



ABBREVIATED CONSENT CALENDAR FORMAT

Memorandum Date: September 25, 2023

Order Date: October 10, 2023

TO: Board of County Commissioners

DEPARTMENT: Sheriff's Office

PRESENTED BY: Debby Haller, Finance Manager

AGENDA ITEM TITLE: ORDER/IN THE MATTER OF ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON DEPARTMENT OF CORRECTIONS FOR THE FISCAL YEARS 2023-2025 MEASURE 57 ALLOCATION OF \$1,107,400 AND DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO EXECUTE THE IGA AND RELATED SUBCONTRACTS

I. MOTION

Move approval of an Intergovernmental Agreement with the State of Oregon Department of Corrections for the Fiscal Years 2023-2025 Measure 57 allocation OF \$1,107,400 and delegate authority to the County Administrator to sign the IGA and related sub-contracts.

II. DISCUSSION

A. Background Analysis

In 2008, Ballot Measure 57 was enacted, and it requires that certain offenders be provided substance abuse treatment services and funding is provided through the Oregon Department of Corrections to assist counties in offering services and treatment.

In Lane County, the partners on the Public Safety Coordinating Council (PSCC) have agreed these funds will be allocated through the Sheriff's Office to the Lane County Treatment Courts. The PSCC also approves and recommends the budget for the Treatment Courts to the Lane County Board of County Commissioners.

The amount is determined by the Oregon Legislature and each county is allocated funding with a minimum of \$50,000, using the same percentage formula applied to Community Corrections Grant-in-Aid Funds. For the 2023-2025 biennium, the state

allocated \$12,745,161 to the program and Lane County's share is 8.77% or \$1,107,400.

Measure 57 funding will continue with many of the same services provided in past applications to include a Parole Officer dedicated to the Treatment Court team; sanction jail beds, electronic monitoring, GPS and alcohol monitoring; medical needs not covered through OHP to enhance participant engagement; incentives for the treatment court participants who are engaging in the program; a Case Manager for Veteran's court through Lane County Veteran Services, and a Court Liaison through Emergence.

The services provided through Measure 57 are not included in any other Treatment Court funding and are critical to maintaining Best Practices as defined by the National Association of Drug Court Professionals.

B. Health Implications

The four Lane County Treatment Courts, Adult Treatment, Veterans Treatment, Mental Health Treatment and Juvenile Treatment, all support multiple health related implications. The basis of the Treatment Court model is to work with participants to become free of substance abuse while also receiving mental health services where needed.

III. RECOMMENDATION

The PSCC and staff recommend approval of this motion in order to maintain critical services funded through Measure 57.

IV. ATTACHMENTS

Board Order

Measure 57 Application and Budget

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-10-10-06

In the Matter of ENTERING INTO AN
INTERGOVERNMENTAL AGREEMENT
WITH THE STATE OF OREGON
DEPARTMENT OF CORRECTIONS FOR
THE FISCAL YEARS 2023-2025 MEASURE
57 ALLOCATION OF \$1,107,400 AND
DELEGATING AUTHORITY TO THE
COUNTY ADMINISTRATOR TO EXECUTE
THE IGA AND RELATED SUBCONTRACTS

WHEREAS, the Board of Commissioners, per Lane Manual Chapter 20, approves all grants, contracts and Intergovernmental Agreements in excess of \$150,000; and

WHEREAS, State of Oregon through the Department of Corrections allocates funding to each county for treatment services for drug-addicted persons involved in the criminal justice system as part of the implementation of Measure 57; and

WHEREAS, Lane County has a longstanding relationship with the Lane County Treatment Courts and has agreed to allocate this funding to those programs; and

WHEREAS, the Lane County allocation for the 2023-2025 Biennium is \$1,107,400.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. Approve the Intergovernmental Agreement for the FY 2023-2025 Measure 57 allocation to Lane County in the amount of \$1,107,400.
2. Delegate authority to the County Administrator to execute the agreement.

ADOPTED this 10th day of October, 2023.

Pat Farr, Chair
Lane County Board of Commissioners

ATTACHMENT A

APPLICATION COVER PAGE

COUNTY NAME: Lane County

CONTACT NAME: Debby Haller

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Participant population to be served:

The Lane County has four treatment court programs that are included in this application for Measure 57 Supplemental funds for drug addicted persons: Adult Treatment Court (ATC), Veterans Treatment Court (VTC), and Mental Health Court (MHC) serve drug-addicted persons charged with a crime listed in ORS 137.717, convicted of a crime listed in ORS 137.717, or those who have been convicted of predicate crimes related to ORS 137.717 and who have been placed on community supervision, and scoring a medium to high-risk of recidivism using the Level of Service, Case Management Inventory (LS/CMI) risk assessment tool. Mental Health Court (MHC) participants also have a diagnosis of Severe Persistent Mental Illness (SPMI) with a co-occurring substance use disorder. The Juvenile Treatment Court Program is called Recovery And Progress (RAP) and serves youth ages 14-18 who have been charged with a crime who have been referred to youth services for felony or class A misdemeanor charges and assessed as moderate to high risk according to the JCP (Juvenile Crime Prevention) risk assessment and are have a substance use disorder.

Number of individuals who will participate in the program:

At any given time (program capacity):

- Adult Treatment Court: 120
- Mental Health Court: 30
- Veterans Treatment Court: 30
- Juvenile Treatment Court: 25

Number of participants per year:

The average number of total participants served each year for Adult Treatment Court is between 70-80, for Mental Health Court is between 30-40, for Veterans Treatment Court is between 20-30, and for Juvenile Treatment Court is 10-15.

A. Description of Services

Describe the intervention your county proposes to provide by answering the following questions. Be sure to integrate into your responses how the standards for intervention described in Section II will be addressed.

1. Describe your intervention approach. How will you use supervision, treatment interventions, and sanctions to reduce drug abuse and criminal behavior?

The Lane County treatment court programs, Adult Treatment Court (ATC), Veterans Treatment Court (VTC), Mental Health Court (MHC), and the juvenile Recovery And Progress (RAP) court programs are operated by multidisciplinary teams that include a Judge, a Deputy District Attorney, a Defense Attorney, a Program Manager or Program Coordinator, a Treatment Provider, and a Probation Officer for each participant. The MHC and RAP teams also include mental health providers. These team members agree to make decisions, on the basis of professional consensus. This professional consensus guides the responses to participant behavior through supervision, treatment interventions, and sanctions. The multidisciplinary teams are committed to the treatment court mission, "To promote public safety by providing participants a court-supervised collaborative response to criminal behavior that is designed to return them to a productive and law-abiding life."

Treatment court participants are required to comply with all program expectations, meet regularly with their Probation Officer, and actively participate in treatment. A failure to comply with program requirements results in a response or sanction being imposed by the court. To successfully complete the program, participants must move through program phases, and achieve a minimum of 120 days of documented sobriety for adults and 30 days of documented sobriety for youth. Participants receive incentives for positive behavior, therapeutic interventions for behavior not aligned with their treatment plan, and sanctions for non-compliance. These responses are designed to help change participant's thinking and contribute to long term success. All incentives, interventions, and sanctions are individualized for each participant. As part of orientation for new participants, the treatment court team explains how incentives and sanctions are used in the program, and the types of behaviors that result in incentives, sanctions, or therapeutic responses. All participants receive a copy of the Participant Handbook, which clearly states the expectations for each program phase.

Participants make court appearances at regularly occurring status hearings. These court reviews are set at a frequency that corresponds to the participant's program level or phase and are typically set for once per week in early engagement, and no less than once per month for the later program phases. The more compliance a participant has, the less contact they have with the court. Participants who violate a program requirement or have unexcused

missed obligations are returned to court within one week of the incident to ensure that the court can respond as soon as possible. For every court appearance, the treatment court team conducts a pre-court staffing meeting to review participant progress. The team employs a formal system of responses to participant behavior, including incentives, sanctions, and therapeutic responses. These responses are organized on a gradually escalating scale and are applied in a consistent, proportionate manner matching the individual's conduct and level of compliance. The program ensures that responses are certain, fair, and proportional to the behavior. All responses focus on specific behaviors and are administered with a clear direction for the desired behavior change.

All sanctions are applied in a manner consistent with best practices for treatment courts. The multidisciplinary teams ensure that participants understand the consequences of noncompliance with program rules and understand exactly what behavior earned the sanction, what behavior is expected, and how the expected behavior can be achieved. Sanctions are delivered without expressing anger, ridicule, foul or abusive language, or shaming. Prior to the imposition of any sanction, participants have an opportunity to confer with their Defense Attorney, to contest the sanction, to provide additional information, and to argue for a different sanction. The treatment court programs strive to use jail or youth detention sanctions sparingly. Custodial sanctions longer than six consecutive days are outside of best practices and imposed only in extraordinary circumstances.

The treatment court team works to ensure that court responses are not too light, or too severe and are tailored to each individual and each situation. Best practices suggest that responding too lightly can precipitate what is called "habituation", meaning that the sanction falls below the threshold of effectiveness, and accordingly the participant does not react to the sanction as a deterrent. When a participant becomes habituated, they may become more likely to push boundaries and limits, which can increase the risk of behaviors that carry more severe consequences such as new crimes or drug overdoses.

The Lane County treatment court programs have implemented a sanction and incentive matrix grid to ensure consistency in court responses to positive and negative behavior. This matrix is used in pre-court staffing discussions, and during court when delivering a response to a participant.

(References: Lane County ATC Policies and Producers Manual 2017, and Participant Handbooks 2023)

2. Describe the treatment program design, including expected duration and intensity.

Lane County has a contract in place with Emergence Addiction and Behavioral Therapies, the sole substance abuse treatment provider for Adult Treatment Court, Veterans Treatment Court, and Mental Health Treatment Court. Emergence is licensed by the State of Oregon to provide addictions treatment and meets the requirements of the Supplemental Funds for Drug Addicted Persons Program. The Juvenile Treatment Court program has a contract with the treatment provider, The Center For Family Development and will be described at the end of this

section.

Emergence provides intensive outpatient treatment which incorporates evidence-based practices into every aspect using a Cognitive Behavioral Therapy model. The model addresses risk to re-offend, criminal thinking and behavior, chemical dependency, recovery, and relapse prevention. The treatment court programs last a minimum of 12 months, with most participants completing the programs at approximately 18 months. Participants attend treatment group sessions three times a week (9 hours of group therapy), plus individual sessions on a weekly or as needed basis. This is the recommended dosage for intensive outpatient treatment.

On behalf of the Lane County Treatment Court programs, Emergence delivers evidence-based Cognitive Behavioral Therapy with high fidelity. All treatment staff receive specialized training to deliver Cognitive Behavioral Therapy along with specialized training to serve a population with medium to high criminogenic risk. The program is designed to evaluate risk of recidivism, identify and address criminogenic and treatment needs, and respond to participants by identifying specific barriers and working to address those barriers.

Treatment levels are adjusted as participants complete each program phase. When a participant enters the last phase of a treatment court program, they have completed all treatment curricula, are continuing to take random drug screens, meet with their counselor on a bi-weekly to monthly basis for individual sessions, receive case management support, attend court monthly, and they complete a 40 hours of volunteer work give back project. During the three months of the last phase, the goal is to ensure participants are ready to graduate from the program and maintain sobriety without the support from the team that they receive as a program participant.

The American Society of Addiction Medicine (ASAM) has ascribed six exploratory dimensions to substance abuse treatment along a continuum of care that establishes criteria for patient placement on the continuum. The criteria outline individualized, assessment-driven treatment and the flexible use of services across a broad continuum of care. Participants in Lane County Treatment Court programs receive Level 2.1 Intensive Outpatient and Level 1 Outpatient treatment at Emergence, while Emergence coordinates with residential treatment facilities throughout Oregon to serve participants who meet criteria for a higher level of care.

The core of the treatment program is Cognitive-Behavioral Interventions for Substance Abuse (CBI-SA), the evidence-based, manualized, CBT curriculum developed by Dr. Edward Latessa and the University of Cincinnati Corrections Institute. CBI-SA provides structured cognitive restructuring and social learning exercises to build distress tolerance, enhance emotion regulation and address antisocial thoughts, attitudes, and beliefs. Participants also engage in problem solving and success planning before they complete the program and move into the relapse prevention and aftercare phases of treatment.

Other evidence-based programming delivered by Emergence includes: Motivational Interviewing (MI); Motivation Enhancement Therapy (MET); Relapse Prevention Therapy (RPT);

Stop Drop Think Substance Use and Responsible Thinking CBT workbooks; Seeking Safety; Living in Balance; gender-specific CBT trauma programs created by Dr. Stephanie Covington; Change Companies interactive journals; Integrated Dual Disorders Treatment (IDDT) to address co-occurring SUD and mental health; veteran-specific programs Battling Shadows and Winning the Invisible War MRT, and MRT-based workbooks to address presenting concerns of anger, criminal thinking, relapse prevention, and co-dependent relationships.

All treatment court program participants receive randomized drug testing on an ongoing basis until they graduate or complete the program. Participants call the drug testing phone line seven days a week, including all weekends and holidays. If their number is selected, they must report to Emergence for drug testing that day. Participants are tested two times per week, at minimum. If a participant fails to show up for a test, or has a positive test result, the team responds to the non-compliance using a graduated system of sanctions.

The Center For Family Development is the contracted treatment provider for the juvenile Recovery And Progress (RAP) treatment court program. The Center For Family Development is licensed by the state to provide addictions treatment. RAP Court participants engage in a four-phase program designed to support the youth and their families. The length of participation in RAP Court is dependent on the progress of the participant. RAP Court also program phases, each with specific elements and program criteria that must be completed prior to moving to the next phase.

All RAP Court participants receive SUD treatment and/or mental health services through Center for Family Development. Each program phase includes meetings with the RAP Court Probation Officer, court status hearings, and randomized UA testing. In Phases 1-4, all youth receive randomized testing at the frequency 2-3 times a week, and individual SUD counseling. Family counseling offered weekly for phases 1-2, and every two weeks for Phases 2-3. Court attendance is weekly for Phase 1 and 2, every two weeks for Phase 3, and once per month for Phase 4. Supervision and case management meetings occur once per week or more throughout the program.

RAP Court SUD treatment provides intensive therapeutic interventions for Alcohol and Other Drug dependent persons enrolled in the program. The treatment model is intensive outpatient, however, where indicated, participants may be referred to a residential treatment facility prior to beginning the outpatient program. RAP Court also serves youth with co-occurring SUD and mental health disorders. An individualized case plan is developed to address each participant's dynamic risk factors. The case plan includes individualized SUD counseling, Motivational Interviewing, Cognitive Behavioral Therapy, Dialectical Behavioral Therapy, family therapy, psychiatric services, mental health therapy, intensive case management, and life skills, and other services as needed. Participants receive case management, General Educational Development (GED) programs, vocational programming, pro-social activities, vocational programming, and other community resources as applicable.

3. Describe any collaboration in your approach, including local criminal justice system and local servicers' providers.

The Lane County Treatment Court programs collaborate with many partner organizations and operate under the jurisdiction of the Lane County Circuit Court. Each treatment court program has an Advisory Board, comprised of volunteers and stakeholder organizations. The Advisory Boards assist the treatment court teams with strategic planning, community relations, and other issues. The multidisciplinary teams oversee the day-to-day operations of the programs.

Partner organizations for Lane County Treatment Court programs include: Oregon Judicial Department, the Lane County District Attorney's Office, Public Defender Services of Lane County, the Lane County Defense Consortium, Emergence Behavioral and Addiction Therapies, Lane County Sheriff's Office, Lane County Parole & Probation, the Lane Council of Governments, Sponsors, Inc., The Relief Nursery, Department of Human Services Child Welfare, The Veterans Administration, Lane County Veterans Services, Laurel Hill Center, the Center for Family Development, and the Oregon Youth Authority. These partners are represented on each of the Treatment Courts Advisory Boards.

The Department of Human Services Child Welfare office provides a liaison for court for all adult participants who have DHS Child Welfare involvement, The Office of Veteran Affairs provides Veterans Justice Outreach Coordinator (VJO) who attends VTC and meets with new veteran participants to connect with services at the VA, Lane County Veterans Services provides a Case Manager for the VTC participants, who assist veterans in determining eligibility for veteran benefits and provides connections to health care services.

4. What research or evidence is there that supports the approach? If the approach has been in operation for at least a year, what have been the outcomes of the approach? If the approach has been in operation for at least a year, how do participants rate on the community corrections performance measures (recidivism, successful completion of supervision, employment, benefit from treatment, payment of restitution and/or community service work)?

The Lane County Treatment Court programs use evidence-based practices to ensure the best possible participant outcomes. The programs have the following as key guiding documents:

- [The Oregon Specialty Court Standards 2018, Oregon Criminal Justice Commission](#)
- National Association of Drug Court Professionals (now known as All Rise, allrise.org):
 - [Adult Drug Court Best Practice Standards, Volume I](#)
 - [Adult Drug Court Best Practice Standards, Volume II](#)
- The Lane County Treatment Court programs have adopted the Ten Key Components and the Best Practice Standards recognized by All Rise and the Oregon Criminal Justice Commission:
 1. Integrate alcohol and other drug treatment services with justice system case processing.
 2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting Participants' due process rights.

3. Eligible Participants are identified early and promptly placed into the treatment court Program.
4. Provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs responses to Participant compliance.
7. Ongoing judicial interaction with each Participant is essential.
8. Monitoring and evaluation measure the achievement of Program goals and gauge effectiveness
9. Continuing interdisciplinary education promotes effective planning, implementation and operations.
10. Forging partnerships among treatment courts, public agencies and community-based organizations generates local support and enhances Program effectiveness.

The Adult Treatment Court program has a successful completion/graduation rate of 38%. The Mental Health Court Program has a successful completion/graduation rate of 46%. The Veterans Treatment Court program has a successful completion/graduation rate of 56%. The Juvenile Treatment Court program has a successful completion/graduation of 32%. All participants gain connections to treatment and services during their time in the program, even if they do not graduate. These connections can lead to improved outcomes for participants, even without successful program completion.

The goals of the Treatment Court program are in alignment with the goals of the community corrections performance measures. The Lane County Treatment Court programs aim to do the following:

1. To reduce participant contacts with the criminal justice system;
2. To reduce the costs associated with criminal case processing and re-arrest;
3. To introduce participants to an ongoing process of recovery designed to achieve total abstinence from the use of mood-altering drugs;
4. To promote self-sufficiency and empower substance users to become responsible and productive members of the community;
5. To reduce the use of scarce jail beds by non-violent, drug addicted individuals.

As a requirement of completing a treatment court program, adult participants attain a GED (if they did not have a high school diploma or GED upon entry), youth in the juvenile program gain improved access to education, adults gain stable employment, secure stable and safe housing, and repay and financial restitution owed. Adults complete a minimum of 40 hours of community service as part of a "Give Back" project. Youth participants also complete 40 or more hours of community service during their time in the program, along with a public service project for an additional 8-10 hours of support to a local service organization. In all programs, an emphasis is placed on developing skills and connections to supports to help participants maintain sobriety and a productive life on an ongoing basis after program completion. The status of supervised probation at the time of program completion is specific to each participant's case. Probation is often ended or shortened or converted to bench probation at the time of graduation.

Nationwide, the recidivism data for treatment court participants indicates a 53% reduction in recidivism (allrise.org). The Lane County treatment court team is currently working on collecting data on recidivism rates for Lane County program graduates.

All program graduates have a very high rate of successfully completing supervision. Regular contact with their Probation Officer is required for the full length of the program. A participant cannot advance

to a new program phase or graduate from the program without being in full compliance with supervision.

The three treatment court programs serving adults all require full time employment for graduation. If a person has a disability and has income through public benefit supports, a minimum of 32 hours per week of volunteer work is required for graduation. For the juvenile program, either enrollment as a full-time student, or volunteer work is required.

Repayment of restitution is a requirement of all the Lane County programs. Repayment plans are made as soon as possible during program participation. Restitution is required to be paid in full to graduate from Lane County treatment court programs. All participants benefit from engaging in treatment throughout their time in the program, along with community supervision and support from the multidisciplinary team.

B. Budget

Show the budget for the intervention approach using the form in Attachment B. List personnel by job title and FTE. List all materials and services by type. List all contracted and professional services by type. Include state funds and any other funds that will be used to operate the program.

**2023-2025 M57 Supplemental Funds
Intervention Program Budget Summary**

Program Expenses	21-23 M57 Supplemental Funds Carryover	23-25 M57 Supplemental Funds	Other State Funds	County/Local Funds	Total
A. Supervision Related Personnel Costs		324,700.00	815,327.60		1,140,027.60
Salaries					
Wages					
Descriptions		1.0 FTE PO (.50 to ATC, .50 to VTC)	1.0 FTE ADA, 1.0 FTE PO, .20 FTE PDA		
B. Materials & Services		14,650.00	270,742.00	15,012.00	300,404.00
Descriptions		Housing \$8,650, Medical Assist \$1,000, Incentives \$5,000	Reconnect Phone Service, Drug Testing, NADCP Travel, LCSC Administration	Reconnect Phones, Drug Testing for Juvenile Treatment Court	
C. Treatment Provider/Contracted Services	49,609.90	219,820.00	878,865.00	165,718.00	1,314,012.90
Descriptions	VTC Case Manager \$49,609.90	Court Liaison \$128,000; Peer Support \$65,430, VTC Case Manager \$26,390	Treatment Slots, Recovery Housing, Transitional Housing, Mental Health Treatment, Mental Health Case Management	Recovery Navigator	
D. Sanction Costs		548,230.00			548,230.00
Descriptions		3 Jail beds @ \$157/day, 20 EMP Bracelets @ \$14/day. Alternative sanctions such as Sheriff's Work Crew can be utilized in place of a jail bed.			
E. Capital Outlay					
Descriptions					
Total	49,609.90	1,107,400.00	1,964,934.60	180,730.00	3,302,674.50