



**LINCOLN COUNTY MENTAL HEALTH**

**AND WELLNESS COURT**

**POLICY AND PROCEDURES**

**Updated March 2023**

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## GENERAL DESCRIPTION AND PROGRAM OVERVIEW

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The Lincoln County Mental Health and Wellness Court (Wellness Court) is a Specialty Treatment Court designed to support individuals whose mental illness is the primary cause or motivating factor for their involvement with the criminal justice system and whose participation in a structured treatment program is likely to help stabilize them in the community. This Program focuses on the individual needs of the participants to promote physical and mental well-being and support. The dedicated Team collaborates to treat those suffering from Mental Health disorders and sometimes Substance Use Disorders (SUD's) reduce external barriers to recovery individuals have previously encountered to empowers them to make positive, lasting change.

Wellness Court is a voluntary 12-month Program that supports the participant to make major positive changes in their life and connecting them with the services and community supports that are available. The Court provides structure through court appearances, treatment, contact with probation, peer encouragement, medication management and frequent substance testing to help them learn, and to provide the tools to change behavior and achieve wellness.

This Program is designed to maximize the use of available resources in our community. Directed by the Wellness Court Team and led by the Judge, the Program's detailed requirements are based on the Oregon Specialty Court Standards published by the Oregon Criminal Justice Commission and the Adult Drug Court Best Standards developed by the National Association of Drug Court Professionals.

## MISSION STATEMENT

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The Lincoln County Mental Health and Wellness Court will help individuals who suffer from a persistent mental illness and commit crimes primarily because of their illness. We will help those individuals by addressing their social determinants of health to assist them in overcoming barriers and make positive lasting change with the goal of removing those individuals from the criminal justice system and into a lifetime of recovery.

## LINCOLN COUNTY SPECIALTY COURT EQUITY AND INCLUSION STATEMENT

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The Lincoln County Specialty Courts are committed to providing equality, justice, and dignity. We welcome consistent assessment of our operations and those of partner organizations for policies and procedures that could contribute to disproportionality and disparities among historically marginalized and other underserved groups. Our community partners offer a variety of treatment options which are trauma informed and responsive to various cultures, languages, communities, and abilities. We always welcome feedback from our participants, community members, and community partners. All the Lincoln County Specialty Courts actively collect and analyze program and partner organization data to determine if disproportionality or disparities exist in the programs; if so, the Lincoln County Specialty Courts will implement corrective measures to eliminate them.

## PROGRAM GOALS

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The Wellness Court helps facilitate a process to reduce participant contact with the criminal justice system and will collectively impact the quality of life of participants and their families to assist them to become stable and access appropriate community resources. It will also increase public safety by assisting participants in treating persistent mental illness and in eliminating substance use, which will reduce the costs associated with high-risk behavior and rearrests.

## PROGRAM OBJECTIVES

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The short-term objective of Wellness Court is to facilitate the provision of effective, evidence-based treatment services for participants whose mental illness is the primary cause or motivating factor for their involvement with the criminal justice system and to provide a structured treatment program to help them stabilize in the community. The program will do this by:

1. Rapidly identify, assess, and enroll participants
2. Provide enhanced case management and comprehensive treatment services to monitor progress and facilitate access to services.
3. Require participants to seek adequate employment, be engaged in training, participating in healthy activities or be on Social Security, and have safe and stable housing.
4. Closely monitor progress with medications and toward recovery with frequent substance testing.
5. Consistently and swiftly apply behavior responses for compliance or non-compliance using incentives, therapeutic responses, and sanctions.
6. Utilize the skills and resources of the probation officer to monitor participants and hold them accountable through home visits, office visits, and other supervision techniques.
7. Utilize the skills and resources of mental health and substance use treatment providers to deliver participants with culturally relevant evidence-based treatment.
8. Foster the development of a community-based support system for recovery.

The long-term objectives of the Lincoln County Wellness Court are:

1. Increase continuity of mental health treatment in the target population.
2. Develop long term support systems in the community that will continue after participants leave the program.
3. Reduce the amount of time individuals with mental illness are incarcerated.
4. Stabilize high risk individuals in the community and for them to live as independently, safely, and productively as possible.
5. Increase public safety.

## TARGET POPULATION

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The Target population for Wellness Court are medium to high-risk adults whose mental illness is the primary cause or motivating factor for their involvement with the criminal justice system and whose participation in a structured treatment program is likely to help stabilize them in the community. The capacity of Wellness Court is 15 participants and acceptance is based on available space.

The program has a preference for, but is not focused solely on, individuals recently restored after a finding of inability to aid and assist and individuals with presumptive prison sentences.

## ELIGIBILITY CRITERIA

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Entry into the Program is at the discretion of the Wellness Court Team after having given due consideration to the eligibility criteria. Potential participants must satisfy the following eligibility criteria to participate:

1. The individual must have an open and pending criminal case or probation violation.
2. The Defendant must have a qualifying mental health disorder.
3. The Defendant must reside in Lincoln County, Oregon, and be able to be supervised by Lincoln County Community Justice. If a Defendant does not currently reside in Lincoln County, then they will agree to move there for the duration of their probation.
4. Potential participants understand the Wellness Court process and the requirements that are expected of them and agree to comply with all requirements.
5. The Defendant has a need for intensive supervision and a desire to obtain and maintain sobriety if they have an SUD.
6. The Defendant must be 18 years or older.
7. The Defendant agrees to take medication as prescribed.

## DISQUALIFICATION CRITERIA

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Members of the target population who satisfy the eligibility criteria are disqualified from participation in Wellness Court if:

1. They suffer from a significant cognitive or neurological impairment significant enough to prevent them from adequately participating.
2. No Personality Disorders or Traumatic Brain Injuries as a primary diagnosis.
3. They have previously been convicted of a sexual offense or have a pending sexual offense.
4. They have previously been convicted of arson or have a pending arson offense or have a pending violent

crime or Measure 11 crime it is considered on a case-by-case basis.

5. Have a pending charge of only a DUII.
6. They are unwilling or unable to terminate use of lawfully prescribed controlled substances, prescriptions or over the counter medications that affect the integrity and accuracy of substance screening.

If a defendant does not meet the above criteria, then the Wellness Court Team may discuss if an exception would be appropriate for that person. Any exceptions are made at the discretion of the Team after consideration is given to the needs of the individual, the Team, and the community.

## STANDARDIZED RISK AND SUPPORT TOOLS

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Mental Health and Wellness Court strives to place people in the program that are considered high risk for reoffending and who need the extra support of wraparound services from the Team in addition to Probation. Upon assessment of a potential participant there are several different standardized tools used to help the Team evaluate a person's risk of reoffending and what supports they need to be most successful.

The Probation Officer performs a gender or sex specific risk assessment on the participant to determine their threat to the community using a standard screening. For participants identifying as males they utilize the Level of Service/Case Management Inventory (LS-CMI) and for participants identifying as females they utilize the Women's Risk Needs Assessment (WRNA). The Coordinator will also check the Oregon Public Safety Checklist (PSC) score which indicates the person's criminal risk factors and level of risk for a future crime.

Risk assessments are not the only thing that the Team will use to measure a participant's needs. A more cohesive plan can be created when participants know their strengths and the areas, they need more support. Recovery Capital is the personal and tangible resources a person has and needs to have to begin their recovery and maintain it. Recovery Capital has overlapping dimensions of personal (human and financial), family, social, community, and culture. The Team will use a Recovery Capital Worksheet filled out by a participant at the Drug Court assessment to help them identify the services and areas that they need to build more supports for a better chance of sustained recovery.

## ENTRY PROCESS

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Referrals for Program participation are encouraged to come from any source and a preliminary staffing may occur. After approval of an assessment by the District Attorney's Office and the Defendant's Attorney, qualified Mental Health professional will meet with the potential participant to explain the Program and conduct an interview. They also have the potential participant fill out a Release of Information and a Capital Recovery Worksheet. The Coordinator or Probation Officer performs a risk assessment using a standard screening interview, either the Level of Service/Case Management Inventory (LS/CMI), Women's Risk Need Assessment (WRNA), or Public Safety Checklist (PSC).

The following week during the Wellness Court Team Meeting the result of the interview will be discussed within the Team. Entry into Wellness Court is at the discretion of the Team after giving due consideration to the eligibility criteria and individual circumstances of the participant. The application will be considered using the following factors of the potential participant:

1. Their motivation towards attending counseling, recovery, and demonstrated willingness to participate in Wellness Court.
2. If there is a severity of their SUDs.
3. Any known history of violent behavior, or bias crimes which would affect the safety of other participants.
4. Prior history of SUD treatment.
5. Family history including involvement in the criminal justice system.
6. Any pending or prior court matters, including juvenile court matters.
7. Any other relevant factors that may affect their ability to participate or complete the Program.
8. The Capital Recovery Worksheet results
9. The LS/CMI, WRNA, or PSC score that would notate their risk level.

Any reasons discussed for non-acceptance of a participant shall not be disclosed to anyone outside of the Wellness Court Team.

If a potential participant is approved for the Program, then the District Attorney will provide a Plea Offer that is reviewed by all parties of the case. If the Plea Offer is accepted a sentencing date for Wellness Court entry is scheduled. The Defense Attorney will help the Defendant fill out the proper paperwork. Each case requires its own Mental Health and Wellness Court Petition.

While the potential participant is waiting for entry into the Program, they will be referred to one of the Treatment Agencies that is a member of the Wellness Court Team: Reconnections Counseling, Phoenix Wellness Center, or Siletz Tribal Behavioral Health.

1. If the participant has only a mental health disorder and does not have a SUD, they are referred to Lincoln County Mental Health and they will be given a Psychosocial Assessment.
2. If the participant has a mental health disorder and an SUD, they will be given a referral to a private provider or to Lincoln County Mental Health for the Psychosocial Assessment. They will be referred to Reconnections Counseling or Phoenix Wellness Center for an evaluation to determine the appropriate level of SUD care (the ASAM PPC-2R) conducted by qualified and certified staff. The Participant will be given an After the evaluation, the treatment agency generates a treatment plan to align the participant with the proper evidence-based treatment and recovery support services.
3. If the participant is a Tribal Member, they will be referred to Siletz Tribal Behavioral Health for all treatment. They will be given the Psychosocial Assessment and if needed, they will be given the ASAM PPC-2R.

After sentencing into Mental Health and Wellness Court the participant is required to begin treatment services with their treatment provider if they are not already engaged in services. At their first court appearance the Specialty Court Clerk will give the participant a folder that has copy of all their sentencing documents and the Substance Testing and Abstinence Statement that they signed.



## MENTAL HEALTH AND WELLNESS COURT TEAM

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The Wellness Court Team (Team) is a group of community agencies filled with talented, passionate, and committed individuals that form a collaborative approach across different systems to help build supports for the program participants. Their purpose is to monitor all aspects of compliance with the Program and reviewing referrals for the Program. During the Team meetings each Team member will share information or concerns regarding current and potential participants. The Wellness Court Team is comprised of representatives from the following entities:

1. Mental Health and Wellness Court Judge- Lincoln County Circuit Court
2. Specialty Court Coordinator and Specialty Court Clerk- Lincoln County Circuit Court
3. Certified Mental Health Counseling- Lincoln County Mental Health and Siletz Tribal Behavioral Health
4. Certified Alcohol and Drug Programs- Reconnections Counseling, Phoenix Wellness Center, and Siletz Tribal Behavior Health Program
5. Defense Attorney- Oregon Coast Defenders
6. Probation Officer- Lincoln County Community Justice
7. Prosecutor- Lincoln County District Attorney's Office
8. ODHS Child Welfare ART Leader- Lincoln County Child Welfare
9. Law Enforcement- Lincoln County Sheriff's Office

The Team's philosophy is to give all participants in Wellness Court every opportunity to succeed. All Team members of the Program endorse the following goals:

1. To treat all participants and their families with respect and dignity and to help them feel like they belong.
2. Striving to meet the Oregon Specialty Court Standards adopted by the Oregon Criminal Justice Commission effective January 2018 and the Bureau of Justice Assistance (BJA) Ten Essential Elements of a Mental Health Court.
3. Compliance with all applicable federal and state laws- including those that prohibit the release of records relating to participant mental health and drug and alcohol treatment information, except in very limited circumstances as described in 42 CFR Part 2 as necessary to determine eligibility and/or acceptability for substance abuse treatment services. Once in the Program this also covers all treatment attendance, prognosis, compliance, and progress in accordance with the Wellness Court Program's monitoring criteria.
4. To closely monitor participant's recovery with frequent treatment, medication management, meetings with their probation officer, substance testing, court appearances, and provide ancillary services to enhance recovery and complement program requirements.
5. To work as a Team to reduce mental health crises and criminal recidivism, eliminate substance use, provide an alternative to traditional criminal justice system case processing, and increase participant accountability.
6. To promote self-sufficiency and empower participants to become responsible and productive members of

the community.

7. To communicate by telephone, email, or in person regarding all aspects of participant compliance or concerns as needed.
8. To make case management decisions, to the greatest extent possible, based on a professional consensus. In the event a consensus cannot be reached, members agree the Judge has the final decision-making authority on case management issues.
9. To understand the effects that trauma has on the Wellness Court participants and their families, and to utilize trauma informed skills to the best of their abilities.
10. Consistent with Oregon Specialty Court Standards, Component 8-7, all parties agree to use, to the fullest extent possible, the Specialty Court Management System (SCMS) in a manner consistent with their role in Wellness Court. This also includes inputting data into SCMS within 48 hours of all relevant events, including the provision of services and participant outcomes.
11. A representative from each agency will participate in all Wellness Court Team meetings and be present at all Wellness Court Judicial Proceedings.
12. To attend all trainings when available and appropriate:
  - A. All new Team members shall undergo orientation and training with the Specialty Court Coordinator within 45 days of joining the Team. The training will include material regarding mental illness, substance use, the Specialty Court model and Standards, and the Wellness Court Policy and Procedures and practices.
  - B. Current Team members must continue interdisciplinary training when available and appropriate. This includes specific trainings regarding recognizing implicit cultural biases and correcting disparate impacts for members of historically disadvantaged groups and proficiency in work with people of diverse races, cultures, ethnicities, disabilities, genders, gender identifies and sexual orientations.

## JOB DESCRIPTIONS OF MENTAL HEALTH AND WELLNESS COURT TEAM MEMBERS AS IT RELATES TO THE PROGRAM

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1. **Mental Health and Wellness Court Judge.** The Mental Health and Wellness Court Judge is assigned to Wellness Court on a voluntary basis and for a term of at least 2 years. The Judge will develop working relationships with Program participants during court sessions without compromising judicial authority. The Judge shall possess an understanding of the relationship between mental health disorders, SUD's and criminal behavior as well as a willingness to apply alternative models of criminal case disposition offenders with mental health disorders and SUD's. The Judge exercises ultimate supervisory authority over the

Program and imposes sanctions. During court proceedings the Judge spends no less than 3 minutes interacting with each participant offering supportive statements and addressing participant's concerns.

2. **Probation Officer.** The Mental Health and Wellness Court Probation Officer (Probation Officer) is assigned through Lincoln County Community Justice and supervises and directs Wellness Court participants with the twin objectives of facilitating rehabilitation and ensuring the safety of the community. Functions include participating in the development of individual plans for the rehabilitation of the participants, conducting interviews, meeting with participants, conducting home visits, monitoring progress with substance abuse treatment, monitoring participants with substance testing, approving residences and assisting in coordinating auxiliary services with the Coordinator and treatment providers. They also gather data through assessment instruments to determine an offender's risk in the community by using gender specific standardized risk tools. For participants identifying as males they utilize the Level of Service/Case Management Inventory (LS-CMI) and for participants identifying as females they utilize the Women's Risk Needs Assessment (WRNA). The Probation Officer will notify the Wellness Court Team of violations or accomplishments by participants and recommend appropriate sanctions or incentives.
3. **Prosecuting Attorney.** They are a representative from the Lincoln County District Attorney's Office (DDA) that will attend all Team Meetings and court hearings. They screen cases for eligible Wellness Court participants and coordinate with other prosecutors and defense attorneys regarding participants with other cases in other courts. The Prosecutor keeps the Wellness Court Team apprised of any new charges the participants may incur while in the program and recommends sanctions or termination from the Program. The Prosecutor will take appropriate legal action on criminal cases when there is a probation violation or completion of the program. The District Attorney serves as an active contributor to community education about the Lincoln County Wellness Court.
4. **Defense Attorney.** One Defense Attorney will be assigned by the Defense Consortium to represent all Wellness Court clients and will appear as a legal advisor with clients at all Wellness Court judicial sessions. The Defense Attorney will ensure that the participants' Constitutional and other legal rights are protected. Traditional advocacy for client's rights must be balanced with service as a non-adversarial Team member and to advocate for effective sanctions and incentives in Team Staffing. Along with other Team members, the Defense Attorney monitors participant progress and behavior through reports at weekly staffing meetings. The defense attorney meets with clients as needed.
5. **Mental Health Treatment Providers.** The Mental Health treatment providers that are used for Wellness Court are Lincoln County Mental Health and various private providers. They all deliver mental health screening, assessments, and treatment for all individuals referred by Team. They will work together to provide parallel treatment and will individually report weekly on treatment progress and to advocate for effective application of incentives and sanctions as necessary to advance objectives. An agency could also provide services to participants families including children and provide valuable knowledge and resources to the Team to assist with family dynamics. Each Agency will also assign a Case Manager that will be responsible for data entry into SCMS.

6. **Alcohol and Drug Treatment Providers.** The Alcohol and Drug treatment providers that are used for Wellness Court are Reconnections Counseling, Phoenix Wellness Center, and Siletz Tribal Behavioral Health Program through the Confederated Tribes of Siletz Indians. They all offer individual, family, culturally specific, gender specific and trauma informed counseling as well as critical thinking intervention, parenting classes, and group substance abuse education and treatment to Program participants and their families. All treatment programs utilize either Evidence Based Practices or Tribal Best Practices. Each agency assesses clients to determine the level and extent of dependency using the ASAM PPC-2R and develop an appropriate treatment plan. The treatment providers also make recommendations regarding level of care or phase reductions or advancements.

The counselors at all agencies are trained in Evidence Based Practices, trauma informed care, and have specific addictions training. All agencies will work together to provide quality parallel treatment and will individually report weekly on treatment progress and to advocate for effective application of incentives and sanctions as necessary to advance objectives. All the treatment providers will adhere to Oregon State Administrative Rules regarding outpatient and intensive outpatient treatment.

The treatment providers help with the monitoring of substance abstinence through substance testing and participant self-reporting. They also make referrals and monitor any participants that are using Medication Assisted Treatment (MAT). Each Agency will assign a Case Manager that will be responsible for data entry into SCMS.

7. **Specialty Court Coordinator (Coordinator).** The Coordinator is assigned through the Court and supports all operations of the Drug Court program. They are responsible for assisting in the continuing and future development of Drug Court, monitoring program components, and an overall review of the current process. The Coordinator serves as the primary liaison between the Court and other members of the Team to ensure effective coordination of case plans and auxiliary supports. They also monitor current participant progress and directly helps the participants with their journey, always encouraging and motivating. The Coordinator has a wide range of knowledge regarding substance use disorders, mental health needs, Team agencies, and community resources. The Coordinator assists in applying for grants and other funding sources and is aware of the program budget and identifies budget gaps.

The Coordinator maintains the Oregon Specialty Court Case Management System to monitor participant compliance, track trends, identify disparities, and collect the information necessary to evaluate the program. They also assist with the collection, maintenance, analysis, and reporting of data regarding program and participant progress to funding entities and community partners.

The Coordinator also creates and maintains program documentation, administrative forms, handouts, and handbooks. They monitor compliance with the overall program and with the Drug Court procedural and policy requirements. The Coordinator also attends recovery community events and educates the public about the program and provides presentations and information to other government agencies and the public.

8. **Specialty Court Clerk (Clerk).** They are assigned through the Court and are responsible for scheduling all court proceedings, preparing documents for Court, preparing incentives, and process paperwork after court. The Clerk will also assist the Coordinator with some of their duties.
9. **Department of Human Services Child Welfare (ODHS)- Child Welfare Addiction Recovery Team (ART) Leader.** When a participant in Wellness Court has an open or pending child welfare case the ART Leader acts as a liaison between ODHS caseworkers, parents, attorneys, and outreach workers. The ART Leader is trained in substance use intervention and treatment and connects participants to resources in the community. They also assist in helping with case planning for the participant that supports Wellness Court guidelines and expectations with ODHS Child Welfare cases. The ART Leader provides updates and treatment information directly related to Wellness Court to support and encourage successful outcomes. They will connect families to supports and services, aftercare, and recovery maintenance services and assist in accessing or applying for funding for participants when available. With their agency the ART Leader ensures that the participants children are safe, receiving appropriate developmental and mental health services, and family time with parents.
10. **Law Enforcement- Lincoln County Sheriff Office.** The Sheriff's Office will provide transportation to and from Court for participants in the custody of the Lincoln County Jail. They will also inform the Team as to a potential participant or participant's behavior while incarcerated.

## TEAM MEETING

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The Wellness Court Team meets every Tuesday at 3:00pm to review participant compliance, and progress of each individual participant and discuss pending participants. This is called Team Staffing. The Team Staffing meetings are limited to Team Members only unless otherwise approved by the Judge or the Coordinator. The Team relies on accurate reports from the Coordinator along with input from all Team members. All matters discussed during Team Staffing are confidential and may be disclosed outside the meeting only as necessary to facilitate a participant's treatment.

Urgent matters on individual issues or cases may be staffed by email with the Team to address issues throughout the week.

1. At the Team Staffing the Team will review the Staffing Report and provide any additional information, corrections, or recommendations to the Judge regarding a participant's compliance in the Program. The Team will help the Judge by sharing information and concerns to help develop a plan of behavior response including sanctions, interventions, or incentives. The Team will strive to reach consensus on the recommended a course of action; however, the Judge will determine any sanction, therapeutic response, intervention, or incentive and will pronounce the order in court.

After Staffing and before court, the Wellness Court Defense Attorney will discuss with the participant their conduct and the prospective sanction prior to the treatment court session. The Judge will determine any therapeutic response, intervention, or sanction in Court after speaking with the participant.

2. Staffing reports are submitted every week and will be used in Court and provided to all Team members. All information to be included in the Staffing Report must be submitted to the Coordinator by Monday at 10:00am. The Coordinator will gather all information from the Staffing Team ahead of time to submit one comprehensive staffing by email to the Wellness Court Team by Monday at 12:00pm.

## COURTROOM PROCEDURES

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Wellness Court is every Tuesday from 4:00 to 4:30pm in Courtroom 300 at the Lincoln County Courthouse. The interaction during court proceedings is almost exclusively between the Judge and the participant. Input from other Team members is elicited by the Judge as needed. Participants are expected to arrive for their court appearances on time and in person and must remain in the courtroom until the end of the Wellness Court session when each case has been called and reviewed by the Judge.

If a participant would like a translator for the Wellness Court proceedings, they can inform the Coordinator and they will arrange for one.

All participants will respect and follow these rules:

1. All cell phones and electronic devices are to be turned off and kept off.
2. Participants are expected to act respectfully, stay silent and pay attention when others are talking. This includes being quiet in the hallways of the courthouse.
3. Support fellow participants in court.
4. People that are in jail and come to Court are not allowed to talk to or interact with anyone except the Team while they are in the courtroom.
5. No abusive behavior towards other participants, the Judge, or members of the Team. This could include physical gestures, aggression, or intimidation. No inappropriate language- no racist, sexist, homophobic, sexual, threatening, or offensive comments.
6. No food or drink in the courtroom (including gum) unless it is handed out in Court.
7. Follow the courtroom dress code that includes wearing clean clothes that do not have logos concerning alcohol, drugs, or offensive messages. No hats or sunglasses are allowed.
8. The participant is expected to know their sober time; the Judge will ask for it at each Court hearing.

## TREATMENT

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There are a variety of treatment activities required or offered to each participant and many of them are available in different languages. Some of the different treatment types are described in greater detail below.

1. **Orientation/assessment session.** Each participant will be given program information and required to complete paperwork that will assist the treatment provider in developing a program to meet the individual's needs.
2. **Individual counseling.** All individuals will participate in individual counseling sessions with the treatment

provider to provide ongoing assessment of individual needs. The treatment provider may provide referrals to other resources in the community that offer services specific to participants' needs.

3. **Treatment group.** Each participant will be assigned to treatment groups that will be led by a counselor. Every treatment group utilizes Evidence Based Practices and could include gender or culturally specific treatment. Treatment groups will be comprised of other individuals who face similar struggles with a SUD. Groups will be led by counselors who will provide information regarding alcohol, other substances, attitudes, behaviors, thinking patterns and family dynamics that contribute to substance abuse and addiction. Participants are encouraged to give and receive feedback to/from one another.

- A. **Cognitive-Behavioral Intervention (CBI).** All participants are required to take the CBI class while in Wellness Court.

- B. **Parenting classes.** All participants that are parents or caregivers to minor children or becomes pregnant or gets another person in the program pregnant they will attend and complete an approved parenting class before graduation. These classes are intended to help the participant increase their parenting knowledge and skills and designed to help enhance and repair family relationships. Depending on the family dynamic this could be a broad parenting class or a more targeted course explaining the effects of parental substance use on children. A parenting class taken at residential treatment may satisfy this requirement, but it needs to be approved by the Team before deemed an appropriate substitute.

4. **Peer Support.** A Participant may be paired up with Peer Support Specialists which are employed through a treatment agency and have similar experiences to the people they support. They have been successful in recovery and have firsthand knowledge of the process. Peer Support can help provide an important layer of support to help reduce stigma- and improving a participant's quality of life in recovery. They can also help the participant navigate through Drug Court, provide education about recovery, help a participant learn to advocate for themselves, and work with them on life skills and healthy habits.

5. **Family counseling.** Some participants will attend family counseling. This will look different for everyone, depending on the relationship with the participant's children, the age of the children, any special needs of anyone in the family, and the participant's goals

6. **Sobriety Support groups.** Sobriety Support groups may include Alcoholics Anonymous, Narcotics Anonymous, Church Recovery Groups, culturally specific support activities, or other approved sobriety support group meetings or special events like Hands Across the Bridge or Ride for Recovery. These meetings are available at no cost, occur throughout the community, and are available in languages other than English.

7. **Parenting classes.** All participants will attend and complete an approved parenting class. These classes are intended to help the participant increase their parenting knowledge and skills and designed to help enhance and repair family relationships. Depending on the family dynamic this could be a broad parenting class or a more targeted course explaining the effects of parental substance use on children. A parenting

class taken at residential treatment may satisfy this requirement, but it needs to be approved by the Team before deemed an appropriate substitute.

8. **Inpatient (Residential) Treatment.** If a participant attends residential treatment, upon arrival at the Facility they shall execute a release of information for their treatment agency, Probation Officer, and the Lincoln County Circuit Court. The participant may be required to call into court while they are at residential treatment to keep the Wellness Court Team informed of their progress. There is no social media allowed while at residential treatment (including, but not limited to, Facebook, Snapchat, Instagram, Twitter, etc.).

Upon leaving the facility for any reason (successful completion, termination, leaving on their own choice) they are to contact their Probation Officer immediately and are to return to Lincoln County within 48 hours. They are to appear in Court the following Tuesday Wellness Court session. The time a participant is in residential treatment does not count toward the minimum required time in a particular phase, but it does count for their overall time in the program.

9. **Medication-Assisted Treatment (MAT).** Participants in the Program will be allowed to utilize MAT if prescribed and monitored by a licensed medical professional. Participants already using MAT when entering the Program must provide a prescription or letter from their medical professional at Program intake. Participants that would like to begin MAT while in Wellness Court must get it approved from their primary treatment provider first. They must also sign an ROI with any MAT provider or any medical professional prescribing prescription medications. The participant also must provide a copy of the prescription or letter from their medical professional immediately upon beginning treatment. MAT will be monitored by the participant's primary treatment agency.
9. **Specialty Court Events.** The Specialty Court Team will organize events for all the Specialty Court participants and their families multiple times a year. These are away from the courthouse and are to encourage fun, pro-social activities with other participants and the Team. One of the annual events are a Treatment Court Month event at the local Performing Arts Center which show cases the successes of our Specialty Courts and recognizes several community members for their extra support. The Team hosts a Rise and Give Thanks Breakfast on Thanksgiving morning at a treatment agency where participants and their families are invited to have breakfast with the Team. In the Summer there is a BBQ at a local park. The Drug Court Team is constantly looking for opportunities to host more pro-social sober activities for the entire Team and participants.

## LANGUAGE SERVICES

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Mental Health and Wellness Court sessions can be translated into any language besides English through Court Interpretive Services. All treatment services can be provided in Spanish both verbally and in writing. There are also various Spanish speaking groups at the treatment agencies.



## PROGRAM RULES

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The rules listed are not a comprehensive or complete list but a general overview of expected behavior of Program participants. The rules for all participants are:

1. Agree to take all medications as directed by the prescribing physician and do not alter or change the dosage in any way without the physician's consent.
2. Do not engage in criminal activity. Report any violations, new crimes, or police contacts to the Probation Officer within 24 hours.
3. Maintain sobriety. Do not use, possess or be in the presence of alcohol, drugs, or drug paraphernalia.
4. Do not enter establishments serving alcohol by the drink, except for meals or employment, and then only remain for such period to complete the meal or employment obligations. Do not enter establishments where alcohol or marijuana are the primary item of sale such as bars, liquor stores, or dispensaries.
5. No use of any mind-altering substances (including but not limited to alcohol, marijuana, marijuana products, inhalants, Kratom and Spice). This also includes any synthetic or herbal drugs.
6. Do not possess any aerosol cans, bottles, or containers.
7. If the participant is given any type of prescription drug, they must give a copy of the prescription to the treatment provider and Probation Officer. They will not use any prescriptions prior to discussion with the treatment provider. In the case of an emergency notify the treatment provider as soon as possible. The participant must disclose to any medical Doctor if they have a SUD.
  - A. Use of medical marijuana is not allowed for participants while they are in Wellness Court.
  - B. Medically Assisted Treatment (MAT) is only allowed if prescribed and monitored by a licensed medical professional. The participant must sign a ROI with that agency and their treatment provider.
8. Substance tests are mandatory and are considered positive if they contain alcohol, a controlled substance that is not prescribed, or an illicit drug. **It is the participant's responsibility as to what goes into their body, and the Judge will respond with a sanction if there is a positive or dilute sample. It is the participant's responsibility to provide a negative substance test.**
9. It is expected that participants will attend all appointments on time, including treatment, meetings with the Probation Officer, and Court.
10. If a Participant is a parent, helping to raise a child, is pregnant, becomes pregnant, or gets another person pregnant while they are in Wellness Court, they must complete a parenting course and the child must be born before they can graduate from the Program.
11. No entry into a casino or gambling establishments, or in areas where gambling is allowed.
12. If the participant is assigned a Peer or Mentor, they must maintain regular contact with them.
13. Cell phones or any other electronic devices can be searched in the participant's physical or constructive possession by the Probation Officer with reasonable grounds and the participant will provide a password, pass code, or fingerprint to access the phone as requested.
14. The Wellness Court Team and other participants are always to be treated with respect.
15. Participants are not allowed to drive a vehicle unless they have a valid driver's license and valid vehicle insurance.
16. No travel outside of Lincoln County without prior court approval.

17. For any type of special request, the request must be submitted by email (or in writing if no email is available) to the Probation Officer at least 7 days in advance from the date of the special request. Once the Probation Officer has reviewed the request and run any necessary background checks, they will inform the rest of the Specialty Court Team of the request. The Team and Judge will staff the request during the weekly Team Staffing and the participant will either be informed in Court or by the Probation Officer of the decision.
  - A. This excludes medical appointment and supervised treatment activities. These still must be requested at least 1 week in advance but can be approved only by the Probation Officer.
18. If the Participant resides at a recovery house, they will abide by all of that facility's rules and regulations.
19. The Participant is expected to spend every night at the housing approved through Parole and Probation.
20. The Court can modify the Wellness Court requirements to incorporate Drug Court's Ten Key Components, the Specialty Court Standards, and Mental Health Court's Ten Key Components at any time during participation in Wellness Court.
21. If a Participant changes their address, employment, or phone number they will fill out a Change of Information form and submit it to the Coordinator during Court.
22. The Participant agrees to take all assessments and surveys requested by the Coordinator during their time in the Program.

## MEDICAL INSURANCE

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To be accepted into the Wellness Court, a potential participant must agree to apply for the Oregon Health Plan (OHP) or carry private insurance. Upon acceptance into Wellness Court the participant will be referred to the Oregon Health Plan Outreach and Enrollment Assistance Worker or their treatment provider for assistance in applying for OHP. The participant shall maintain insurance coverage throughout their entire time in Wellness Court.

If the participant is unable to obtain medical insurance, they will need to explain to the Wellness Court Team why they do not have insurance. The Participant could be billed and financially responsible for a percentage of their treatment or substance tests. The remaining treatment costs will be billed to and paid for by the Drug Court Grant.

## SUBSTANCE TESTING PROTOCOL

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Substance testing is a tool that can identify substance use by the participant, but it can also recognize participants who are not using, which would lead to positive reinforcement. All participants will be on a set schedule to provide a sample based on their Phase. The schedule will be between Monday-Saturday including holidays and it will be at least twice per week. A substance test could also be requested at any time by the Judge or Probation Officer.

When it is their day to provide a sample, the participant must report to their Treatment location by the required time. All substance tests will be observed by a same gender person that is trained in correct collection methods and in the proper chain of custody. This is to ensure the integrity of samples and validity of test results.

All substance tests will be observed by a same gender or sex treatment staff member or Probation Officer that is trained and experienced in correct collection methods and on how to spot an attempt to tamper or a tampered test specimen. If a same gender or sex collector is not available, then the participant will be allowed to provide a mouth swab if it is approved by the Coordinator or a treatment program supervisor.

All treatment staff members and Probation Officers are also trained in the proper chain of custody procedure for each sample to ensure the integrity of specimens and validity of test results. This involves appropriate labeling and security measures to provide confidence the specimen belongs to the participant listed on the documentation and it was transported and stored according to laboratory procedures.

Substance tests will be checked by an accredited laboratory that uses state of the art machines and has extensive quality assurance protocols. The laboratory will check for any medication prescribed to the participant along with illicit substances. This is including but not limited to Natural Opiates, Semi-Synthetic Opiates, Synthetic Opiates, Benzodiazepines, Barbiturates, Muscle Relaxants, Stimulants, Sedatives, Illicit Drugs, and Alcohol. New substances are constantly being introduced into the community used by participants, so the treatment providers and the Probation Officer will confer with the lab on a consistent basis to assure that the right products are being tested for.

If a sample tests positive for a non-prescribed substance, a confirmation test is done with a different scientific method to nearly eliminate the chance of a false positive test. Confirmation tests are conducted via either gas chromatography-mass spectrometry (GC-MS) or liquid chromatography-mass spectrometry (LC-MS) depending on the specimen type being tested.

The participant will sign a Substance Testing and Abstinence Statement upon admittance into the Program. This contract states among other things that the participant understands that they may not consume or use any product, food or supplement that is known to cause a positive test and cannot consume or handle anything containing alcohol including some hygiene products and foods. It is also noted that excuses such as incidental consumption or passive inhalation will not excuse a positive test and that it is their responsibility as to what goes into their body.

The Participant will need to be aware of how much water or other fluids they are drinking. Dilute substance tests cause a test to be invalid. Also, a dilute sample may be considered as an attempt to alter the testing process.

The Team can recommend a sanction if the participant consumes any substance which results in a positive or diluted substance sample. During all Phases missed tests, adulterated tests, dilute samples after the 1<sup>st</sup> dilute recorded, or tests revealing substance use will result in a behavioral response.

## USE OF OVER-THE-COUNTER MEDICATIONS

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The Team wants to support the participant's recovery and over the counter medication can be risky. The participant needs to read all labels carefully and only use medicine that does not contain alcohol. They also need to follow medication directions closely and talk about any concerns with their doctor pharmacist, or treatment provider.

Any misuse of any type of prescribed or over-the-counter medication is considered a violation.

The treatment provider needs to be informed when a participant is taking any over the counter medicine (except vitamins or non-narcotic pain relievers such as regular Tylenol, Advil, or Ibuprofen). This is so they can be aware of any false positive on substance tests or possible adverse reactions.

All participants must have a valid reason for taking over the counter medicine. The most common over the counter medication taken in Wellness Court is cold or flu medicine. Only the following are allowed:

- Alka-Seltzer Plus **Day**
- Theraflu Multi-Symptom- Severe Cold with Lipton Flavors
- **Day** Quil and **Day** Quil Severe Cold and Flu
- Walgreen Severe Cold and Flu **Daytime** Liquid

## PROGRAM FEE

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The fee to participate in Wellness Court is \$25. The Coordinator will give the participant a Deposit Slip to use, and the fee will be paid at the Lincoln County Treasurers Office in the Lincoln County Courthouse, Room 205. The fee can be made in payments or in on transaction but must be paid in full before graduation. These fees are solely used directly for program and participant supports that are unable to be funded by other sources.

## PHASE REQUIREMENTS

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Wellness Court participants advance through five phases of the Program with each phase having minimum requirements. For a treatment week to count toward promotion or graduation, all Program requirements must meet for that week. If the participant does everything correctly and reaches the minimum level, promotion will be recommended by the Coordinator and discussed with the Team when they believe the participant is ready for the next phase.

The phase schedule, including minimum periods of participation, substance tests, court attendance, treatment activities, and requirements for advancement is as follows:

**Phase One:** Minimum time of 14 days. The emphasis of this Phase is on **accountability**. Phase 1 requirements are:

- Appear in Mental Health and Wellness Court every Tuesday at 4:00pm
- Report to probation officer at least once per week
- Attend at a **minimum of 4 Program hours every week**- the schedule will be set by the case plan
- Meet with assigned mental health professional and begin individual and group therapy
- Meet with assigned Alcohol and Drug professional and begin individual and group therapy
- Meet with assigned case manager as directed
- Take medication as prescribed
- Take a substance test every Monday, Wednesday, and Friday

**Phase Two:** Minimum time of 30 days. This is considered the primary base for the treatment plan and the emphasis of this Phase is on **stability**. The Team will encourage and enforce compliance with the participant's mental health treatment. Phase 2 requirements are:

- Appear in Mental Health and Wellness Court every Tuesday at 4:00pm
- Report to probation officer at least once per week
- Attend at a **minimum of 6-10 Program hours every week**- the schedule will be set by the case plan
- Continue with Mental Health individual and group Therapy
- Continue with Alcohol and Drug individual and group Therapy
- Meet with assigned case manager as directed
- Take medication as prescribed
- Take a substance test every Monday, Wednesday, and Friday
- Work on finding safe and stable housing
- 30 consecutive days medication compliance
- 30 consecutive days documented substance free tests or since an admitted relapse
- 14 consecutive days without a violation

**Phase Three:** Minimum time of 60 days. This Phase will continue with treatment along with integrating more stability. The emphasis is on **maintenance**. Phase 3 requirements are:

- Appear in Mental Health and Wellness Court with every other Tuesday at 4:00pm
- Report to probation officer as directed
- Attend at a **minimum of 6 Program hours every week**- the schedule will be set by the case plan
- Continue with Mental Health individual and group Therapy
- Continue with Alcohol and Drug individual and group Therapy
- Meet with assigned case manager as directed
- Take medication as prescribed
- Take a substance test every Monday, Wednesday, and Friday
- Find safe and stable housing
- Obtain and maintain employment, education, or SSI as directed
- Create a financial plan or obtain a Representative Payee
- Present "All About Me" to the Team and other participants in Court
- 60 consecutive days medication compliance
- 60 consecutive days documented substance free tests or since an admitted relapse
- 14 consecutive days without a violation

**Phase Four:** Minimum time of 90 days. This Phase will focus on maintaining treatment that is being worked on and looking towards other life goals. The emphasis is on **wellness**. Phase 4 requirements are:

- Appear in Mental Health and Wellness Court one Tuesday a month at 4:00pm
- Report to probation officer as directed
- Attend at a **minimum of 4 Program hours every week**- the schedule will be set by the case plan
- Continue with Mental Health individual and group Therapy

- Continue with Alcohol and Drug individual and group Therapy
- Meet with assigned case manager as directed
- Take medication as prescribed
- Take a substance test every Monday and Thursday
- Create and submit plan for Volunteer Project
- Maintain safe and stable housing
- Maintain employment, education, or SSI as directed
- 90 consecutive days medication compliance
- 60 consecutive days documented substance free tests or since an admitted relapse
- 30 consecutive days without a violation

**Phase Five:** Minimum time of 120 days. This Phase will focus on stability to prepare the participant for reintegration into the community. Emphasis is on a **healthy lifestyle**. Phase 5 requirements are:

- Appear in Mental Health and Wellness Court one Tuesday per month at 4:00pm
- Report to probation officer as directed
- Attend at a **minimum of 2 Program hours every week**- the schedule will be set by their case plan
- Continue with Mental Health individual and group Therapy
- Continue with Alcohol and Drug individual and group Therapy
- Meet with assigned case manager as directed.
- Take medication as prescribed
- Take a substance test every Monday and Thursday
- Complete and submit a Wellness Plan
- Complete the Volunteer project and present to the Team
- Have independent (not transitional living) housing
- Maintain safe and stable housing
- No new criminal charges
- Maintain employment, education, or SSI as directed

**Graduation Requirements:** Program Completion is based on an all-around lifestyle change.

- Have complied with all Phase 5 requirements.
- 120 consecutive days medication compliance
- 120 consecutive days documented substance free tests or since an admitted relapse.
- 30 consecutive days without a violation.
- Have followed all conditions of probation.
- Active participation in the Mental Health and Wellness Court for a minimum of 12 months.
- Pay off all restitution
- Pay the \$25 Program Fee
- Complete a Parenting Class or Domestic Violence Class (if required)
- Complete Graduation Application and turn into the Coordinator.

- Complete an Exit Survey sent by the Wellness Court Coordinator

## VOLUNTEER PROJECT

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Volunteering in the community is a way to give back and to be of service to others when people before might have been of service to us. As part of participation in Wellness Court the participant will be required to volunteer for a minimum of 20 hours of volunteer service or identify a project or something they want to “give back” to the community and those in need. In Phase 4 the participant will be required to select a volunteer site or project and present it to the Judge in court, then in Phase 5 they must complete the volunteer work before they can graduate.

## INCENTIVES

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In Wellness Court rewards or incentives can be given to support a healthy lifestyle and recovery. They are used to reward accomplishments in treatment promoting participant accountability, making healthier choices, and other achievements. Whenever the opportunity arises, the Wellness Court Team will seek to support treatment and recovery through positive reinforcement.

Wellness Bucks are a contingency management incentive program utilized weekly. Every time a participant attends a program activity, like attend treatment, give a substance sample, meet with their Probation Officer, attend Court, etc. they will earn a Wellness Buck. These will be given to participants in court, and after court is over, they can go shopping in the Bins to buy items.

<p>NOTE: This grid is a guide and is not a list of all possible incentives. The Wellness Court Team will respond to all behaviors with a response designed to best motivate the participant toward recovery and living a healthy life through incentives, sanctions, and therapeutic responses.</p>
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## Mental Health and Wellness Court Incentive and Response Grid

<b>Low Level Response:</b> <b>Demonstrates initial change in behavior</b>  Verbal Praise Special Events Judge and Team recognition Entry into Drawings	<b>Moderate Level Response:</b> <b>Demonstrates compliance with goals &amp; conditions</b>  Tangible reward-gift certificate, coin, etc.. Special Drawings  Phase advancement Special gift certificates Permission to attend specific events or to at a specific location Reduced restrictions	<b>High Level Response:</b> <b>Demonstrates intrinsic motivation to change &amp; mastery of skills</b>  Graduation Early termination of Probation  Waive court fines Modification of Conditions Written Commendation
<b>First day of Mental Health and Wellness Court:</b>		
<b>Weekly:</b>		
<b>Phase 1 - 3 Completion:</b>		
Certificate of Phase Completion Choice of 1 item: Gift Certificate to Walmart Gift Certificate to McDonalds Pick from the Wellness Bucks Box		
<b>Graduation:</b>		
Certificate of Graduation Graduation Coin Graduation Ceremony with speeches Tangible reward		
<b>Special Incentive Awards</b>		
Card on Birthday Sobriety milestone dog tags 1-year sober card and gift certificate Participant of the Month Drawing Card and gift when a new baby is born Special Celebrations		



## BEHAVIOR INFRACTIONS: VIOLATIONS, SANCTIONS, AND THERAPEUTIC RESPONSES

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A violation occurs when a rule of the program is broken. If a participant gets a violation or does not follow program rules, then the result will be a court-imposed sanction or a treatment therapeutic response.

Sanctions are a response used by the Judge to give as an outcome of noncompliance with program rules. The goal with a sanction is to increase engagement.

Therapeutic treatment responses are used when a participant is not responding to treatment but is compliant with all other program requirements. The Team considers the reason for the behavior and the effect of the response on the participant and their family. The goal with a therapeutic response is to engage more supportive services.

The Judge will address all Sanctions and Therapeutic responses during a Wellness Court session. The Judge will discuss the behavior with the participant and will talk to them with dignity and respect. The participants will be allowed to explain their perspective of the situation, then the Judge will issue the response and explain why that particular sanction is appropriate.

Phase requirement reductions sometimes occur because of relapse or other treatment or behavioral issues. If this happens then the participant may be reduced back to a specific Phase requirement but kept in their current Phase. The time when returning to a previous Phase requirement is a minimum of 30 days in each Phase.

NOTE: This grid is a guide and is not a list of all possible sanctions or therapeutic responses. The Wellness Court Team will respond to all behaviors with a response designed to best motivate the participant toward recovery and living a healthy life through incentives, sanctions, and therapeutic responses.

## Wellness Court Behavioral Infraction Response Grid

<p><b>Level I- Minor Behavioral Infractions</b></p> <p>Non-prosocial language or behavior Late to an appointment Inadequate participation Insufficient treatment or meetings Minor traffic infraction Attends, but not engaged in treatment Minor non-prosocial behavior issues</p>	<p><b>Level II-Moderate Behavioral Infractions</b></p> <p>Repeated Level I infractions Missed appointments 1st Positive substance test 1st Missed substance test Failure to follow Treatment or Court plan Repeated pattern of non-compliance Residence change without permission Not taking prescriptions Dishonesty with anyone on Tx Court Team Inappropriate relationship building Major traffic infraction Moderate non-prosocial behavioral issues</p>	<p><b>Level III-Serious Behavioral Infractions</b></p> <p>Repeated Level I/II infractions Repeated positive substance test Repeated missed substance test Repeated dilute substance test Adulterated substance test Refusal or misuse of medications Unexcused absence from Court Violation of a Court or PO directive Violation of non-contact New criminal activity Falsifying documentation Absconding from program Serious non-prosocial behavioral issues</p>
<p><b>Level I- Minor Behavioral Treatment Intervention/Response</b></p> <p>Modify treatment plan to specific treatment addressing the infraction Increase treatment intensity Meet with Case Manager or Peer Mentor to develop skills to address needs set as priority goals</p>	<p><b>Level II- Moderate Behavioral Treatment Intervention/Response</b></p> <p>Any Level I response Attendance at specific treatment class Modification of care plan Increased substance tests Reassessment for level of care and for Community based resources (ex. MH, DV, Parenting, MSR, BHRT, Olalla Center, Options Counseling, etc.)</p>	<p><b>Level III- Serious Behavioral Treatment Intervention/Response</b></p> <p>Any Level I/II response Modify Plan to engage supports Residential treatment Day treatment</p>
<p><b>Level I- Minor Behavioral Court Response</b></p> <p>Verbal warning or reprimand Week does not count toward Phase requirement Thinking report or homework Increased meetings with P.O. Increased court appearances Skill building: budget, calendar, resume, time management, etc.</p>	<p><b>Level II- Moderate Behavioral Court Response</b></p> <p>Any Level I response Work crew Community service Curfew Move to community/recovery housing Attendance at a specific educational class No-Contact order imposed Increased court appearances Day Reporting to Probation Office Phase extension Increased substance testing</p>	<p><b>Level III- Serious Behavioral Court Response</b></p> <p>Any Level I/II response Return to an earlier phase Jail sanction Electronic Home Detention House arrest Arrest Warrant Program termination</p>

## PROGRAM REMOVAL: UNSUCCESSFUL COMPLETION BY WAY OF TERMINATION, DISCHARGE, OR WITHDRAWAL

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Besides graduating, participants may be removed from Wellness Court with an unsuccessful completion. This includes termination, discharge, or withdrawal. Upon removal of the program any lawful sentence may be imposed by the Court.

The Wellness Court Judge will confer with the Team, but any decision regarding sentencing or termination lies exclusively with the Judge. Specific reasons for termination are:

1. If the person cannot be supervised safely in the community.
2. If the participant is unable or unwilling to engage in treatment. This also includes if the individual is too impaired to benefit from the treatment that is required.
3. Arrest or conviction for a new crime which directly impacts the participant's ability to continue participation in Wellness Court.
4. Participant has engaged in activities that put other participant's health and safety at risk.
5. Recommendation by the Wellness Court Team that participant is not benefiting from the treatment and structure of Wellness Court after all other alternatives to termination have been explored.
6. Absconding from Wellness Court for more than 90 days. In such circumstance the Judge has full authority to terminate the participation of a participant without notice or the Participant being present, and they will lose their space in Wellness Court.

A participant could also be discharged from the program. Specific reasons for discharge are:

1. A participant is going to treatment and attending court but is not making progress in their recovery.
2. The participant has higher level of care or requires more resources that the Wellness Court Team and Program can provide.
3. The participant has a medical condition that is significantly impacting their ability to be successful in Wellness Court.

A participant can be allowed to voluntarily withdraw from the program at their own request. If a participant chooses to withdraw from Wellness Court, they are expected to appear in person for their final appearance to say goodbye to the Team.

## FUNDING

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The Wellness Court Program is sustained through grant awards, donations, in-kind contributions, and program fees.

1. **Grant Funding.** The Coordinator will partner with Lincoln County Community Justice to apply to local, state, and federal grants as necessary to fund Program operations. Lincoln County shall be utilized as the fiscal

agent unless another agency has been identified and has agreed to serve in that capacity. The Criminal Justice Commission (CJC) Specialty Court Grant will be applied for as the primary source of funding for the Program. The grant application is available biennially. Federal grants and local grants may be applied for to supplement the Wellness Court areas not funded by the CJC Specialty Court Grant.

2. **Donations.** The Lincoln County Specialty Court receives financial donations from several different sources. Our primary financial donation is raised from the annual Ride For Recovery organized by The Sunset Chapter of the Alky Angels. This is a motorcycle ride, poker run, raffle, and huge picnic.
3. **In Kind Contributions.** Many community partners and including the Lincoln County Circuit Court donate staff time, supplies, facilities, and resources for the benefit of the Program.
4. **Program Fees.** The funds earned from program fees are solely used directly for program and participant supports that are unable to be funded by other sources

## PROGRAM MODEL

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The Wellness Court is a hybrid model using a pre-adjudication (pre-disposition) and a post- adjudication. It is at the discretion of the District Attorney to decide which offer will be given. Preference into the program is always given for a participant that will have a presumptive prison sentence.

1. Pre-Adjudication (pre-disposition) is utilized when the District Attorney agrees to a deferred disposition or conditional discharge. The Defendant pleads guilty and is sentenced to a probation term of formal supervision and the Wellness Court Program.
2. Post-Disposition Order or Judgement is more commonly used in the Lincoln County Wellness Court. During sentencing on either a new case or a probation violation the Judge will order a Defendant into Wellness Court as a condition of probation. The defendant must plead guilty to at least one charge if it is a new case, and if it is a Probation Violation, they must admit to at least one of the allegations and be sentenced to a probationary term which requires completion of the Wellness Court Program.

## PROGRAM EVALUATION

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The Coordinator oversees evaluation of the Program with the support of the Wellness Court Team to collect and review data to monitor participant progress, engage in a process of continuous quality improvement, and evaluate outcomes using scientifically reliable and valid procedures. The Program is constantly being re-evaluated through various avenues to monitor and assure adherence with the Drug Court Ten Key Components and Specialty Court Standards to assure that the right population and needs are being served. The Wellness Court collects and reviews data to improve policies and practices in addition to monitoring the strengths and limitations of various service components.

1. **Professional Program and Peer Reviews.** The Wellness Court will always welcome reviews or audits performed by the Criminal Justice Commission. The Program will also take advantage of reviews conducted by a professional organization through training resources.
2. **Participant Surveys.** The participants of Drug Court will be given various surveys throughout their time in the Program. The goal is to empower their voices and have them give feedback on all aspects of their experience in the program.
  - A. All participants are given a survey semi-annually via Survey Monkey to answer anonymously that addresses how they feel about the Team, how their case is being processed, the type and quality of treatment they received, asking for their suggestions regarding various aspects of the program, and what the Team can do to help support the participant with any cultural, racial, ethnic, or gender-based treatment or considerations. The results are shared at the subsequent Policy Meeting and the Advisory Committee Meeting.
  - B. Participants are given an exit survey before they graduate. The results are shared annually at the first Policy Meeting and the Advisory Committee Meeting of the year.

## CASE MANAGEMENT

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The Wellness Court utilizes the Specialty Court Case Management System (SCMS) to gather and track participant data as required by the Criminal Justice Commission and is made available by the Oregon Judicial Department. This enables Oregon Specialty Courts to have access to a standard, automated tool for data collection. This system allows the Team to produce consistent and reliable outcome data related to Program effectiveness to ensure accountability to funders, multiple stakeholders, and community partners.

SCMS enables Team members to collaborate information about a potential or current participant's demographics, drug use history, criminal history, treatment history, mental health and medical history, compliance with the Program. All Team members will request access to SCMS by completing a User Access Agreement form and submitting it to the Coordinator. The Coordinator is the expert in SCMS and is the primary local trainer of the program. The Trial Court Administrator and Coordinator may terminate access if a user has violated the User Access Agreement, if the user is no longer on the Team, or any other reason deemed necessary. The CJC will access deidentified data for statistical data reporting.

## CONFIDENTIALITY AND RELEASE OF INFORMATION

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1. **Files.** All Wellness Court files are kept and maintained by the Coordinator and Clerk and secured in their office as they are not subject to public disclosure. These files are kept separate from the court's criminal, mental health, and dependency files. Upon termination, discharge, or graduation from Wellness Court, the file will remain confidential. The official public court file(s) for the case shall receive a copy of the

appropriate order or certificate for record. Nothing in this section shall preclude the review of the files for data collection and monitoring of the Program. Any document that would normally be filed on the public criminal file, will continue to be filed publicly.

2. **Team Meetings or Staffing Sessions.** Attendance at Team Meetings are limited to only Team members or agencies listed on the ROI. Each Team member attending the Meeting or Staffing session must sign a Lincoln County Specialty Court Confidentiality Statement before attendance at the meeting. All matters discussed during the Team Meeting are confidential and may be discussed outside of them only with Team members as necessary to facilitate treatment or compliance with the Program.
3. **Confidentiality of Participant Information.** Any information regarding Family Support Court participants are bound by Part 2 of Title 42 of the Code of Federal Regulations and ORS 179-505. This governs the confidentiality of substance use patient records, and the Health Insurance Portability and Accountability Act (HIPAA), which protects sensitive patient health information from being disclosed without the individual's consent or knowledge. It is imperative that the protected information is maintained to the greatest extent.
4. **Release of Information.** Each participant shall sign an Oregon Specialty Court Consent for the Release of Confidential Information as defined in Part 2 of Title 42 of the Code of Federal Regulations and ORS 179-505. This document provides the individual with detailed information about their rights and protections, what information will be disclosed, how their information may be used, and the process to revoke the disclosure. When an individual signs the form, information can be disclosed with any of the community partners listed on the document during Wellness Court Sessions, Team Meetings, and during other communications regarding Wellness Court. The Release of Information also includes a section where the participant can allow the Coordinator to send and receive text messages related to participation in the Program. The Release of Information shall only apply to information sharing between Team members or agencies listed on the Release.

An Amended Release of Information or Addendum may be required as new Team members or community partners join the Program.

## POLICY COMMITTEE

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The Policy Committee of the Lincoln County Mental Health and Wellness Court is comprised of members of the Lincoln County Mental Health and Wellness Court Team and management level personnel from Team agencies that meets every quarter separate from other meetings and Court. Its purpose is to create and review policies regarding Mental Health and Wellness Court, to ensure compliance with the Treatment Court Standards and funding requirements, and implementation and monitoring the goals of the Program. This includes incorporating the goals of the participant abstinence and the promotion of law-abiding behavior in the interest of public safety. The Committee also reviews participant surveys and decides on improvement ideas.

## ADVISORY COMMITTEE

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The Advisory Committee of the Lincoln County Specialty Court is comprised of both public and private agencies, as well as community-based organizations to help form a collaboration among community partnerships. Its goal is to include the community in all of Lincoln County's Specialty Courts to help provide guidance and directive to all Programs. The Advisory Committee meets on a semi-annual basis.

The Advisory Committee will identify service gaps in the Programs and then help identify community, human, and financial resources within the community and participate in outreach efforts to engage new services into the Programs.

## LINCOLN COUNTY SPECIALTY COURT DIVERSITY, EQUITY, AND INCLUSION ADVISORY BOARD

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The Lincoln County Specialty Court Diversity, Equity, and Inclusion Advisory Board (LCSC DEI Advisory Board) meets once a month. Members of this committee are Specialty Court Team Members, community partners, current participants, and graduates of Specialty Courts.

Their goal is to weave the principles of diversity, equity, and inclusion into the Lincoln County Specialty Court Program's work. They will do this through education, engagement, and outreach to foster a more equitable, diverse, and inclusive culture for the Specialty Court participants and the communities we serve.

## MEMORANDUM OF UNDERSTANDING

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The agreement between the Lincoln County Mental Health and Wellness Court and Agencies providing treatment and other services to Wellness Court Participants. (See attached)



**Lincoln County Mental Health and Wellness Court**

**MEMORANDUM OF UNDERSTANDING**

The purpose of this Memorandum of Understanding (MOU) is to set forth the roles and responsibilities of all collaborative partners involved and to agree to endorse the mission, goals, and objectives of the Lincoln County Mental Health and Wellness Court Program.

**Mission Statement and Objectives**

The Lincoln County Mental Health and Wellness Court (LCMHWC) will serve to identify those involved in the criminal justice system as a result of mental illness and support these individuals in attaining stability and well-being by connecting them to appropriate treatment and services in our community, therefore reducing recidivism and lowering the population of people with mental illnesses in the Lincoln County Jail.

The short-term objective of the LCMHWC is to quickly identify individuals with mental illness who are in the Lincoln County Jail or charged with criminal offenses and connect these individuals to services and resources in our community. The long-term objective is to reduce recidivism and help individuals with mental illness attain long-term stability and well-being in our community.

**Members and roles of the Mental Health and Wellness Court Team:**

All members of LCMHWC endorse the following goals:

- Striving to meet the Oregon Specialty Court Standards adopted by the Oregon Criminal Justice Commission effective January 2018 and the Bureau of Justice Assistance (BJA) Ten Essential Elements of a Mental Health and Wellness Court.
- Compliance with all applicable federal and state laws, including those that prohibit the release of records relating to participant mental health, drug and alcohol treatment information, except in very limited circumstances as described in 42 CFR Part 2 as necessary to determine eligibility and/or acceptability for substance abuse treatment services. Once in the program this also covers all treatment attendance, prognosis, compliance, and progress in accordance with the Mental Health and Wellness Court Program's monitoring criteria.
- To closely monitor participant's recovery with frequent mental health meetings, medication management, meetings with supervising probation officer, drug testing, treatment, court appearances, and provide ancillary services to enhance recovery and complement program requirements.
- To work as a team to reduce substance abuse, mental health crises and criminal recidivism, provide an alternative to traditional criminal justice system case processing, and increase participant accountability.



- ▲ To promote self-sufficiency and empower participants to become responsible and productive members of the community.
- To communicate by telephone, email, or in person regarding all aspects of participant compliance or concerns as needed.
- ▲ To attend trainings when available and appropriate.
- ▲ A representative from each agency will participate in LCMHWC staffing team meetings and Judicial Proceedings.
- To make case management decisions, to the greatest extent possible, on the basis of professional consensus. In the event a consensus cannot be reached, members agree the Judge has the final decision-making authority on case management issues.
- Consistent with Oregon Specialty Court Standards, Component 8-7, all parties agree to use, to the fullest extent possible, the Specialty Court Management System (SCMS) in a manner consistent with their role in the LCMHWC.
- Partners who agree to have representatives on the Court team are: Circuit Court (the mental health court judge and treatment court coordinator), Lincoln County District Attorney (deputy district attorney (DDA)), Public Defender Services of Lincoln County, Inc. (attorney), Lincoln County Community Justice (probation officer), Lincoln County Sheriff's Office (jail mental health counselor and patrol deputy), Toledo Police Department (patrol deputy and dispatcher), Lincoln County Behavioral Health, Reconnections, Siletz Tribal Behavioral Health Program and the Department of Human Services Child Welfare. Other professionals providing treatment or other services to Mental Health and Wellness Court participants may be included as appropriate for case management such as CHANCE and Lincoln County Vocational Rehabilitation.

#### Lincoln County Circuit Court

The Lincoln County Circuit Court (Court) shall provide judicial (Judge) oversight and a treatment court coordinator (Coordinator), and courtroom facilities in which LCMHWC proceedings may occur. The Judge exercises ultimate supervisory authority over the LCMHWC program and will use positive incentives as well as sanctions to reinforce compliance. The LCMHWC Coordinator is assigned through the Court and is responsible for assisting in the continuing development of the program and program monitoring components, and an overall review of the current process. The Coordinator reviews incoming cases, tracks clients, educates the public regarding the program, and assists in further development of the program. The Coordinator serves as the primary liaison between the Court and other members of the LCMHWC team, to ensure effective coordination of activities and compliance with the Court's procedural and policy requirements. The Coordinator assists with the collection, maintenance, analysis and reporting on data regarding program and participant progress to funding entities and community partners. The Coordinator maintains appropriate case tracking system. The Coordinator also assists in the creation and maintenance of administrative forms, handouts and handbooks.

#### Lincoln County Community Justice

The Mental Health and Wellness Court Probation Officer (PO) is assigned through Lincoln County Community Justice and supervises and directs LCMHWC participants with the twin objectives of facilitating access to treatment and stabilization and ensuring the safety of the community. Functions include participating in the development of individual plans for the participant, conducting interviews, meeting with the client,

conducting home visits, monitoring progress with mental health and substance abuse treatment, monitoring the participant with drug testing, approving residences and coordinating with the mental health case manager at their specific treatment agency. They also gather data through assessment instruments to determine a particular offender's risk in the community using Level of Service/Case Management Inventory (LS-CMI). The PO will notify the LCMHWC of violations or accomplishments by participants and recommend appropriate sanctions or incentives and participate in weekly staffing and court hearings.

#### Lincoln County District Attorney's Office

A representative from the Lincoln County District Attorney's Office (DDA) will attend all pre-court staffing meetings and court hearings. They screen cases for eligible participants for LCMHWC and coordinate with other prosecutors and defense attorneys regarding participants with other cases in other local courts. The DDA keeps the LCMHWC team apprised of any new charges the participants may incur while in the program and recommends sanctions or termination from the program. The DDA will take appropriate legal action on cases when there is a probation violation or completion of the program including returning the case to the DDA, filing "show cause proceedings" or dismissing a case upon completion. The DDA serves as an active contributor to community education about the LCMHWC.

#### Lincoln County Defense Consortium

A Defense Attorney will be assigned by the Defense Consortium to represent all LCMHWC clients that qualify for court appointed counsel and will appear as a legal advisor with clients at all LCMHWC judicial sessions. The defense attorney will provide information about LCMHWC to defendants who are eligible, review legal issues and options with eligible defendants and help them decide whether or not to "opt in" to LCMHWC. If a defendant decides to enter LCMHWC, the defense attorney will assist him/her in the preparation of the required documentation in a timely manner, obtain releases of information from the participant and share any pertinent records or evaluations with the LCMHWC team. The defense attorney will ensure that the participants' constitutional and other legal rights are protected. Traditional advocacy for client's rights must be balanced with service as a non-adversarial team member whose objective is to promote a unified team presence in LCMHWC and to advocate for effective sanctions and incentives in staffing. Along with other team members, the defense attorney monitors participant progress and behavior through reports at weekly staffing meetings. The defense attorney meets with clients as needed.

#### Oregon Department of Human Services Child Welfare

The Child Welfare representative acts as a liaison between the Oregon Department of Human Services Child Welfare (DHSCW) and the LCMHWC when a participant has an open child welfare case. They assist in ensuring their case planning for the participant supports LCMHWC guidelines and expectations for clients with active DHSCW cases. The DHSCW representative provides case planning updates and treatment information directly related to LCMHWC in an effort to support and encourage successful outcomes. DHS will assist in accessing or applying for funding for participants when available to support the participant in LCMHWC.

Co-Occurring Treatment Providers- Alcohol and Drug Treatment- Reconnections Counseling and Siletz Tribal Behavioral Health Program

The Alcohol and Drug Treatment Providers that are used for LCMHWC are Reconnections Counseling and Siletz Tribal Behavioral Health Program through the Confederated Tribes of Siletz Indians (Treatment Providers). They offer individual, family, cultural specific, gender specific and trauma related counseling, critical thinking intervention, parenting classes, and group alcohol and substance abuse education and treatment to program participants and their families- all are either Evidence Based Practices or Tribal Best Practices. Each agency interviews clients to determine the level and extent of dependency using the ASAM PPC-2R and develop an appropriate treatment plan. The Treatment Providers make recommendations regarding inpatient treatment, or phase reductions or advancements. The Treatment Providers help with the monitoring of drug abstinence through urinalysis testing and participant self-reporting. The Treatment Providers recommend and monitor any participants that are using Medication Assisted Treatment (MAT).

Treatment providers shall provide data entry into the State Court's SCMS and shall attend training by the Coordinator on use of this system.

Lincoln County Health and Human Services

Lincoln County Behavioral Health (LCBH) will provide screening and assessments for all individuals referred by the DDA within 1 week if out of custody and within 48 hours if in-custody. If insurance or funding prevents an evaluation of an in-custody individual, LCBHs will coordinate with the Lincoln County Jail to ensure that a screening and assessment is complete within these time frames. (LCBH) will assist prospective or current participants in accessing state assistance, insurance coverage and benefits as soon as possible to expedite entry into the program.

Upon acceptance into the program, LCBH will provide appropriate treatment services which may include: individual and group mental health treatment, case management, coordination and monitoring of care and medication management. Once participants are accepted, the LCBH team will create a treatment plan for each LCMHWC participant which will include an anticipated graduation date and individualized goals. A representative of LCBH will be present at all staffing meetings and court sessions. LCBH will coordinate and communicate frequently with participant's PO and any other substance abuse providers and notify the court of any violations or accomplishments by the participants. LCBH will work to provide parallel treatment and will individually report weekly on treatment progress and to advocate for effective application of incentives and sanctions as necessary to advance objectives.

LCBH shall provide data entry into SCMS and shall attend training by the Coordinator on use of this system.

Lincoln County Sheriff's Office

The Lincoln County Sheriff's Office will provide transportation to and from Court for participants in custody. The Sheriff's Office will designate a law enforcement deputy who will serve as a representative and is responsible for giving input regarding an applicant's behavior or suitability for LCMHWC and, following entry into the program, regarding a participant's behavior in the community or in the jail. This representative will be a liaison between the LCMHWC and Lincoln County law enforcement agencies.



The Lincoln County Jail will monitor the inmates with suspected mental illness and refer individuals to LCMHWC when appropriate. Lincoln County Jail agrees to coordinate with LCBH to perform screening and assessments for in-custody defendants when LCBH cannot do so. The Lincoln County Jail agrees not to force release members of LCMHWC who are serving sanctions from LCMHWC.

#### Toledo Police Department

The Toledo Police Department will designate a law enforcement officer and a dispatcher that will serve as representatives and are responsible for giving input regarding an applicant's behavior or suitability for LCMHWC and, following entry into the program, regarding a participant's behavior in the community after entry. This representative will be a liaison between the LCMHWC and other Lincoln County law enforcement agencies.

#### **Advisory Team**

A Mental Health and Wellness Court advisory team (Advisory team) will be appointed by the Judge, will be responsible for creating the initial policy and procedures and will serve as a consultative group for the development, operation and enhancement of the LCMHWC. The Advisory team reviews and evaluates the program, advises the LCMHWC regarding program changes or improvements, and assists the LCMHWC in securing resources for program enhancement.

#### **Selection of Program Participants**

The LCMHWC focuses on individuals with mental illness who have open criminal cases and whose mental illness contributed to the criminal conduct. A request to participate in the LCMHWC may come from any source, with the DDA having the initial responsibility to approve referral of a potential participant to the Coordinator. The eligibility criteria to participate is that the defendant must have a qualifying mental illness, must reside in Lincoln County, Oregon and be able to be supervised by Lincoln County Community Justice. The defendant may not have a sex offense or arson conviction and cannot suffer from a cognitive or neurological impairment significant enough to prevent the defendant from adequately participating in the program.

After the receipt of a referral and initial approval of the referral of the participant, the DDA will send the referral information to the Coordinator. The Coordinator will ensure that LCBH or the Lincoln County Jail counselor receives information needed to conduct the screening and assessment within the required time. LCBH or the jail counselor will submit the screening and assessment results to the Coordinator and the case will be reviewed by the team at the next weekly staffing meeting. If the participant is approved, the DDA submits a plea offer that is reviewed by all parties. If the plea offer is accepted by the defendant, the Judge ultimately decides whether to accept the plea negotiation and allow the applicant to enter the Program.

### **Enrollment in the Oregon Health Plan**

To be accepted into the LCMHWC program, a potential participant must first agree to apply for the Oregon Health Plan (OHP) or carry private insurance. If incarcerated, participant must agree to apply for OHP or carry private insurance upon release from jail. Upon application for entry into LCMHWC, if the participant does not have private insurance, he or she must have cooperated with LCBH as needed to apply for OHP. The individual shall be subject to removal from LCMHWC if they do not obtain the requisite insurance coverage within 60 days of acceptance. The participant shall maintain coverage throughout their entire time in the LCMHWC program. LCMHWC cannot continue to be offered to defendants that do not have insurance coverage adequate to cover the ongoing costs for that individual.

### **Regular Court Appearances**

The Court will provide a courtroom for weekly court sessions. Each program participant is required to regularly attend Court sessions. The LCMHWC team carefully monitors the ongoing progress of each participant including frequent visits by the PO. The PO administers frequent and random urinalysis to monitor and encourage sobriety and compliance with prescribed medications. With the concurrence of the LCMHWC team, the Treatment Providers may update and modify the treatment plan to better suit the needs of the participant as the participant proceeds through the Program.

For LCMHWC participants with children, the team will coordinate services and monitoring of participants with the Child Welfare Program of the Department of Human Services (DHS) and/or the Indian Child Welfare (ICW) program of the Confederated Tribes of Siletz Indians, to facilitate the preservation and/or restoration of families whenever possible. If a participant has a minor child or has assumed parenting responsibility for a minor child at any time during participation in LCMHWC, that person will be required to complete a DHS approved parenting class prior to graduation.

The LCMHWC team will utilize a range of incentives and sanctions designed to reward and hold each participant accountable for effective and sustained treatment and recovery. Incentives and sanctions will be used on a sliding scale, based on progress and conduct by each participant. Examples of incentives could include: celebration of success in open court, the award of small gifts, less frequent check ins with PO, mental health or the court, allowing fines to be converted to work crew, and ultimately, graduation from the Program and possible dismissal of pending criminal charges as appropriate for that participant. Examples of sanctions could include: increased frequency of Court attendance, increased frequency of random drug testing, increased visits from the PO, community service, work crew, special projects or homework, immediate short duration incarceration and, ultimately, expulsion from the Program and imposition of a sentence.

### **Graduation and Alumni Association**

Upon successful completion of the LCMHWC program, each participant will be entitled to participate in a graduation ceremony in open court. Upon graduation, participants become part of the Lincoln County Mental Health and Wellness Court Alumni Association.

The parties understand that this MOU is not legally binding on them but is designed to reflect an understanding of the way in which they can effectively cooperate as collaborative partners of the Lincoln County Mental Health and Wellness Court Program. Nothing in the MOU restricts any party from exercising independent judgment or discretion given it under applicable statutes, regulations, or other sources.

IT IS SO AGREED.

Dated as of this 4 day of February, 2020.

  
Amanda Benjamin  
Mental Health and Wellness Court Judge  
Lincoln County Circuit Court


  
Kately Jacobson  
Chair  
Lincoln County Board of Commissioners

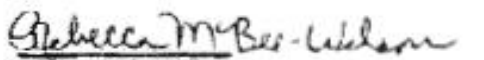
  
Curtis Landers  
Lincoln County Sheriff

  
Jonathan Cable  
Lincoln County District Attorney

  
Michael Pace  
Toledo Police Chief

  
Guy Greco  
Administrator, Oregon Coast Defenders, Inc.


  
Tony Campa  
Director  
Lincoln County Community Justice

  
Rebecca McBee Wilson  
Director, Lincoln County Health & Human Services  
Behavioral Health

  
TINA KETSAKIET  
General Manager  
Confederated Tribes of Siletz Indians

  
Latori Lager MA, Cadette  
Executive Director  
Reconnections Counseling

  
Sally Kewitt  
Trial Court Administrator  
Lincoln County Circuit Court

  
David Mott  
Child Welfare Program Manager  
Oregon Department of Human Services

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Approved as to form by Wayne Belmont on 3/9/2020