

Washoe Tribe of Nevada and California

Law & Order Code

TITLE 24 – DRUG COURT PROCEDURES

24-10-10 SHORT TITLE

Title 24 shall be entitled the Drug Court Code.

24-10-20 PURPOSE AND MISSION STATEMENT

The Washoe Tribe Juvenile Healing to Wellness Drug Court (WTJHTWDC) shall provide a highly structured therapeutic treatment program for non-violent offenders who are Native American youth, ages 10-18, residing within the Washoe Tribe jurisdiction. This Drug Court Program is designed to guide youth with alcohol and drug related offenses in a positive direction. The Drug Court is committed to treat each youth with dignity and respect and with genuine care for their recovery helping them to move towards sober, joyous, and productive lives within the community. The community is intended to benefit through increased sobriety, increased student graduation rates, increased community participation, and reduced crime.

24-10-20 DEFINITIONS

1. “Drug Court” means the Nganangaw nga ng gahamu’ angaw (“Our children feel good”)
2. “Drug Court Coordinator” means the case and program coordinator for the Drug Court.
3. “Drug Court Officer” means the juvenile probation officer for the Drug Court.
4. “Drug Court Program” means the process of admitting juvenile participants into and supervising them through a substance abuse rehabilitation program as defined more fully by this title.
5. “Drug Court Team” is comprised of the following members, who develop and implement the Policies and Procedures of the Drug Court:
 - (a) Drug Court Judge
 - (b) Tribal Prosecutor

- (c) Tribal Defense Advocate
- (d) Washoe Tribal Police Captain
- (e) Drug Court Coordinator
- (f) Drug Court Officer
- (g) Tribal Substance Abuse Counselor
- (h) Tribal Substance Abuse Counselor
- (i) Tribal Social Service Director

- 6. “Family” means the parents or guardian of a juvenile participate in the Drug Court Program, as well as any member of the extended family that the Drug Court Team determines plays a significant role in the supervision and rearing of the juvenile.
- 7. “Juvenile Court” means the Juvenile Division of the Tribal Court of the Washoe Tribe of Nevada and California.
- 8. “Treatment Plan” means the individual treatment plan developed by the Drug Court Team for each juvenile participant.
- 9. “Violent Offenders” means any juvenile who has been adjudicated delinquent for a felony level violent offense, which shall include but not be limited to the offenses of murder, robbery, and battery with a deadly weapon.

24-20 JURISDICTION

24-20-10 Jurisdiction Over Juveniles

The Drug Court shall have jurisdiction over all non-violent Indian juvenile offenders deemed eligible and suitable for the Drug Court Program and transferred to the Drug Court from the Juvenile Court.

20-20-20 Jurisdiction Over Families

The Drug Court shall have jurisdiction over all families of the juvenile participants of the Drug Court, which shall include the parents and guardians of participants, as well as other extended family members who are found by the Drug Court Judge to play a significant role in the supervision and/or rearing of the juvenile participant and who sign the voluntary participation agreement.

24-20-30 Subject Matter Jurisdiction

Once a juvenile offender has been accepted into the Drug Court Program and transferred to the Drug Court from the Juvenile Court, the Drug Court has exclusive jurisdiction over any juvenile participant in the Drug Court until the juvenile participant has successfully graduated from the Drug Court Program or

has been expelled from the Drug Court Program and referred back to the Juvenile Court for further adjudication.

24-20-40 Eligibility and Suitability Standards

1. Indian Juveniles who meet the following minimum requirements shall be eligible for the Drug Court Program:
 - (a) The juvenile must be an Indian juvenile between the ages of ten and eighteen years.
 - (b) Juvenile must be charged with or please guilty in Juvenile Court to either non-violent:
 - i. Possession of a controlled substance,
 - ii. Abuse/use of a controlled substance, or
 - iii. Being under the influence of a controlled substance or alcohol,
 - (c) Has an assessed relationship with and/or is chemically dependant on alcohol or on another controlled substance,
 - (d) Resides on or near Washoe Tribal lands,
 - (e) Has the ability to comprehend and comply with the Drug Court requirements,
 - (f) Has no previous charges of violent behavior,
 - (g) Must be willing to participate in the Drug Court Program for a minimum of twelve months and to maintain their residence and domicile within Tribal lands or the surrounding jurisdiction,
 - (h) The Drug Court Team deems the juvenile suitable for the Drug Court Program.

2. To determine the suitability of a juvenile for the Drug Court Program the Drug Court Team shall:
 - (a) Consider the standards provided in the Policies and Procedures of the Drug Court
 - (b) Prepare a biopsychological report, if deemed necessary,
 - (c) Determine that the juvenile is motivated and has the ability to benefit from the Drug Court Program,
 - (d) Determine that the juvenile has the ability to take a written and oral exam,
 - (e) Determine that the youth is willing to participate in required counseling sessions, including required family sessions.

24-20-50 Acceptance of Cases from Juvenile Court

The Drug Court Judge shall accept the transfer of cases from the Juvenile Court made in accordance with Title 10 of the Washoe Tribe Law and Order Code.

24-20-60 Upon a juvenile’s successful graduation from the Drug Court Program or expulsion from the Drug Court Program, the Drug Court shall transfer the matter back to the Juvenile Court.

10-30 DRUG COURT PERSONNEL

24-30-10 Duties and Responsibilities of the Drug Court Coordinator

The Drug Court Coordinator shall:

1. Facilitate the collection and organization of relevant information by receiving, recording, and maintaining all documents and records of the Drug Court, and administrate the automated comprehensive Management Information System (MIS),
2. Provide a monthly list of Drug Court participants to Law Enforcement,
3. Provide case management and manage the Drug Court docket.

24-30-20 Duties and Responsibilities of the Drug Court Officer

The Drug Court Officer shall:

1. Monitor the compliance of participants with the Drug Court Program requirements and the law, which shall include but not be limited to meetings with participants and their families, administering random alcohol/drug tests, providing test results and status reports to the Drug Court Team, and coordinating any community service required to be performed by the juvenile,
2. Service as an interagency and interdepartmental liaison for correspondence, reports, case records, filed notes and all other related materials,
3. Finalize the screening and assessment of a juvenile’s eligibility and suitability for the Drug Court Program, and access resources available to assist the juvenile and/or parents with their participation I the Drug Court Program.

24-30-30 Duties and Responsibilities of the Drug Court Judge

The Drug Court Judge shall preside over Drug Court hearings and shall serve as a member of the Drug Court Team, where the Judge will make final determinations regarding the eligibility of juveniles for the Drug Court Program, Treatment Plans and supervising conditions, referrals to juvenile court, and program completion determinations.

24-30-40 Duties and Responsibilities of the Tribal Prosecutor

The Tribal Prosecutor shall review each case referred for screening and shall provide an opinion to the Drug Court Team regarding the eligibility of a juvenile defendant for the Drug Court Program. The Tribal Prosecutor shall also serve as an active Drug Court Team member throughout each case in the Drug Court Program.

24-30-50 Duties and Responsibilities of the Defense Advocate

The Defense Advocate shall confer with the Tribal Prosecutor and the Drug Court Officer to determine the eligibility of a defendant for the Drug Court Program. The Defense Advocate shall advocate the juvenile’s interests in Drug Court team evaluations and determinations and shall represent a juvenile defendant, in the Juvenile Court, if the juvenile is expelled from the Drug Court Program.

24-30-60 Duties and Responsibilities of the Washoe Tribe Police Officers

When a tribal Police Officer cites or arrests a juvenile for non-violent alcohol or drug related crime, the police officer shall send a written report with a criminal background check to the Tribal Prosecutor and the Drug Court Officer for Drug Court eligibility screening. Tribal Police Officers shall also provide criminal data, arrest data, contact data, and liaison with the Drug Court Officer regarding contacts for juvenile participants.

24-30-70 Duties and Responsibilities of the Substance Abuse Counselor

The Substance Abuse Counselor shall provide an initial assessment of each juvenile defendant referred to the Drug Court for an eligibility screening to determine the type of services needed. The Substance Abuse Counselor shall also administer testing, develop a treatment plan, provide counseling, provide written reports and make recommendations to the Drug Court Team, as appropriate, regarding the progress of the juvenile and/or the family.

24-30-80 Duties and Responsibilities of the Education Director

The Education Director shall serve as a member of the Drug Court Team and will provide the Team data regarding the juvenile’s school performance, school attendance, and school counseling records, as well as other relevant information. The Education Director shall develop protocols to address juvenile delinquency and required educational mandates of the Drug Court Program. Additionally the Education Director shall provide alternative education programs if the juvenile participant is removed to an intensive treatment facility or is unable to attend school due to treatment demands.

24-30-90 Duties and Responsibilities of the Social Services Director

The Social Services Director shall serve as a member of the Drug Court Team and will provide the Team with an evaluation of the family circumstances of juvenile participants and make recommendations to address any issues related to those circumstances. The Social Services Director shall also provide appropriate services to the juvenile participant’s family and coordinate these services with the Drug Court Program.

24-30-100 Duties and Responsibilities of the Drug Court Team

The Drug Court Team shall make recommendations to the Drug Court Judge regarding the eligibility of juveniles and the Drug Court Team shall meet weekly, prior to Drug Court sessions, to review the progress of juvenile participants, and make recommendations regarding the development and amendment of treatment plans.

24-40 DRUG COURT PROCEEDINGS AND SANCTIONS

24-40-10 Screening and Assessment Procedures

1. Upon discovery of evidence of an Indian juvenile in possession of a controlled substance, abusing or using alcohol or a controlled substance, or being under the influence of alcohol or a controlled substance, a probation officer or social service worker shall refer the matter to the Tribal Police Officer.
2. Upon receipt of a referral of a juvenile under paragraph 1 or when a Tribal Police Officer cites or arrests a juvenile for a non-violent alcohol or drug related crime, a Tribal Police Officer shall send a written report with a criminal background check to the Tribal Prosecutor and the Drug Court Officer for Drug Court eligibility screening.
3. The Drug court Officer shall conduct an eligibility assessment of a potential Drug Court participant within seven days of receiving a referral from a Tribal Policy Officer. This assessment shall include a review of school records, prior delinquent history, detention and/or arrest history. Upon completion of the assessment, the Drug Court Officer shall provide a recommendation to the Tribal Prosecutor as to whether the juvenile is eligible for the Drug Court Program.
4. (a) The Tribal Prosecutor shall conduct an eligibility assessment of a potential Drug Court participant within seven days of receiving a referral from a Tribal Police Officer. This assessment shall include a review of the Policy Department report to assess whether the

- matter is appropriate for prosecution, dismissal, or diversion through the Drug Court Program.
- (b) If there is sufficient evidence to support a prosecution, the Tribal Prosecutor shall prepare and file a petition alleging delinquency and notify the Defense Advocate and the Drug Court Officer of this determination.
 - (c) If there is insufficient evidence to support a prosecution, the Tribal Prosecutor shall notify the Juvenile Court, the Drug Court Officer and the Tribal Policy that no charges will be filed.
 - (d) If a matter is forwarded to the Tribal Defense Advocate by the Tribal Prosecutor, the Defense Advocate shall describe the Drug Court Program, identify any obstacles or impediments to participation, conduct an assessment of the willingness of the potential Drug Court participant and the juvenile's family to participate in the Drug Court Program, and, if the juvenile and family are willing, secure the execution of all required Drug Court forms. If the juvenile and parents or guardians are willing, the Defense Advocate shall, within seven days of receiving the referral from the Tribal Prosecutor, refer the juvenile and the parents or guardians of the juvenile to the Washoe Behavioral Health Center for a substance abuse evaluation and notify the Substance Abuse Counselor of this referral. The Defense Advocate shall notify the Drug Court Officer of the execution of the Drug Court forms and any issues that need to be addressed to enable the juvenile's successful participation.
 - (e) The Substance Abuse Counselor shall conduct a substance abuse evaluation of a potential Drug Court participant within seven days of receiving a referral from the Defense Advocate. This evaluation shall assess the juvenile's relationship with alcohol or other drugs and/or whether the juvenile is chemically dependent, as well as whether the juvenile is appropriate for and/or likely to benefit from the Drug Court Program. Within seven days of receiving notice from the Defense Advocate upon completion of the evaluation, the Substance Abuse Counselor shall provide the results to the Drug Court Officer, the Tribal Prosecutor, and the Tribal Defense Advocate. The Substance Abuse Counselor shall also notify the Drug Court Officer, Tribal Prosecutor, and Defense Advocate, if the juvenile and or parents/guardians refuse or fail to participate in a substance abuse evaluation.
 - (f) The Juvenile Court judge may, at the judge's discretion, extend any one of the assessment or evaluation periods up to seven additional days.

24-40-20 Accepting a Juvenile Into the Drug Court Program

1. Based upon the recommendations of Drug Court Team members, the Drug Court Judge shall accept or deny a juvenile’s admittance into the Drug Court Program.
2. If a juvenile is determined to be eligible for the Drug Court Program the Drug Court Officer shall present information to the Juvenile Court Judge.
3. After the issuance of an Order from the Juvenile Court Judge transferring the matter to the Drug Court, the Drug Court Officer shall schedule a date for the juvenile and the parent(s)/guardian(s) to appear before the Drug Court.
4. The Drug Court Officer shall notify the juvenile, parent(s)/guardian(s), Defense Advocate, Probation Officer, Prosecutor and Behavioral Health Center of the scheduled Drug Court date for the juvenile and direct the juvenile and parent(s)/guardian(s) to attend the next regularly scheduled Drug Court counseling session to begin participation in the counseling program.

24-40-30 Drug Court Procedures

1. The Drug Court shall hold hearings weekly.
2. The Juvenile and family shall engage directly with the Drug Court Judge, and the Tribal Prosecutor, Defense Advocate, Drug Court Officer, and Drug Court Coordinator, who all shall be present for all hearings.
3. The Substance Abuse Counselor, Tribal Education Director, and Tribal Social Services Director have the option to attend Drug Court hearings and may be ordered by the Drug Court Judge to attend specific hearings.
4. Based upon a finding that the family member has a significant role in the supervision and rearing of the juvenile, Drug Court Judge may secure required and Drug Court participation forms and order members of the juvenile’s extended family to appear at hearings, family counseling sessions, and substance abuse treatment or counseling.
5. Drug Court may, at the Court’s discretion, order fees.
6. Prior to issuing orders regarding treatment plans, the Drug Court Judge shall confer with the Drug Team.

24-40-40 Treatment Standards and Treatment Phase Requirements

1. Treatment Plans may include, but are not limited to, group counseling sessions, individual counseling sessions, family counseling sessions, anger management and life-skills development, participation in self-help and recovery programs, and substance abuse treatment.
2. An individual treatment plan shall be developed for each juvenile participant.
3. Treatment plans shall be set up in four Phases, with the first Phase being 90 days, the second Phase being 90 days, the third Phase being 150 days, and the fourth Phase being 30 days.
4. The general requirements for each Phase shall be established in the Policies and Procedures of the Drug Court Program.
5. The drug Court Judge, in consultation with the Drug Court Team, may impose sanctions and grant incentives for juveniles and their family, based upon their respective participation in the treatment plan.
6. The Drug Court Judge may order a juvenile to repeat a phase of the treatment plan for failure to comply with the conditions of that phase.

24-40-50 Graduation Criteria

1. The graduation requirements from the Drug Court Program shall require the completion of all four phases of the Program as well as other appropriate requirements ordered by the Drug Court, which may include but are not limited to:
 - (a) earning and receiving a high school diploma
 - (b) obtaining a driver’s license
 - (c) payment of restitution
 - (d) completion of written essays
 - (e) completion of a final exit interview

24-40-60 Expulsion Criteria

1. A juvenile may be expelled for possession of weapons, arrest for violent behavior, refusal to take a Drug Test, or arrest for trafficking in controlled substances, refusal of a family member, deemed necessary to the program, to participate, or threatening or inflicting physical harm to any Drug Court Team Member.
2. A juvenile may be expelled from the Drug Court Program if the Drug Court finds repeated violations of treatment plan or other requirements.

24-40-70 Transfer of Cases to Juvenile Court

1. Upon successful graduation of a juvenile participant the Drug Court shall transfer the matter to the Juvenile Court for the dismissal of the charge, withdrawal of the juvenile’s admission, and setting aside the juvenile’s disposition, as appropriate.
2. Upon expulsion of a juvenile participant, the Drug Court shall transfer the matter to the Juvenile Court for further adjudication in Juvenile Court.

24-50 MISCELLANEOUS PROVISIONS

24-50-10 Data Collection and Statistical Data

The Drug Court shall retain general program information and statistical information regarding the Drug Court Program, which shall be available to the Washoe Tribal Council, the U.S. Department of Justice, and the U.S. Department of the Interior.

24-50-20 Case Records

1. All case management records and any other records identifying juvenile defendants or their families shall be closed, shall not be accessible to the general public, shall not be subject to disclosure or inspection as public records, and shall not be used in any other proceedings other than juvenile proceeding.
2. Nothing in paragraph one of this section shall prevent a juvenile participant, the parent(s)/guardian(s), the representative of the juvenile or parent(s)/guardian(s), or any other person authorized in writing by the juvenile and the juvenile’s parent(s)/guardian(s) from inspecting and copying such records.
3. Whenever the conduct of a juvenile participant in the Drug court Program may be the basis of a civil action, any party to such civil action may petition of the court for release of the name of the child, and upon satisfactory showing to the court that the purpose in obtaining g such information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the name of such juvenile and authorize its use in such civil action.