

**Sanctions Treatment Opportunity Progress (STOP)
Adult Drug Court
of Multnomah County, Oregon**

Partners' Manual

April 17, 2008

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Background

As of 1990, Multnomah County's Circuit Court was nationally known for its innovative "rocket docket," which allowed the courts to process a high volume of cases in a timely manner. Local judges, however, were discouraged by the high percentage of defendants who were repeatedly re-arrested, usually because of drugs and alcohol. Treatment was available, but generally not until four or five months after arrest. As a result, the court dockets were clogged with "frequent flyers," and defendants' drug habits were not adequately addressed.

At the instigation of Judge Harl Haas, Multnomah County created the Sanction Treatment Opportunity Progress (STOP) drug court in August 1991, on the theory that it would help judges manage the court docket more efficiently by expediting drug cases, while stemming the flow of defendants returning to the court by ensuring that they received speedy access to treatment.

STOP Court soon proved effective. If managing the docket was the primary reason for its creation, evaluators soon verified that there were two more very important reasons why it was and remains valuable:

- STOP improves public safety.
A ten-year analysis of STOP Court from 1991 to 2001 published by NPC Research in 2007 showed that eligible defendants who participated in STOP were re-arrested 30% less often than eligible defendants who did not go through STOP; they also committed substantially fewer drug crimes, even up to 14 years later.¹
- STOP saves taxpayers money.
The cost of operating STOP over a 10-year period averaged nearly \$1,400 less per offender than the cost per offender of "business as usual," saving taxpayers over \$9 million. Avoided costs for the same time period (e.g., money saved by lower use of jail beds, fewer crime victims, etc.) saved taxpayers an additional \$7.9 million per year, or \$79 million.²

¹ Finigan, Michael W., Carey S. M., Cox, Anton. *The Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs (FINAL REPORT)*. NPC Research, April 2007, p. II. Available at www.npcresearch.com.

² Finigan, et. al., p. IV.

Overview of the STOP Court Program

The Sanction Treatment Opportunity Progress (STOP) drug court is one of the pioneering drug courts in the United States – the second in the nation. Established in August of 1991, it became the first drug court in Oregon, and a national and international model. Its purpose is to provide qualifying individuals the opportunity to effectively address their drug use problems and live sober, independent, crime-free lives. As an incentive, participants may be able to get their drug charge dismissed. If they are terminated from the program, they are convicted and sentenced.

The District Attorney's office reviews cases for eligibility; qualifying charges include Possession of a Controlled Substance I or II (PCS), Attempted PCS I, and Tampering with Drug Records (e.g., forging a prescription).³ Non-person misdemeanors pled on the same charging instrument are also dismissible. Eligible offenders review their cases with an attorney. If they wish to enter the program, they plead guilty or no contest to their charges and enter on conditional discharge status.⁴

Participants are required to be in treatment for at least a year (actual time in treatment currently averages 14 months). During that time, they must be actively engaged in treatment, submit to random drug tests, and appear before the STOP judge at regular intervals. A recent evaluation by Michael Finigan of NPC Research sums it up well:

“The frequency of court sessions for clients is based on the treatment phase they are currently completing and on how well they are complying with the program. In general, client attendance at court sessions ranges from [twice per month to once every 6 weeks], and on rare occasions, can be as frequent as daily. During court appearances the judge checks on the client's progress, both from the client's perspective and the treatment provider's. The treatment liaison provides information to the judge on the client's progress from the [treatment] counselor ... The district attorney makes note of subsequent arrests and brings these data to the courtroom. The judge offers encouragement and rewards to clients who are complying with the treatment regime. The judge also imposes sanctions for clients who are non-compliant (e.g., not attending treatment, have a positive drug test, etc.), and checks on the completion of previously imposed sanctions and the status of their fee payment.”⁵

³ For full eligibility criteria, see p. 2, and Figure 1 on p. 2.

⁴ For a definition of “conditional discharge,” see Oregon Revised Statute 475.245 at www.leg.state.or.us/ors/475.html.

⁵ Finigan, et. al., p. 10.

Upon satisfactory completion of STOP, the court will dismiss the charges with prejudice on motion of the state. Defendants are advised to consult with their attorney about filing a motion to set aside the record of arrest.

Distinguishing Features

Although drug courts share common characteristics (e.g., the 10 Key Components defined by the National Association of Drug Court Professionals), each one is somewhat different, tailored to its jurisdiction, local politics, and available funding. In this context, STOP has three features that distinguish it from many other adult drug courts.

First, the program has no “phases” through which its participants progress over time. Treatment providers serving STOP have set phases marking clients’ progress, but the court does not also impose its own phases, as many courts do.

Second, STOP Court has never had a designated drug court coordinator. It must be remembered that STOP was founded at a time when there was only one other drug court in the country, and funds were limited: as a result, various individuals – from the Department of Community Justice, from Multnomah Public Defenders, and more recently from the treatment provider, InAct – have assumed the duties commonly assigned to a coordinator. Administrative oversight has been divided among the collaborating partners and exercised through its operations and policy groups (see p. 44).

Third, the STOP Court team does not generally meet to review cases before status hearings, due to their high volume, except in unusual situations.

STOP Court Contacts

Anyone wishing to learn more about STOP Court operations is encouraged to contact the members of the STOP Court team. Primary contacts include:

STOP Court Judge

The Honorable Christopher J. Marshall
State of Oregon Judiciary, 18th Judicial District
Multnomah County Courthouse
1041 SW 4th Ave., Room 312
Portland, OR 97204
503-988-3274
Christopher.J.Marshall@ojd.state.or.us

District Attorney

Jeffrey Lowe, Deputy District Attorney
Multnomah County Courthouse
1041 SW 4th Ave.
Portland, OR 97204
503-988-3128
jeffrey.lowe@mcda.us

Defense Attorney

Alex Bassos
Metropolitan Public Defenders
630 SW Fifth Avenue, Suite 500
Portland, OR 97204
503-225-9100
abassos@mpdlaw.com

STOP Court Treatment Liaison

Craig Willadsen
InAct, a program of Volunteers of America (VOA)
727 NE 24th Avenue
Portland, OR 97232
(503) 228-9229
cwilladsen@voaor.org

STOP Court Probation Officer

Cheryl Nelson
Multnomah County Department of Community Justice
Mead Building
421 SW 5th Ave. Suite 300
Portland, OR 97204
Phone: 503-988-3081 x27007
cheryl.nelson@co.multnomah.or.us

STOP Court Calendar Clerk

Kim Opoien, JSS 3
Multnomah County Circuit Court
Room 236 Administration
1041 SW 4th Ave.
Portland, OR 97204
503-988-6747
Kim.T.Opoien@ojd.state.or.us

The STOP Court Team

The Team Approach

Even though STOP Court team members do not participate in case conferences prior to status hearings, the partners act as a team in order to provide a coordinated response to offender behavior. A history of partnership, a track record based on long-standing agreements, and the fact that all status hearings occur after the defendant has made a plea: all these contribute to a non-adversarial relationship among team members. Although the judge is the final decision-maker, team consensus is the goal. When consensus is impossible, differences are aired with respect; specific case issues can be addressed in separate meetings. Policy and programmatic decisions are discussed outside the court room, in the operations or policy groups (see p.44).

Roles & Responsibilities

A. All STOP Court Team Members

For STOP Court partners, working as a team can be a significant departure from their training and normal routine. It requires compromise, change in daily tasks, and a willingness to avoid doing “business as usual.” While respectful disagreements among team members are inevitable and even useful, the failure on the part of any team member to understand the philosophical and practical underpinnings of drug court or to fully commit to the team can cause unnecessary conflict that works against the success of STOP Court participants.

Each team member should:

- understand the basics of addiction and relapse;
- the purpose of drug court, and work to support its goals;
- commit to work with the team in a non-adversarial manner;
- work with other team members to develop and refine policies and procedures for the program;
- be aware of gender, age, racial, and cultural factors that might impact participants' success and
- educate other members of the criminal justice system and the larger community about the goals of STOP Court, and its results.

B. The STOP Court Judge

The STOP Court Judge supervises participants by monitoring their progress through regular status hearings and overseeing the work of the STOP Court team. The judge also presides over participants' probation hearings, as appropriate.

The STOP Court Judge should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- lead the STOP Court team in a collaborative manner, while accepting responsibility for making final decisions;
- chair the STOP Court policy and operations meetings, while respecting and upholding the interests of the participating partners;
- act as the final arbiter of decisions in court;
- develop rapport with STOP Court participants without compromising the Court’s authority, and issue incentives and sanctions to address their behavior; and
- oversee the probation cases belonging to STOP Court participants.⁶

C. The Prosecutor (D.A.)

The District Attorney is responsible for determining the eligibility of prospective STOP Court participants, and monitoring their progress with an emphasis on protecting public safety while supporting their success in treatment.

The District Attorney should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- act as a member of the STOP Court team, without compromising his/her role as prosecutor;
- determine the eligibility of relevant offenders for participation in STOP Court;
- participate in petition and status hearings, as well as policy and operations meetings;
- prepare statistics for use in reports and grants;
- advocate for incentives and sanctions to aid participants in successful completion of STOP Court or the termination of clients who present a continued risk to public safety; and
- work with the STOP Court team to assess each participant’s progress, appropriate sanctions and rewards, and suitability for graduation.

D. The Defense Attorney

Metropolitan Public Defenders (MPD) is the primary firm representing indigent STOP Court clients. As such, the role of the MPD attorney is more comprehensive than that of other defense attorneys who appear in STOP Court – specifically, the MPD attorney attends all STOP Court hearings and generally

⁶ Probation cases seen initially by another judge are usually transferred to the STOP Court judge, but this is left to the referring judge’s discretion. STOP participants with probation cases overseen by the STOP Court judge will have their cases remain with the STOP Court judge if they are terminated from the program.

represents the defense bar in policy and operations meetings. Otherwise, the duties are similar.

The defense attorney should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- act as a member of the STOP Court team, without compromising his/her role as defense attorney;
- work with other public defender trial attorneys to identify offenders who might be eligible for participation in STOP Court;
- review the cases of individual defendants and provide counsel regarding the benefits and drawbacks of participation in STOP Court;
- work to resolve legal impediments for defendants who might otherwise be eligible for STOP Court;
- perform traditional defense counsel functions with regard to pleas and sentencing;
- in those cases where their clients are not case managed by InAct, update STOP Court on the progress of participants in treatment (generally in other jurisdictions) and keep participants apprised of court dates;
- work with the STOP Court team to address participants’ life issues that may impede their progress;
- advise participants on legal issues while they participate in STOP Court;
- participate in petition and status hearings (the MPD attorney should also attend policy and operations meetings); and
- work with the STOP Court team to assess each participant’s progress, appropriate sanctions and rewards, and suitability for graduation.

E. The Treatment Court Liaison

The Treatment Court Liaison is an employee of InAct (a program of Volunteers of America), which is the primary provider of treatment services to STOP Court clients. The Treatment Court Liaison also functions as the “point person” for other treatment programs reporting to the court regarding STOP Court clients. (See p. 68 for a job description.)

The Treatment Court Liaison should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- act as a member of the STOP Court team;
- assist the Office of the Court Administrator in preparing each day’s docket;

- finalize the Quick List (see p. 30 for a description) and distribute copies to the team members;
- recommend the referral of participants to other treatment providers as needed;
- provide the STOP Court team with timely status reports on participants’
 - treatment progress
 - drug test results
 - attendance record at scheduled treatment or related appointments
 - progress with housing, employment, and other supportive activities
 - fee balance
- attend probation violation hearings for STOP Court participants;
- coordinate the STOP Court graduation ceremonies and docket;
- participate in STOP Court operations meetings; and
- prepare statistics for use in reports and grants.

F. The STOP Court Probation Officer

STOP Court participants are divided into two categories: those who are in the STOP program only, and not on probation or post-prison supervision; and those who are in STOP *and* on probation or post-prison supervision. The STOP Court Probation Officer oversees the first group; the second group is supervised by field probation officers (see “The Field Probation Officer,” following this section). The roles and responsibilities described in this section apply only to the STOP Court Probation Officer.

The STOP Court Probation Officer does not normally attend STOP Court hearings and does not case manage STOP Court clients. The probation officer assigned to STOP Court generally does not take action on participants who are non-compliant in the STOP Court Program, unless the court requests it.

The STOP Court Probation Officer should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- perform basic administrative tasks on incoming STOP Court participants (e.g., create files, perform risk assessments);
- schedule and/or attend special hearings and staffings at court as well as appointments with participants and their primary counselors at InAct, as appropriate;
- maintain close contact with the other members of the STOP Court team to troubleshoot issues that arise with specific participants on probation;

- attend monthly STOP Court operations meetings and other relevant meetings as required; and
- work with team members to develop and refine policies and procedures for the program, as well as educate partners about relevant departmental and other policies (e.g., Interstate Compact).

G. The Field Probation Officer

Participants who are *already* on probation or post-prison supervision when they enter STOP Court have a field probation officer assigned to them. This includes individuals who pick up a new formal probation case while in STOP. These participants may be sanctioned or given drug tests (the STOP Court will be notified) for their formally-supervised cases, but not for their STOP Court case. The STOP Court judge is the only one who has jurisdiction over the STOP cases.

Field Probation Officers should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- be familiar with the purpose of STOP Court and its basic terms of operation;
- obtain releases of information from STOP participants to coordinate case management with their treatment provider(s) (including sharing offender background information and keeping providers apprised of other programs the offender is involved with); and
- exchange information in a timely manner with the STOP Court judge and each participant’s primary treatment counselor regarding the offender’s probation violations, sanctions applied, UA results, and progress.

H. The Treatment Counselor

Treatment counselors who have STOP Court participants on their caseloads should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- be familiar with the purpose of STOP Court and its basic terms of operation;
- obtain releases of information from STOP participants to coordinate case management with members of the STOP Court team, in particular (where applicable) their probation officers;
- respond consistently and in a timely fashion to inquiries involving STOP Court participants from STOP Court team members and representatives from STOP’s partner agencies, including the STOP Court Liaison and probation officers;

- schedule and/or attend special hearings and staffings at court as well as appointments with participants and their probation officers, as appropriate; and
- provide the Treatment Court Liaison (or appropriate STOP Court case manager) with timely status reports on participants’
 - treatment progress
 - drug test results
 - attendance record at scheduled treatment or related appointments
 - progress with housing, employment, and other supportive activities
 - fee balance
- award incentives and sanctions to participants, depending upon their progress; and
- recommend participant referral to other treatment providers as needed.

I. The Court Administrator’s Office STOP Court Calendar Clerk

The STOP Court Calendar Clerk should (in addition to the responsibilities listed above, under “All STOP Court Team Members”):

- prepare the STOP Court docket daily, with input from the judge, defense, InAct, and the D.A.;
- maintain updated records in the Oregon Judicial Information Network (OJIN) database;
- work with the Oregon Treatment Court Management System (OTCMS) as appropriate;
- prepare statistics for use in reports and grants;
- attend STOP Court operations and policy meetings; and
- work with other team members to develop and refine policies and procedures for the program.

Eligibility & Case Processing

How Offenders Enter STOP Court – Overview

There are a number of key decision points between a defendant's arrest and entry into STOP Court. (See Figure 2 on p. 15 for a schematic representation.) Each step is described in more detail in the following section.

NOTE: The steps below describe how cases most commonly arrive in STOP Court, but are not comprehensive. For instance, some cases not initially eligible for STOP Court later become eligible after other charges are resolved.

1. Offenders are arrested on a qualifying drug charge.
2. Relevant cases are reviewed by the D.A. for eligibility. (For criteria, see p. 12, and Figure 1, on p. 14.)
3. Defendants appear in court to be arraigned and are directed to appear in STOP Court -- usually a day or two later.
4. On the date they are scheduled to appear in STOP Court, defendants attend a STOP Court orientation at Metropolitan Public Defenders (MPD). Afterward, they meet with their attorneys to review the facts of their case and their legal options.⁷ They go to STOP Court the same day.
5. In STOP Court, defendants petition to enter by filing the STOP Treatment Program Petition Waiver and Agreement (see p. 49), as well as the Waiver of Indictment Order (see p. 51). Defendants may decline to enter STOP at this point – but they must show up to do so. If the defendant does not appear in court, an arrest warrant will be issued.

Before leaving court, defendants who have petitioned in to STOP are directed to go to InAct, the STOP Court's primary treatment provider, usually on the next business day.

6. At InAct, participants receive an orientation, a physical, a clinical assessment of their treatment needs, set up a schedule for group therapy (if clinically appropriate), and are assigned a primary counselor. They also submit their first urine sample for urinalysis. They attend treatment for approximately two weeks before they return to STOP Court.

⁷ In situations where MPD lawyers cannot represent a client because of possible conflicts of interest, another defense firm, such as Multnomah Defenders, Inc., receives the case, though after clients plea into STOP Court and the conflict of interest is thereby resolved, cases may revert to MPD for reasons of administrative efficiency. Private attorneys meet with their clients separately.

7. Approximately two weeks after they petition in to STOP, defendants must return to STOP Court and declare whether they wish to remain in STOP. (This day is called their “declaration day.”) If they do, then they plead guilty or no-contest, but the court makes no finding of guilt at this time. A temporary sentencing order (see p. 57) is entered, and the offender is placed on administrative probation pursuant to ORS 475.245 for 18 months (which is extended as needed), and expected to complete the requirements of STOP Court.

Defendants who decline STOP on their declaration day retain all their constitutional and statutory trial rights and are assigned a trial attorney. They are given a further proceeding date on the regular trial docket. They are not allowed to re-enter STOP on this charge once they have declined. (They may become eligible again if they obtain new charges.)

How Offenders Enter and Leave STOP Court – A Detailed Description

There are a number of key decision points between a defendant’s arrest and entry into STOP Court. This section provides a detailed look at the process. (See Figure 2 on p. 15 for a schematic representation.)

A. Eligible Offenders

Anyone arrested for a qualifying drug charge may be eligible for STOP Court. In general, offenders are either taken into custody or cited and released after arrest. If taken into custody, they are arraigned the next business day; if released, they are given a date (usually four weeks away) when they will be arraigned.

1. Case Review – Eligibility. The Office of the District Attorney reviews relevant cases to determine their eligibility for STOP Court. (See Figure 1 on p. 14.) STOP Court is offered to offenders who:
 - a. have been charged with one or more Level 1 felony drug offense like the following in the same charging instrument:
 - Possession of a Controlled Substance (PCS) I
 - PCS II
 - Attempted PCS I
 - Level 1 PCS charges for specific substances (such as cocaine, methamphetamine)
 - Tampering with Drug Records (e.g., forging a drug prescription)
 - b. are not being charged with drug delivery and/or manufacturing (or the D.A. is not pursuing these charges)
 - c. do not have another felony or person misdemeanor in the same charging instrument, or one open anywhere in the system

- d. have non-person misdemeanors in the same charging instrument and have stipulated to restitution where owed
- e. are not currently in STOP Court
- f. have not been terminated from STOP Court on these charges
- g. have no other holds or detainers in effect
- h. have not declined STOP for the instant offense and who plead guilty or no-contest to the charges and petition in to STOP.
- i. are not listed on the master list of the Neighborhood Livability Crime Enforcement Program.

In addition,

- j. there must be no circumstances indicating that the defendant will fail to successfully complete STOP; and
- k. the D.A. must not be seeking a departure sentence.

Some defendants who are initially ineligible for STOP can become eligible if they resolve charges that make them ineligible.

- Defendants who plead guilty to felony and person misdemeanors that appear in the same charging instrument as the qualifying charges may become eligible to apply for admission to STOP. Defendants must also meet the other criteria for admission.
- Defendants charged with DUII or Unlawful Possession of a Firearm (UPF) in the same charging instrument may resolve these charges and then apply to enter STOP. Resolution usually means pleading guilty and being placed on probation on the accompanying charges; however, those with DUII charges may, if eligible, enter diversion rather than pleading guilty.

Defendants charged with non-person misdemeanors in the same charging instrument as the qualifying STOP charges are usually allowed to have these misdemeanors enter STOP on conditional discharge status. These charges are tracked with the STOP-eligible charges and are dismissed with prejudice if the participant successfully completes STOP.

Figure 1: STOP Court Eligibility

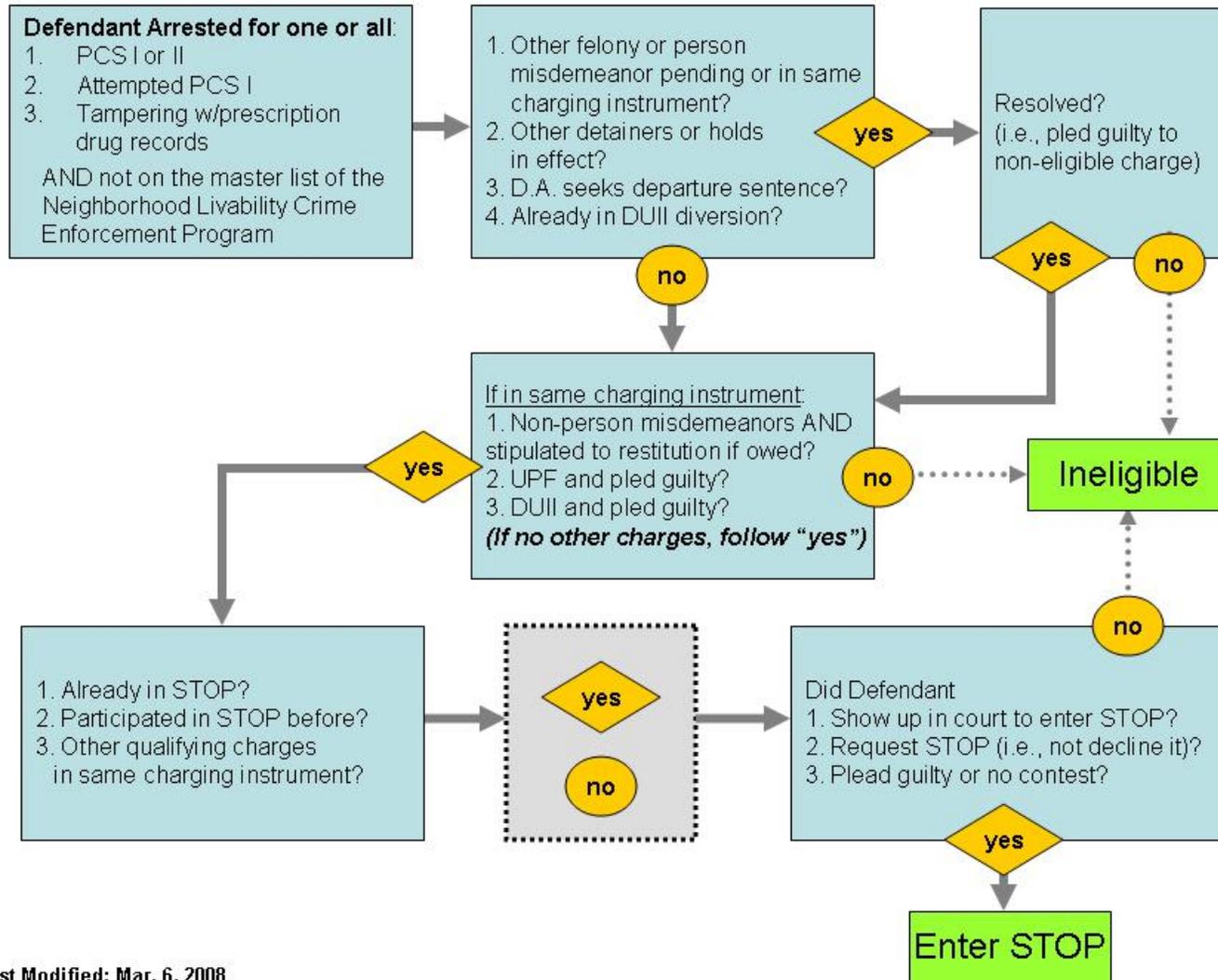
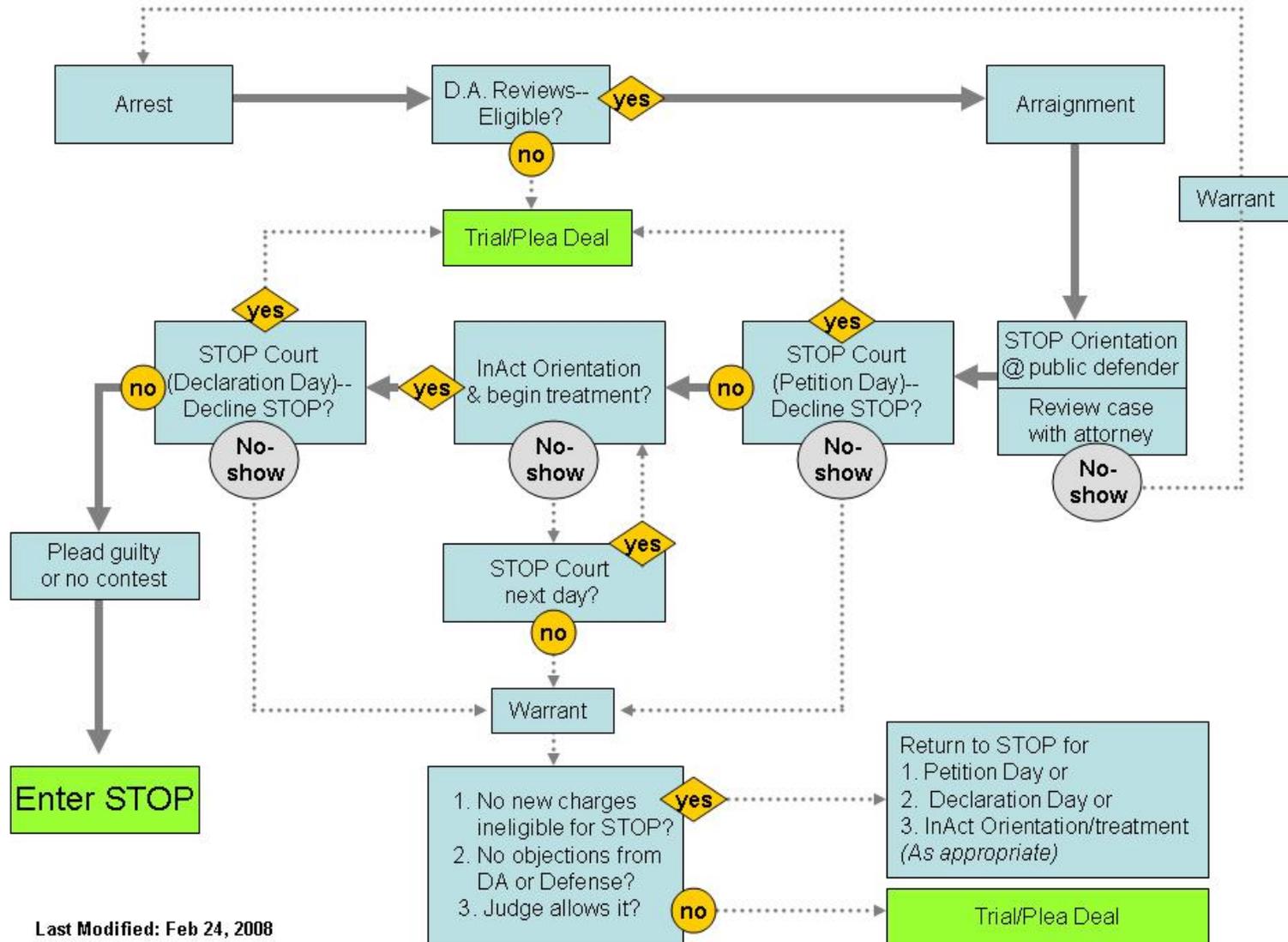


Figure 2: How Offenders Enter STOP Court (Overview)



Last Modified: Feb 24, 2008

- Participants already in STOP who are arrested on a new charge that would otherwise qualify for STOP may plead guilty to the new charge and be placed on probation. In the new case, they must stipulate to the standard conditions of probation and the special condition of probation requiring them to participate in and successfully complete STOP. The new charge will not be dismissed with prejudice even if the participant successfully graduates from STOP.

NOTE: any plea bargain agreements between attorneys must not include a current STOP case. All STOP participants will graduate or terminate as agreed.

B. Arraignment

After arrest, defendants appear for arraignment on the assigned date. If determined to be eligible for STOP Court, they are directed to show up on a given date (usually a day or two later) at Metropolitan Public Defenders for an orientation to STOP Court (see the following section for more information).

Warrants are issued for defendants who do not appear for arraignment. They may still be eligible for STOP Court if they return to court within a reasonable period of time and have not committed any new offenses that would disqualify them.

C. STOP Court Orientation

At arraignment, defendants are directed to Metropolitan Public Defenders (MPD), 630 SW Fifth Avenue, Suite 500, for a 9 am orientation to STOP Court. The group orientations last approximately 25 minutes, after which defendants meet individually with their attorneys to review the facts of their cases. There, they receive an information sheet describing STOP Court (see “MPD - STOP Information Sheet,” p. 52), and a summary of the possible consequences of a felony conviction (see “MPD – Some Consequences of a Felony Conviction,” p. 53). They are advised of their rights and legal options. They then must appear in STOP Court at 1:30 pm the same day.

The orientation and entry process may differ for clients who can afford their own attorneys or who must be served by another indigent defense firm, such as Multnomah Defenders Inc. (MDI). Other variations could depend on their charges, or aspects of their cases that present conflict of interests issues for their attorneys. However, all defendants receive an overview of STOP Court and an opportunity to obtain legal counsel prior to appearing in STOP Court.

D. STOP Court – First Appearance: Petition Day

Most clients will go from their 9 am orientation and meeting with their attorney at MPD to STOP Court at 1:30 pm. STOP is held Monday – Thursday, at the Multnomah County Court House, at 1041 SW 4th Ave. Petitioners are seen toward the end of the STOP docket, to give them an opportunity to see how STOP Court operates and its possible benefits.

At this first appearance, referred to as “petition day” (or the beginning of “the 14-day trial period”), defendants are asked by the judge if they wish to accept or decline STOP Court. If they decline at this time, they complete a form (see p. 54 for the “STOP Program Decline/Denied” acknowledgement form, and p. 55 for a blank court order to the same effect), and their cases usually proceed to the preliminary hearing docket. (See “Declining STOP Court,” on p. 19 for more information.) If they’ve been indicted or have waived indictment, their case proceeds to the trial docket

If they accept, they file the STOP Treatment Program Petition Waiver and Agreement (see p. 49). They also file the Waiver of Indictment Order (see p.51) waiving their right to indictment by a Grand Jury, unless they have already been indicted. After this, defendants are assigned two dates by the court, and handed a written reminder by their attorney (see MPD Reminder Form, p. 58):

- their “declaration day,” approximately 14 calendar days later, when they will have to commit to STOP Court or decline it irrevocably; and
- a date when they must show up at InAct, Inc., for orientation, assessment, and to begin treatment – usually the next business day.

E. Treatment Orientation at InAct, Inc.

Defendants go to InAct at 727 NE 24th Avenue on the appointed day and time for an admissions appointment. Appointment times are assigned in court (see the MPD Reminder Form on p. 58). Admission appointments are scheduled individually with a counselor to give participants time to process personal concerns and increase early engagement in treatment. The admissions counselor provides them with information about the program, its rules, and their rights and responsibilities. In addition, they receive a mini-assessment and are assigned a primary counselor and scheduled for a physical and for a full clinical assessment to determine the level of care needed for their substance abuse problems. If appropriate, they will also be scheduled to meet with a mental health professional. They will be given a schedule of treatment group sessions they must attend, a code for random urinalysis (UA), an explanation of treatment fees, and their insurance information will be taken. They will also submit their first UA test as a baseline.

All participants must attend the admissions appointment at InAct, although there may be a delay for participants in detox or in residential care. The only

exceptions made are for participants represented by private attorneys who are not ordered to treat at InAct (e.g., participants receiving treatment out of state), and for participants who will be transferring to another jurisdiction immediately after program entry.

Defendants who miss orientation will be automatically ordered to attend STOP Court at 1:30 on the next business day when STOP is in session. If they do not appear in court, a warrant will be issued.

F. Trial Period (or, the 14-day Period)

Beginning with their first appearance in STOP Court on petition day, defendants enter a “trial period” of approximately two weeks until their declaration day – the day they irrevocably declare their decision to enroll in STOP Court. (It is sometimes also referred to as the participant’s “14-day period.”) This gives defendants an opportunity to experience what treatment will be like, and whether they feel ready to commit to sobriety and a life of recovery. During their trial period, defendants are expected to attend and participate in all treatment services, and give regular UAs.

The trial period is sometimes extended at the discretion of the court (e.g., when a participant wishes to treat at another agency besides InAct, and needs time to get into the other program; or to allow the defense time to receive all of the information it needs to make a final legal recommendation to its clients about whether to enter STOP.)

Also, the D.A. may withdraw its offer of STOP within the trial period, as when defendants pick up new charges that make them ineligible for STOP. (In this situation, once they’ve resolved the new charges, they may be eligible for STOP again.)

During the trial period, defendants are sent to InAct for an orientation, assessment, physical, and one-on-one counselor session (for more on the orientation, see p. 17). The date is given to them in court (see the MPD Reminder Form, on p. 59). Participants who fail to appear for their orientation, assessment, or physical will be automatically put on the STOP Court docket for the next business day. If they do not appear in court, a bench warrant will be issued.

G. Declaration Day

On their declaration day, approximately two weeks after their first appearance in STOP Court, defendants return to STOP Court at its usual start time of 1:30 pm. They must declare whether they wish to decline STOP Court or to continue. If they wish to decline, their STOP Court Petition Waiver and Agreement (see p. 49) is withdrawn, and their case proceeds to trial.

If they elect to continue in STOP Court, they plead guilty or no-contest to the charges against them. Although they file a standard plea petition (see p. 60), this is a conditional discharge plea, under Oregon Revised Statutes 475.245. The judge receives the plea, but does not enter a finding of guilt. A temporary sentencing order (see p. 57) is entered in the record, stating that the defendants have entered this conditional plea, and have been put on 18 months' probation. If everything goes well for at least one year, then the state will dismiss the plea with prejudice. By entering STOP Court, defendants give up their rights to a grand jury indictment, motions, or a jury trial.

Sometimes, a defendant may postpone making a declaration – though he or she must still attend scheduled hearings and any treatment-related activities required by the court. These postponements or setovers occur in a variety of situations (for example, when the defendant requests it or is pursuing treatment at another agency besides InAct and needs time to make arrangements; or the defense needs more time to assemble the information needed to make a final determination about whether to recommend STOP to the defendant). These setovers are allowed at the discretion of the judge.

If a defendant fails to appear for declaration day, the court will issue a warrant and may refuse to allow the defendant into STOP Court.

H. Declining STOP Court

Defendants have two opportunities to decline to participate in STOP Court: at their first appearance in STOP Court immediately after arraignment, and approximately two weeks later, at their second appearance, on their declaration day.

Defendants who decline to enter STOP fill out and sign the acknowledgement form titled “STOP Program Declined/Denied” (see p.54); and a court order will be entered into the record (see p. 55).

Once a defendant declines STOP Court, his or her decision cannot be rescinded for that particular case, except in rare circumstances at the discretion of the court. However, if a defendant is no longer eligible for STOP at the time of the petition hearing because s/he has picked up a new charge, s/he has no opportunity to decline STOP until the new charge is resolved; this allows the defendant to petition into STOP if the new charges are not issued, “true billed” by a Grand Jury, or are dismissed. In any of these cases, s/he may become eligible for STOP again.

I. Court Appearances – Status Hearings

After entry into STOP Court, participants return to STOP Court at irregular intervals, depending upon their progress, for status hearings. At the outset, they

usually receive setovers of two weeks. As they progress, these setovers may be extended to four weeks and then six weeks (the maximum). Participants who are not doing well are often directed to return weekly (or as soon as the next day) until stabilized.

In court, their progress in treatment is briefly reviewed. The Treatment Court Liaison presents a summary report from the participant's primary treatment counselor noting attendance at groups, individual sessions, appointments with doctors and the psychiatric mental health nurse practitioner, UA results, recommendations, and comments on the participant's progress in treatment.

Based on this information, and any other information provided by the participant, his or her attorney, and the prosecution, the judge decides whether to provide incentives, sanctions, or encouragement. The participant is given written notice of his or her next appearance in STOP Court (see MPD Reminder Form, p. 58).

J. Bench Warrants

Participants who fail to appear for scheduled court appearances will have a bench warrant issued. Bench warrants can be issued at any of these times during the life of a case:

1. Pre-petition – when the defendant fails to appear at arraignment, or in court after arraignment (on petition day).
2. Pre-declaration – when the defendant has entered a STOP Court petition and scheduled an appointment at InAct, but either fails to show up at InAct and/or start treatment during the trial period, or fails to appear in STOP Court at the end of the trial period for declaration day.
3. After entry into STOP Court – when defendants fail to appear in STOP Court as directed any time after declaration day.
 - a. **First bench warrant after entry (or, “regular bench warrant”)** – The judge generally treats the first warrant after entry with some leniency. Generally, participants who turn themselves in after their first bench warrant won't have to go into custody if they return to court within 90 days.
 - b. **Additional warrants after entry (or, TSI [Turn Self In] bench warrants)** – If participants have any more warrants issued, they must go into custody, usually for 1-2 days, to clear the warrant. They will be allowed to continue in STOP Court as long as they return within 90 days and they are not on Last Chance status (see p. 35). In unusual circumstances, however, custody time may be waived at the discretion of the judge.

If participants are arrested and taken into custody on the warrant, they may not receive credit for time served.

If participants fail to return to STOP Court within 90 days, they will be terminated from the program, unless they can show good cause (e.g., a lengthy hospital stay). Again, their continuation in the program is at the discretion of the STOP Court judge.

K. Urinalysis

Drug tests are a key part of ensuring that STOP Court participants maintain sobriety. Because drug treatment takes time, the prosecution will not file charges on STOP Court participants for submitting positive drug tests, or for admitting to use. However, participants will be charged if they are found to be in possession of controlled substances.

In almost all cases, drug tests are performed using urinalysis, though other tests (e.g., breathalyzer tests) may occasionally be used when necessary. In STOP Court, participants are required to submit a minimum of two random urinalyses (UAs) per month. Upon admission to InAct, they will receive a unique numeric code and a special telephone number. They are instructed to call the phone number daily to see what code has been chosen that day; if their code matches, they are required to appear at InAct for a UA the same day. (Participants receiving treatment elsewhere are required to submit the same number of UAs as participants attending InAct, although procedures for submitting them may differ.)

All UA results are shared with the STOP Court team by the InAct Treatment Court Liaison. (UA results for participants not receiving treatment at InAct will be reported by their counselor to the InAct counselor managing their case, who will in turn report them to the Treatment Court Liaison.)

It is understood that new participants will initially give dirty UAs. As a result, they will not receive sanctions for dirty UAs for the first four weeks in STOP. After this, they can expect to be sanctioned for submitting dirty UAs.

Missed UAs are generally counted as positive UAs, at the court's discretion. "NSP" (no sample produced) UAs — where the participant shows up but submits a diluted sample, too small a quantity to test, or fails to submit a sample at all — are considered dirty and subject to sanction, at the court's discretion. Participants caught tampering with UA samples may receive a jail sanction or even be terminated from the STOP program.

To graduate from STOP Court, participants must submit negative UAs for six consecutive weeks. If any UAs are positive — or any are NSP — during the six-week period prior to graduation, participants will need to start the six-week UA series over again and work with their primary treatment counselor on their relapse. The same may apply to any "excused" UAs during this time period as well.

L. Treatment Fees (Compensatory Fine)

Participants are required to pay a compensatory fine to InAct, the treatment provider, and agree to do so when they complete the STOP Treatment Program Petition Waiver and Agreement (see p. 49). The total amount of the fee due to InAct will depend upon the participant's ability to pay, and is set according to a sliding fee scale. The total fee must be paid in full, even if participants are terminated from STOP Court.

Incoming participants will be given a Fee Payment Arrangement form (see p. 70) by the InAct admissions counselor, with an explanation that payments must begin at the end of the first month of treatment. Participants may apply their forfeiture or bail bond money to their treatment fees. For those stating they are unable to pay, InAct will work with them to arrange a reasonable monthly fee.

Participants who are not working will need to provide documentation from the Employment Department; without it, they will be charged at the highest end of the fee scale for treatment unless they document their inability to pay. Participants who lose their jobs or experience extraordinary changes in their financial circumstances may request new payment arrangements with InAct. At their next status hearing, the STOP Court Liaison will update the judge, via court report, on the status of their payment arrangements.

All fees must be paid on time every month; participants who miss the payment due date will have a 7-day grace period in which to get caught up. Those receiving treatment at InAct who do not pay their treatment fees by the end of the grace period will be placed on "Do Not Admit" status. In other words, they will not be admitted to treatment (they will need to continue to submit random UAs), and this information will be reported to the STOP Court team. They will be required to come to court every day until they have made payments and/or set up a new fee agreement with InAct. (For more information on "Do Not Admit" status, see p. 33.)

STOP Court participants in "outside" treatment – i.e., who are receiving treatment at an agency other than InAct – are required to pay a monthly monitoring fee to InAct equal the lowest amount on the agency's sliding fee scale. The monitoring fee covers the administrative cost of monitoring participant progress and reporting on it to the STOP Court team. (This requirement applies to participants who receive outpatient treatment, including methadone, from another provider in Multnomah County besides InAct; and to participants who transfer out of the county for care.)⁸

These participants will be required to pay InAct an amount equal to their monthly fee times 14 months (as 14 months is the average time participants spend in STOP

⁸ A very small number of STOP clients in "outside" treatment are not monitored by InAct. However, they must also pay InAct the monthly monitoring fee.

Court). If they are in STOP Court for longer than 14 months, they will continue to pay their fees on a monthly basis. However, if participants in outside treatment terminate before they've made 14 monthly payments, they will be required pay the difference between the amount they would've paid over 14 months, less any monies they've already paid.

Participants treated elsewhere who do not pay their monitoring fees on time will also be placed on "Do Not Admit" status. In other words, they will be required to come to court every day until they have made payments and/or set up a new fee agreement with InAct. (For more information on "Do Not Admit" status, see p. 33.)

NOTE: To graduate from STOP Court, participants must submit negative UAs for six consecutive weeks. Because only two UAs per month are subsidized by the Department of Community Justice, participants pay the appropriate fee (currently \$15) every other week for the additional UAs. In practice, clients may end up paying for more than three UAs, because they may relapse during this period, and they will have to restart the six-week UA series.

M. Graduation

Participants who successfully complete all their other obligations in STOP Court must attend a final graduation ceremony and are required to address the court. Graduation ceremonies are held in STOP Court once per month at 1:30 pm on Wednesdays and Thursdays in alternate months.

1. Eligibility. The participant's primary treatment counselor makes the initial determination about when s/he is ready to graduate from STOP Court. The counselor's recommendation is presented in STOP Court by the Treatment Court Liaison. If the STOP Court team concurs, the dates for an exit interview and graduation are set for approximately six weeks later, and the participant's name is placed on the Graduation List (see the "Quick/Acknowledgement/Graduation List" on p. 72). When participants are ready for an exit interview, the Treatment Court Liaison puts their names on the Exit Interview Roster (see p. 73).
2. Criteria. To graduate from STOP Court, participants must:
 - a. Attend treatment for at least one year, with case management/monitoring by the Court, defense, D.A., and InAct.
 - b. Submit negative UAs for six consecutive weeks prior to the graduation date.
 - c. Successfully complete all treatment requirements, as determined by the primary treatment counselor and agreed to by the client.
 - d. Pay all treatment fees.

- e. Participate in an exit interview (see below).
 - f. Attend the graduation ceremony. Participants must show up on time and address the court to graduate.
3. Exit Interview. Exit interviews are scheduled at 1 pm Mondays once per month, before STOP Court begins, and are held in the Judge's chambers. The D.A., defense attorney, and Treatment Court Liaison (plus interpreter, if needed) meet with each participant listed on the Exit Interview Roster (see p. 73) to discuss his or her progress and readiness for graduation. The participant is asked if s/he is ready to graduate and asked for feedback about how STOP Court could be improved. If the participant feels unready to graduate -- or the team does not believe the participant is ready -- then graduation is postponed. The judge makes the final decision, after seeking input from the defense, the D.A., and the Treatment Court Liaison. Participants approved for graduation are scheduled to do so the same week.
 4. Graduation. See p. 36 for a description of the graduation ceremonies.
 5. Reward for Graduation. If participants successfully complete the STOP program, their qualifying charges will be dismissed with prejudice. (This includes all non-person misdemeanor charges that were entered into STOP with the eligible felony drug offense. However, charges to which the defendant pled guilty in order to become eligible to enter the STOP program are not included; nor are any other Level 1 felony drug offenses to which the defendant pled guilty in order to remain in STOP on the instant case.) Graduates may also be eligible to have the charges expunged from their record.

N. Termination

Although there is no set deadline by when participants must complete STOP Court, participants who do not graduate successfully or make sufficient progress are not allowed to remain in the program.

1. Criteria. Four situations are very likely to lead to participants' termination from STOP Court:
 - a. remaining on bench warrant for 90 days or longer without adequate, documented explanation for the participant's absence (e.g. a lengthy hospital stay);
 - b. Treatment Court Liaison reports that the participant has "exhausted all treatment resources" (based on a written recommendation from the client's primary counselor and approved by InAct's clinical supervisor);
 - c. documented violence or threat of violence toward any InAct or other treatment staff member or another client; or

- d. being convicted of a new criminal offense.

Participants in any of these situations may sometimes continue in STOP Court, at the discretion of the judge. For example, a participant convicted of a new crime may be placed on probation and be able to continue in STOP.

In general, termination is recommended when participants consistently submit positive UAs, fail to respond to sanctions, fail to appear in court or treatment, or appear to be playing the system. Usually, a combination of these symptoms will cause the Treatment Court Liaison and/or D.A. to recommend termination. The judge makes the final decision.

NOTE: Participants may be terminated by their treatment provider, but this does not necessarily mean they are terminated from STOP Court, as they may continue treatment with a different provider.

2. Consequences. If the participant is terminated from STOP for non-compliance, the defendant will be found guilty of the underlying charge and the court will enter a felony conviction. Participants terminated from STOP are subject to the maximum sentence permitted under Oregon Sentencing Guidelines, though the judge may exercise discretion. Terminated participants do not generally receive credit for time served or Senate Bill 936's "Good Time/ Work Time" credits.

For participants not already on probation, the standard sentence is 18 months' probation, subject to the following conditions:

- a. Obey all laws, as well as all conditions of probation, pursuant to ORS 132.540(1).
- b. Pay off remaining balance (if any) of compensatory fine (which is based on a sliding-fee scale tied to the participant's ability to pay) or monitoring fees to InAct.
- c. Court-appointed attorney's fee.
- d. Unitary assessment.
- e. Obey the terms of the "drug package" (see p. 67).

They must also serve 10 days in jail with no credit for time served, and their driver's license may be suspended, unless the judge finds a compelling reason not to impose these sanctions.

Participants who are also on probation at the time they are terminated from STOP Court may receive more severe penalties, depending on their other offenses.

O. Transfers⁹

At the discretion of the court, defendants may be allowed to transfer into STOP Court from other jurisdictions; likewise, they may be allowed to transfer their cases to other jurisdictions. This would likely happen when, for example, a STOP Court participant's job was transplanted elsewhere or vice versa; or the defendant moved out of the county. How such cases are handled will depend on whether the other jurisdiction is in state or out, and whether or not it has a drug court.

Transfers require three administrative processes, in which the sending and receiving courts (including prosecution and defense), probation departments, and treatment providers communicate about the proposed transfer of a client. *Sending jurisdictions cannot assume that a receiving jurisdiction will accept the transfer.* Furthermore, just because a transfer of probation is agreed to between the relevant authorities does not mean, for example, that the court-to-court transfer will be accepted.

In the absence of state guidelines – and a lack of common agreement between jurisdictions (or even between the relevant authorities *within* those jurisdictions) – the possibility of disagreement and bureaucratic confusion is high. For this reason, coordination between all members of the STOP drug court team is crucial to effecting smooth transitions.

1. Transfers between Jurisdictions within Oregon. From the court's perspective, participants moving from one drug court to another take advantage of a "direct court-to-court transfer." A transfer to an Oregon county that does not have a drug court is known as an "out of county transfer."
 - a. **Direct court-to-court transfer.** In this scenario, the participant has declared in to STOP and the court has granted a request for transfer to another drug court within Oregon. The participant reports to the drug court in the relevant county for oversight and monitoring, and must attend a state-licensed treatment program. The receiving drug court handles supervision of treatment, sanctions, and warrants; dismissal and sentencing remain with STOP Court. If the participant is terminated from the other county's drug court, then the participant returns to STOP for adjudication. (If the participant has any other open formal probation cases, those are also transferred to the receiving county for supervision as well.)

Participants transferring in to STOP Court from other drug courts in Oregon report to STOP Court for supervision of their cases and treatment; terminated cases are returned to the referring county for

⁹ This section is intended to highlight the common issues and relevant rules governing case transfers between jurisdictions. It is not intended to be comprehensive.

adjudication. When cases are sent to STOP Court, the representative of the sending court (usually the defense attorney) contacts the STOP Court Calendar Clerk and faxes copies of the signed transfer order. The Calendar Clerk faxes these to the STOP Court probation officer and the appropriate local defense attorney. (If other members of the STOP Court team are contacted first about a defendant transferring in, they refer the sending court to the STOP Court Calendar Clerk.)

In general, for transfers between Oregon drug courts:

- Files are petitioned in the county where the participant was charged with the crime, then sent to the receiving county.
- The transfer must be agreed to by the probation departments of both counties, and should be initiated with an Inter-Regional Transfer (IRT) request. This notifies the receiving county that the case being transferred is appropriate for drug court, and assures that case supervision is handed over smoothly.
- Participants generally pay fees in the receiving county, though they may be owed in both counties.
- The judge in the receiving county imposes sanctions and makes referrals to other agencies as appropriate.
- Bench warrants must be issued by the court in the referring county. Receiving counties may get these issued by having the defense attorney and the court staff contact the originating county.
- Terminated cases are sent to the originating county with a recommendation from the judge of the receiving county. Fees may be owed in both the originating and receiving counties.
- Graduation may occur in the county in which the participant is treated, or in the originating county, as some drug courts retain the right to graduate clients treated elsewhere. The originating county must file the appropriate papers.
- Transfers during treatment.
 - The participant's transfer order and status report are forwarded by the court to the receiving county.

- Only participants in good standing (i.e., not on warrant status) may transfer.
- Either judge may waive fees in their own jurisdictions.

- b. **Out-of-county transfer.** For participants transferring to another county in Oregon where there is no drug court, the participant attends treatment and pays fees in that county, but continues to be supervised by the referring county's drug court. As with court-to-court transfers, out-of-county transfers must be agreed to by the probation departments of both counties, and should be initiated with an Inter-Regional Transfer (IRT) request.

STOP clients who transfer to another Oregon county without a drug court, and whose cases are supervised by InAct, will be required to pay a monitoring fee to InAct. The fee is based on a sliding-fee scale. (See Treatment Fees, p. 22.)

2. Out of State Transfers. Participants who transfer from or to jurisdictions outside of Oregon are handled in a similar fashion to those who remain within Oregon, except that their supervision is governed by the terms of the Interstate Commission for Adult Offender Supervision Rules (ICAOS), usually referred to as the "Interstate Compact."

The Compact is federally regulated, and any person who is on supervision in one state and lives in another *must* request a transfer of his/her supervision. Receiving states must accept offenders transferred from other states when the offender meets certain criteria. If they do not meet those criteria, the receiving state has the option to accept or reject the transfer. (Also, sex offenders transferring between states must register in both the receiving state and the sending state, and they must wait to go to the receiving state until the receiving state issues reporting instructions.)

However, it is important to note that the Compact does not allow direct contact between probation officers in different states sharing an offender's supervision; all communications must go through administrative channels.

P. Mental/Physical Barriers to Participation in STOP Court

Most participants in STOP Court can be treated, even if they suffer from severe physical or mental illness. In the rare case when a participant cannot be treated, the judge will share any appropriate supporting documentation with the District Attorney, public defender, and Treatment Court Liaison, and give consideration to the views of all concerned. The case will be docketed for disposition. The judge may return the case to the active trial docket with all rights restored; terminate the defendant's participation in STOP and send him or her to a stipulated facts trial based upon the police report; or dismiss the case outright.

Case Management

A. Court Schedule

STOP Court is held four days a week, Monday through Thursday, beginning at 1:30 pm, in the court room of the presiding STOP Court judge.

A half-hour time slot at 1pm on Wednesdays is reserved for those occasions when a participant needs to meet with the judge outside of the normal STOP Court hours. This might occur when an outside person, such as the participant's probation officer, needs to be present; when the issues in the case will take longer than usual to address; when the participant's treatment counselor requests it; and/or when the issues under discussion merit a higher degree of confidentiality.

NOTE: Non-STOP matters, including pleas, are not heard during STOP Court, although exceptions are made on rare occasions at the judge's discretion for the sake of expedience.

B. Status Hearings/Prioritization of STOP Court Docket

STOP participants attend regular status hearings at which the court reviews their progress in treatment and compliance with STOP Court requirements. (See Court Appearances - Status Hearings, p. 19).

Their cases appear on the STOP Court docket in a specific order, designed in part to accommodate partner schedules (e.g., attorneys and Sheriff's deputies). More importantly, participants' cases are prioritized depending upon their status: for example, potential STOP Court clients are kept longer so they can see how the court works before they're asked to petition in; successful participants are rewarded by being allowed to leave court sooner. Once defendants have had their cases reviewed by the judge, they are free to leave the court room (unless they are being taken into custody or returned to custody).

NOTE: This schedule is modified on an as-needed basis, subject to the discretion of the judge.

1. Roll Call and Name-Drawing. Names on the docket are read off and attendance is taken. Then a name is drawn at random, and the winner given a gift certificate as a reward for punctuality. (Gift certificates are currently grant-funded, and subject to the availability of funds.)
2. Graduates (if applicable). Graduation ceremonies are held once each month, and occur before the rest of the docket. (See graduation ceremony description, on page 36).

3. Quick List. Participants who have been doing well in STOP Court are rewarded by having their cases reviewed earlier than those of other clients and being allowed to leave court early. The list of participants receiving this benefit is called the “Quick List” (see the “Quick/Acknowledgement/Graduation List” on p. 72). They qualify for the Quick List by having consistently clean UAs, remaining current on fees, and attending all of their treatment sessions. In general, participants are placed on the Quick List by the Treatment Court Liaison, who consults with the primary counselors at InAct and InAct’s Counseling Services Manager to determine who is eligible. (Participants not in treatment at InAct are not always case managed by InAct. In this situation, they are placed on the Quick List at the recommendation of one of the other STOP Court team members — usually the defense lawyer — at the discretion of the judge.)

After their cases are heard, defendants on the Quick List are free to leave STOP Court until their next court date – generally, this is either four or six weeks later, depending on how well they have been doing. (Occasionally, the Quick List is used as an incentive for participants who have changed their behavior in a significant way, e.g., turning in their first clean UA.)

Participants who turn in positive or NSP UAs (see p. 21 for more information) are automatically taken off the Quick List.

4. Acknowledgement List. Two groups are placed on this list: those who have been historically unsuccessful but have finally made a significant step toward sobriety and a crime-free lifestyle – e.g., turning in their first negative UA; and those who have made six months of solid progress. The former are publicly acknowledged in court with a round of applause and praise from the judge, and the latter also receive a gift certificate (when funds are available). However, neither group has its cases reviewed at this time, but must wait to have them reviewed in alphabetical order with the rest of the on-time participants (see below). See the tracking form, “Quick/Acknowledgement/Graduation List,” on p. 72.
5. In-custody participants. STOP Court participants who have been taken into custody are heard next, in random order.¹⁰
6. Interpreter Cases. Defendants who require the services of an interpreter have their cases heard early in the process, so the interpreters can go on to their other duties.
7. Private Attorney or non-MPD Cases. Those cases where a STOP Court defendant is represented by a private attorney or the attorney for MDI are usually heard early, to accommodate attorney schedules.

¹⁰ Custody cases trump all other cases except for those on the Quick List. In practice, they are heard when they are able to appear in court. The Sheriff’s deputies are notified when the Quick List hearings are completed, and bring the defendants to the courtroom as soon as their schedules permit.

8. On-Time Participants. Any remaining participants who showed up on time, including those on the acknowledgement list. Their cases are reviewed in alphabetical order. In alternating months, they may be reviewed A-Z and Z-A.
9. Defendants petitioning for entry to or declaring into STOP Court. Participants recently arraigned on charges who have been offered entry to STOP Court and must choose to petition in or decline – or participants who have completed their trial period and must declare whether they wish to continue in STOP.
10. Sit Sanctioners. Any STOP Court Participant serving a “sit sanction” has his or her case reviewed at this time.
11. Tardy Participants. Remaining participants (except for those performing a sit sanction that did *not* arrive on time, and those on “Do Not Admit” status) have their cases reviewed in alphabetical order. They are reviewed A-Z and Z-A in alternating months.
12. “Do Not Admit” (DNA) Participants. Defendants who have fallen behind in payments to InAct and been put on “Do Not Admit” status are required to attend court until they pay their fees or set up a new fee agreement with InAct. (See p. 33 for more information about “Do Not Admit” status.)
13. Participants Clearing Warrants. Participants who are turning themselves in to the court to clear a bench warrant.
14. Tardy Sit Sanctioners. Sit sanctioners who arrive late to STOP Court to perform their sanction will have their cases heard last.

C. The Court Clock

Defendants in STOP Court are required to participate for a minimum of 365 days. However, not every calendar day spent in STOP Court is credited to this requirement, as there are situations where the clock stops temporarily. The court clock begins the day defendants petition in to STOP Court at the beginning of their trial period, even though they have not yet pleaded guilty/no-contest and made a formal declaration to enter; this way, if they decide to remain in STOP Court, their trial period is credited to the 365-day requirement.

The court clock stops whenever participants abscond, enter custody, or when they cannot participate in treatment (e.g., for medical reasons, or because they’re on DNA status). The court clock does not stop while participants are receiving care in a residential treatment facility.

D. Incentives and Sanctions

The STOP Court uses a range of incentives and sanctions to encourage defendants to attend their scheduled appointments in treatment and in court, and to display appropriate behavior. When sanctions are about to be applied, the judge consults with all parties on the team – the D.A., defense, and Treatment Court Liaison – to verify that there are no extenuating circumstances.

1. Incentives. Incentives are given to participants directly by the STOP Court as positive reinforcement for positive behavior. (The treatment provider may give additional incentives at its own discretion, at the treatment agency.) As of this writing, incentives given by the court come in two categories: setovers and gift certificates.

Setovers between court appearances generally range from 1 day to 6 weeks. For participants starting out in the program and complying with its requirements, a two-week setover is common. Once participants demonstrate that they reliably attend treatment, submit UAs, and appear in court on time, they may be given a four-week setover; those participants who have done very well over a long period are given six-week setovers.

Gift certificates are also given for things like restaurant meals, admission to Oregon Museum of Science and Industry (OMSI), and movie passes. There are two specific occasions when the STOP Court gives gift certificates to reward defendants' positive choices:

- a. **To reward participants for being on time.** Incentives are given to the winner of a random drawing conducted at the beginning of every day that STOP Court is in session, immediately after roll call.
- b. **When participants have made six months of steady progress.** Incentives are also given out to recognize participants who have made approximately six months of steady progress after entry into STOP. Eligible participants are determined by the participant's primary treatment counselor, a steady (or dramatically improved) record of attendance in court and/or treatment, and consistently clean UAs.

Gift certificates are currently grant-funded, and subject to the availability of funds.

2. **Sanctions.** The court may, at its discretion, remove privileges or provide negative reinforcements when defendants fail to comply with the requirements of the program: i.e., failing to attend treatment or STOP Court, not turning in UAs, or turning in positive UAs.¹¹ In general, sanctions are applied in a graduated fashion: participants who fail to respond to initial sanctions will be graduated to more serious ones.

Usually, no sanctions are administered during participants' first month in STOP Court, provided they attend STOP Court. (If they are absent from scheduled court appearances, the court issues warrants; warrants usually result in custody time.) The court is lenient during the first month because it's understood that all new participants struggle with getting clean and adjusting to a new, demanding schedule of treatment sessions and court appearances.

After the first month, if sanctions are required, then they are generally imposed and suspended at first, contingent upon the participant improving his/her behavior – for example, attending treatment regularly. If the participant complies, the suspended sanction is lifted without being imposed; however, it will be imposed if the participant does not comply. It remains up to the judge whether to impose sanctions immediately.

Participants who fail to respond to impose-and-suspend sanctions will lose the privilege of having the sanctions suspended. Their negative behavior will earn immediate sanctions.

The range of sanctions available to the STOP Court has varied over the course of its history. The current range of sanctions is:

- a. **Sit sanctions.** When imposed, participants are expected to sit in STOP Court throughout the entire docket, even after their own cases are reviewed. Participants watch the proceedings and compose written answers to an essay question they are given when court begins. (See the sit sanction forms, beginning on p. 62.) At the end of the docket, participants are called before the judge, who reviews their written answers and discusses them briefly. These sanctions are imposed for one or two days and can be repeated. Sit sanctions can be suspended, contingent upon improved behavior.
- b. **“Do Not Admit” (DNA) status.** This sanction works much like a sit sanction for clients whose treatment fees are not paid up.

¹¹ Participants who commit new crimes are dealt with differently: their participation in STOP Court may be suspended while the new charges are resolved, if their charges seem likely to be resolved quickly; they may also plead guilty, be placed on probation, and continue to be supervised in STOP Court; or they may be terminated from the program.

All STOP participants maintain signed fee agreements with InAct (see InAct's Fee Payment Arrangement Form, p.70), which can be adjusted over the course of treatment as their economic circumstances change. If they miss a payment, they have a seven-day grace period in which to pay. If they fail to make their payment, they are placed on DNA status.

Participants on DNA status cannot be admitted to treatment even if they show up for care (though they must give UAs if scheduled to do so) until they pay their fees. In addition, the court requires that participants on DNA status must attend STOP Court each day for the entire docket unless and until they've paid their treatment fees, or have arranged a new fee agreement with their provider, and the court has been duly notified.

The same rules apply to participants treated at an agency other than InAct. However, because InAct is not in a position to deny these participants admission to treatment programs that are not under their control, these participants will simply be required to come to court every day until they have made payments and/or set up a new fee agreement with InAct.

NOTE: InAct provides a list of participants on Do Not Admit status to the STOP Court judge every Friday. On the following Monday evening, the Judge's clerk calls the list in to the Court Administrator's STOP Court Calendar Clerk, who adds their names to the docket. This means that participants on DNA status as of Thursday evening will be required to go to court on Tuesday unless InAct notifies the STOP Court judge's clerk by Monday afternoon that they have paid.

- c. **Creative sanctions.** The court reserves the right to individualize sanctions as appropriate and will impose "creative" sanctions in some circumstances. Examples of such sanctions include having the participant perform community service or write a report on a topic set by the court.
- d. **Detox.** Defendants who have repeatedly failed to stay clean will need to go to a facility for detoxification. Because it can take two to three days to get in (where space is limited), participants are expected to report there each morning until they do get in. If they are not admitted, they need to return to STOP Court the same day (or the court's next business day) with documentation that they were denied admission.

While not strictly a sanction, detox is included here because failure to comply with detox will result in the imposition of a 10-day jail sentence to assure detoxification.

- e. **Jail sanctions.** After milder sanctions have been tried, participants who fail to comply face jail time, initially on an impose/suspend basis. Most sentences last two days, though more “experienced” participants, for whom the two-day sanction appears to be ineffective, may receive five- or ten-day sentences. Jail sanctions are most often given when a participant misses a UA or a treatment session without a reason acceptable to the court.
- *Weekend jail* – A specialized form of jail sanction, where participants report to jail on Saturday and Sunday mornings and spend the day there, but not the night. Usually, weekend jail is given to new participants who are employed full-time or who request it, but only if they have not received a jail sanction in the past. As with all sanctions, it may be imposed at the judge’s discretion; as, for example, when there’s value to keeping a participant off the street on the weekend.
- f. **“Last Chance” status.** Participants who have received other sanctions and do not appear to be changing their behavior will have a “last chance” to straighten up. Generally, this sanction is used for participants who miss regularly scheduled court appearances and have been on warrant status for a long period, especially on more than one occasion. Once imposed, this status is not lifted until the participant leaves STOP Court.

The main requirement of “Last Chance” is that participants may not miss another court date until they graduate or are terminated from STOP; failure to comply means they will be terminated from the program. If a participant misses court and has an acceptable reason – e.g., s/he was held in custody elsewhere, or was in the hospital, and this can be documented – then the participant is unlikely to be terminated, though s/he will remain on “Last Chance” status.

Participants are also expected to attend all treatment functions, though if they do miss any, it does not automatically cause them to be terminated. A client on “Last Chance” who relapses will not generally be terminated.

However, there is always a consequence – which might include jail time -- for “Last Chance” participants who miss a treatment session or court.

E. Graduation Schedule and Ceremony

Graduation ceremonies are held once per month in STOP Court at 1:30 pm. (Graduations are held on Wednesdays and Thursdays in alternate months). Eligible participants must be on time in order to graduate. Upon arrival at the court, they receive a copy of their mug shots and the official judgment order (see “Judgment Form – STOP Court Graduation,” p.66) dismissing their cases. After roll call and the gift certificate drawing for on-time attendees (which occurs when funds are available), the ceremony begins, and is structured as follows:

1. Judge makes opening/welcoming comments.
2. Judge turns docket roll call over to the Treatment Court Liaison.
3. Treatment Court Liaison calls graduation roll by D.A. case number (see the Graduation (Roll) form, p. 74).
4. Judge calls on audience for speeches, in the following order:
 - a. VIPs.
 - b. Family/friends of graduates.
 - c. Any other audience members.
5. Judge then calls on court staff team for speeches, in the following order:
 - a. Representatives of InAct.
 - b. Defense attorney.
 - c. Deputy D.A.
 - d. Judge. At the conclusion of his or her speech, the judge asks the D.A. to dismiss all the cases read into the record by the Treatment Court Liaison. Once that’s done, the judge grants the motion to dismiss the cases, on the condition that each of the graduates says a few words to the audience.
6. The judge calls on each graduate to speak, in random order. Each graduate then receives from the judge a certificate of accomplishment signed by the presiding judge, the District Attorney, the public defender, and by the director of InAct.
7. The Deputy D.A. formally announces the cases to be dismissed.
8. The class is dismissed by the judge, followed by a short break for goodbyes.
9. Status hearing docket resumes.

F. Warrants

The judge will issue bench warrants on any STOP Court participants who fail to appear in court as directed.

1. First bench warrant after entry. The judge generally treats the first warrant after entry with leniency, and participants who turn themselves in on their first bench warrant won't have to go into custody.
2. Additional warrants after entry. For all additional warrants received, participants will receive a jail sanction, normally for 1-2 days, after they turn themselves in. In certain circumstances, however, custody time may be lengthened or waived at the discretion of the judge.

Participants who fail to return to STOP Court within 90 days will be terminated from the program, unless they can show good cause (e.g., a lengthy hospital stay) acceptable to the judge. If they return in fewer than 90 days, and:

- a. **They turn themselves in (TSD):** their cases are heard at the end of the docket. Generally, they must serve a 2-day jail sanction unless it is their first warrant after declaring into the program, in which case the sanction is waived.
- b. **They were arrested and taken into custody on the warrant:** they are brought to the court for their status hearings; their cases are heard some time after the cases on the Quick List. They may be required to serve additional jail time as a sanction.
- c. **They were arrested and taken into custody on new charges:** If they are pleading guilty or no-contest to the new charges and will be placed on probation, then in addition to any sanction imposed for failing to appear in STOP Court as directed, the participant will be placed on probation and required to report to the probation office. Occasionally, their participation in STOP Court may be briefly suspended pending resolution of the other charges, on the presumption that the participant will be able to return to STOP Court and treatment in a timely manner. If the other charges cannot be resolved in a timely manner, then the participant will be terminated from STOP. In any case, s/he is not allowed to plea in STOP Court. S/he must do that on the regular trial docket.

G. Probation Supervision

Most STOP Court participants are not on formal probation, and are not actively overseen by probation staff. For administrative purposes, these cases are tracked by the Department of Community Justice (DCJ) through the STOP Court probation officer (P.O.), who acts as a liaison with the STOP Court team. In general, the STOP Court P.O. does not act on STOP cases, unless requested to do so by the court. However, this officer performs basic administrative tasks on these cases, such as creating a file for each that contains the participant's court order and performing records checks and risk assessments. The STOP Court P.O. handles transfer paperwork for clients entering from or going to another

jurisdiction (see “Transfers from/to Another Jurisdiction,” below), and sometimes attends probation violation hearings for STOP Court participants.

However, some STOP participants are put on formal probation while in STOP Court, or were already on formal probation when they entered the program. These participants each have a field probation officer assigned to them by DCJ. Their formal probation cases are usually also overseen by the STOP Court judge,¹² and felony probation cases remain with STOP Court even if a new judge rotates in and takes over the STOP Court docket.¹³

1. Supervision of and Sanctions for STOP Participants Assigned to a Field P.O. To achieve smooth, coordinated supervision of participants who are on probation or post-prison supervision and in STOP Court, regular communication between the field probation officers, STOP Court, and InAct is critical; cooperation is particularly useful with regard to addressing missed treatment appointments or dirty UAs. For this reason, it is important that field probation officers obtain signed releases of information from STOP Court participants on their caseload to facilitate joint case management with InAct or other relevant treatment providers, and the STOP Court. This allows them to exchange updates on offender progress and UA results.

Field probation officers supervising STOP participants do not use the STOP case as a basis for applying sanctions. When they do complete a sanction, they supply the court with a report detailing what was done and the rationale.

2. Penalties When Terminated from STOP. Those terminated from STOP who are *not* on probation serve 10 days in jail and 18 months’ probation, while those *already* on formal probation can serve longer jail sentences for failing probation as well as STOP Court. The exact penalty varies by case.
3. Transfers from/to Another Jurisdiction. Sending jurisdictions cannot assume that a receiving jurisdiction will accept the transfer. (See “Transfers,” p. 26).

Transfers require three administrative processes, in which the sending and receiving courts (including prosecution and defense), treatment providers, and probation departments communicate about the proposed transfer of a client. From the standpoint of probation alone, complex rules govern the transfer of jurisdiction, and vary depending upon whether an offender is being transferred within Oregon through the use of an Inter Regional Transfer (IRT); or to another state, when the case is governed by the

¹² Accompanying probation cases are transferred to STOP Court at the discretion of the referring judge; most are transferred in.

¹³ Misdemeanor probations have until recently remained with the departing judge. As of this writing, this policy is being reconsidered by the STOP Court Policy Committee.

Interstate Commission for Adult Offender Supervision Rules (ICAOS), usually referred to as the “Interstate Compact.”

H. Treatment

InAct is the primary treatment provider for STOP Court participants. Participants who do not qualify for treatment at InAct – for example, participants engaged in treatment elsewhere for a period of time prior to entering STOP; participants on methadone; participants in need of residential care or detox; or participants who have been terminated from InAct’s services – may remain in STOP, at the discretion of the STOP Court team, as long as their treatment provider is licensed, provides random UAs, and submits regular updates to the Treatment Court Liaison.

Confidentiality

Federal law and regulations protect the confidentiality of participants receiving alcohol and drug treatment. However, participants entering STOP Court sign a waiver allowing their treatment provider to communicate with the court and the STOP Court team, with the understanding that it may be used to determine whether or not they can continue in STOP. Furthermore, it is agreed that the District Attorney will not use treatment information to prosecute the participants.

On the day that participants petition in to STOP Court, they are given a date (usually within one or two business days) to appear at InAct for orientation. Though it is not always possible, the goal is to have defendants begin treatment within one week after arrest on a qualifying charge. Defendants who miss orientation at InAct will be automatically ordered to attend STOP Court at 1:30 on the next business day when STOP is in session. If they do not appear in court, a warrant will be issued.

1. Reports to Court. InAct staffs the STOP Court with the Treatment Court Liaison, who represents InAct and other agencies treating STOP Court participants. The Treatment Court Liaison is present in all STOP Court proceedings and communicates clinical decisions, keeps the Court apprised of client progress, responds to court queries or decisions, updates participants’ primary counselors on their clients’ status hearings, and follows through as appropriate. (See p. 68 for a job description.)

Participants who are performing well are placed on the Quick List, which means they are seen earlier on the docket and leave court early. (For a blank Quick List form, see p. 72). The Quick List is constructed by the Treatment Court Liaison in consultation with participants’ treatment

counselors and the Counseling Services Manager. Copies are distributed to the Judge, the D.A., the defense, and the Court Clerk.

2. Treatment Fees. Participants must pay fees to InAct for treatment (see above, “Treatment Fees,” p. 22), which partially pay for the cost of operating the counseling program. Fees are based on a sliding scale, according to ability to pay. Fees for InAct are suspended during the period participants are in residential treatment. Participants who fail to keep their fees paid up each month will be put on “Do Not Admit” status (see p. 33, above). Do Not Admit status means they are barred from treatment (except UAs and outside support groups), but required to attend STOP Court daily until they have caught up on their fees (or worked out a new fee agreement with InAct) and the Treatment Court Liaison has notified the court that they have caught up on their fees.

If a client is unable to continue with the original payment agreement due to a drastic change in financial circumstances, he or she is offered a Fee Payment Arrangement Form (see p. 70). These forms are reviewed each week by InAct; changes are reported to the court on the court report.

Participants being treated at an agency other than InAct are required to pay monitoring fees to InAct for managing their cases. Fees are based on a sliding scale, according to ability to pay. Fees for InAct are suspended during the period participants are in residential treatment.

3. Medical Marijuana. All participants are prohibited from using, possessing, distributing or growing marijuana, even if they qualify to do so under the Oregon Medical Marijuana Act.
4. Orientation. At orientation, participants are scheduled for an alcohol and drug assessment, their first one-on-one meeting with a treatment counselor, and a physical. Their first UA is collected. Participants who miss orientation are automatically ordered to appear in STOP Court the next business day.
5. Treatment. Treatment is divided into three sequential phases that vary in length based on client need and progress. For clients progressing well, each of the three phases should last four months. Treatment intensity level decreases as clients progress through the phases.

Treatment at InAct includes use of additional evidence-based approaches, such as cognitive-behavioral therapy, the Seeking Safety curriculum for trauma victims, and relapse prevention. Groups offered include a men’s group, women’s group, family group, and a dual diagnosis group for those with major mental health disorders; as well as groups tailored for Spanish-speaking clients and those who identify as gay, lesbian or bi-sexual.

Phase I clients needing intensive outpatient treatment based on their initial assessment receive treatment under the Matrix Model, an evidence-based manualized program. Clients are scheduled for each of the following groups during this phase. Groups run concurrently.

- a. **Early Recovery group** has an educational focus and lasts for one month. Clients are scheduled for 60-minute groups twice a week.
- b. **Relapse Prevention group** lasts for four months, and covers the basics of information about alcohol and drug abuse. Clients are scheduled for 90-minute groups twice a week.
- c. **Family group** addresses the interpersonal dynamics of the addict and the effects of addiction on family members and friends. Clients are scheduled for 90-minute groups for four months, and must attend even if no family or friends are available.

Phase II clients attend a 90-minute group once a week for at least four months. Clients are divided into same-gender groups and receive a cognitive-based curriculum that focuses on specific issues faced by men and women during the course of recovery.

Phase III clients attend a process group for one hour, once a week. This phase lasts approximately four months and focuses on “real-world” situations and issues that the clients bring to treatment.

6. Aftercare – Aftercare is not required, but is available indefinitely to all clients who have graduated from STOP, at no charge. Aftercare includes group and individual counseling, with frequency based on client need. Clients in aftercare who relapse are readmitted as private InAct clients and taken off aftercare status.
7. Support Groups – During Phase I of treatment, participants are expected to attend a community support group for alcohol and drug issues during “dead time” in their schedules, when they are not at work or at InAct for individual or group treatment. They are required to provide their primary counselors (and sometimes the court) with written verification that they’ve attended these groups.

After Phase I treatment, frequency of attendance at support groups may vary depending on client need, but since attendance is linked with better outcomes, counselors will recommend it. A wide variety of eligible groups are available, including non-12 Step groups. Structured church groups like Alcoholics Victorious or Celebrate Recovery are also appropriate. (Pastor counseling or other church activities, while helpful for some participants, do not satisfy the “support group” requirement.)

8. Drug and Alcohol Testing. InAct conducts supervised urine screens (and breath analysis if appropriate) at the time of admission, and randomly during the course of treatment. Results are shared with the STOP Court team for status hearings.

At orientation, participants are assigned a urinalysis (UA) code, and must call the UA phone number daily (Monday-Friday) to see if the announced code matches theirs. If it does, they will need to submit a sample that day. Hours when samples are submitted are set by InAct. Late arrivals are not able to submit and are logged as no-shows. (For more information, see Urinalysis, on p. 21).

9. Returning from Bench Warrant. Participants who abscond will be integrated back into treatment as soon as possible if they return before 90 days are up.
 - a. **Return within 30 days or less:** Participants go to InAct to be reinstated for appropriate services.
 - b. **Return between 31 and 89 days:** Participants who have been absent from treatment for longer than 30 days will be dealt with on a case-by-case basis, based on recommendations from the primary treatment counselor. Participants may be sanctioned with jail time/jail detox, or required to attend another detox program. Afterwards, participants will be entered in treatment at InAct.
 - c. **Return after 90+ days:** Client will be terminated from STOP Court, although rare exceptions are made. Continuing treatment at InAct will depend on the client's legal situation and ability to pay.

10. Program Suspension. Participants may obtain temporary suspension from treatment for court-approved travel.

- a. **Temporary Suspension of Treatment for Court-Approved Travel.** A program participant may request a temporary, excused absence from treatment for travel out of the area. The court has complete discretion whether or not to approve requested travel. If the court approves the participant's travel, the participant will be excused from all treatment and court appearances during that period. The participant must:

- i. *State exact itinerary to the court;*
- ii. *Submit UA the day of departure or the day prior; and*
- iii. *Submit UA the day of return or the day after.*

Where possible, the participant is to provide UAs at the destination, if results can be easily shared with STOP Court.

Failure to comply with these requirements may result in a two-day jail sanction, at the court's discretion.

11. **Termination from Treatment.** In general, STOP Court participants may be terminated from treatment services at InAct for the following:
 - a. **Alcohol/Drug Use on the Premises:** no one is allowed inside InAct while under the influence; if participants violate this rule, they will be asked to leave the premises and return when sober. Repeated violations may result in termination from treatment.
 - b. **Absences:** tardiness to assigned treatment activities, and/or repeated, unexcused absences, are not allowed.
 - c. **Theft:** stealing anything from InAct or its staff is prohibited; all thefts will be investigated, reported to the STOP Court, and if appropriate, reported to police and charges pressed.
 - d. **Violence, Threats, and Weapons:** Verbal threats, bringing a weapon onto InAct property, or acts of physical violence are all grounds for immediate termination from treatment services.

When a participant commits one of these infractions, an incident report will be provided by the Treatment Court Liaison to the defense, the District Attorney, and to the judge. The participant will be required to attend a special staffing at 1:00 pm in STOP Court on the Wednesday following the incident, to determine next steps. The participant's primary treatment counselor will also be present (or, in the case of participants who are not being treated at InAct, their InAct case manager), along with the other members of the STOP Court team.

When a participant is not case managed by InAct, the participant's attorney will be responsible for scheduling the staffing with the STOP Court team and notifying the participant of the date of the staffing.

NOTE: Participants may be terminated from services at InAct, but this does not necessarily mean the participants are terminated from STOP Court, as they may continue receiving treatment elsewhere.

12. **Treatment at an Agency Other Than InAct.** Participants may qualify for treatment at an agency other than InAct if they need residential care, methadone, live outside of Multnomah County, have been terminated at InAct, or they're already engaged in treatment elsewhere when they enter STOP. To obtain care elsewhere, certain conditions must be met:
 - a. The participant must have court approval, provide InAct with a signed release of information form, and (if attending treatment outside of Portland) return to Portland if non-compliant.

- b. The treatment provider must be licensed; have client take two random UAs per month; and provide InAct with timely progress reports and UA results.
- c. As stated above, participants being treated at an agency other than InAct will need to pay monitoring fees to InAct (see p. 22). Fees for InAct are suspended during the period participants are in residential treatment.

I. Governance & Maintenance

The STOP Court program is, as described above, a joint collaboration between the Multnomah County Circuit Court, the Office of the Court Administrator, the District Attorney, defense bar, Multnomah County Department of Community Justice, and Volunteers of America (InAct). It operates in a dynamic environment, where funding, case volume, statutes, regulations, personnel, and best practices are constantly changing. The partners hold monthly meetings to address operations and policy issues as they arise.

1. STOP Court Operations Group. Each partner involved in STOP Court has a representative assigned to attend monthly meetings that focus on operational detail, such as court transfers, treatment fees, etc.
2. STOP Court Policy Group. The policy group includes the STOP Court judge, the deputy D.A. responsible for STOP Court, as well as representatives of InAct, the Court Administrator's Office, the Department of Community Justice, and Multnomah Public Defenders, or MPD (the default defense firm for indigent participants). As would be expected, the group confines itself to high-level policy decisions about the STOP Court.
3. Evaluation. In the interest of improving its services and promoting its successes, STOP Court places a high value on maintaining data for ongoing evaluation and quality assurance, and has participated in several evaluations over the course of its history.¹⁴

Data on STOP Court participants is primarily collected in four places:

- a. The Oregon Judicial Information Network (OJIN), a statewide database used by the courts, law enforcement, and probation departments.
- b. The Oregon Treatment Court Management System (OTCMS), a statewide Access database shared by treatment courts. The system is not fully compatible with OJIN or local treatment databases, so is considered unreliable as of this writing.

¹⁴ For a recent example, see Finigan, et. al., 2007.

- c. Case Records Information Management and Exchange System (CRIMES), the database of the Multnomah County District Attorney's office.
- d. DataEase, InAct's database, used by the primary treatment provider and case manager for STOP Court cases.

Glossary

In the interest of clarity for the general reader and for professionals from other jurisdictions, a partial glossary of common terms used to describe the court process in Multnomah County, treatment, and STOP Court, appears below.

14-Day Period – See “Trial Period,” below.

Bench Warrant – warrants issued by the judge for the arrest of an offender, including STOP Court participants. Participants with active warrants are subject to arrest if stopped or located by law enforcement officers.

Breath analysis – refers to breath tests used to track participants’ alcohol use.

Conditional discharge –STOP Court is a “conditional discharge” program. This means that if participants successfully complete STOP, the charges that made them eligible to enter STOP will be dismissed.

D.A. number – the number assigned to a particular case by the District Attorney’s office.

Declaration Day – Participants’ second appearance in STOP Court, at the end of their trial period, is called their “declaration day.” On this day, they are expected to make their decision about whether or not they will enroll in STOP Court. Their decision to accept or decline is irrevocable (for the instant case).

Decline STOP Court – A defendant has two chances to decline entry into STOP. The first time is on their petition day (see below), at the beginning of their trial period. The second occasion is on their Declaration Day. Participants who decline to enter STOP are not given another opportunity to enter STOP on that case. It is a final decision.

InAct – the primary treatment provider for STOP Court since 1992. Now a program of Volunteers of America (see “VOA,” below).

Last Chance – STOP Court participants who are failing the program are placed on “Last Chance” status to give them a final chance to comply. The main requirement is that the participant may not miss another court date until graduation, although attendance at treatment events is also considered. If the defendant fails to comply while on Last Chance, s/he will be terminated from STOP. Participants remain on Last Chance status until they leave STOP Court.

PCS – stands for Possession of a Controlled Substance, the legal term for having illegal drugs on one’s person or in one’s belongings.

Petition Day – The participant’s first appearance in STOP Court, and sometimes referred to as the beginning of the “14-day trial period.” Defendants are asked by the judge if they wish to accept or decline STOP Court. If they decline, their cases proceed to the trial docket. If they accept, they attend orientation at InAct and learn more about the program. They must return to court for their “declaration day,” approximately 14 calendar days later.

Setover – Technically, a setover happens when the judge postpones the disposition of an offender’s case until a later date. In practice, since STOP Court participants return to court so often before their final disposition (graduation or termination), “setover” refers to the period of time between one court appearance and the next.

Sit Sanction – In order to sanction a defendant for failing to make treatment events, the court will often order that the defendant spend a couple of days in STOP Court to observe it. While there, defendants are given an essay question, and must compose a response.

Termination – When participants fail to successfully complete STOP Court, they are “terminated” from the program. Upon termination, they proceed to sentencing.

Treatment Court Liaison – the primary liaison between InAct (and other treatment providers) and the court.

Trial Period – Beginning with their first appearance in STOP Court on petition day, defendants enter a “trial period” of approximately two weeks until their declaration day, when they must irrevocably declare whether or not they will enroll in STOP Court. The trial period is sometimes referred to as the “14-day period.”

TSI – Turn Self In. Refers to participants who TSI to clear bench warrants after missing court appearances.

UA – Refers to urine tests (or urinalysis) used to track participants’ drug use.

UPF – Unlawful Possession of a Firearm.

VOA – Volunteers of America, a non-profit human services organization. InAct is a program of VOA.

With prejudice – This has a technical meaning, but an everyday definition in the context of STOP Court is this: when participants

graduate, their eligible charges are dismissed forever. The charges will appear on their records unless they are expunged, but the D.A. cannot take them to court again for charges that were dismissed with prejudice.

Appendix A — Forms/Court Orders Used in STOP Court

A. STOP Treatment Program Petition Waiver and Agreement

<u>STOP Treatment Program Petition, Waiver and Agreement</u>			
Name:			Case #
Last	First	Middle	Date of Birth:
Address _____			Phone () - () -

I. Petition

I ask from the Court and the State the opportunity to complete drug treatment instead of being prosecuted criminally. I understand that there is a 14-day trial period, during which I will participate in the program to see if it is right for me. I understand that in order to begin this program I must submit a Waiver of Indictment, if I have not already been indicted by the Grand Jury. I understand that on my 14th day in this program, I must make a final decision to stay in the program or to decline the program. If I choose to stay in the program, I must either plead guilty or no-contest to the charge(s). On the 14th day, my choices are either to:

1. Decline the program, keeping all of my Constitutional Rights, except for my right to a Grand Jury Indictment, and set my case for trial (or have my lawyer negotiate a plea bargain);

OR

2. Declare into the program by entering a plea of guilty or no-contest and to continue with drug treatment.

On my 14th day, if I declare into STOP, I will be permanently in the STOP Program. I have been warned that if I fail to appear on the 14th day, the Court may refuse to allow me to participate in the STOP Program. Once I am permanently in the program, there are only two ways I can finish the STOP Program: **GRADUATION** or **TERMINATION**:

GRADUATION (succeeding)	TERMINATION (getting kicked out of the program)
I will be allowed to withdraw my former plea and my Drug charges will be dismissed forever.	I will be convicted of the charges, based upon my former plea, and I will go straight to sentencing. The Court could impose the maximum sentence allowed under the law.

WARNING: I understand that if I am not a citizen of the United States of America, pleading guilty or no-contest to a drug-crime means that I will be deported if INS learns of my conviction; unless, for some reason, the United States Attorney General decides not to deport me.

II. Waiver

In order to participate in the STOP Program, I give up the right to fight my case. This means:

1. I permanently give up the right to a preliminary hearing, to a Grand Jury Indictment, and I agree to proceed upon the Information of the District Attorney;
2. I give up any former jeopardy rights on this charge and any other offenses based upon the same criminal episode;
3. I give up my right to a speedy trial;
4. **I GIVE UP MY RIGHT TO A JURY TRIAL.** I give up my right to call witnesses and to cross-examine the State's witnesses. I give up my right to testify. I give up my right to subpoena evidence and witnesses in my favor. I give up my right to contest the stop and search, or any other legal issues, in my case; and
5. I know that my drug treatment participation and records are confidential under State and Federal law. I waive that confidentiality with regard to Volunteers of America Oregon, InAct (or any other drug treatment provider designated by this Court) so that the provider may report to the Court, consult with my attorney, and consult with the Deputy District Attorney regarding my participation and progress in drug treatment. I understand that my progress in drug treatment will be discussed in open court and that all information about my drug treatment will be shared among the STOP Program team members, which include the Court, my lawyer, the treatment provider and the Deputy District Attorney.

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Updated 11/20/2007

STOP Treatment Program Petition, Waiver and Agreement

III. Agreement

1. I agree to complete an evaluation for diagnosis so that my counselor can put together a drug and alcohol treatment plan for me;
2. I hereby authorize release of all treatment information by my provider to the Court and to the STOP program drug court team (that information WILL NOT be used by the District Attorney for any prosecution, but will be used by the Court to determine whether I may remain in the STOP Program);
3. I agree to complete the treatment program to the satisfaction of the Court, in consultation with the District Attorney and my treatment provider;
4. I agree that the STOP Program will require that I receive treatment for a minimum of one year;
5. I agree that the Court may extend the treatment program for additional time to allow me to successfully complete my treatment requirements;
6. I agree not to possess or use illegal drugs or KNOWINGLY associate with ANY person POSSESSING or USING illegal drugs;
7. Even if I qualify under the OREGON MEDICAL MARIJUANA ACT, I agree that I will not use, possess, distribute or grow Marijuana;
8. I agree not to work with any law enforcement agency in a capacity where I may come into contact with any illegal drugs (Nothing in this agreement, however, prevents me from giving historical information to law enforcement);
9. I agree to pay a compensatory fine on a payment plan set up by Volunteers of America Oregon, In/Act. The payment plan will be enforced by the Court. The Court maintains the authority to review the amount of the compensatory fine. The amount of the compensatory fine will be based upon my income as it relates to the Federal Poverty Line and will be determined by a Sliding Fee Scale. The maximum amount of the compensatory fine is \$3,500.00. I agree to provide proof of my income. I understand that I will still owe the compensatory fine if I am later terminated from the STOP program and any funds paid are not refundable. I also understand that I must pay the compensatory fine in full in order to successfully complete the STOP program, unless the Court for good cause excuses payment of the fee.
10. I agree that ANY failure in the treatment program (such as being absent from any treatment activity, any violation of the terms of this agreement, or the commission of a new crime) could result in modification of the treatment program, sit sanctions, jail sanctions, or any other sanction the Court chooses to impose. In addition, I agree that ANY failure in the treatment program also could result in termination from the program. If I am terminated from the STOP Program, I will be convicted of the crime(s) to which I previously entered a plea of guilty or no-contest;
11. I agree as a part of my treatment, I may be required to complete my GED if I do not have a high school diploma or its equivalent. In addition, I agree as a part of my treatment, I may be required to seek and maintain employment;
12. I agree that the Court may require me to appear at any time, regardless of my compliance and success in treatment;
13. I agree to keep the treatment provider and the Court advised of my current address at all times during my participation in the treatment program;
14. I agree to submit current medical insurance information and I agree to keep the treatment provider and the Court advised to any changes in my medical insurance. I agree to apply for the Oregon Health Plan, or any other insurance program, if I am eligible. I hereby authorize release of information necessary to bill third-party insurance for the treatment that I receive;
15. I agree to follow the conditions and directions of the Department of Community Justice as a part of my Conditional Discharge. I agree that I will disclose involvement in any supervision or treatment program, whether past, present or future. I understand that the treatment provider and the Court will be advised of my criminal history;
16. I agree to remain in the State of Oregon until written permission to leave is granted by the Court;
17. I agree to obey all laws;
18. I agree to not possess any weapons, firearms or dangerous animals; and
19. I understand that my supervision in the STOP Program is ultimately under the authority of the Court.

Petitioner

Date

Petitioner's Attorney

Date

Deputy District Attorney

Date

B. Waiver of Indictment and Order Entering Same

**In the Circuit Court of the State of Oregon
for Multnomah County**

STATE OF OREGON, _____ DOB: _____	v.	Plaintiff, Defendant.	Court Nbr _____ DA Case _____ Crime Report _____ <u>WAIVER OF INDICTMENT AND ORDER ENTERING SAME</u>
---	----	--------------------------------------	--

WAIVER

The above-named defendant, who is accused of the crime(s) of:

COUNT 1 - _____	COUNT 4 - _____
COUNT 2 - _____	COUNT 5 - _____
COUNT 3 - _____	COUNT 6 - _____

being advised of the nature of the charge, and of his/her rights, hereby waives in open court prosecution by indictment and consents that the proceeding may be information instead of by indictment.

Dated: _____ Defendant: _____

Witness: _____

Counsel for Defendant: _____

ORDER

On _____, the within defendant came before the court to waive indictment by the Multnomah County Grand Jury, the State of Oregon appearing by _____, Deputy District Attorney, and the defendant appearing in person, in custody of the sheriff and with his/her attorney, _____, and said defendant having been fully advised of his/her right to be indicted by said Grand Jury, and after consultation with his/her attorney, did in open court waive the right of indictment by the Grand Jury, and consented that the District Attorney file an information charging him/her with the commission of the crime(s) of:

COUNT 1 - _____	COUNT 4 - _____
COUNT 2 - _____	COUNT 5 - _____
COUNT 3 - _____	COUNT 6 - _____

Judge: _____ Dated: _____

C. MPD – STOP Information Sheet



**METROPOLITAN PUBLIC DEFENDER
MULTNOMAH COUNTY SECTION**

STOP Information Sheet

Your Legal Options

(1) Enter the STOP program for the 14 day trial period. You lose nothing by trying out the program for 14 days except your time and a grand jury indictment. However, if you do not follow through with the program as directed by the court, a warrant may be issued which could lead to your incarceration.

(2) Set up a pre-indictment plea. Generally speaking, the DA will reduce the amount of probation from 18 to 12 months if you choose to do a quick plea. This still means that you would be declining STOP and that a new attorney would be appointed on your behalf.

(3) Decline STOP court. This means that a trial attorney who regularly handles felony drug cases would be appointed to represent you. You would proceed toward trial with the option of pleading guilty at any time. You would not be able to re-enter the STOP program.

The STOP Program

- The program lasts a minimum of 12 months and may last as long as it takes for you to complete the requirements.
- You will treat through Inact, located at 727 NE 24th.
- There are 3 phases of the program
- Phase 1 is intensive and will likely require group meetings, one-on-one meetings with your counselor, twice weekly random drug tests, court, the jobs program and AA/NA meetings. You will also likely be required to go to some treatment or group 7 days a week. Your specific requirements will be determined by Inact.
- There will be a fee of \$600.00 to \$3500.00 determined on a sliding scale. In order to qualify for the low end of the scale you will need evidence of your lack of money and employment. The fee is generally covered by insurance, including OHP.
- The Inact program is quite serious about being on time for all events. If you are even a couple minutes late you are not allowed into the event and it is reported to the court as "absent".

Court

- Your performance at Inact will determine both the amount of times you have to go to court and the amount of time you spend in court. At a minimum, you will have to court once every four to six weeks. At court there is a "quick list" in which those who are doing well in the program are called first and allowed to leave early.
- Roll call is at 1:30. Those who are late are called last and may be asked to return the next day.
- The court may impose sanctions for poor performance, dirty drug tests or missing events. The first sanction would likely be a "sit sanction" in which you would be required to sit an extra day or two in court. The court may also impose jail sanctions or jail detoxification. Generally speaking, you are more likely to get sanctioned for missing a drug test or lying to the court than for testing dirty on a drug test. STOP is a treatment program and some relapse is not unusual.

630 S.W. FIFTH, SUITE 500 • PORTLAND, OREGON 97204-1405 • (503) 225-9100

D. MPD – Some Consequences of a Felony Conviction



METROPOLITAN PUBLIC DEFENDER MULTNOMAH COUNTY SECTION

Some Consequences of a Felony Conviction

In addition to whatever probation and jail sentence you might receive for your conviction, having a felony on your criminal record may also affect you in the following ways:

- Possession of a firearm would be a separate felony offense and could be charged as a Federal crime.
- Possession of other weapons would also be a criminal offense.
- You would have to submit your DNA to be kept on file with the government indefinitely.
- You would be a “convicted felon” with all the stigma and prejudice that such a label carries.
- Employers and renters would be allowed to discriminate against you on the basis of your conviction.
- Your ability to serve in the military would be limited.
- Your ability to gain or keep certain professional licenses would be limited. For example,
 - Anything involving Real Estate, including appraisal and escrow.
 - Anything involving a liquor or pharmaceutical license.
 - Anything involving psychology, therapy, treatment or medicine.
 - Anything involving stocks, bonds, securities or commodities.
 - Anything involving security.
 - Any other career which involves a licensing board may be affected.
 - You could not be a notary or a personal representative.
 - You could not be a lottery commissioner or a sheriff
- You may not be allowed to serve as a juror.
- Non-citizens may be deported and citizenship applications may be terminated.
- You may not be eligible to receive food stamps or some other federal programs.
- You may not be allowed to enter other nations, including Canada.

E. STOP Program Declined/Denied – Participant Acknowledgement

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
"STOP" PROGRAM DECLINED/DENIED

STATE OF OREGON v. _____
CASE NUMBER _____
DA NUMBER _____

I have been advised of the Circuit Court's STOP Program by the Court as well as my attorney. I fully understand the opportunity it affords me and the responsibilities it would incur upon me. I further understand that an election to participate must be made today and an election to not participate will result in my case being placed on the regular drug docket for trial. I further understand that I may not elect to participate in this program at any further date.

I hereby elect to not participate in the Circuit Court STOP Program.

Sign Name

Print Name

Attorney for Defendant

Print Name

Decline English
Rev. 6/08

G. Participant Ineligible for STOP Court Program

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

Inelig. for STOP

STATE OF OREGON Plaintiff v. Defendant)))))))	Case No: _____ ORDER Date of Hearing: _____
---	---------------------------------	--

District Attorney <u>Jeffrey Lowe</u>	Bar No. <u>99314</u>	Reporter <u>ETR62</u>
Defense Attorney <u>William Redden</u>	Bar No. <u>02435</u>	Tape # _____

~~DEFENDANT DECLINED~~ IS INELIGIBLE FOR S.T.O.P.

PRELIMINARY HEARING / DRUG CALL DATE IS:

~~TRIAL DATE (if applicable) IS:~~
N/A

Date Signed	JUDGE
	<u>Christopher J. Marshall</u>
	Name of Judge (Typed or Printed)

23-22 03/98 Original: Court Copies - Judge/ Jail/ Defense Atty/ District Atty.

H. Temporary Sentencing Order – Entering STOP Court

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

STATE OF OREGON CASE NO. _____
 Plaintiff DA NO. _____
 v. _____
 Defendant

UCJ TEMPORARY SENTENCING ORDER
All Felony & Misdemeanor Counts

SENTENCING DATE _____ FTR Clerk Reporter Interpreter Name: _____
 Deputy District Attorney: Tiffrea A. Lowe Bar No. 99319 Defense Attorney: William Redden Bar No. 02435
 Defendant Appearance: In Person In Custody In Person Out of Custody By Telephone By Video Waived Appearance
 Representation Status: Court Appointed Privately Retained Found Indigent and Waived Attorney Waived Attorney (Pro Se)

The following counts in this case are dismissed: _____

The Court determines that the defendant is convicted of the below listed count(s). Def waives PSI Def waives 48 hrs
 Count: _____ Offense: _____ Date of Incident: _____ Is a Lesser Included Offense
 Immediate Misd Treatment Misd Treated as Vio: Prosecutor Elects (ORS 161.566) Misd Treated as Vio: Court Elects (ORS 161.568)
 Guilty based upon: Guilty Plea No Contest Plea Stipulated Facts Trial Court Trial Jury: Date of Guilty Finding _____
 License Information: Suspend Revoke Type: Drivers Other _____ Duration: _____ days / months / years / permanent
 Statutory Requirements: HIV Blood Draw DNA Blood Draw/Buccal Sample Sex Offender Registration
 GUILTY EXCEPT FOR INSANITY: GEI: By Stipulated Facts Trial Court Trial Jury Trial; Subject to jurisdiction of PSRB Yes No
 If yes, Committed to State Hospital by DHS gr Conditional Release (see accompanying Order per ORS 161.327)

SENTENCE GUIDELINES Crime Severity 1 Criminal History _____ Stipulated for purpose of this sentencing only
 Presumptive Sentence Special Factors: _____
 Departure Sentence Dispositional Up Down By Stipulation Departure Reasons: _____
 Durational Up Down By Stipulation Departure Reasons: _____

PROBATION Type: Supervised Bench Duration: 18 days (months) years SIS SES
 Defendant subject to all general conditions of probation in ORS 137.540(1) unless specifically deleted by the court. Delete #'s: _____
 The following special conditions of probation are imposed: Probation Judge (if specified): Christopher J. Marshall
 Packages: Alcohol Drug Enhanced Bench Probation Financial Crimes Sex Offender Other: Terminate S.T.O.P.
 Electronic Home Detention Book & Release Defendant to report to the probation
 Community Service No Intoxicants / Inhalants department within 24 hours of release
 No Contact Victim No CTS / No 936 credits No trespass/entry from custody. Defendant to pay drug
treatment fee of \$ _____ as a

INCARCERATION Duration: 10 (days) months / years / units Minimum: _____ months / years Per ORS condition of probation.
 Jail Dept of Corrections Report to Sheriff by: _____ to arrange TSI date Other _____
 Remand immediately to Sheriff Good Time/Work Credit Eligibility Work Release Authorized
 Consecutive to: _____ By Stipulation Findings per ORS 137.123(5): _____
 Concurrent with: _____ **POST PRISON SUPERVISION** Duration: _____ months / years
 PPS Recommendation(s): _____

ALTERNATIVE INCARCERATION OPTIONS
 Defendant is eligible to be considered by the executing or releasing authority for any form of leave, release, alternative incarceration programs or reduction in sentence as specified in ORS 137.750 - 137.752 The court recommends the following Alternative Incarceration Programs:
 Summit New Directions Turning Point Other _____
 Defendant is not eligible to be considered by the executing or releasing authority for any form of leave, release, alternative incarceration programs or reduction in sentence as specified in ORS 137.750 - 137.752* Exception: Defendant is eligible for Good Time/Work Time
 * Basis for ineligibility: By Stipulation Substantial and compelling reasons (specify): _____

MONEY AWARD Second Look Hearing Eligibility (if applicable): Yes No
 Fine \$ _____ Unitary \$ 107.⁰⁰ waived Chapter 163 Assessment \$ _____ imposed suspended \$ _____
 Attorney Fees \$ 80.⁰⁰ waived Other: \$ _____
 Comp Fine Restitution \$ _____ Victim: _____ TBD: Hrg set for _____ J/S with _____
 Comp Fine Restitution \$ _____ Victim: _____ TBD: Hrg set for _____ J/S with _____

NOTE: If a fine is imposed the statutory assessments and fees applicable to each conviction shall be imposed by the Clerk of the Court.

PAYMENT TERMS (Applies to all counts) First payment due _____ Payment amount \$ _____ Subsequently due on _____
 Collections Unit Scheduled by Probation Officer Per Post Prison Supervisor Other: _____

Dated: _____ Judge (Signature) _____ / Name of Judge (printed) Christopher J. Marshall
 * I have reviewed the contents of the TSO and it appears consistent with sentence announced by the court: DDA: _____ Defense Attorney: _____
 23-68 (01/06) Original to Court File Copies to: Jail Probation Intake DA Defense Attorney Probation Judge

I. MPD Reminder Form

1. Appointment Reminder (Used for all Status Hearings)

Sanctions - Treatment - Oppportunity - Progress

Today's Date

_____ must report for the next **S.T.O.P.** court hearing
on this case on _____ at _____ in the
Multnomah County Courthouse, courtroom #312.

**IF YOU FAIL TO APPEAR THE JUDGE COULD ISSUE A WARRANT FOR YOUR
ARREST. IT IS IMPORTANT FOR YOU TO BE ON TIME.**

Prior to the court date above you must do the following:

FAILURE TO COMPLETE THESE TASKS MAY RESULT IN SANCTIONS.

If you have questions please consult the attorney assigned to your case.

2. Reminder to Attend Treatment Orientation at InAct

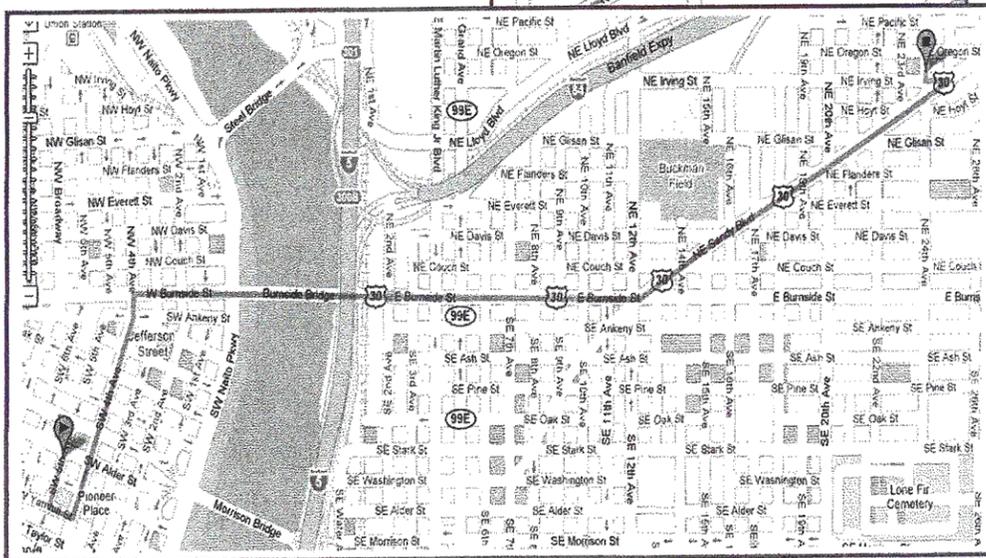
InAct a Program of VOA
 727 NE 24th Ave.
 Portland, Oregon 97232
 503-228-9229
 (1 block north of Sandy at 24th and Irving)

You must arrive promptly at _____ on _____.

If you miss or are late for the Orientation, Physical, or the Assessment you will have to appear in STOP court the next day at 1:30 p.m. in courtroom 312 to explain the miss. If you do not appear a warrant may be issued for your arrest.

1. After checking in do not leave the office until you have finished your activity and are authorized to leave.
2. No loitering or cigarette smoking in front of the building.
3. Please respect other tenants in the building.
No loitering in the hallways or elevators.
4. No visitors allowed. InAct clients only. Do not bring children unless you have been told child care is available.
5. You may not leave the group to smoke.

**You can take the #12 bus from downtown*



J. Standard Plea Petition to Plead Guilty/No Contest and Waiver of Jury or Court Trial

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY		
STATE OF OREGON,	Plaintiff,	C. _____
v.		DA No. _____
		Citation No. _____
	Defendant,	
PETITION TO PLEAD GUILTY / NO CONTEST AND WAIVER OF JURY OR COURT TRIAL		
The defendant represents to the Court:		
1. My full true name is _____ but I also am known as _____		
2. I am _____ years of age. I have gone to school through _____ My physical and mental health are satisfactory. I am not under the influence of any drugs or intoxicants, except _____		
3. I understand my right to hire or have the Court appoint a lawyer to help me.		
(a) I am represented by: _____		
(b) I choose to give up my right to a lawyer; I will represent myself: _____ (defendant's initials).		
4. I have told my lawyer all the facts I know about the charge(s) against me. My lawyer has advised me of the nature of the charge(s), the defenses, if any, and any legal challenges that I have in this case. I am satisfied with the advice and help I have received from my lawyer.		
5. I understand that I have the following rights at trial: (1) the right to have a jury or court trial; (2) the right to see, hear and cross-examine or question all witnesses who testify against me; (3) the right to remain silent about all facts of the case; (4) the right to subpoena witnesses and evidence; (5) the right to have my lawyer assist me; (6) the right to testify; (7) the right to have the jury told, if I decide not to testify, that it cannot hold that decision against me; and (8) the right to require the prosecutor to prove my guilt and all sentence enhancement facts beyond a reasonable doubt.		
6. I understand that I give up all of the rights listed in paragraph 5 when I plead either "Guilty" or "No Contest." I understand that I give up: (1) any defenses I may have to the charge(s); (2) objections to evidence concerning my guilt; (3) challenges to the accusatory instrument and (4) the right to have proven beyond a reasonable doubt any sentence enhancement facts. I understand the right to appeal my conviction is limited and I may appeal only if I can make a colorable showing of error in the disposition of my case or a colorable claim of error in the proceeding.		
7. I know that a No Contest Plea will result in a Guilty finding regarding the charge(s) listed in Paragraph 8.		
8. I want to plead Guilty / No Contest to the charge(s) of: _____		
9. I know that when I plead " Guilty" or " No Contest" to the charge(s) in paragraph 8, the maximum possible sentence is _____ year(s) in (prison) (jail), and a fine with assessments totaling \$ _____, including a mandatory fine of \$ _____. I also know that the Court can impose a minimum sentence of _____. Further I know that these maximum and minimum sentences can be added to sentences in these other cases: _____		
Finally, I know that my driver's license (can) (will) (cannot) be suspended for _____.		
10. I understand that I might () will not () be sentenced as a dangerous offender, which could increase each sentence to a maximum of 30 years, with a 15 year minimum.		
11. I have been told that if my crime involved my use or threatened use of a firearm I (can) (will) receive a mandatory minimum sentence without parole or work release for a period of _____.		
12. I have notice, pursuant to ORS 135.385, that if I am not a United States citizen, my plea of guilty or no contest may result in my deportation from the USA, or denial of naturalization, or exclusion from future admission to the United States.		
13. I know that this plea can affect probation or parole and any hearing I may have regarding probation or parole. If probation or parole is revoked, I know that the rest of the sentence in each of those cases could be imposed and executed, and could be added to any sentence in this case.		
23-04	(08/05)	PAGE 1 OF 2 PLEA PETITION DISTRIBUTION: ORIGINAL - COURT COPIES - DEFENSE ATTORNEY, DA, DEFENDANT

14. I declare that no government agents have made any threats or promises to me to make me enter this plea other than the District Attorney's recommendation set forth in Paragraph 15, except: _____

15. I know that the sentence is up to the Court to decide. The District Attorney may provide reports or other information if requested by the Court. I understand that the District Attorney will make the following recommendation to the Court about my sentence or about other pending charges. This recommendation is () is not () made pursuant to ORS 135.432 (2): _____

15-A. I plead Guilty because, in Multnomah County, Oregon, I did the following: _____

15-B. I plead No Contest because I understand that a jury or judge could find me guilty of the charge(s), so I prefer to accept the plea offer (defendant's initials: _____)

16. I understand that if a sentence of probation is imposed that I will be required to comply with the general conditions of probation and any special conditions imposed by the court.

17. I understand if my sentence includes a period of supervised probation, and I am accused of violating the terms of the probation, I may have an opportunity to waive my rights to a hearing before a judge by accepting the sanction offered by the probation officer. The severity of the sanction would depend upon the nature of my violation. I would know what the sanction would be before agreeing to it. Even if I agree to the sanction, the judge or prosecutor has the option to schedule a hearing on the alleged violation. I also understand I would have the right to a hearing before a judge to determine if I had violated my probation and, if so, what sanction, if any, might be imposed.

18. I understand that I will be required to provide a blood or buccal sample if convicted of a felony, murder, aggravated murder, or certain misdemeanors.

19. I am signing this plea petition and entering this plea voluntarily, intelligently, and knowingly.

(Date) (Defendant's Signature)

CERTIFICATE OF COUNSEL

I am the lawyer for the defendant and I certify:

1. I have read and explained fully to the defendant the allegations contained in the accusatory instrument(s). I believe the defendant understands the charges and all possible defenses to them. I have explained the alternatives and the trial strategies to the defendant. I have explained to the defendant the sentencing consequences of entering this plea.
2. I have explained to the defendant the maximum and minimum penalties that could be imposed for each charge and for all charges together and provided a copy of the general conditions of probation if a probation sentence is to be imposed.
3. The plea(s) offered by the defendant is (are) justified by my understanding of the facts related to me.
4. To the best of my knowledge and belief, the declarations made by the defendant in the foregoing petition are true and accurate.
5. To the best of my knowledge, the defendant's decision to enter this plea is made voluntarily, intelligently, and knowingly. I recommend that the Court accept the plea.

I have signed this certificate in the presence of the defendant and after full discussion of its contents with the defendant.

(Date) (Lawyer's Signature) (Bar No.)

Case No. _____

L. Judgment Form – STOP Court Graduation

graduation

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

STATE OF OREGON		Plaintiff)	Case Number _____
v.)	DA Number _____
		Defendant)	JUDGMENT

Defendant has successfully completed the STOP Program. All charges allowed into the STOP Program are dismissed with prejudice.

Any unpaid balance of the drug treatment fee remains owing to the treatment provider and may be collected by the treatment provider as an outstanding debt.

Signed this _____ day of _____, 20_____.

Circuit Court Judge
Christopher J. Marshall

23-58 (09/03) JUDGMENT (STOP) Distribution: Original - Court Copies - DA, Def Atty, Treatment Agency, Judge

Appendix B – Other STOP-Court related Documents

A. Multnomah County Circuit Court Special Conditions of Probation – Packages (including “Drug Package”)¹⁵

Multnomah County Circuit Court Special Conditions of Probation Packages	
Alcohol Package	
Participate in an alcohol evaluation, and enter and successfully complete any course of treatment, including after and follow-up care, determined to be necessary and as designated by the evaluator or the probation officer.	
Not consume or possess alcoholic beverages.	
Not enter into or frequent any establishment whose primary income is derived from the sale of alcoholic beverages, unless, with prior written approval of defendant's probation officer, the defendant is actually employed and on duty therein.	
Drug Package	
Participate in a drug evaluation, and enter and successfully complete any course of treatment, including after and follow-up care, determined to be necessary and as designated by the evaluator or the probation officer.	
Not enter any drug free zone for one year.	
Refrain from knowingly associating with persons who illegally use or possess controlled substances.	
Not use or possess inhalants or intoxicants unless prescribed by a licensed physician.	
Enhanced Bench Probation Package	
Keep the Court advised of defendant's mailing address, throughout the probationary period, and immediately notify the Court in writing of any change in address.	
Not operate a motor vehicle.	
Participate in an alcohol evaluation, and enter and successfully complete any course of treatment, including after and follow-up care, determined to be necessary and as designated by the evaluator or the probation officer.	
Not consume or possess alcoholic beverages.	
Not enter into or frequent any establishment whose primary income is derived from the sale of alcoholic beverages, unless, with prior written approval of defendant's probation officer, the defendant is actually employed and on duty therein.	
Attend a DUI Victim Impact Panel.	
Comply with the conditions of the Multnomah County Adult Community Justice's Enhanced Bench Probation Monitoring Program. Pay a fee of \$10 per month to Multnomah County Adult Community Justice for the cost of monitoring, and submit to fingerprinting when directed to do so by Multnomah County Adult Community Justice. Notify the Enhanced Bench Probation program of any changes in residence address within 24 hours (excluding weekends).	
Financial Crimes Package	
Have no direct or indirect contact with the victim, _____, the victim's residence, or the victim's place of employment unless so authorized in writing by the victim's therapist, if any, defendant's treatment provider and probation officer or the Court.	
Not trespass.	
Advise current and any future employer, including temporary agencies, of this probation and the nature of the crime. Probation officer may discuss details of the crime of conviction with employer(s).	
Provide probation officer with employment information and allow communication between employer and probation officer for the purposes of monitoring compliance with probation conditions.	
Do not apply for or accept any employment or volunteer position which includes the handling of money or negotiable instruments, i.e., cash, checks, credit cards, bank cards, stocks, bonds, or accounts payable without the written permission of probation officer and after making full disclosure to employer or volunteer supervisor.	
Provide complete personal financial records, i.e., tax records, household income and expenses, bank statement, etc., to probation officer upon request.	
Obtain permission from probation officer prior to engaging in any financial transaction over \$200.	
Not permitted to possess credit cards, mail, or identification unless issued in defendant's true name with correct information as requested by issuer.	

23-70 (10/04)

¹⁵ The complete list of special condition “packages” of probation includes conditions for sex offenders (not shown).

B. Treatment Court Liaison Job Description

Volunteers of America Oregon

Position:	Court Liaison	Budget:	N/A
Program:	InAct	Staff Supervised:	0
Reports to:	Program Director	Schedule:	Monday-Thursday, 40 hrs per week
Approval Date:	January 2008	FLSA Status:	Non-exempt

FUNCTION:

Represent InAct in STOP court proceedings and to all agencies that interact with the court regarding the STOP program. Serve as liaison to court for InAct counselors, presenting reports on client progress and clinical recommendations. Respond to any court queries or decisions, and follow through as appropriate.

CREDENTIALS, ABILITIES, AND EXPERIENCE:

- Bachelor's Degree, with emphasis in social services, criminal justice, counseling or similar field. Four years of relevant work experience may be partially or fully substituted.
- Minimum two years experience in substance abuse treatment or social services.
- Experience with clients involved with the criminal justice system; experience with mandated treatment preferred.
- Excellent written and oral communication skills.
- Strong organizational skills.
- Ability to establish and maintain positive, effective relationships with a wide range of people, organizations, and agencies, including InAct clinical, administrative and management staff, court personnel and clients.
- Ability to plan, prioritize, organize, and follow through on a wide variety of assigned tasks.
- Ability to work as a team member with counseling department and other VOAOR-InAct staff.
- Ability to present clear, concise presentations in both individual and group settings.
- Ability to maintain accurate, up-to-date documentation.
- Willingness to work a flexible schedule, including evenings.
- Competent use of MS WORD and OUTLOOK programs and applications
- Other duties as assigned

PRINCIPAL ACTIVITIES:

1. Attend all STOP status hearings; ensure reports are current and accurate.
2. Review all status reports for each client and provide these to the court in a timely manner.
3. Update client court charts for matters generated in STOP court.

- 4. Maintain current information on client progress for both InAct and STOP court personnel.
- 5. Assist counseling staff in printing client reports and gathering pertinent information, such as UA results.
- 6. Attend monthly Drug Court Operations meetings, representing InAct and coordinating with the InAct Program Director regarding issues, agendas, plans and follow-up.
- 7. Maintain ongoing communication via e-mail, telephone and in-person as needed with STOP program personnel, including the judge, attorneys and other staff to ensure effective program operations.

I have read and received a copy of this position description.

Name

Date

Supervisor

Date

C. Fee Payment Arrangement Form (InAct)

1. First Page of Fee Payment Arrangement Form



Volunteers of America
OREGON

InAct Fee Payment Arrangement Form

The InAct Fee Payment Arrangement only applies to your treatment fees for clients referred by Multnomah County's STOP program. All charges must be paid the day stated. If you do not pay at time of service, you may be unable to continue service and that information reported to court.

Your application is valid for the time period you are in the STOP Program. It must be reviewed with updated proof if your income changes dramatically. Your Fee Payment Arrangement is subject to change. If you are terminated from STOP the entire balance is due and NO fee payment arrangement will be available.

NAME: _____ D.A. # _____

Please fill in the blanks below for every person living in your household, starting with yourself.

Full Name	Relation	Monthly Income	Monthly Contribution Towards Household and Living Expenses
1. _____			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			

Are you being supported by family or friends? Yes _____ No _____

2. Second Page of Fee Payment Arrangement Form

STEP 1		STEP 2	
Income Sources	Each Month	Expenses	Each Month
Wages	\$ _____	Rent/Mortgage Payment	\$ _____
Wages (others in household)	_____	Groceries (average)	_____
Tips/Commissions (average each month)	_____	Utilities (average)	_____
Investment Income (dividends, interest, etc.)	_____	Telephone	_____
Pension/Retirement Plan	_____	Home Maintenance/Repair (avg.)	_____
Benefits	_____	Savings	_____
Social Security	_____	Clothing	_____
Unemployment Benefits	_____	Car Payment	_____
Welfare Payments	_____	Car Insurance/Gas/Repairs (avg.)	_____
Food Stamps	_____	Other Transportation	_____
Child Support/Alimony Payments	_____	Life/Medical Insurance Premiums (average)	_____
Trust Fund	_____	Homeowners	_____
Other	_____	Medical Bills (avg.)	_____
	_____	Child Care	_____
Total Income.....\$ _____		Loans/Credit Card Payments	_____
		Taxes	_____
		Entertainment (avg.)	_____
		Cable TV	_____
		Meals out (avg.)	_____
		Sports Activities/Events (avg.)	_____
		Charitable Contributions	_____
		Gifts (avg.)	_____
		Cigarettes	_____
		Long Distance Telephone (avg.)	_____
		Travel/Vacation	_____
		Total Expenses.....\$ _____	

