

MEMO

To: Supreme Court

From: Interdisciplinary Specialized Docket Committee Members,
Justice Jerod Tufte, Chair

Date: June 12, 2020

Re: Petition for Approval of the Richland County Treatment Court

After reviewing the Policy Manual and Petition, it is the recommendation of the Interdisciplinary Specialized Docket Committee that the Petition for Approval of the Richland County Treatment Court, Southeast Judicial District be approved.

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

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COURT ADMIN. OFFICE
SUPREME COURT

**Petition for Approval of the
Richland County Treatment Court
Southeast Judicial District**

This petition is a request that the North Dakota Supreme Court approve the Richland County Treatment Court Program as a problem solving court for the State of North Dakota. Authorization as a treatment court will allow the treatment court program to be used as a sentencing alternative for repeat Driving Under the Influence offenders and those persons convicted of felony and misdemeanor drug offenses.

North Dakota Century Code § 39-08-01(5)(f) permits those persons convicted of a third or subsequent Driving Under the Influence offense to have partial suspension of a term of imprisonment and early termination of probation upon successfully completing a treatment court program approved by the North Dakota Supreme Court.

North Dakota Century Code § 19-03.1-23(10) allows for a felony conviction to be reduced to a misdemeanor, and NDCC §19-03.1-23(11) allows a person convicted of a misdemeanor to have the case dismissed and sealed. Each of these reductions is conditioned upon successfully completing an approved treatment court program.

Richland County Treatment Court previously operated a DUI/Drug court program in Richland County from January 2014 through March of 2019. This program was initially funded by Richland County and later by a Bureau of Justice Administration grant which ended in 2019. Funding of the Richland County Treatment Court from January 2020 through June of 2021 has been provided by the North Dakota Legislature to the North Dakota Supreme Court.

The Richland County Treatment Court is a collaborative effort involving judges of the Southeast Judicial District, representatives from the North Dakota Department of Corrections and Rehabilitation, the Richland County State's Attorney's Office, the local defense bar, Richland County law enforcement, Richland County Correctional Center, community corrections, a local substance abuse treatment provider, the Southeast Human Service Center, and the North Dakota Supreme Court.

The mission statement for the Richland County Treatment Court is:

To rehabilitate and hold repeat alcohol and drug offenders accountable through an intensive court supervised regimen that effectively enhances public safety and preserves community resources.

A treatment court program manual and participant handbook have been developed and copies of the same are included with this petition. Both are refined on a continuing basis.

The program length, determined by the participant's progress, shall be no less than 14 months and includes 5 phases. A detailed list of requirements for each phase is included in the participant manual.

Phase one "Acute Stabilization" participants attend court sessions weekly. They are under normal supervision by their probation officer and a treatment court case aide also conducts curfew checks and administers drug and alcohol tests. Participants must provide a minimum of two random drug/alcohol tests and attend at least one community support meeting each week. Minimum guidelines are to follow assigned curfew, attend all treatment appointments, comply with supervision, no drug, alcohol or mood altering substances in their home or possession, obtain or maintain employment, enroll in school or perform community service, maintain approved housing, meet all financial obligations and no driving unless licensed.

Phase two "Clinical Stabilization" participants must follow the minimum guidelines of Phase one and obtain a sponsor.

Phase three "Pro-Social Habilitation" participants will attend court every two weeks, follow the Phase one minimum guidelines, and attend at least two community support groups per week along with establishing pro-social activities.

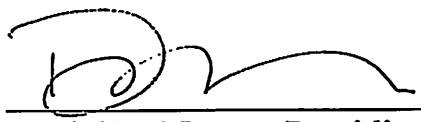
Phase four "Adaptive Habilitation" participants continue to attend court every two weeks and follow all minimum guidelines. They must maintain contact with their sponsor and engage in appropriate social activities.

Phase five "Continuing Care" participants attend court only once per month, have minimal random drug/alcohol testing, and are required to complete an aftercare plan.

Progressively longer periods of being substance free are required for completion of each phase.

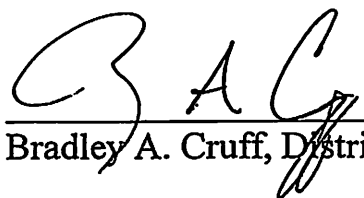
Upon successful completion of all five phases, meeting graduation requirements, and recommendation of the Treatment Court Team, participants will successfully graduate from Treatment Court.

Richland County Treatment Court will begin accepting new participants after January 01, 2020.




Daniel D. Narum, Presiding Judge

2/18/2020
Dated



Bradley A. Cruff, District Judge

02-26-2020
Dated



Cherie L. Clark, District Judge

2/18/2020
Dated