

CHEROKEE TRIBAL DRUG COURT
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made and entered into on the 1st day of March , 2010 BY AND BETWEEN THE CHEROKEE TRIBAL DRUG COURT, Prosecutors Office, Cherokee Police Department, Probation Department, Dept of Health and Medical Division, Analenisgi, Department of Information and Technology and Superior Tribal Court:

WHEREAS, the Cherokee Tribal Drug Court was established in October of 2005, a Memorandum of Understanding is needed to clarify the respective roles and expectations of participating agencies. A cooperative program of all agencies is listed. The Tribal Drug Court has been developed to reduce the criminal recidivism rate of alcohol and drug addicted offenders through an integrated approach that involves court supervision, substance abuse treatment service, education, employment and personal accountability.

WHEREAS, This is in line with the Principal Chief's "Drug Elimination Initiatives", "It Is Hereby Proclaimed by the Principal Chief that this Administration shall be devoted to a series of efforts designed to significantly reduce, and if possible eliminate, drug distribution and use within Cherokee territory".

PROGRAM GOALS AND OBJECTIVES:

The goal of the Cherokee Tribal Drug Court is to provide a comprehensive treatment and supervision program that will help individuals become drug free, crime-free, and self-sufficient individuals within our community.

Performance indicators include the following:

- Sobriety- a reduction in frequency of relapse and/or total abstinence from drugs and alcohol and other substances;
- Recidivism- a reduction in arrests and contacts with the criminal justice system;
- Retention- consistent and successful attendance in treatment programs;
- Personal achievements-maintenance of stable living conditions and employment, promoting self-sufficiency and becoming productive, responsible members of society;
- Efficient Judicial System- a reduction in judicial system costs relative to criminal case processing and incarceration.

DUTIES AND EXPECTATIONS OF PARTICIPATING DEPARTMENTS:

All participating departments agree to assist in the development, enhancement, and collection of data for the Tribal Drug Court. The following section outlines the duties each department agrees to perform as part of the Tribal Drug Court Program subject to the availability of adequate departmental and outside resources:

Cherokee Tribal Court:

- Provide a Judicial Officer, on a part time basis, to lead the Cherokee Tribal Drug Court Program;
- Continue to recognize and refer defendants to alternative sentencing programs (Tribal Drug Court Program) from Tribal Trial Court.
- Provide necessary court resources to the program including but not limited to a courtroom and part time support staff;
- Participate as part of planning and oversight committee in the program;
- Provide data and information regarding the target population.

Cherokee Tribal Prosecutors Office:

- Provide a Prosecutor or Assistant Prosecutor committed to the rehabilitative goals of the program, on a part time basis;
- Determine criminal justice eligibility at the complaint filing level;
- Participate as part of planning and oversight committee in the Program;
- Provide data and information regarding the target population.

Cherokee Police Department:

- Assist in enforcing graduated sanctions to the Tribal Drug Court Participants needing jail space;
- Provide necessary security as needed;
- Provide officers to assist in curfew checks, warrantless searches, random alcohol and drug tests;
- Provide officers for Drug Court Team meetings and other community efforts related to Drug Court's educational and community services;
- Provide information gathered on Drug Court participants if new charges are issued to participant, while in the program;
- Participate as part of planning and oversight committee in the Program;
- Provide security and assist in transporting Drug Court Participants to jail and rehabilitative centers as needed for Drug Court Participants;
- Provide data and information regarding the target population.

Probation Department:

- If participant is on probation, provide case supervision services as appropriate based on the department's risk assessment;
- Give priority to any requests the Drug Treatment Court has regarding any program probationers supervised by the agency, provided sufficient staff is available;
- If participant is not on probation, agree to allow Drug Court participant's Community Services to be monitored by Drug Court staff;
- If participant is on probation, provide hours needed and information as to when Community Services has been completed;
- Provide data and information regarding the target population.

Department of Health and Medical: ANALENI SGI:

- Assume primary administration of the program by providing an Alcohol and Drug Program Administrator (NC Certified in Substance Abuse Counseling), Drug Court Coordinator, Case Manager, supplies, and space;
- Assume primary responsibility for implementation of management information systems, data collection, evaluation and reporting of the program activities;
- Provide ongoing coordination and monitoring of alcohol and drug treatment resources, screening and assessment services;
- Participate as part of planning and oversight committee in the program;
- Provide data and information regarding the target population;
- Provide outpatient treatment;
- Provide resources for residential treatment.

(OIT) Office of Information technology:

- Provide statistical information base on the information given;
- Provide data collection tools;
- Create a data base for the Drug Court Program;
- Provide technical assistance as needed for Drug Court's Program and docket;
- Provide training and technical assistance for Drug Court Staff by providing resource needed for criminal checks tribal and state;
- Provide training and or contact related to: driving record for tribal and NC state record;
- Participate as part of planning and oversight committee in the program.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Understanding to be executed by their duly authorized officers:

APPROVED AS A LEGAL FORM

Eastern Band Cherokee Indians:

By: _____

Date: _____

By: _____
Office of Chief Justice: Bill Boyum

Date: _____

By: _____
Presiding Judge: Hon. Steven Philo

Date: _____

By: _____
Office of Prosecutor: Roy Wijewickrama

Date: _____

By: _____
Chief of Police: Ben Reed

Date: _____

By: _____
Probation Officer: John Nations

Date: _____

By: _____
Program Director Analenisgi: Patty Grant

Date: _____

By: _____
Deputy Health Medical Division

Date: _____

By: _____
Director (OIT) Office of Information Technology

Date: _____