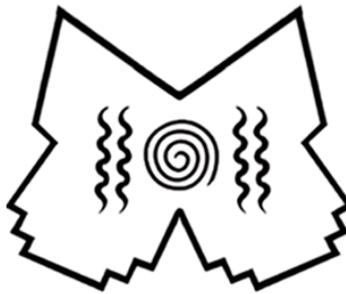


# **PUEBLO OF POJOAQUE PATH TO WELLNESS COURT**

## **POLICIES AND PROCEDURES MANUAL**



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## I. Program Overview

### Mission Statement

The Pueblo of Pojoaque Path to Wellness brings together tribal community members, service providers, tribal court, probation, and law enforcement to supervise, treat, educate, and heal individuals and families struggling with substance abuse.

### Introduction

The Pueblo of Pojoaque Path to Wellness Court (PTW), *Wen Hey Kha Wosatsi Khuu*, was established in 2015 in response to the severe problems that alcohol and drug addiction has caused in the Pueblo and surrounding communities. PTW is a collaboration between criminal and social justice stakeholders who are working closely together to reduce the impact of addiction.

PTW provides individuals the opportunity to change their lives and become alcohol and drug free. This is accomplished by comprehensive assessment and treatment (substance abuse and mental health), intensive supervision, education and cultural activities, random drug and alcohol testing, regular court appearances and immediate sanctions and incentives. Honesty and individual accountability are at the foundation of the program.

PTW uses best practices in its delivery of services and works in collaboration with community providers for substance abuse and other services. Cognitive behavioral therapy and mental health services are integral parts of PTW.

PTW is a minimum of 11 months, and is divided into four major phases. Participants move through the phases based on accomplishing goals and staying in compliance with program requirements. Components for the abstinence-based program include: substance assessment and treatment, assessment for participation in other programming (cognitive learning groups, mental health interventions), frequent and random alcohol and drug testing, regular court appearances, case management meetings, support groups, employment or education, cultural and sober social activities, and program fees.

By providing coordinated substance abuse interventions with judicial oversight and enhanced supervision, the likelihood of re-arrest decreases, resulting in safer communities and reduction in crime.

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## Goals and Objectives

### Path to Wellness Goals

- Reduce recidivism.
- Re-integrate alcohol and drug addicted community members.
- Increase the number of addicts who remain alcohol and drug free.
- Increase safety in the community
- Increase the benefit and reduce the cost to the Pueblo for criminal enforcement, incarceration, and providing services to chemically addicted individuals and their families

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### Path to Wellness Team

The Path to Wellness Team is a collaborative effort of criminal justice and social services stakeholders. The Team is responsible for the day to day supervision and treatment of participants. The PTW Team is led by the judge and meets once per week prior to court to discuss the status of each participant and each applicant.

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### Model

The Pueblo of Pojoaque Path to Wellness Court is designed to provide individuals the opportunity to address their addictions and move beyond criminal behavior. It is voluntary, with entrance generally occurring post plea. The program is abstinence based and intensive. Requirements include mandatory substance abuse treatment, random drug testing, on-going appearances before the judge, case management meetings, attendance of support groups, and completion of Moral Reconciliation Therapy (MRT). Participants are also required to obtain employment or pursue educational opportunities, participate in pro-social and cultural activities, pay restitution and program fees.

PTW is a minimum of 11 months and divided into four phases. Movement from phase to phase is contingent on the completion of phase requirements and case plan goals. To move to the next phase the participant must apply and the Team must approve advancement.

### Roles and Responsibilities of key Path to Wellness Team members

#### Judge:

The judge is the key leader for the Wellness Court. The Wellness Court judge supervises and re-enforces client treatment and progress. The Wellness Court judge will be optimistic for each participant's ability to recover and will encourage the client to

complete the Wellness Court because she/he and the community will both benefit. The judge carefully explains the participant's legal rights and options and the program requirements at the first court appearance, making sure that potential participants understand. The judge oversees each participant's performance and progress,

The judge also brings together all team members: law enforcement, probation, social services, defense advocate, community members, educational, public health, mental health and other resources needed to support the participant's progress.

The Wellness Court judge holds regular status review hearings for all participants involved in the program. The status reviews are to monitor and hold accountable the participant, the PTW Team, and other services. The judge reviews all reports from treatment providers and input from each participant. In consultation with the Path to Wellness Team, the Court uses incentives and sanctions to encourage compliance with the program. The judge will make the final decisions regarding sanctions, incentives, incarceration, termination, and graduation.

### **Case Manager/Coordinator:**

The Wellness Court Coordinator will be primarily responsible for facilitating a participant's entry into the Wellness Court and monitoring progress. The Wellness Court Coordinator will schedule and facilitate the Wellness Court weekly meetings; conduct any follow-up; maintain data collection for statistical reporting; enter data into and maintain the administrative records related to the Wellness Court. Maintain case files and data collection for statistical reporting, monitor counseling, rehabilitation, education and employment of participants.

The Wellness Court Coordinator will assist in developing and revising program policies and procedures, brochures and client workbooks, and will provide administrative support to ensure collaboration between the Wellness Court Team, service agencies, and community organizations and participants. The Wellness Court Coordinator will organize public presentations to promote awareness and education about the Wellness Court. The Wellness Court Coordinator will research and identify funding sources to maintain and/or enhance the program. The coordinator will be the liaison with judicial personnel, Wellness Court Team, community members, and community organizations to enhance the Wellness Court.

The Wellness Court Coordinator also counsels participants on life skills; helps them sign up for benefit programs, GED classes, parenting classes, etc.; and leads Moral Reconciliation Therapy group or individual sessions.

### **Police Prosecutor:**

Gatekeeper/screener for access to treatment through the PTW. Attends all staffing and judicial supervision hearings, represents ongoing public safety perspective in the team decision making process.

Make recommendation on conditions of release and probation to the court. Make recommendations for responding to positive drug tests and other instances of noncompliance, including recommendations about sanctions and termination from the program.

## **Tribal Police Department**

When a potential Wellness Court participant is arrested, the department will alert the Wellness Court Team. After arraignment, the Police Department will assist the Probation Officer in monitoring any court ordered release conditions; which could include, but are not limited to: curfew, restrictions on associating with others, and drug/alcohol testing.

A member of the Police Department will be part of the Wellness Court Team; and will assist probation with any court ordered alcohol and drug tests and home visits. The Police Department will assist the Wellness Court Team in formulating wellness plans for the Court's consideration.

## **Defense Advocate:**

Advocates for client's access to and continued participation in the Wellness Court; assists in pre-admission screening; assures confidentiality requirements are met. Attends all staffing and judicial supervision hearings, represents the client's perspective at Team staffings and decision-making. The defense advocate ensures the due process rights of each participant are protected and encourages full participation. Advises the participant of legal rights, legal options, and potential sentencing outcomes.

The defense advocate is a fully participating member of the Wellness Court Team. The defense advocate actively monitors progress in the program; and participates at PTW hearings and meetings and promotes a unified team approach.

## **Probation Officer:**

The probation officer will assist with a participant's entry into the Wellness Court by screening all clients for substance abuse using the CAGE Screen and assess criminogenic risk using the Ohio Risk Assessment Tool.

The probation officer will monitor and report the participant's compliance and noncompliance with PTW. The probation officer will be a liaison between the Tribal Court, the PTW Team and the participant; conducting pre- and post-intake interviews with the participants to ensure terms and conditions of the court order are understood; monitoring the status of the assigned participant by conducting unannounced visits to school, work, and home; arranging random drug/alcohol testing; providing supervision of participants in accordance with the terms and conditions required by the Court; preparing pre-disposition reports as required by the Court; maintaining a comprehensive file of the participant; investigating and substantiating allegations of violations of order and submitting revocation reports to the Tribal Police and Tribal Court for scheduling revocation hearings and making recommendations for modifications.

## **Treatment Representative**

Will attend all staffings and provide updates and treatment recommendations for current participants and report on assessments and recommendations for applicants.

## II Program Plan

### Target Population

The target population includes adult non-violent, repeat offenders who have a substance dependency or abuse problem charged with alcohol or drug related crimes or who are under social services supervision because of substance abuse. Participants will be Native Americans or the parent of a Native American and reside in the Pojoaque area.

Participants may also self-refer. If the PTW Team accepts the self-referred person, that participant must submit to the jurisdiction of the PTW Court.

### Eligibility Criteria

All potential participants will be screened for eligibility. In order to be accepted, the applicant must meet the following criteria:

- Substance abuser
- Need for treatment
- Voluntary participation in program
- Some prior offense or involvement with Social Services (or self-referral)
- Offender pleads guilty/no contest
- Resides within easy travel of the Pueblo of Pojoaque

### Disqualification Criteria:

Offenders are disqualified from PTW if they

- Are a violent offender as defined by federal law<sup>1</sup>
- Have a serious persistent psychiatric issue that cannot be controlled with medication
- Are currently incarcerated
- Are charged with criminal sexual conduct
- Are charged with violent child abuse

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<sup>1</sup> The PTW Court receives federal-funding and must comply with the Violent Participant requirement. Due to congressional mandate, federally-funded Wellness Courts cannot accept cases involving a violent participant, described as a person who either:

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

## Disposition

- Criminal cases
  - Offenders plead guilty or no contest to the charges but conviction is deferred.
  - If the participant successfully completes the PTW program, the conviction is dismissed with prejudice.
  - If the defendant is terminated from the PTW program, the case will be transferred to Tribal Court where the conviction will be entered and the offender will be sentenced based on the plea.
  - If the offender is referred to PTW due to a violation of probation (VOP) of a Tribal Court sentence, the offender will be screened for eligibility and may be able to enter PTW in lieu of punishment for VOP.
  - Some offenders will be referred through pre-prosecution diversion. If the pre-prosecution participant is terminated, a criminal complaint will be filed with Tribal Court and the case will progress as usual in Tribal Court.
  - PTW participants must waive his/her right to a violation of probation hearing. The offender can withdraw that waiver but may be terminated from PTW as a result.
  - All potential participants will be fully informed of his/her options by the defense advocate and judge. They will be informed of the likely sentence if he or she does not enter the PTW.
- Social Services referral
  - May be part of a reunification case plan after abuse and neglect allegations.
  - These individuals will be court-ordered to complete the PTW program as part of the abuse and neglect case.
- Self-referral
  - Those who self-refer must agree to jurisdiction of the PTW Court and potential contempt of court proceedings for failure to complete if terminated.
  - Must agree to abide by sanctions, including incarceration for serious breaches of PTW rules

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## Referral, Screening and Entry Process

### Criminal Cases

Any adult offender arrested for a drug or alcohol offense or a drug or alcohol –related offense will undergo the following basic process:

In-custody: Offender is arrested and is arraigned at the next regularly scheduled court session.

Not in custody: Offenders are released pending investigation or until arraignment. The arraignment date is set when the Complaint is filed. If the defendant does not appear for arraignment, an arrest warrant is issued.

### **Entry Process:**

**Step 1:** The Court, Tribal Police, Social Services, or Probation will identify potential participants.

**Step 2:** The potential participant is arraigned in Tribal Court. The PTW coordinator or probation officer will conduct an initial screening of all cases for eligibility for PTW at arraignment using the PTW eligibility criteria and disqualification criteria (e.g. non-violent offense, Pueblo of Pojoaque area resident).

**Step 3:** If the offender meets the basic eligibility criteria and expresses interest in learning more about Wellness Court, the court will release the defendant on conditions of release to include:

- a. Appearance in Court on scheduled date and time;
- b. Frequent check-ins with probation officer;
- c. Meet with probation for criminogenic assessment;
- d. No alcohol or illegal drugs;
- e. Random alcohol and drug testing to include hair follicle; and
- f. Other conditions on a case-by-case basis, such as a curfew.

(The defendant may enter a plea of Not Guilty, Guilty, or No Contest at the arraignment and then be assessed for PTW eligibility. If the person is accepted into the program after a Guilty or No Contest plea, the case will be transferred to the PTW Court and the convictions deferred as described in Step 8 below.)

**Step 4:** Meet with defense advocate to get information about the PTW program and elicit agreement to participate

**Step 5:** Meet with probation to complete the CAGE substance abuse screen; Ohio Risk Assessment; and a pre-sentence investigation report (PSIR). If the defendant does not meet the eligibility criteria based on the risk assessment or PSIR, he/she will be continue with the regular criminal court process.

**Step 6:** If the defendant is moderate or high criminogenic risk and scores as a risk on the CAGE-screen, the applicant will complete a substance abuse and mental health assessment as soon as possible.

**Step 7:** The PTW team meets weekly, reviews the assessments, the input from PD, probation, PSIR, victim (if any). A decision is made at that time (Judge has final determination) to accept or reject the individual for the PTW.

**Step 8:** If they have not already done so, individuals who are accepted into the PTW will appear in Tribal Court and plead guilty/no contest. The conviction and sentence will be deferred pending successful completion of Wellness Court, and the case will be transferred to Wellness Court.

**Step 9:** After acceptance, the participant will meet with the probation officer to review probation conditions and will meet with the PTW coordinator to develop a case plan (identifying and prioritizing educational, family, medical, housing, and employment needs) and begin treatment.

- ❑ If the candidate is found NOT eligible or approved at any point, he/she is referred back to the regular court process. If the client is rejected from PTW because the Team learns later he or she does not meet eligibility, the client will be given the opportunity to withdraw any guilty/no contest plea offered and exercise all Tribal Court rights.

**Probation Violators:** The process for accepting offenders who are referred by their probation officer to the Path to Wellness Court because they are in violation of the conditions of their probation follow a somewhat different track. These offenders will be screened for chemical dependency treatment need by the probation officer who will also update risk assessment and PSI information. The probation officer presents the information collected to the PTW Team members at a staffing. The team will decide whether to recommend accepting the offender. If the judge approves the acceptance, the offender will appear at the next PTW court session. If the sentencing judge is different from the PTW judge, the sentencing judge must approve a transfer to PTW Court. If the offender is terminated from the PTW, the case will be transferred back to Tribal Court for entry of conviction and sentencing.

### **Self-Referral/Social Services Referral**

If a potential participant self-refers or is referred through Social Services or other agency, the potential participant will meet with the PTW Coordinator/Probation Officer/Substance Abuse Counselor to learn about the program and be assessed for criminogenic risk and substance abuse treatment needs. Self-referrals/Social Services referrals may enter the program even if they are assessed at low risk as long as they have a substance abuse disorder and voluntarily seek supervision for it.

If the person decides to enter the program, they must appear on the record with the Judge to state that they will submit voluntarily to the jurisdiction of the Pueblo of Pojoaque Path to Wellness Court, and agreeing to abide by sanctions administered by the judge, which may include incarceration.

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### **Case Management**

Each participant is referred to the PTW coordinator/case manager for case planning, monitoring accountability, and direct services. Case managers or probation will conduct a risk of assessment on each program participant. The probation officer will complete a PSIR (pre-sentence investigation report) on each PTW applicant.

Information gathered through the administration of a risk/needs assessment, and the pre-sentence investigation, includes alcohol and drug use history and psychosocial information. Information about the participant's family history is collected.

A comprehensive, individualized case plan is developed with each client. The case manager and the client review the case plan monthly for changes and modifications. The case plan is based on the risk assessment and includes the client's arrangement to repair the harm done to any victim, family member, and the community (including community service); his/her plan for education and employment; housing; a plan for relapse prevention and a pro-social support system in the community.

The case manager is expected to facilitate the client's accomplishment of his/her objectives and assist the participant in obtaining any collateral services that he/she needs such as Medicaid, SNAP, supportive housing, employment skills training, GED classes, child care, parenting classes, transportation and other needs. The client's longer-term goals and plan for attainment will be discussed after primary treatment.

Initially, the case manager meets with the participant at least once per week and random drug tests are collected at least three times per week. As the participant progresses through the program, the contacts and the number of random drug tests decrease according to phase.

The case manager provides information on each participant to the team and attends weekly staffings and reviews. In the initial phase of a participant's entry into PTW, the case manager may ask for a staffing with Social Services and other agencies.

Case managers are expected to be familiar with the wide variety of resources available to their clients in the community and assist them to access the necessary services and programs. Medical exams and assessment may be provided by IHS or other community clinic. The case manager will help clients sign up for healthcare through Medicaid or the New Mexico Affordable Care Act exchange.

The case manager will assess the individual's employment history, interests and skills and assist in placing him/her in a job that pays a meaningful wage, using community resources such as Workforce Solutions, Inc.

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## **Drug Testing**

Drug testing is one of the most important components of PTW. The tests have to be frequent, random, and credible; accuracy is essential. PTW team uses breath tests, swab tests, urine tests, and hair follicle tests to measure a participant's progress in the program, and hold that person accountable to the requirements of the program. The team believes alcohol testing is just as important as drug testing and may use breathalyzers, ETG testing (80 hour look-backs), and SCRAM (Secure Continuous Remote Alcohol Monitoring).

All persons involved with PTW are informed about drug testing policies and procedures as well as other issues which may surface during the program. Staff explain the drug testing procedure to PTW participants upon entry to the program. Participants will sign an agreement to comply with the PTW testing requirements, including direct observation of the sample submission and reporting of results to the PTW Team. Sanctions for positive tests are determined by the PTW Team.

Drug testing occurs through the case manager or probation officer, who conduct and analyze the tests. Participants may be assigned a color or other code, which dictates when they are to report for testing. Participants may be required to call a certain number each day to find out whether he/she is scheduled to submit to drug testing that day. All PTW participants are given at least a five panel drug screen (cocaine, THC, amphetamine, methamphetamine, and opiates) and a breathalyzer. In addition, participants are randomly and frequently given EtG (80 hours look-back) test(s) for alcohol use. Participants will also be tested by their treatment programs.

SCRAM will be ordered on a case-by-case basis as a sanction in PTW. SCRAM testing will be monitored by the PTW case manager or the SCRAM service provider. The participant will take on any costs for the SCRAM monitoring.

**Positive test results:** If a participant admits that the test will be positive for drugs or alcohol, a confirmation test is not necessary. But if the participant denies using drugs or alcohol and the test results are positive, a hair follicle or urine sample will be submitted to a laboratory for confirmation testing. Payment for confirmation testing when the participant denies using and the test comes back positive will be the responsibility of the PTW participant. Sanctions will be imposed for positive tests, diluted samples, tampered samples, and skipped tests.

**Frequency:** Testing is conducted at random at least three times per week for the first phase of the program. Subsequently, depending on the participant's progress and phase, the number of tests are reduced.

**Substances:** Participants choosing to enter the Pueblo of Pojoaque Path to Wellness must agree to cease using all mood-altering substances (including but not limited to narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications). If during the course of participation it becomes necessary for a participant to take prescription medication, prior approval must be sought by the PTW Team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis. Any use of doctor monitored prescription drugs is determined on a case-by-case basis by the PTW Team.

## **Program Fees**

Upon formal admittance in to Pueblo of Pojoaque Path to Wellness Court (PTW), the case manager will impose a program fee of \$10 per month.

## Staffings

The Path to Wellness staffing occurs each week, generally immediately before the PTW court session. The team members generally necessary for each staffing: judge, police prosecutor, defense advocate, case manager, probation officer, and treatment provider.

Case managers prepare brief, written updates on each participant which is provided to and reviewed with the entire team. Input on sanctions, incentives or other program related responsibilities imposed on participants is provided, with decisions arrived at by consensus.

## Path to Wellness Hearings

Judicial review sessions are held weekly with participants' attendance frequency linked to their current Phase or when otherwise directed to appear. Members of the staffing team are present during court.

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## Phases

The Path to Wellness Court is a four-phased, highly structured program lasting a minimum of 11 months; the length of time may vary based on a participant's individual progress. Each phase consists of specific requirements for transition into the next phase. Phase movement will be the result of accomplishing goals determined by a case plan along with the specific phase requirements and other responsibilities as discussed with the case manager. Participants apply for phase moves and graduation by filling out an application packet. A review of their PTW contract will occur to ensure total program compliance; the PTW Team will review their status and then make a recommendation for phase movement based on performance.

### Phase I: Orientation and Assessment

All entering participants begin in Phase I.

Objectives: intake, assessment and orientation; establish abstinence and substance abuse treatment and identify outside support system.

#### Minimum 30 days with requirements of:

- Weekly court hearings
- Follow rules of treatment and supervision
- Weekly meeting with coordinator and Probation Officer
- Primary treatment and continuing care
- Attend support group/12-step meetings as directed
- Random drug testing (three times weekly, minimum); breathalyzer and ETG tests as directed; SCRAM as directed
- Minimum of one scheduled home visit plus random checks

- Attendance in a structured activities as directed by PTW Team such as performing unpaid community work assignments or other activity approved by PTW cases managers
- Create case plan goals and begin working on them

### Phase Advancement

- A. Minimum 5 days sober immediately prior to advancement abstaining from all mood-altering chemicals
- B. Completion of Phase Move Application
- C. Satisfactory treatment progress
- D. Satisfactory compliance with all program requirements
- E. Approval of PTW Team.

### **Phase II: Stabilization**

Objectives: Continue abstinence, establish recovery.

### Minimum 90 days with requirements of:

- Weekly court hearings
- Follow rules of treatment and supervision
- Attendance of support group/12 step meetings as directed
- Random drug testing (3 tests per week); breathalyzer and ETG tests as directed.
- Weekly meetings with coordinator and probation
- Attendance of structured activities as directed by PTW Team such as: seeking or maintaining employment, attending school/vocational training, performing unpaid community work assignments or other activity approved by PTW Team
- Begin Moral Reconciliation Therapy
- Payments made toward restitution
- Payment of program fees (\$10 per month)
- Ongoing review and updating of case plan with goals accomplished
- Random home visits/field checks
- Cultural activities

### Phase Advancement

- A) Minimum 30 days sober immediately prior to advancement
- B) Completion of Phase Move Application
- C) Satisfactory treatment progress
- D) Satisfactory compliance with all program requirements
- E) Payment towards restitution (if applicable)
- F) Payment of PTW program fees
- G) Approval of PTW Team.

### **Phase III: Skills**

Objectives: Continued abstinence, pursuit of education and/or vocation goals, connect with the community at large.

#### Minimum 120 days with requirements of:

- Every other week court hearings
- Follow rules of treatment and supervision
- Weekly meeting with coordinator
- Meet every other week with probation officer
- Individual and group treatment, if required
- Attendance of support group/12 step meetings as directed
- Random drug testing ( at least twice weekly); breathalyzer and ETG tests as directed
- Random home visits/field checks
- Payment of restitution
- Payment of program fees (\$10 per month)
- Skills building: parenting, employment/vocational, BIP, budgeting
- Continue Moral Reconciliation Therapy
- Attendance in structured activities as directed by PTW Team such as: seeking or maintaining employment, attending school/vocational training, performing unpaid community work assignments or other activity approved by PTW cases managers
- Cultural activities
- Sober social activities
- Stable living situation
- Completion of all case plan goals and supervision conditions
- Submit Pre-Graduation Life Plan Packet

#### Phase Advancement

- A. Minimum 60 days sober immediately prior to advancement, abstaining from all mood-altering chemicals
- B. Completion of Phase Move Application
- C. Satisfactory treatment progress or completion
- D. Satisfactory compliance with all program requirements
- E. Community service or employed
- F. Payment towards restitution fees (if applicable)
- G. Payment of PTW program fees
- H. Approval of PTW Team.

### **Phase IV: Transition**

Objectives: Become a sober, employed, stable, connected community and family member

#### Minimum 90 days with requirements of:

- Monthly court hearings

- Probation at least monthly
- Case Manager as needed, at least monthly
- Follow rules of treatment and supervision
- Complete Moral Reconciliation Therapy
- Continue in Batterer Intervention Program, if ordered
- Individual and group treatment, if required
- Attendance of support group/12 step meetings as directed
- Random drug testing (twice weekly); breathalyzer and ETG tests as directed
- Payment in full of restitution
- Payment in full of program fees (\$10 per month)
- Stable living arrangements
- Stable employment or participation in an educational/vocational program
- Cultural activities
- Sober social activities, including attending alumni group
- Completion of all case plan goals and supervision conditions
- Submit Pre-Graduation Life Plan Packet

#### Phase Advancement

- A. Minimum 90 days sober immediately prior to advancement
- B. Completion of Phase Move Application
- C. Satisfactory treatment progress or completion
- D. Satisfactory compliance with all program requirements
- E. Payment towards restitution fees (if applicable)
- F. Payment of PTW program fees
- G. Approval of PTW Team.
- H. Complete a written “Life Plan” and presents it to the PTW Team
  - ✓ Completion of all phase requirements and case plan goals
  - ✓ Completed work toward high school diploma or GED
  - ✓ Employed
  - ✓ Participating in a recovery support group
  - ✓ Living in a safe, stable residence
  - ✓ Program fees and restitution has been paid

Any of these requirements can be waived by the judge under special circumstances

#### **Aftercare**

- Continued support
- Random drug testing
- Reunification if applicable
- Random home visits
- Alumni Group

## Termination Criteria

Participants may be terminated for failure to comply with PTW requirements after the Team has made every effort to improve attendance, compliance, and/or motivation. If a participant is terminated from the PTW, the case will be transferred to regular Tribal Court for the judge to enter the conviction and sentence the defendant.

Termination may also occur if the participant commits a new offense while in Wellness Court. Input from the police will be a consideration. If the offense occurred prior to program participation, the team will review and determine an appropriate action. If termination is sought, a hearing will be held in Wellness Court before the case is transferred to Tribal Court. Termination may take place if the participant is in warrant status for more than 60 days.

Short of termination, the judge may take the following actions:

- Continuance in current phase and reprimand from the bench;
- Schedule more frequent court appearances;
- Schedule a termination hearing in several weeks with specific tasks to perform to avoid termination;
- One or more days in jail;
- Community service;
- Allow client to voluntarily withdraw;
- Other action approved by the Team.

## Incentives and Sanctions

**Incentives Defined:** A positive consequence that is the direct result of and is a reward for the participant's positive behavior.

**Sanctions Defined:** the imposition of negative consequences in response to undesirable behaviors. They must be predictable, consistent and immediate.

Sanctions and incentives will be applied as soon as possible after notice of the participant's behavior. The principle applied is that the participant should receive the least restrictive sanction based upon earlier behavior and sanctioning.

Incentives may include:

- ✓ Seed pot drawing
- ✓ Gift certificates for non-cigarette/alcohol items
- ✓ Encouragement and praise from the bench in open court
- ✓ Medallions for sobriety benchmarks
- ✓ Early call in court
- ✓ Recovery materials (books, mugs, key chains, etc.)

- ✓ Phase movement acceleration
- ✓ Decreased frequency of court appearances, supervision, and/or drug testing
- ✓ Reduced fines or fees
- ✓ Reduced or suspended incarceration
- ✓ Dismissal of or reduction in criminal charges
- ✓ Graduation

Examples of Infractions:

- Positive Drug/Alcohol test (skipped tests are considered positive results)
- Providing a urine sample that has been tampered with/is not yours/has been stored in some type of container for future use.
- Unexcused absence from Court
- Use of unapproved medication
- Misuse of prescription or over the counter medication
- Violation of confidentiality policy
- Failure to contact/ check in with Probation and/or PTW coordinator as directed
- Unexcused absence from scheduled appointments/meetings related to your PTW case plan/program
- Unexcused tardiness for court or other scheduled appointments/activities
- Failure to complete community service by designated date
- Curfew violation/house arrest violation
- Inappropriate behavior (which includes disrespectful, belligerent, threatening, and /or deceitful)
- Unsuccessful completion/termination from treatment program
- Failure to attend support group meetings as directed
- Failure to pay PTW fees monthly
- New criminal charges
- Failure to comply with Social Services case plan (if applicable)

Sanctions include:

- ✓ Verbal warnings and admonishments from the bench in open court
- ✓ Written warnings
- ✓ Increased supervision reporting
- ✓ Demotion to earlier program phases
- ✓ Increased frequency of drug/alcohol testing
- ✓ Increased AA/NA/group meetings
- ✓ Writing assignments
- ✓ Community Service
- ✓ Curfew
- ✓ Loss of sobriety date
- ✓ Delay phase advancement

- ✓ House arrest
- ✓ Electronic monitoring or SCRAM
- ✓ Community service
- ✓ Restricted supervision privileges
- ✓ Escalating periods of jail confinement
- ✓ Termination from the program and reinstatement of regular court processing

### III. Confidentiality

Any program that specializes, in whole or in part, in providing treatment counseling, or assessment and referral services for offenders with AOD (Alcohol or Drug) problems must comply with the Federal confidentiality regulations (42 C.F.S.s2.12(e)). The Federal regulations apply to programs that receive Federal funding.

Two Federal laws and a set of regulations guarantee the strict confidentiality of information about persons -including offenders- receiving alcohol and drug abuse assessment and treatment services. The legal citation for these laws and regulations is 42 U.S. C. SS 290dd-3 and ee-3 and 42 C.F.R. Part 2.

These laws and regulations are designed to protect patients' privacy rights in order to attract people into treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by a fine of up to \$500 for a first offense or up to \$5,000 for each subsequent offense.

Federal confidentiality laws and regulations protect any information about an offender if the offender has applied for or received any AOD-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the offender makes an appointment. It applies to offenders who are mandated into treatment as well as those who enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, has some form of official status, is authorized by State law, or comes armed with a subpoena or search warrant.

Information that is protected by Federal confidentiality regulations may always be disclosed after the participant has signed a proper consent form. The regulations also permit disclosure without the participant's consent in several situations, including medical emergencies, program evaluations and communications among program staff.

Participants will be required to sign a specific, time-limited release of information form for each service provider. Participants who refuse to sign consent forms permitting

essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

#### **IV. Chemical Dependency Treatment**

PTW uses multiple treatment resources to provide substance abuse services to PTW participants, but primarily Eight Northern Indian Pueblo's Circle of Life Behavioral Health Network. All programs must be licensed treatment programs in the Santa Fe/Rio Arriba County area. Each program must be willing to provide regular progress reports to the judge and the PTW probation officer on each client in their program as well as functional assessment results at discharge.

All clients are matched to the treatment program that appears to be most able to meet their needs. Assessment will identify what type of treatment is appropriate (e.g. inpatient, outpatient, primary and combinations of the two; extended care, ½ way house, sober living; detox). Aftercare and relapse prevention will be a part of any treatment program selected for inclusion in the PTW program.

Treatment will be provided as soon as possible after assessment. Our goal is to get the participant into treatment within a week. If that is not possible, the PTW case manager and participant will develop an interim care plan (for housing, weekly court and weekly support group meetings).

The treatment plans that are developed for each participant in the treatment program will vary somewhat depending on the needs of the client and the particular model or philosophical foundation of the treatment program. Generally, however, each treatment program participating in the PTW program will:

- ✓ Provide on-going group and individual counseling sessions. They may provide family sessions as needed;
- ✓ Develop a treatment plan based on an individual assessment of the client's strengths, assets, and needs. Certain decisions regarding treatment are made based on the strengths and needs of the client including outpatient treatment for those who have strong family relationships, or stable housing or employment;
- ✓ Address the level of severity of the problem in the treatment plan, the level of care needed, and specific situational needs, including language, literacy, housing, medical and psychological;
- ✓ Use peer groups and support circles to promote recovery;
- ✓ Provide aftercare services, including continued case management, relapse prevention strategies and counseling and other supportive services. Clients will attend support groups during and after treatment.

#### **Revisions and Modifications**

The treatment plan is revised or modified if necessary every week for the first two phases of the PTW since the participant is required to appear in court weekly. During

the third phase, the plan should have stabilized and should not have to be reviewed more than once per month.

### **Aftercare Plan**

When a client is completing treatment, the PTW case manager, treatment staff and the client will meet to develop an aftercare plan based on real-life needs of the client. Clients can receive formal aftercare services for 6-12 months after completion of treatment. However, the PTW case manager continues to work with the client until he/she has completed the PTW program.

Treatment phases are goal-oriented and not based solely on time, although approximate duration of treatment is estimated. Generally, treatment protocol is based on the least restrictive level of care possible to address the individual's particular problem. Clients may progress from inpatient to outpatient to extended care if necessary. The progression is based on the results of alcohol and drug testing, compliance with program requirements, severity of the problem and provider, case manager, and client agreement. The length of stay varies based on individual need; the extended care criteria are used to determine the need for continued care (e.g. clinical assessment of individual's progress through treatment and the prognosis).

The frequency and intensity of treatment services depends on the substance abuse assessment.

Treatment providers are required to develop treatment case plans, maintain client records, monitor clients during treatment, and continue to provide case management as the client moves into recovery in the community. The PTW program case manager is also involved in case planning and supportive services with the counselor and the client during treatment, aftercare and to successful completion of the PTW program.

## **V. Other Groups/Programs**

### **Cognitive Behavioral Therapy Groups/Moral Reconciliation Therapy**

All participants must attend cognitive behavioral enlightenment—such as Moral Reconciliation Therapy—starting in Phase II of the PTW program. Completion of a cognitive skills program is required for graduation from PTW.

Moral Reconciliation Therapy (MRT) is a systematic treatment strategy that seeks to decrease recidivism among offenders by increasing moral reasoning. MRT takes the form of group and individual counseling using structured group exercises and prescribed homework assignments. The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages

of moral reasoning. Participants meet in groups once or twice weekly and can complete all steps of the MRT program in a minimum of 3 to 6 months.

### **Batterer Intervention Program**

Due to the nature of criminal charges or upon recommendation by Pueblo of Pojoaque Social Services, some participants will be ordered to participate in and complete a certified batterer's intervention program (BIP). This can be completed through a Team-approved program.

### **Alumni Group**

The goal of the Alumni group will be to provide a supportive environment give participants a chance to be mentored by a graduate of the program. All Phase Four participants will attend the Alumni Group once per month as soon as it is established. The foundation of the group is honesty. The format is support, not structured around the traditional twelve-step model. The content of the meeting promotes honesty and self-disclosure away from the court process, case managers, PTW team and is a confidential and safe place. Ideas and topics of discussion are introduced by the community facilitator, which are then talked about with the group at large. Graduates rotate in and facilitate the meetings as well.