

[TRIBAL] and [COUNTY] Memorandum of Understanding – Participant Transfer

AGREEMENT between the [TRIBE] and the [COUNTY] [*hereafter* “The parties”].

The parties to this agreement endorse the mission of the [TRIBAL] Drug Court:

[TRIBAL DRUG COURT] is a program designed to enhance public safety and the quality of our tribal community, and to reduce the abuse of alcohol and other drugs by tribal members, by providing intensive treatment and court supervision for individuals who admit guilt to drug- or alcohol-related offenses. By holding participants accountable for their actions and providing them with intensive services, participants are provided with the tools to lead drug-free, crime-free, productive lives.

The [TRIBAL] Drug Court is a voluntary, alternative sentencing program that allows [TRIBAL] participants to obtain a full range of services to assist them in leading a drug- and alcohol-free life. The program offers services that are specifically coordinated, managed and comprehensive; including substance abuse treatment, judicial oversight, random drug screening, assistance in obtaining housing, education, mental health, family counseling, traditional teachings, and also other services as identified throughout the program. The participant passes through four phases of different lengths to complete the program over approximately a twelve month period. The program length, determined by each participant’s progress, will not be less than forty-one weeks.

The parties to this agreement strive to maximize resources, foster collaboration between our sovereigns, and ensure that participants have access to culturally-appropriate treatment. Therefore, the parties to this agreement agree to transfer potentially eligible [TRIBAL] members who are charged with a non-violent alcohol- or drug-related criminal offense or probation violation by [COUNTY] to the jurisdiction of the [TRIBAL] Court.

Specifically, the parties agree:

- The [COUNTY] Prosecutor will determine whether any non-violent criminal defendants are [TRIBAL] members.
- The [COUNTY] Prosecutor will determine whether such tribal member, non-violent defendants are legally eligible for transfer to the [TRIBAL] Drug Court.
- Subsequent to conviction, the [COUNTY] Prosecutor will offer the [TRIBAL] Drug Court as a potential alternative sentence, and upon agreement with the defendant, refer the defendant to the [TRIBAL] Drug Court.
- The [COUNTY] Prosecutor will submit the defendant’s prior conviction information to the [TRIBAL] Drug Court.
- The [TRIBAL] Drug Court will legally screen such referred defendants to determine if the defendant is legally eligible, including, whether their charge is for a non-violent alcohol- or drug-related criminal offense, or probation violation.
- The [TRIBAL] Drug Court will clinically screen the referred defendant, including through a behavioral assessment, to determine if the defendant is clinically eligible.

- The defendant will meet the [TRIBAL] Drug Court Team for an interview, immediately subsequent to which the [TRIBAL] Drug Court will either accept or deny the defendant as a participant in the [TRIBAL] Drug Court.
- Upon acceptance, the [COUNTY] Prosecutor will initiate a [COUNTY] Order, transferring jurisdiction of the defendant to the Sault Ste. Marie [TRIBAL] Drug Court.
- The defendant will participate in the [TRIBAL] Drug Court according to the [TRIBAL] Drug Court Policies and Procedures, including its voluntary and involuntary termination policies.
- Upon successful graduation from the [TRIBAL] Drug Court, the [TRIBAL] Drug Court will initiate a transfer of jurisdiction back to the [COUNTY]. The [COUNTY] will subsequently [REDACTED].
- Upon termination of the defendant from the [TRIBAL] Drug Court, the [TRIBAL] Drug Court will initiate a transfer of jurisdiction back to the [COUNTY]. The [COUNTY] will subsequently impose the sentence previously held in abeyance and the defendant will receive the criminal conviction(s).

AGREEMENT MODIFICATIONS

Any party wishing to amend/modify this Agreement or a policy will notify both Steering Committees of the issue(s). The Steering Committees will jointly address the issue(s) for the purposes of modifying/amending the Agreement or policy. The issue will be decided by each Steering Committee by consensus (if possible) or by simple majority, if not. Both Steering committees must agree to amend modifications

IN WITNESS THEROF, the parties have caused their duly authorized representatives to execute this Agreement.

[COUNTY] Judge

[TRIBAL] Drug Court Judge

Other

Other