

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

Application for Funding of a Specialty Court

OVERVIEW:

Specialty courts are judicial problem-solving programs designed to address the root causes that contribute to criminal activity. There are two funding sources, Fee Based Funding, which is the administrative assessment fee pursuant to Fee Based Funding (NRS 176.0613) or general fund (GF) funding appropriated by Legislature. A condition of the GF funding is to serve an additional 800-900 new participants each year of the biennium.

ELIGIBLE APPLICANTS:

All courts are eligible to apply for Specialty Court funds. A specialty court is defined by the *Nevada Specialty Court Funding Guidelines and Criteria* as: "a program established by a court to facilitate testing, treatment, and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffers from a mental illness or abuses alcohol or drugs." Although any court may apply, all requests must meet the minimum criteria located under Part II, Section C and complying with the guidelines found at our website:

<http://nvcourts.gov/AOC/Templates/documents.aspx?folderID=8973>

DEADLINE FOR SUBMISSION OF APPLICATION:

Application requests must be received by March 15, 2019. Requests received after March 15, 2019, may be denied.

PROCESS:

- Each application must include the application cover sheet, budget worksheet, narrative, and program design. The budget narrative must identify the justification for the budget request and how you derived at the amount requested. Applications lacking the requested information may be denied. All materials must be mailed to:

*Linda Aguire
Administrative Office of the Courts
201 South Carson Street, Suite 250
Carson City, Nevada 89701*

- The AOC will compile and submit funding recommendations for all programs that meet the minimum criteria to the Specialty Court Funding Committee.
- The Committee will approve the funding recommendations for GF requests at the May meeting and at the December meeting for Fee Based funded requests.

If you have any questions, please contact Linda Aguire (775-684-1780).

CHECKLIST (documents to be returned to the AOC):

- ***Application Cover Sheet*** (for new and existing programs)
- ***Fiscal Year Budget Worksheet*** (for all programs)
- ***Budget Narrative*** (for new and existing programs)
- ***Program Design*** (for new and existing programs)
- ***Program Handbook*** (for new and existing non-AOC funded programs)

PART II: SPECIALTY COURT FUNDING CRITERIA

The Specialty Court Funding Committee will consider funding only for programs that meet the requirements of NRS 176.0613.10 (b).

Section A	Allocation of Available Funds
Section B	Funding Priorities
Section C	Minimum Program Criteria
Section D	Evaluation/Reporting

PART II: SECTION A

ALLOCATION OF AVAILABLE FUNDS

Although any court may apply, all existing programs, identified as a program that has or will receive specialty court funds during July 2003 to July 2019 will receive consideration before any new programs. All requests whether new or existing must meet the minimum criteria, which is located in Part II, Section C. If funding is not adequate to fund all existing programs, new requests will not be considered and existing programs may not receive their full request. Funding allocations will be based on the funding priorities. Please note not all funding priorities will be funded. Funding recommendations will be based on the funding priorities. Programs seeking funds for something not listed within the funding priorities will not be funded.

Please note funds cannot be used to supplant existing funds for program activities or to replace funds that have been appropriated for the same purpose.

PART II: SECTION B

FUNDING PRIORITIES

Effective July 1, 2011 (fiscal year 2012) below in order is the approved funding priorities and definitions. These funding priorities will assist courts with the application process, promote consistent funding recommendations, and provide policy for the future.

1. Pay for the Treatment and Testing of persons who participate in the program. This category includes:
 - ◆ *Counseling Services*
 - ◆ *Housing for Mental Health Courts*
 - ◆ *Drug Testing Supplies*
 - ◆ *In-Patient Residential (28 day) must have a contract with a provider*
 - ◆ *Drug Testing Equipment*
 - ◆ *Electronic Monitoring*
2. Providing for personnel to staff and oversee the specialty court program. *This category includes personnel that is dedicated 100 percent to the specialty court program and paid by the program. Excluding the judge and positions paid by the city/county. Personnel is an employee who aides in testing, assists clients with life skills, provides probation type services to clients, and may include personnel that provides clinical treatment to clients. Also included in this category are part-time contract personnel. Please note effective July 1, 2011 (FY 12) personnel (full or part-time) will be limited to 25 percent of the total allocation per program. This restriction only applies to new positions. Positions previously funded will continue to be funded.*
3. Training and Education. *Funds will be withheld by the Supreme Court to provide training and education opportunities in-state or out-of-state for personnel who is a team member of a specialty court. This category may include Judges, District Attorneys, Public Defenders, law enforcement, counselors, and coordinators. Programs are not authorized to use their funding for training and education purposes.*
4. Operating expenses. *Fund a maximum of \$1,200 per year per program to assist with operating expenses.*
5. Incentives. *If providing gift certificates the value range is \$5-\$15 per the National Drug Court Institute (NDCI) The Drug Court Judicial Benchbook. Fund a maximum of \$2,500 per year per program to assist with incentives.*
6. Bus Passes/Taxi Vouchers. *Fund a maximum of \$5,000 per year per program to assist with transportation for defendants that do not have transportation*
7. Housing with case/house manager on-site for all other specialty courts. *Maximum \$20,000 per fiscal year.*

8. Housing, apartments, motel, weekly room rates. *Maximum \$10,000 per fiscal year.*
9. Acquiring necessary capital goods. *Defined as including equipment, and machinery.*
10. Acquiring or using appropriate technology. *Defined as technology that is designed with special consideration, for example, case management system.*
11. Studying the management and operation of the program. *Defined as a program evaluation completed by a consultant or contract person who specializes in program evaluation.*
12. Supplementing the funds used to pay for judges to oversee a specialty court program. *Defined as funding for a Judge to oversee a specialty court.*
12. *Conducting audits of the program. Defined as financial and program audits of a specialty court. Financial auditing of NRS 176.0613 funds will be conducted by an AOC auditor. The AOC Specialty Court Program Analyst will conduct a program audit ensuring the 10-Key components are being followed. Expenses from this category would include travel.*

PART II: SECTION C

MINIMUM PROGRAM CRITERIA

All applications must meet the following minimum program criteria in order to be considered for any type of funding.

1. The court must be involved in all aspects of the specialty court program. Ongoing judicial interaction and supervision with the participant (client) of the specialty court is essential. The judge and/or master (judicial officer) must be the primary individual conducting the program and must be involved in all aspects of the program.
2. The specialty court program must have a separate and routine (minimum once a month) court docket presided over by the designated judicial officer of the specialty court.
3. Each specialty court program requires a team. The judicial officer must be the leader of the team linking participants to treatment and to the criminal justice system. The team may include but is not limited to the judicial officer, defense counsel, district attorney, probation, pretrial services, law enforcement, and treatment providers. The team and the role of each individual must be provided. All participants and participating entities should be represented on the team.
4. Specialty court programs, with a drug court and/or alcohol and other drug (AOD) component must have frequent or random alcohol and other drug testing. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress.
5. Specialty court programs with a mental health component must identify that the program participant is appropriately using their prescribed medication and drugs by frequent counseling sessions and testing if required.
6. Specialty court participants must attend regular counseling sessions. Counseling sessions may vary depending upon the type of addiction and the length of time the participant has been enrolled in the program. Staff delivering services must be appropriately licensed and operating within the scope of their practice. Alcohol and Drug Counselors must be certified or licensed per NRS 641C and NAC 641C.
7. Each specialty court program must provide aftercare/discharge planning to participants.
8. Each specialty court program must have sanctions and incentives.

PART II: SECTION D

EVALUATION/REPORTING

Goals of a program should be described concretely and in measurable terms to provide accountability to funding agencies and policymakers. Program management provides the information needed for day-to-day operations and for planning, monitoring, and evaluation. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives. In order to measure a programs' success, each specialty court program will need to identify and report the following data requirements annually (July 1 - June 30):

- Number of active clients
- Number of new clients/admissions
- Number of clients who volunteered to enter the respective program
- Number of clients who graduated
- Number of clients that were terminated from the program
- Number of clients that were self-terminations/voluntary withdrawals from the program
- Number of deceased clients
- Number of clients on bench warrant status
- Number of clients who requested and were granted a transfer to a program in another jurisdiction
- Number of clients who were transferred to another program within the same jurisdiction
- Drug free babies

The above listed elements may change as drug court performance measures are developed. Depending on the case management system, additional data elements such as recidivism rate, retention rate, or program compliance (attendance at court/counseling sessions) may be required.

PART III: DATA DICTIONARY

Section A
Section B

Data Dictionary
Identifying Factors of a Specialty Court

PART III: SECTION A DATA DICTIONARY

What are Specialty Courts

Specialty Courts are courts that meet the minimum program criteria as defined in Part II, Section C. They provide early intervention by the court while protecting the rights and due process of the defendant. The swift application of rewards or sanctions holds the defendant accountable throughout the process. See Identifying Factors of a Specialty Court in Part III, Section B.

- **Adult Drug Court**
Targeted population is adult criminal defendants with a substance abuse problem who enter the court system for felony and/or misdemeanor infractions.
- **Family/Dependency Drug Court**
Targeted population is adult defendants. A family drug court is defined as a drug court that deals with cases involving parental rights in which an adult is the party litigant, who comes before the court through either the criminal or civil process, and that arises out of the substance abuse of a parent, and includes custody and visitation disputes; abuse, neglect and dependency matters; petitions to terminate parental rights; guardianship proceedings; or other loss, restriction, or limitation of parental rights.
- **Veterans Treatment Court**
Targeted population is veterans who combat the cycle of alcohol, drug addiction or mental illness. A veterans treatment court is defined as a program that focuses on veterans who are denied services for treatment that are needed to address post-traumatic stress disorder.
- **Felony DUI Court**
Targeted population is offenders who have received a third driving under the influence within 7 years. Offenders may be able to avoid incarceration if they attend a court ordered treatment program. Offenders are held at the highest level of accountability while receiving long-term, intensive treatment and compliance monitoring.
- **Juvenile Drug Court**
Targeted population is juveniles who have been adjudicated in court with a substance abuse and/or mental health problem. A juvenile drug court is defined as a drug court that focuses on juvenile delinquency (e.g., criminal) matters and status offenses (e.g., truancy).
- **Mental Health Court**
Targeted population is adult criminal defendants with a severe mental illness or developed disabilities who enter the court system for felony and/or misdemeanor infractions.
- **Prisoner Re-Entry Court**
Targeted population is inmates and/or parolees with a substance abuse problem.
- **DUI Court**
Targeted population is repeat driving under the influence offenders. Offenders are held at the highest level of accountability while receiving long-term, intensive treatment and compliance monitoring.
- **Alcohol and Other Drug Court and/or Other Program**
Any court program that does not fall into any other category stated above. Blended courts should be counted in the predominant category. (Example: Alcohol Drug Court, DUI Court)

Court, Name of court that is applying for Fee Based funds (NRS 176.0613) or general fund (GF) funds.

Program, Name of program for which funds will be used.

Date Program Became Operational, Date of first drug court calendar.

Contact Person, The individual who administers the Specialty Court program.

New Program, A court that is beginning to establish/implement a new Specialty Court program.

Existing Program, A specialty court program that has received specialty court funds during July 2003 to present.

Post-Plea, Requires a defendant to enter a guilty plea before entering treatment. Failure to complete the program leads to the sentencing phase of adjudication.

Pre-Plea, Charges are deferred while defendant actively participates in a treatment program.

Participants, Individuals who have been ordered to participate in the program by a Judge during the current fiscal year.

FY19 Budget, Is the approved budget for the current fiscal year, otherwise known as base budget.

FY20 Budget, Is the amount being requested for the next fiscal year.

Revenue. Defined as any funds the court expects to receive in the fiscal year to support the specialty court program. Revenue is:

- **Projected Client Payments.** Is money paid to the court by specialty court clients. If made to the court and the court pays the treatment provider, count as revenue and expenditures. Client payments made directly to providers are not included.
- **Appropriations received from cities or counties.** Is funds appropriated to the court by a local government including fees, general fund appropriation, assessment, etc., to support a specialty court program.
- **Federal or other grants.** Is a grant received by the Court from a formal application process.
- **Other funds received.** Is revenue from other sources such as donations, fundraising, interest income, etc. Do not include in-kind matches.

Professional Services (Contract)

- **Counseling.** Is defined as a certified or licensed per NRS 641C or NAC 641C. Counselors serve as the client's individual case manager providing assistance in the client's recovery. Counseling is a professional service that must be procured by a contract.
- **Residential/Housing for Mental Health Courts only.** Is defined as a professional service that provides a stable housing environment for defendants enrolled in the mental health court. Housing is a professional service and must be procured by a contract.
- **In-Patient Residential.** Is defined as an in-patient residential facility that provides detoxification and residential programming. In-patient residential is a professional service and must be procured by a contract.
- **Drug Testing Supplies.** Is defined as short-term use items with a life cycle of one year or less. Most common would be material used to conduct drug tests.
- **Drug Testing Equipment.** Is defined as a life cycle of greater than one year. Most common would be the purchase of breath testing equipment or instrument to test urine or saliva.
- **Drug Testing Confirmation.** Is defined as a second analytical procedure performed by a laboratory on a urine specimen to identify the results.
- **Electronic Monitoring.** Is defined as any monitoring device that monitors an offender at all times.

Salary & Benefits. Is personnel that is dedicated 100 percent to the specialty court program and paid by the program. Excluding the judge and positions paid by the city/county. Personnel is an employee who aides in testing, assists clients with life skills, provides probation type services to clients, and may include personnel that provides clinical treatment to clients. Also included in this category are part-time contract personnel. Please note effective July 1, 2011, personnel (full or part-time) will be limited to 25 percent of the total allocation. The 25 percent restriction does not apply to positions funded prior to July 1, 2011. Merit increases, if authorized, are limited to a maximum of 5 percent per year. You must list each position title, salary and fringe benefits, if any. Fringe benefits can be based on actual known costs or an established formula. Salary & Benefits is drug court coordinator, case manager, testers, case worker or any contracted position.

Operating Expenses. Is defined as office supplies, postage, telephone, printing, copying, etc. Generally, supplies include any materials that are expendable or consumed during the course of one year. Maximum allowed \$1,200 per year.

Bus Passes/taxi vouchers. Is defined as pre-purchased bus passes for distribution to defendants in need of transportation to/from court, treatment, or their place of employment. Maximum allowed is \$5,000 per year.

Incentives. Is defined as an award given to the defendant for good behavior. Incentives may include gift certificate, tokens, books, cookies, cake, pizza, and haircuts. Provide the type of incentives you plan to provide and the projected cost of each incentive. Maximum allowed is \$2,500 per year. Gift certificates should be limited to \$5 - \$15 in value as per the "Fishbowl" Procedure outlined on page 146 of *The Drug Court Judicial Benchbook* published by the NDCL.

Housing with a case/house manager on-site. Is defined as a safe, sober living environment. The facility must provide counseling, curfew compliance, and may drug test. This is a professional service and must be procured by a contract. Maximum allowed is \$20,000 per year.

Housing. Is defined as an apartment, motel, or place with a weekly room rate. This is to provide a defendant with temporary housing until secure housing can be obtained. Maximum allowed is \$10,000 per year.

Acquiring necessary capital goods, or using appropriate technology. Is defined as equipment, machinery, case management system, computers, printers, fax, etc.

Studying the management and operation of a program. Is defined as a study of the program by an independent contractor. The independent contractor must provide a written report to the program and the AOC.

PART III: SECTION B

IDENTIFYING FACTORS OF A SPECIALTY COURT

Specialty Courts are judicial problem-solving programs that are designed to have a direct impact on the problem of substance abuse and criminal or delinquent behavior. Programs incorporate counseling and treatment with mandatory random drug testing, intensive supervision, educational and employment assistance, and regular court contact.

Specialty Court program” means a program established by a court to facilitate testing, treatment, and oversight of certain persons that the court has jurisdiction and that the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250 or 453.580.

Most successful problem solving courts are connected in some way to treatment; therefore all problem-solving courts are based to some extent on the drug court model developed in the late 1980's. The drug court model has 10 key components that are listed below. More information regarding the key components can be found at http://www.nadcp.org/sites/default/files/nadcp/KeyComponents_0.pdf

An applicant can apply for other types of problem solving courts; however, the program may not include all the following characteristics but should substantially follow this model:

- *Key Component 1*

Drug courts integrate alcohol and other drug treatment services with justice system case processing. The mission of drug courts is to stop the abuse of alcohol and other drugs and related criminal activity. Drug courts promote recovery through a coordinated response to offenders depending on alcohol and other drugs. Realization of these goals requires a team approach, including cooperation and collaboration of the judges, prosecutors, defense counsel, probation authorities, other corrections personnel, law enforcement, pretrial services agencies, TASC programs, evaluators, an array of local service providers, and the greater community.

- *Key Component 2*

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights. The purpose is to facilitate an individual's progress in treatment, the prosecutor and defense counsel must shed their traditional adversarial courtroom relationship and work together as a team. Once a defendant is accepted into the drug court program, the team's focus is on the participant's recovery and law-abiding behavior - not on the merits of the pending case.

- *Key Component 3*

Eligible participants are identified early and promptly placed within the drug court program. The purpose is judicial action, taken promptly after arrest, capitalizes on the crisis nature of the arrest and booking process. Rapid and effective action also increases public confidence in the criminal justice system.

- *Key Component 4*

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. The purpose is the origins and patterns of AOD problems are complex and unique to each individual. They are influenced by a variety of accumulated social and cultural experiences. If treatment for AOD is to be effective, it must also call on the resources of primary health and mental health care and make use of social and other support services.

- *Key Component 5*

Abstinence is monitored by frequent alcohol and other drug testing. The purpose is frequent court-ordered AOD testing is essential. An accurate testing program is the most objective and efficient way to establish a framework for accountability and to gauge each participant's progress. AOD testing is central to the drug court's monitoring of participant compliance. AOD testing results are objective measures of treatment effectiveness, as well as a source of important information for periodic review of treatment progress.

- *Key Component 6*

A coordinated strategy governs drug court responses to participants' compliance. The purpose an established principle of AOD treatment is that addiction is a chronic, relapsing condition. A pattern of decreasing frequency of use before sustained abstinence from alcohol and other drugs is common. Becoming sober or drug free is a learning experience, and each relapse to AOD use may teach something about the recovery process.

A participant's progress through the drug court experience is measured by his or her compliance with the treatment regimen. Cessation of drug use is the ultimate goal of drug court treatment. There is a value in recognizing incremental progress toward the goal, such as showing up at all required court appearances, regularly arriving at the treatment program on time, attending and fully participating in the treatment sessions, cooperating with treatment staff, and submitting to regular AOD testing. Drug courts must reward cooperation as well as respond to noncompliance. Small rewards for incremental successes have an important effect on a participant's sense of purpose and accomplishment. Praise from the drug court judge for regular attendance or for a period of clean drug tests, encouragement from the treatment staff or the judge at particularly difficult times, and ceremonies in which tokens of

accomplishment are awarded in open court for completing a particular phase of treatment are all small but very important rewards that bolster confidence and give inspiration to continue.

- *Key Component 7*

Ongoing judicial interaction with each drug court participant is essential. The purpose is the judge is the leader of the drug court team, linking participants to AOD treatment and to the criminal justice system. This active, supervising relationship, maintained throughout treatment, increases the likelihood that a participant will remain in treatment and improves the chances for sobriety and law-abiding behavior. Ongoing judicial supervision also communicates to participants that someone in authority cares about them and is closely watching what they do. Drug courts require judges to step beyond their traditionally independent and objective arbiter roles and develop new expertise. The structure of the drug court allows for early and frequent judicial intervention. A drug court judge must be prepared to encourage appropriate behavior and to discourage and penalize inappropriate behavior.

- *Key Component 8*

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. The purpose is fundamental to the effective operation of drug courts are coordinated management, monitoring, and evaluation systems. The design and operation of an effective drug court program result from thorough initial planning, clearly defined program goals, and inherent flexibility to make modifications as necessary. The goals of the program should be described concretely and in measurable terms to provide accountability to funding agencies and policymakers. Program management provides the information needed for day-to-day operations and for planning, monitoring, and evaluation. Program monitoring provides oversight and periodic measurements of the program's performance against its stated goals and objectives.

- *Key Component 9*

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations. The purpose is periodic education and training ensures that the drug court's goals and objectives, as well as policies and procedures, are understood not only by the drug court leaders and senior managers, but also by those indirectly involved in the program. Education and training programs also help maintain a high level of professionalism, provide a forum for solidifying relationships among criminal justice and AOD treatment personnel, and promote a spirit of commitment and collaboration.

- *Key Component 10*

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness. The purpose is its unique position in the criminal justice system a drug court is especially well suited to develop coalitions among private community-based organizations, public criminal justice agencies, and AOD treatment delivery systems. Forming such coalitions expands the continuum of services available to drug court participants and informs the community about drug court concepts.