

**Sample Memorandum of Understanding
Adult Drug Court**

BETWEEN

_____ Drug Court

AND

_____ (Prosecutor)

_____ (Defense Attorney)

_____ (Supervision)

_____ (Law Enforcement)

_____ (Treatment)

_____ (Other)

This Memorandum of Understanding, made and entered into on _____ (date), is an agreement in principle clarifying the respective roles, responsibilities, and expectations of the parties referenced above. The parties mutually agree to the following Memorandum of Understanding.

Duties and Expectations of Participating Entities and Agencies

I. Team Member Assignment

- A. Drug court team members remain employees of their individual agencies, and the drug court recognizes that not only do drug court team members need to abide by drug court policies and procedures but they must also abide by the policies and procedures of their individual agencies.
- B. The Drug Court Coordinator and Drug Court Judge will have input concerning the assignment of individuals to the drug court team.
- C. Any and all personnel matters are the responsibility of the individual agencies. If there are concerns about a team member’s performance or ability to work with the team, efforts will be made to work with the team member to address the concern. If the matter cannot be remedied, the drug court coordinator, with the approval of the drug court judge, may request to have the team member removed from the drug court team and a new staff member assigned.
- D. The Drug Court Coordinator, with input from the Drug Court Judge, may provide informal and formal feedback to assist in evaluating team member performance.

II. Program Operations

All entities and agencies represented on the _____ Drug Court team agree to the following:

- A. Assist with ongoing oversight of the program including quality assurance methods to ensure the program is meeting its stated goals and objectives.
- B. Assist with the collection of data needed to evaluate the processes and outcomes of the program.
- C. Participate in ongoing interdisciplinary team training.
- D. Participate in regular team meetings concerning policy, structure, and teambuilding activities.

III. Team Staffing Meetings and Court Review Hearings

- A. Designated team members will attend _____ (*weekly or bimonthly*) team staffing meetings and drug court hearings.
- B. In the event drug court team members cannot attend a team staffing meeting or drug court review hearing and with prior notice and approval of the Drug Court Coordinator and Drug Court Judge, written reports concerning participant progress will be submitted prior to the meeting or hearing.
- C. If a drug court team member is anticipating and requesting a leave that would disrupt the team's activities, the drug court team member's agency will consult with the Drug Court Coordinator concerning the leave decision and will identify staff to provide coverage.

IV. Conflict Resolution

- A. When conflict arises on the drug court team, all members agree to make every attempt to resolve the conflict amongst themselves without involving outside parties.
- B. Team members agree that they are encouraged to openly disagree with one another within the confines of staffings.
- C. Team members agree that the courtroom is a theater, that they may have to agree to disagree, and that they will present a united front outside of the staffing.
- D. If a situation arises from a staffing or other team meeting where a conflict cannot be resolved during the meeting or by talking directly with the parties, the following steps will be taken (in this order):
 - 1. Notify the Drug Court Coordinator who will then meet with the parties involved to attempt to resolve the concern. If the Drug Court Coordinator is involved in the conflict, the Drug Court Judge will be notified, and he or she will meet with the parties to try to resolve the issue.
 - 2. If there is no resolution after the meeting, the Drug Court Coordinator along with the parties involved will meet with the supervisors of the agencies involved to attempt to resolve the concern. At this point, the Drug Court Judge will be notified if he or she has not already been notified.
 - 3. If there is still no resolution, the Drug Court Judge, the Drug Court Coordinator and the parties involved will convene a meeting with outside representatives, as necessary, to determine a final resolution. If an impasse is reached, the Drug Court Judge will determine the final resolution.

V. Budget Issues

- A. All team members agree to follow the policies and procedures concerning funding and budgets.

- B. If the drug court has agreed to fund services, there will be a separate agreement outside this agreement outlining the specific terms and procedures concerning the funding.
- C. Drug Court team members agree to assist with participating in funding and sustainability activities including promoting the Drug Court in the community, leveraging relationships with community stakeholders to support the drug court, identifying potential sources of funding such as grants and foundation support, and assist with grant applications when needed.

VI. Confidentiality

- A. All Drug Court team agencies agree to permit open communication and information sharing about Drug Court participants among and between employees directly assigned to Drug Court.
- B. All team members assigned to Drug Court and their respective agencies agree that all information exchanged about Drug Court participants, except what is said in open court, will be kept confidential from members outside the Drug Court team.
- C. Exceptions to confidentiality include:
 - 1. medical emergencies;
 - 2. crimes committed on the program premises or against program staff;
 - 3. mandatory reports of suspected abuse or neglect of a child;
 - 4. receipt of a valid court order to produce information;
 - 5. compliance with state laws concerning the collection of information relating to causes of death; or
 - 6. compliance with duty-to-warn requirements (in this instance, the drug court professional cannot divulge the fact that the potential victimizer is a drug court participant).
- D. Researchers approved by the Drug Court team and the judge having the final decision may be allowed access to program data for research purposes as long as the identity of the Drug Court participants is protected.
- E. Individuals outside the Drug Court team who request to observe staffing meetings must sign an agreement to abide by the confidentiality provisions of the law.
- F. In the event participants are videotaped, all identifying information will be edited unless the individual gives written consent to be identified as a Drug Court participant.
- G. Photographs of participants will not be displayed or released to the public without written consent.
- H. All Drug Court participant files except the official court file are secured at all times in a locked room or locked container.
- I. Electronic Drug Court participant files will have a secured password available only to Drug Court team members.
- J. The Drug Court team will adhere to all federal and state confidentiality laws applying to personal health information and substance abuse treatment information including 42 C.F.R. Part 2 and the Health Insurance Portability and Accountability Act (HIPAA).

VII. Roles and Responsibilities

- A. The _____ Drug Court agrees to the following:

1. Provide a judge to preside over all Drug Court matters.
 2. Provide a Drug Court Coordinator. The cost of the salary and benefits for the coordinator position will be reimbursed from the Drug Court budget. The coordinator shall be a county employee and governed by county personnel policies.
 3. Provide office space for the Drug Court Coordinator.
 4. Receive Drug Court funds and establish a separate cost center to manage all Drug Court funds.
 5. By signature authority, delegate to the Drug Court Coordinator the authority over budgetary matters including the approval of all expenditures.
 6. Comply with all federal and state grant conditions.
 7. Maintain records and enter data in the _____ (*court case management system*).
- B. The Honorable _____ (*name of judge*) agrees to the following:
1. Act as the presiding judge over the _____ (*weekly, bimonthly*) court review hearings.
 2. Work to motivate participants toward success during court review hearings, while holding them accountable for their actions.
 3. Monitor Drug Court participants' progress in relation to their case plans and utilize incentives and sanctions.
 4. Fulfill the responsibilities of the Drug Court Judge as outlined in the policy and procedure manual.
 5. Oversee team functioning as outlined above.
- C. The _____ Drug Court agrees that the Drug Court Coordinator will:
1. Supervise and coordinate the day-to-day operations of the Drug Court.
 2. Maintain and revise the Drug Court policy and procedure manual as decided by the team and judge.
 3. Monitor Drug Court operations to ensure efficacy in meeting goals and objectives.
 4. Assist with identifying potential participants and facilitate the referral process into Drug Court.
 5. Obtain legal eligibility information from the prosecutor and risk assessment information from community supervision.
 6. Conduct the intake interview and obtain release and exchange of information signed by the candidate.
 7. Conduct a clinical screening and if appropriate make a referral for a treatment assessment as soon as possible but no later than _____.
 8. Receive a treatment assessment summary confirming a candidate meets Drug Court eligibility.
 9. Coordinate the collection of team member status reports and compile a weekly status report to use at staffing meetings and court review hearings.
 10. Schedule staffing and court review hearings.
 11. Attend weekly staffing meetings and court review hearings.

12. Maintain records and enter data into the _____ (*case management system*).
 13. Coordinate steering committee meetings.
 14. Ensure compliance with all grant conditions including the preparation of performance and financial reports.
 15. Serve as the central source for all information and communication regarding Drug Court.
 16. Fulfill the role and responsibilities of the Drug Court Coordinator as outlined in the policy and procedure manual.
- D. The _____ (*Name of Community Supervision/Probation*) agrees to the following:
1. Provide a full-time community supervision officer. In the event that a new Drug Court Community Supervision Officer is to be hired, the Drug Court Judge and Drug Court Coordinator will be involved in the hiring process.
 2. Identify potential Drug Court candidates by conducting criminal history checks and notifying the court and the Drug Court Coordinator of the candidate's eligibility status.
 3. Provide pretrial supervision of potential referrals prior to placement in Drug Court.
 4. During the screening process, notify the Drug Court prosecutor and seek approval for the candidate's entry into Drug Court.
 5. Review the Drug Court participation agreement, terms and conditions, waivers and other documents with the candidate.
 6. Conduct a risk assessment to determine if a candidate meets drug eligibility and provide assessment results to the coordinator within two days of completing the assessment.
 7. Monitor participation agreement and terms and conditions for all participants and report any and all violations to the Drug Court team.
 8. Conduct all drug and alcohol screens of Drug Court participants as established in the Drug Court policy and procedure manual.
 9. Conduct all supervision duties as outlined in the Drug Court policy and procedure manual.
 10. Fulfill the role and responsibilities of the Drug Court Community Supervision Officer as outlined in the policy and procedure manual.
 11. Attend weekly Drug Court staffing meetings and court review hearings.
 12. Comply with all federal and state grant conditions.
- E. The _____ (*Name of Treatment Agency*) agrees to the following:
1. Provide a full-time clinician to Drug Court. In the event that a new Drug Court Clinician is to be hired, the Drug Court Judge and Drug Court Coordinator will be involved in the hiring process.
 2. Provide a written treatment summary report that includes the diagnosis and the treatment plan summary to the Drug Court Coordinator within 7 to 10 business days of conducting the assessment.

3. Provide weekly status reports to the Drug Court Coordinator 24 hours prior to staffing meetings that at a minimum cover treatment attendance and participation information.
 4. Provide appropriate evidenced-based treatment services to Drug Court clients as outlined in the policy and procedure manual and in the treatment assessment summary.
 5. Re-assess the participant pursuant to policy and state law to ensure the participant is receiving the appropriate level of care and services.
 6. Attend Drug Court staffing meetings and court review hearings.
 7. Fulfill the role and responsibilities of the Drug Court treatment provider as outlined in the policy and procedure manual.
 8. Comply with all federal and state grant conditions.
- F. The _____ (*Name of Prosecutor's Office, State's Attorney or District Attorney*) agrees to the following:
1. Provide an attorney to represent the state to serve as the Drug Court Prosecutor.
 2. Review Drug Court cases that require prosecutor approval and make a determination of legal eligibility.
 3. Attend weekly staffing meetings and Drug Court hearings.
 4. Comply with all federal and state grant conditions.
 5. Hold participants accountable, protect public safety, and protect victims' rights.
 6. Fulfill the role and responsibilities of the Drug Court Prosecutor as outlined in the policy and procedure manual.
 7. Pursuant to program policies and procedures and upon team agreement and judicial approval, file motions to terminate participants from Drug Court and to revoke supervision.
- G. The _____ (*Name of Public Defender, Court Appointed, or Private Bar representative*) agrees to the following:
1. Provide a defense attorney to serve on the Drug Court team.
 2. Attend weekly staffing meetings and Drug Court hearings.
 3. Comply with all federal and state grant conditions.
 4. Review participation agreements, terms and conditions, waivers, and other documents with the participant and inform and advise the candidate of their legal rights, legal options, and treatment options prior to program entry.
 5. Advocate for the participant's stated legal interests and protects the participant's constitutional rights.
 6. Fulfill the role and responsibilities of the Drug Court Defense Attorney as outlined in the policy and procedure manual.
- H. The _____ (*Name of police department*) agrees to the following:
1. Provide an officer to serve on the Drug Court team.
 2. Attend weekly Drug Court staffing meetings and court review hearings.

3. Expedite warrant services for Drug Court participants as needed.
4. Act as the liaison to the police department, training officers on Drug Court and providing communication with the arresting officer regarding the participant's status in Drug Court, as needed.
5. Establish and maintain a communication system with other officers concerning participants and their compliance with terms and conditions, such as curfew.
6. Assist with the legal eligibility process as needed.
7. Assist _____ (*community supervision*) with supervision activities such as field and home checks and drug and alcohol testing.
8. Fulfill the role and responsibilities of Drug Court law enforcement as outlined in the policy and procedure manual.
9. Comply with all federal and state grant conditions.

Signed this _____ day of _____, 20 ____.

_____ (Administrative Director Signature)

_____, _____, _____
Printed Name Title Court

_____ (Drug Court Judge Signature)

The Honorable _____, _____
Printed Name Court

_____ (Drug Court Coordinator Signature)

_____, _____, _____
Printed Name Title Court

_____ (Community Supervision Chief Signature)

_____, _____, _____
Printed Name Title Supervision Office

_____ (Director of Treatment Agency Signature)

_____, _____, _____
Printed Name Title Agency

_____ (Prosecutor, District Attorney, State's Attorney Signature)

_____, _____, _____
Printed Name Title Law Office

_____ (Public Defender, Defense Attorney Signature)

_____, _____, _____
Printed Name Title Law Office

_____ (Chief of Law Enforcement Department/Agency Signature)

_____, _____, _____
Printed Name Title Department/Agency