-arrest. The risk tool currently has a different cut off point for each risk score and the goal is to make it consistent throughout the program.

The tool will be available for review prior to award notification.

TCU Drug Screen Tool II:

The TCU Drug Screen Tool II is a 15 question self-administered screening tool that can be downloaded from the Texas Christian University website at no charge. According to the Texas Christian University Institute of Behavioral Research, "Classification criteria for drug dependence and abuse outlined in the *Diagnostic and Statistical Manual, IV* (DSM-IV; APA, 1997) are used in the TCU Drug Screen II for assessing addiction problems. It efficiently gauges offenders' drug use history, the severity of their drug use, and their readiness and motivation for treatment."

To view the tool, please click on <http://www.ibr.tcu.edu/pubs/datacoll/Forms/ddscreen-95.pdf>

Appendix K

Data Collection and Measurement

Overview:

The goal of the Measure 57 Intensive Drug Court Grant Program is to reduce recidivism for high risk drug dependent offenders convicted of, or on felony supervision for, a crime listed in Appendix L. In addition to the standardized performance measures, the following Measure 57 Program specific performance measures have been pre-determined to ensure that consistent data is gathered state-wide. As indicated below, data reporting will occur on a quarterly or yearly basis, in a narrative and/or percentage format.

Applicants are asked to set their own percentages for expected change.

Awardees are expected to provide the following data on a **Quarterly basis**:

1. Average number of months to graduation.
2. Percentage of graduates who remained clean for a minimum of 90 days prior to graduation.
3. Average time it takes to receive urinalysis results after sample is taken.
4. Describe all formal training opportunities provided for and attended by your drug court team. Please include training and orientation provided to new hires.

Awardees are expected to report on the following Standardized Drug Court Performance Measures (Approved by the Chief Justice Advisory Committee on Treatment Courts in 2005) on a **Quarterly basis**:

1. Objective: Accountability
Measure: Graduation Rate
Percentage of entrants who achieve graduate status
2. Objective: Accountability
Measure: Retention Rate
Percentage of entrants who stay in the program 90 days, 180 days, etc.
3. Objective: Accountability
Measure: Court attendance compliance
Percentage of court dates met
4. Objective: Accountability
Measure: AOD attendance compliance
Percentage of treatment dates met

Awardees are expected to report on the following Measure 57 Program Specific Performance Measures on an **Annual basis**:

1. Objective: Increase Employment
Performance Measure: Percent change in the number of participants employed between entry in the Program and one year following participation/graduation.
2. Objective: Increase Housing Stability
Performance Measure: Percent change in the number of participants living 90 days or more in the same residence between entry in the Program and one year following participation/graduation
3. Objective: Increase Wage Rate
Performance Measure: Percent change in wages between entry and one year following participation/graduation
4. Objective: Increase Education
Performance Measure: Percent change in education level between entry and one year following participation/graduation
5. Objective: Prompt Program Entry
Performance Measure: Time to enter the Program after arrest

Awardees are additionally expected to include the following information in the first quarter report (All subsequent reporting will include any updates or changes):

1. Describe formal partnerships with community members.
2. Describe law enforcement participation on your team.
3. Describe procedures for notifying participants about Program rules.
4. Describe frequency of Court attendance required of participants in each phase.
5. Describe frequency of treatment sessions required of participants for each phase. Please include whether your program incorporates an aftercare or relapse prevention phase.
6. Describe procedure for number of drug tests required in each phase.
7. Describe procedure for utilizing feedback and Program statistics to modify practices.
8. How long has your drug court judge(s) been involved with the Program? Have there been any changes in relation to the drug court judge(s)?

Appendix L
Qualifying Offenses

1. Aggravated theft in the first degree (ORS 164.057)
2. Burglary in the first degree (ORS 164.225)
3. Robbery in the third degree (ORS 164.395)
4. Identity theft (ORS 165.800)
5. Aggravated identity theft (ORS 165.803)
6. Theft in the first degree (ORS 164.055)
7. Unauthorized use of a vehicle (ORS 164.135)
8. Mail theft or receipt of stolen mail (ORS 164.162)
9. Burglary in the second degree (ORS 164.215)
10. Criminal mischief in the first degree (ORS 164.365)
11. Computer crime (ORS 164.377)
12. Forgery in the first degree (ORS 165.013)
13. Criminal possession of a forged instrument in the first degree (ORS 165.022)
14. Fraudulent use of a credit card (ORS 165.055)
15. Possession of a stolen vehicle (ORS 819.300)
16. Trafficking in stolen vehicles (ORS 819.310)

Appendix M ARRA Requirements

The requirements contained in this Exhibit D apply to all funding under this Agreement that is provided from ARRA funds.

1. COMPLIANCE WITH ARRA REQUIREMENTS

Recipient specifically agrees to comply with all requirements of the American Recovery and Reinvestment Act of 2009, Pub.L.111-5 (“ARRA” or “the Act”) and the ARRA-related terms and conditions of this Agreement. Recipient understands and acknowledges that the federal stimulus process is still evolving and that new requirements relating to ARRA compliance may still be forthcoming from the federal government and the State of Oregon. Accordingly, Recipient specifically agrees that both it and its subcontractors will comply with all current requirements and all future requirements of the federal government and the State of Oregon while this Agreement is in force.

2. REGISTRATION

Under Section 1512 of the Act, Recipient shall obtain a Dun and Bradstreet Data Universal Numbering System (“DUNS”) number, and have registered with the Central Contractor Registration (“CCR”), on or before full execution of this Agreement. Recipient shall keep its DUNS and CCR information current, while this Agreement is in force.

3. REPORTING

Under Section 1512 of ARRA, state agencies receiving ARRA funds must submit a report to the federal government no later than ten (10) calendar days after the end of each calendar quarter. This report must contain at least the information outlined below. Accordingly, Recipient agrees to provide the State with the following information on or before the third day following the end of the calendar quarter, in order for the State to timely provide the required information to the federal government, as well as any additional information requested by ODOE that is required by the federal agency that is the source of the ARRA funds.

Standard data elements and federal instructions for use in complying with reporting requirements under Section 1512 of ARRA are pending review by the federal government, and were published in the Federal Register on April 1, 2009 [74 FR 14824 (to become part of 2 CFR 176)] See also OMB guidance memo M-09-21, Implementing Guidance for the Reports on Use of Funds Pursuant to the American Recovery and Reinvestment Act of 2009 (June 22, 2009), as supplemented, and any additional guidance that OMB may later issue. Final reporting rules and an online recipient reporting tool will be provided at www.FederalReporting.gov.

4. WHISTLEBLOWER PROTECTION

Recipient shall, and in its subcontracts shall require its subcontractor to, comply with Section 1553 of ARRA, which prohibits all non-federal contractors of ARRA funds, including the State of Oregon, and all contractors of the State, from discharging, demoting or otherwise discriminating against an employee as a reprisal for the employee’s disclosure of information that

the employee reasonably believes is evidence of: (a) gross mismanagement of a contract or grant relating to ARRA funds; (b) a gross waste of ARRA funds; (c) a substantial and specific danger to public health or safety related to the implementation or use of ARRA funds; (d) an abuse of authority related to implementation or use of ARRA funds; or (e) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to ARRA funds. Recipient shall, and in its subcontracts shall require its subcontractors to, post notice of the rights and remedies available to employees under Section 1553 of ARRA.

5. PROHIBITION ON USE OF ARRA FUNDS

Under Section 1604 of ARRA, Recipient agrees that none of the funds made available under this Agreement may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pools or similar projects.

6. INSPECTION OF RECORDS

Recipient shall comply with Section 902 of ARRA, which grants the U.S. Comptroller or its designated representatives the authority “to examine any records of the Contractor or any of its subcontractors, or any state or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract;” and “to interview any officer or employee of the Contractor or any of its subcontractors, or of any state or local government agency administering the contract, regarding such transactions.”

Recipient shall comply with Section 1515 of ARRA, which grants the Inspector General or its designated representatives the authority “to examine any records of the Contractor or grantee, any of its subcontractors or subgrantees, or any state or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant;” and “to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.”

7. BUY AMERICAN

Recipient agrees that under Section 1605 of ARRA, neither Recipient nor its subcontractors will use ARRA funds for a project for the construction, alteration, maintenance or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States. Recipient understands that this requirement may be waived only by the applicable federal agency in limited situations as set out in Section 1605 of ARRA. Application of this requirement will be consistent with United States obligations under international agreements.

8. PREVAILING WAGES

Under Section 1606 of ARRA, Recipient shall comply and shall require its subcontractors to fully comply with this section in that, notwithstanding any other provision of law and in a manner consistent with the other provisions of ARRA, all laborers and mechanics employed by contractors and subcontractors on projects funded in whole or in part with funds available under ARRA must be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the United States Secretary of Labor under subchapter IV of chapter 31 of title 40 of the United States Code. The United States Secretary of Labor's

determination, regarding the prevailing wages applicable in the State of Oregon, are located at: <http://www.gpo.gov/davisbacon/or.html>.

9. SIGNAGE

In addition to any other signage requirements that the State may require, Recipient shall post ARRA signage to designate the project as a federal stimulus recovery project. The following website contains the ARRA logo: <http://www.recovery.gov/?q=node/203> or from ODOE.

10. FALSE CLAIMS ACT

Recipient shall promptly refer to an appropriate federal inspector general any credible evidence that a principal, employee, agent, subcontractor or other person has committed a false claim under the False Claims Act (31 U.S.C. §§ 3729-3733) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

11. ENFORCEABILITY

Recipient agrees that if Recipient or one of its subcontractors fails to comply with all applicable federal and state requirements governing the use of ARRA funds, the federal agency or the State may withhold or suspend, in whole or in part, funds awarded under the program, or recover misspent funds following an audit. This provision is in addition to all other remedies available to the State under all applicable State and federal laws.

12. SEGREGATION OF FUNDS

Recipient shall segregate obligations and expenditures of ARRA funds from other funding. No part of funds made available under ARRA may be commingled with any other funds or used for a purpose other than that of making payments for costs allowable under ARRA.

13. SUB-RECIPIENT AGREEMENTS

Recipient shall include these standard terms and conditions, including this requirement, in any of its subcontracts in connection with projects funded in whole or in part with funds available under ARRA.

14. CONFLICTING PROVISIONS

Recipient agrees that, to the extent ARRA requirements conflict with State requirements, the ARRA requirements control.

15. STATE OF OREGON WORKSOURCE POSTING REQUIREMENTS

Recipient shall list any job openings at Recipient's firm/business through WorkSource Oregon. Recipient shall also require its subcontractors and sub-consultants to list any job openings at the subcontractor's/sub-consultant's firms/businesses through WorkSource Oregon. Recipient is not required to list job openings (or require listing by Recipient's subcontractors or sub-consultants), where an employer, contractor, or subcontractor of an ARRA-funded State contract intends to fill the job opening created by ARRA funding with a present employee, a laid-off former employee, or a job candidate from a previous recruitment.