

# PITT COUNTY DRUG TREATMENT COURT

## MEMORANDUM OF UNDERSTANDING

**THIS AGREEMENT** is entered between the Pitt County District Court Judges, District Attorney, Public Defender, North Carolina Division of Community Corrections (hereinafter referred to as DCC), Criminal Justice Partnership Program (hereinafter referred to as CJPP), Pitt County PORT Human Services (hereinafter referred to as PHS), Treatment and Accountability for Safer Communities (hereinafter referred to as TASC), the Pitt County Sheriff's Department, and the Greenville Police Department.

**THE UNDERSIGNED PARTIES TO THIS AGREEMENT** approve and endorse the goals and mission of the Pitt County Drug Treatment Court, in order to encourage enrolled participants to eliminate criminal behavior and lead productive and successful lives in our community. The goal and mission of the Pitt County Drug Treatment Court is improve the lives of our fellow citizens who have been unfortunately impacted by drug and substance abuse which will, in turn, make our community a safer place to live by reducing the amount and frequency of drug-related crimes. These stated goals would be accomplished by assisting the participants in living a productive, sober, independent, and drug-free environment. We, the undersigned, will offer the participants the tools necessary to achieve these goals by providing mandated individualized treatment, rigorous yet compassionate court supervision, effective and regular drug testing, consistent sanctions and incentives, and the dedicated involvement of a caring, knowledgeable and motivated Pitt County Drug Treatment Court team members.

**THE UNDERSIGNED PARTIES TO THIS AGREEMENT** further agree that we will work in cooperation with each other to achieve within our Drug Treatment Court the following **10 KEY COMPONENTS** as adopted from *Defining Drug Courts: The Key Components* (National Association of Drug Court Professionals (NCDCCP)):

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 participant's 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 rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug treatment responses to participants' 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 court, public agencies and community-based organizations generates local support and enhances drug court effectiveness.

To this end, **THE UNDERSIGNED PARTIES TO THIS AGREEMENT** agree to participate by coordinating and/or providing the following:

**The Drug Treatment Court Judge agrees to:**

1. Preside over each and every session of Drug Treatment Court (herein after referred to as the DTC).
2. Explain DTC requirements and expectations to the DTC participants.

3. Assume the primary role of motivating, mentoring, and monitoring the participants who appear before the DTC.
4. Establish a supportive relationship with each participant in order to encourage program compliance.
5. Prescribe, with the input of the DTC core staff team, appropriate sanctions and incentives to assist participants in complying with the DTC.
6. Conduct the DTC in such a manner that all DTC participants benefit by observing the other participants as they progress or fail to progress in treatment and observing the court in taking appropriate action.
7. Support and maintain a non-adversarial atmosphere in DTC.
8. Provide leadership and support to the DTC core staff team.
9. Ensure a cooperative atmosphere for attorneys, probation officers, the Program Coordinator, treatment providers, and law enforcement officers.
10. Participate and moderate bi-monthly participant case staffing meetings with members of the DTC core team, collecting and clarifying participant program status, while providing a leadership role in arriving at a consensus among the DTC core team with regards to sanctions, incentives, or general non-compliance issues.
11. Make final decisions with regards to participant judgments and change the DTC core staff team's recommendation as necessary during the DTC session given additional information from the participant.
12. Sign all pertinent legal documents and Orders pertaining to DTC during or immediately following a DTC session when feasible and give all legal documents/Orders to the Clerk of Superior Court to be placed in the participant's file.
13. Moderate all DTC staff activities.
14. Help establish and implement DTC procedures in collaboration with all involved agencies.
15. Function as a spokesperson/program advocate for the DTC program for the news media and other public forums as requested.
16. Attend all other meetings, trainings and conferences applicable to position responsibilities, subject to budgetary restraints.

**The District Attorney agrees to:**

1. Establish participant eligibility standards for admission to the DTC.
2. Recommend and/or approve all participants by determining participant eligibility within seven (7) business days after having received a referral and return approved referrals to the Program Coordinator.
3. Ensure that all DTC participants meet the eligibility requirements as promulgated by the District Attorney.
4. Agree that the disclosure of positive drug screens by program participants, either through admissions or testing results, shall not result in new controlled substances charges or indictments being directed against the participant.
5. Establish and maintain a supportive relationship with each participant in order to encourage program compliance.
6. Remind the participants of the consequences of noncompliance with the program rules and expectations.
7. Notify the Court and Core staff team in a timely manner of any program violations that will result in program termination of the participant.
8. Maintain and promote a non-adversarial and constructive atmosphere in DTC.
9. Participate in client staffing meetings with other members of the DTC core team.
10. Recommend graduated sanctions for noncompliance or new non-violent arrests.
11. Recommend graduation, dismissal, transfer or termination from the program in accordance with established program guidelines.
12. Function as a spokesperson/program advocate for the DTC program to the news media and other public forums as requested.
13. Sign all participant agreements and other pertinent legal documents pertaining to the participant's DTC status immediately after court, when practical, and return signed forms to the Clerk of the Superior Court to be placed in the court file.
14. Attend all meetings, training, and conferences applicable to position responsibilities, subject to program funding restrictions.
15. Cooperate with the members of the DTC core team and assist in creating and maintaining trust among its membership and offer positive feedback in resolving any conflicts.

**The Public Defender agrees to:**

1. Advise all DTC participants of their constitutional rights.
2. Explain thoroughly the DTC program to all unrepresented participants and/or attorneys, including the following:
  - a. Purpose of the program.
  - b. Program requirements.
  - c. Consequences of program completion or non-completion.
3. Be available to explain all required waivers or stipulations necessary to participate in the DTC program.
4. Represent all participants at each session of the DTC.
5. Communicate often with the treatment provider concerning each participant's progress in treatment and any obstacles that the participant may be facing that may influence his or her progress in treatment or compliance with the program.
6. Establish a supportive relationship with the DTC participants in order to encourage their program compliance.
7. Assist in maintaining a non-adversarial atmosphere in DTC.
8. Participate in participant case staffing meetings with the other members of the DTC core team.
9. Attend meetings, trainings, and conferences applicable to position responsibilities, subject to program funding restrictions.
10. Assist in the development and implementation of the Drug Treatment Court policy and procedures.
11. Function as a spokesperson/program advocate for the DTC program to the news media and other public forums as requested.
12. Have clients who agree to participate in the DTC sign and date the Information Admissibility Waiver form and forward said Waiver to the District Attorney as soon as possible.
13. Assist in achieving a supportive work environment among DTC core team members by discussing concerns, accomplishments and opportunities for improvement with the Program Coordinator.

## **Community Corrections agrees to:**

1. Supervise DTC participants and develop supervision standards of compliance.
2. Monitor compliance with program requirements such as treatment, employment, community service, and payment of restitution or DTC fees.
3. Establish a supportive relationship with each participant to encourage program compliance.
4. Attend all sessions of DTC in order to provide the court with information concerning each participant's compliance with program requirements.
5. Help to maintain a non-adversarial atmosphere in DTC.
6. Communicate often with treatment providers concerning each participant's progress in treatment and any obstacles that the participant may be facing that may influence his or her progress in treatment or compliance with the program.
7. Coordinate receipt of referrals from fellow community corrections officers and forward these referrals to the Program Director.
8. Collect contact information regarding prospective participant's referrals to the Program Coordinator.
9. Perform weekly face-to-face contacts with DTC participants in the field, office or home.
10. Perform weekly urinalysis along with the TASC case manager and treatment provider to meet the required tests according to the Level I, II, and III guidelines.
11. Conduct warrantless searches and seizures of program participants, their residences, and/or vehicles for illegal controlled substances, alcohol or paraphernalia.
12. Assist in achieving a supportive work environment among team members by discussing concerns, accomplishments, and opportunities for improvement with the Program Coordinator.
13. Attend all sessions of DTC core team staffing meetings in order to provide the court with information concerning each participant's compliance with program requirements.
14. Assist the Program Coordinator during the intake process by investigating the participant's probation history in relation to eligibility, treatment issues, and program evaluation.
15. Assist in the development and implementation of DTC policy and procedures.

16. Attend meetings, trainings, and conferences applicable to position responsibilities, subject to program funding restrictions.

**The Program Coordinator agrees to:**

1. Coordinate administrative matters relating to DTC.
2. Serve as an assistant to the DTC Judge and provide staff support to the other members of the DTC core team.
3. Provide staff support to the local DTC management committee.
4. Compile and distribute progress reports to the local DTC management committee, funding agencies, Administrative Office of the Courts (herein after referred to as AOC), and other interested parties.
5. Periodically review the Memorandum of Understanding with all the involved agencies to ensure that each agency is meeting its responsibilities and to determine whether modifications of the Memorandum of Understanding are needed.
6. Ensure and encourage coordination and cooperation between all the involved agencies.
7. Assist in the selection of treatment providers.
8. Monitor the performance of treatment providers to ensure that they are providing adequate treatment.
9. Provide an administrative link between treatment providers and the DTC Judge.
10. Ensure that treatment providers submit bi-monthly treatment updates to the court and all DTC core team members.
11. Coordinate the development of an effective case management system.
12. Attend all sessions of the DTC.
13. Monitor an active caseload of up to thirty-five participants.
14. Maintain detailed and accurate manual and computer generated record keeping and statistical data of all participant-related activities as required by AOC, Pitt County, or any other funding sources.
15. Provide communication and operational linkage between the criminal justice system, treatment services, and supplemental support services.
16. Maintain thorough, up-to-date case files.
17. Attend all other meetings, trainings and conferences applicable to position responsibilities, subject to budgetary restraints.
18. Help to maintain a non-adversarial atmosphere in DTC.

**The Treatment Provider agrees to:**

1. Conduct individual substance abuse screening to determine eligibility for DTC and notify the Program Coordinator and promptly notify program coordinator as to screening results.
2. Conduct prospective participant intake, bio-psycho-social assessment, and develop an individualized treatment plan upon formal acceptance of the DTC participant.
3. Provide regular and timely reports to the court concerning the treatment progress of DTC participants, including drug test results, compliance with treatment appointments and any other relevant case information and submit these progress reports by no later than the Thursday morning preceding the next session of DTC.
4. Conduct and/or assist Community Corrections with urinalysis testing.
5. Collaborate with and maintain a good working relationship with DTC staff and core team members.
6. Assist in maintaining a non-adversarial atmosphere in DTC.
7. Designate a specific staff person to serve as the liaison to the DTC and to attend all DTC sessions and all meetings of the participant case staffing meetings by the DTC core staff team members.
8. Attend all other meetings, trainings, and conferences applicable to position responsibilities, subject to budgetary restraints.
9. Assist the criminal justice system and the treatment community in resolving issues of confidentiality.
10. Assist in achieving a supportive work environment among core team members by discussing concerns, accomplishments, and opportunities for improvement with the Program Coordinator.
11. Prepare and present accurate and concise participant progress reports to the court.

**The TASC care manager agrees to:**

1. Provide individual and group services as indicated in the treatment process description, depending on the participant's individual needs.
2. Conduct and/assist Community Corrections with urinalysis testing.
3. Collaborate with and maintain a good working relationship with DTC staff and core team members.
4. Assist in maintaining a non-adversarial atmosphere in DTC.

5. Designate a specific staff person to serve as the liaison to the DTC and to attend all DTC sessions and all meetings of the participant case staffing meetings by the DTC core staff team members.
6. Attend all other meetings, trainings, and conferences applicable to position responsibilities, subject to budgetary restraints.
7. Assist the criminal justice system and the treatment community in resolving issues of confidentiality.
8. Assist in achieving a supportive work environment among core team members by discussing concerns, accomplishments, and opportunities for improvement with the Program Coordinator.

**The Greenville Police Department agrees to:**

1. Coordinate and assist the Community Corrections Office in participant monitoring and/or surveillance.
2. Conduct other tasks as necessary such as systems checks to determine outstanding warrants for arrest and police calls to the residence of the participant.
3. Conduct searches for participants who have absconded.
4. Assist the Community Corrections Officer in conducting warrantless search and seizures for illegal controlled substances, alcohol or paraphernalia for all DTC participants.
5. Assist in achieving a supportive work environment among core staff team members by discussing concerns, accomplishments, and opportunities for improvement with the Program Coordinator.
6. Provide field supervision assistance for DTC participants.
7. Provide arrest information on candidates for admission to DTC.
8. Monitor warrants and arrest records of all program participants.
9. Make available participant information to other law enforcement officers as deemed necessary by the DTC core staff team members.
10. Help maintain a non-adversarial atmosphere in the DTC and core team member staffing meetings whenever present.
11. Contact the Program Coordinator and Community Corrections Officer whenever participant noncompliance is observed.

**The Pitt County Sheriff's Department agrees to:**

1. Ensure that the necessary Bailiffs are provided for the operation of DTC.
2. Ensure the transfer of the participants between the Pitt County Detention Center and the Pitt County Courthouse for DTC.
3. Coordinate with the Clerk of Superior Court to ensure appropriate paperwork is placed in the participant's file to reflect detention and/or release status with regards to the Pitt County Detention Center.
4. Coordinate and assist the Community Corrections Office in participant monitoring and/or surveillance.
5. Conduct other tasks as necessary such as systems checks to determine outstanding warrants for arrest and police calls to the residence of the participant.
6. Conduct searches for participants who have absconded.
7. Assist the Community Corrections Officer in conducting warrantless searches and seizures for illegal controlled substances, alcohol, or paraphernalia for all DTC participants.
8. Assist in achieving a supportive work environment among core staff team members by discussing concerns, accomplishments, and opportunities for improvement with the Program Coordinator.
9. Provide field supervision assistance for DTC participants.
10. Provide arrest information on candidates for admission for to DTC.
11. Monitor warrants and arrest records of all program participants.
12. Make available participant information to other law enforcement officers as deemed necessary by the DTC core staff team members.
13. Help maintain a non-adversarial atmosphere in the DTC and core team member staffing meetings whenever present.
14. Contact the Program Coordinator and Community Corrections Officer whenever participant noncompliance is observed.

**IN WITNESS WHEREOF**, The parties have caused this Memorandum of Understanding to be executed.

**District Court Judge**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**District Attorney**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Public Defender**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Program Coordinator**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Division of Community Corrections, Judicial District Manager**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**TASC Program Coordinator**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**PHS Chief Clinical Officer**

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

**Pitt County Sheriff's Department Law Enforcement Representative**

Name\_\_\_\_\_Signature\_\_\_\_\_Date\_\_\_\_\_

**Greenville Police Department Law Enforcement Officer Representative**

Name\_\_\_\_\_Signature\_\_\_\_\_Date\_\_\_\_\_