

Second Judicial District Court Specialty Courts

Advisory Commission on the Administration of Justice

March 28, 2018

Second Judicial District Court's Specialty Courts

10 Courts In The Second Judicial District:

Mental Health Court

Veterans Court

Diversion Court

Felony DUI Court

Adult Drug Court

Medication-Assisted Treatment Court

Youth Offender Diversion Court

Prison Re-Entry Court

Family Drug Court

Family Mental Health Court

Mental Health Court

- Multijurisdictional
- Statutory Authority
 - NRS 176A.260 – DIVERSION
 - NRS 176A.400 – PROBATION
- Maximum Participants: 120
- Current Participants: 90
- Program Length: Minimum 12 Months
- Fee: None To Client
- Behavioral Health, Housing, Medication Provided By NNAMHS

Mental Health Court Requirements

_____ Mental Health Court has filed a letter of acceptance because below requirements have been fulfilled:

- ✓ Referral form and appropriate evaluation documenting the serious mental illness diagnosis have been submitted to MHC.
- ✓ Person has been diagnosed with a serious mental illness as defined by NRS 433.164.

Commonly accepted diagnoses include (but are not limited to):

- Schizophrenia
 - Schizoaffective Disorder
 - Psychosis
 - Bipolar Disorder
 - Post-Traumatic Stress Disorder
 - Major Depressive Disorder
- ✓ The diagnosed serious mental illness seriously limits the capacity of a person to function in the primary aspects of daily living.
 - ✓ Crime cannot be a felony domestic violence or a felony DUI.
 - ✓ Diversion or probation is allowed.

_____ Sentencing Judge agrees that defendant is appropriate for Mental Health Court.

Mental Health Court Budget

<u>Revenue</u>	<u>Amount</u>	
Assembly Bill 29 Funding	\$17,391	
Participant Contributions	not collected	
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	\$17,391	
<u>Expenditures</u>		<u>Provider</u>
Drug Testing	\$12,391	Redwood Toxicology, Inc.
Bus Passes	\$5,000	
Operating expenses	\$1,200	
Salaries and Benefits	\$186,246 (2 FTE SCO); \$16,977 (15% FTE SCM); \$1,832 (2.5% FTE Asst.)	
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	\$223,646	

Veterans Court

- Multijurisdictional
- Statutory Authority
 - NRS 176A.290 – DIVERSION
 - NRS 176A.400 – PROBATION
- Maximum Participants: No Maximum
- Current Participants: 30
- Program Length: Minimum 12 Months
- Fee: None To Client
- Behavioral Health, Housing, Medication Provided By Veterans Administration

Veterans Court Requirements

_____ Veterans Court has filed a letter of acceptance because below requirements have been fulfilled:

- ✓ Referral form and appropriate evaluation documenting the mental illness, substance abuse or PTSD have been submitted to Veterans Court.
- ✓ There is a nexus between the defendant's mental illness, alcohol or drug abuse, or posttraumatic stress disorder and the veteran's military service or the veteran's readjustment to civilian life after military service.
- ✓ Defendant is a veteran.
- ✓ Defendant was not dishonorably discharged.
- ✓ The defendant has at least one of the following:
 - Mental illness
 - Alcohol or drug abuse
 - Posttraumatic stress disorder
- ✓ Crime cannot be a felony domestic violence or a felony DUI.
- ✓ Diversion or probation is allowed.
- ✓ Not eligible if defendant has previously been assigned to a Veterans Court program.

_____ Sentencing Judge agrees that defendant is appropriate for Veterans Court.

Veterans Court Budget

<u>Revenue</u>	<u>Amount</u>	
Assembly Bill 29 Funding	\$81,975	
Participant Contributions	not collected	
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	\$81,975	
<u>Expenditures</u>		<u>Provider</u>
Drug Testing	\$35,000	Redwood Toxicology, Inc. & Rocky Mountain Offender Management Systems (RMOMS)
Bus Passes	\$2,500	
Operating expenses	\$1,200	
Incentives	\$2,500	
Salaries and Benefits	\$24,522 (.25 FTE SCO); \$9,196 (8.125% FTE SCM); \$1,832 (2.5% FTE Asst.)	
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	\$76,750	

Adult Drug Court

- Statutory Authority
 - NRS 176A.400 - PROBATION
 - Executive Branch Deferral Of Prosecution
- Maximum Participants: No Maximum
- Current Participants: 215
- Program Length: 12 – 18 Months
- Fee: \$2300 Per Month (Includes Drug Testing & Treatment)
 - Behavioral Health Provided By Bristlecone Family Resources
 - RMOMS is Drug Testing Provider
- Judicial Decision Only; No Referral Form Or Acceptance By Adult Drug Court Is Required

Adult Drug Court Requirements

176A.400 Condition of Probation

_____ Individuals who meet all of the following criteria may be ordered to Adult Drug Court, as a condition of probation:

- ✓ Crime is a Category C, D, Or E Felony
- ✓ Defendant is eligible for probation.

_____ Sentencing Judge agrees that defendant is appropriate for Adult Drug Court, as a condition of probation.

Adult Drug Court Requirements

Executive Branch Deferral of Prosecution

- ✓ This is an Executive Branch Diversion.
- ✓ The Court accommodates the state by taking the plea.
- ✓ Canvas includes defendant specifically waiving being sentenced within a reasonable time. Can be up to three years before returned for sentencing.
- ✓ No PSI or sentencing by District Court Judge.
- ✓ The Court does not refuse the referral if the DA and defense agree.

Diversion Court

- Statutory Authority
 - NRS 453.3363
 - NRS 458.300
- Maximum Participants: No Maximum
- Current Participants: 135
- Program Length: 12 – 36 Months
- Fee: \$50 Per Month Court Supervision Fee (General Fund), \$15 Per Drug Test, Direct Payment To Court
 - RMOMS Is Drug Testing Provider
 - Treatment Providers Are On List
- Judicial Decision Only; No Referral Form Or Acceptance By Diversion Court Is Required

453 Diversion Court Requirements¹

_____ Individuals meet all of the following criteria:

- ✓ Defendant Not previously convicted of crimes in NRS 453.011 to 453.552.
- ✓ Defendant Plead guilty to:
 - NRS 453.3325(2)(a)(1)
 - NRS 453.336(2) or (3)
 - NRS 453.411
 - NRS 454.351
 - (basically, drug crimes)
- ✓ Defendant's plea is one for which a suspended sentence or probation is allowed.

_____ Sentencing Judge agrees that defendant is appropriate for 453 Diversion Court.

458 Diversion Court Requirements¹

_____ Individuals meet **all** of the following criteria may be referred to participate in 458 Diversion Court:

- ✓ Defendant has filed a formal election.
- ✓ Has been diagnosed with a *substance use disorder*² by a state certified or licensed clinician who is certified or licensed to diagnose substance use disorders.
- ✓ None of the below exclusions pertain to this case:
 - 1) A crime against the person punishable as a felony or gross misdemeanor as provided in [chapter 200](#) of NRS;
 - 2) A crime against a child as defined in [NRS 179D.0357](#);
 - 3) A sexual offense as defined in [NRS 179D.097](#); or
 - 4) An act which constitutes domestic violence as set forth in [NRS 33.018](#);
 - 5) The crime is that of trafficking of a controlled substance;
 - 6) The crime is a violation of [NRS 484C.110](#), [484C.120](#), [484C.130](#) or [484C.430 \(DUI\)](#);
 - 7) The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 5, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

458 Diversion Court Requirements

- 8) Other criminal proceedings alleging commission of a felony are pending against the *alcoholic or drug addict*²;
- 9) The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or
- 10) The alcoholic or drug addict elected and was admitted, pursuant to [NRS 458.290](#) to [458.350](#), inclusive, to a program of treatment not more than twice within the preceding 5 years.

(Added to NRS by [1975, 971](#); A [1981, 1331](#); [1983, 1089](#); [1985, 1751](#); [1987, 962, 1553](#); [1993, 1235](#); [1995, 235](#); [1999, 3408](#); [2005, 171, 2880](#); [2007, 2778, 2811](#); [2015, 749](#))

_____ Sentencing Judge agrees that defendant is appropriate for 458 Diversion Court.

¹ The difference between Diversion Court pursuant to NRS 453.3363 and Diversion Court pursuant to NRS 458.300 is the crime committed. NRS 453.3363 is for drug crimes. NRS 458.300 is for other crimes.

² Substance use disorder is the correct language, per the DSM-5, and addict/alcoholic is archaic. These terms are used interchangeably within these eligibility criteria and should be interpreted as synonymous.

Adult Drug & Diversion Courts' Budget

<u>Revenue</u>	<u>Amount</u>	
Assembly Bill 29 Funding	\$670,657	
Human Services Agency	\$50,000	
Participant Contributions	\$150,000 (projected for FY18)	
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	\$870,657	
 <u>Expenditures</u>		<u>Provider</u>
Substance Abuse Counseling	\$445,732	Bristlecone Family Resources, Inc.
Drug Testing	\$235,000	RMOMS
Bus Passes	\$2,500	
Operating expenses	\$1,200	
Incentives	\$2,500	
Salaries and Benefits	\$145,593 (80% 2 FTE SCO); \$31,743 (28.125% FTE SCM); \$3,664 (5% FTE Asst.)	
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	\$867,932	

Felony DUI Diversion Court

- Statutory Authority
 - NRS 484C.340 – DIVERSION
- Maximum Participants: No Maximum
- Current Participants: 115
- Program Length: 36 – 60 Months
- Fee: Pay for SCRAM, Ignition Interlock Device, Treatment And Drug Testing Directly To Providers
 - RMOMS Is Drug Testing Provider
 - Treatment Providers Are On List
- Judicial Decision Only; No Referral Form Or Acceptance By Felony DUI Diversion Court Is Required

Felony DUI Diversion Court Requirements

_____ Individuals meet **all** of the following criteria:

- ✓ **Application and appropriate evaluation documenting the substance use disorder have been filed into the record *before court takes plea.***
- ✓ Defendant pleads guilty to NRS 484C.110 or 484C.120.
- ✓ Defendant is diagnosed with a substance use disorder.
- ✓ Defendant cannot have been in Felony DUI Court before.

_____ Sentencing Judge agrees that defendant is appropriate for Felony DUI Diversion Court.

Felony DUI Court Budget

<u>Revenue</u>	<u>Amount</u>
Assembly Bill 29 Funding	\$76,061
Office of Traffic Safety	\$30,000
Participant Contributions	\$not collected

\$106,061

<u>Expenditures</u>		<u>Provider</u>
Drug Testing	\$5,000	Redwood Toxicology, Inc.
Bus Passes	\$639	
Operating expenses	\$1,200	
Incentives	\$639	
Salaries and Benefits	\$77,183 (.5 FTE 2 SCO); \$9,196 (8.125% FTE SCM); \$1,832 (2.5% FTE Asst.)	

\$95,689

Medication-Assisted Treatment Court

Requirement includes:

- ✓ Defendant has been diagnosed with a primary diagnosis of *opioid use disorder* by a state certified or licensed clinician who is certified or licensed to diagnose opioid use disorders.

Medication-Assisted Treatment Court Budget

<u>Revenue</u>	<u>Amount</u>	
State General Fund	\$180,345	
Participant Contributions	\$30,000 (projected for FY18)	
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	\$210,345	
 <u>Expenditures</u>		<u>Provider</u>
Medication-Assisted Tx	\$140,000	Quest Counseling & Consulting
Drug Testing	\$40,000	RMOMS
Operating expenses	\$1,200	
Salaries and Benefits	\$27,073 (20% 2 FTE SCO); \$9,196 (8.125% FTE SCM); \$1,832 (2.5% FTE Asst.)	
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	\$219,301	

Youth Offender Diversion Court

Requirements include:

- ✓ Defendant eligible for Diversion Court.
- ✓ Defendant has been diagnosed with a primary diagnosis of *opioid use disorder* by a state certified or licensed clinician who is certified or licensed to diagnose opioid use disorders.
- ✓ Is between 18 and 24 years old at entry.

Youth Offender Diversion Court Budget

<u>Revenue</u>	<u>Amount</u>	
State General Fund	\$50,991	
Participant Contributions	\$10,000 (projected for FY18)	
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	\$60,991	
 <u>Expenditures</u>		<u>Provider</u>
Medication-Assisted Tx	\$30,000	Northern Nevada HOPES
Drug Testing	\$25,000	RMOMS
Incentives	\$2,500	
Bus Passes	\$2,500	
Operating expenses	\$1,200	
Salaries and Benefits	\$20,629 (15% 2 FTE SCO); \$9,196 (8.125% FTE SCM); \$1,832 (2.5% FTE Asst.)	
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	\$92,857	

Family Drug Court

- Not a criminal court
- Maximum Participants: 20
- Current Participants: 13
- Program Length: Minimum 15 months
- Fee: No fee assessed to the participants
- Substance abuse counseling and drug testing provided by treatment providers
- Human Services Agency provides social work and manages open CPS case

Family Mental Health Court

- Not a criminal court
- Maximum Participants: 10
- Current Participants: 7
- Program Length: Minimum 15 months
- Fee: No fee assessed to the participants
- Mental health treatment provided by Northern Nevada Adult Mental Health Services
- Drug testing provided by RMOMS
- Human Services Agency provides social work and manages open CPS case

Family Drug and Family Mental Health Courts' Budget

<u>Revenue</u>	<u>Amount</u>
Assembly Bill 29 Funding	\$69,346
Human Services Agency	\$72,750
Participant Contributions	not collected

\$142,096

<u>Expenditures</u>	<u>Amount</u>	<u>Provider</u>
Substance Abuse Counseling	\$120,362	Bristlecone Family Resources and Step2 (\$60,181 each)
Mentor Program/Case Mgt.	\$20,000	Tru Vista Foundation
Drug Testing (FMHC only)	\$5,000	RMOMS
Incentives	\$1,500	
Salaries and Benefits	\$24,522 (.25 FTE SCO); \$18,392 (16.25% FTE SCM); \$3,664 (5% FTE Asst.)	

\$193,440

Prison Reentry Court

- Statutory Authority
 - NRS 209.4886: Participants must demonstrate a willingness to engage in employment or participate in vocational rehabilitation or job skills training and meet any existing obligation for restitution to any victim of his or her crime. Participants must be within 2 years of probable release from prison
 - NRS 213.625: Participants must meet the eligibility criteria under NRS 209.4886 as well as being considered for parole or a parolee who has violated a term of condition of parole if a judicial program has been established in the judicial district in which a prisoner or parolee may be paroled.
- Current participants: 20
- Program Length: Minimum: minimum 12 months
- Fee: No fee assessed to the participants

Prison Reentry Court Budget

<u>Revenue</u>	<u>Amount</u>	
Not funded through AB29 or State General Fund Dollars		
Participant Contributions	not collected	
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	\$0.00	
<u>Expenditures</u>		<u>Provider</u>
Substance Abuse Counseling	\$0.00	utilize community treatment providers
Drug Testing	\$0.00	RMOMS (participants self pay)
Operating expenses	\$1,200	
Salaries and Benefits	\$24,522 (.25 FTE SCO); \$9,196 (8.125% FTE SCM); \$1,832 (2.5% FTE Asst.)	
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	\$36,750	

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