

DRAFT

**[WAABSHKI-MIIGWAN
POLICY BOOK]** 

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Waabshki-Miigwan Policies

Target Population

Waabshki-Miigwan will target non-violent participants charged with drug/alcohol related offenses who are a member of a federally recognized Indian Tribe and fall within the jurisdiction of the Little Traverse Bay Bands Tribal Court.

Admission Guidelines

Eligibility includes targeted populations that meet each of the following criteria:

- a. Are a member of a federally recognized Indian Tribe or a LTBB Community Member;
- b. Committed a non-violent crime;
- c. Offense was drug or alcohol related, or drug or alcohol is the underlying factor; such as:
 - Supplying quantities of prohibited drugs;
 - Possession and/or use of prohibited drugs;
 - Breaking and Entering/Home Invasion;
 - Vandalism;
 - Trespass;
 - Theft;
 - Disorderly Conduct;
 - DUI;
 - Dangerous or reckless driving; and
 - Any other offense where drugs or alcohol is the primary underlying factor
- d. History of drug or alcohol use;
- e. Ability to comprehend and comply with Waabshki-Miigwan requirements; and
- f. Fall within the jurisdiction of the LTBB Tribal Court

Exceptions to rules regarding jurisdiction concerning potential clients without criminal charges can be made by team vote if a candidate voluntarily admits himself/herself to the Waabshki-Miigwan Program.

Violent Participant Prohibition

The Waabshki-Miigwan program receives federal-funding and must comply with the Violent Participant requirement. Due to congressional mandate, federally-funded Wellness Courts cannot accept cases involving a violent participant, described as a person who either:

- (1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--
 - (A) the person carried, possessed, or used a firearm or dangerous weapon;
 - (B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Eligibility is also determined by a screening process that is defined and described in the program admission guidelines. Those individuals who screen as eligible for the program must be accepted by the team. They may be referred by law enforcement, the Tribal Prosecutor, probation office, court staff, judge, foreign court, or a combination of these agencies, and may require a vote by the Healing to Wellness Court team.

Entry Process

Entry in the Waabshki-Miigwan program may be initiated through:

- a. A binding plea agreement in a criminal case. The participant's Defense Counsel and the Tribal Prosecutor must agree to a sentence to Drug Court. No Drug Court participant will be received into Drug Court as part of an original sentence over the objection of the Tribal Prosecutor. Once a binding plea agreement with a Drug Court sentence has been reached, the participant will be assessed for Drug Court eligibility. Criteria-eligible participants will be admitted to the Drug Court under the direction of the presiding Judge of the Drug Court. If the participant is determined to be ineligible for Drug Court enrollment, the case will be returned to the referring Judge for a non-Drug Court alternative disposition.
- b. A referral for participants charged with Violation of Probation. The Tribal Probation Officer, the Tribal Court, Defense Counsel, or the Prosecuting Attorney may refer participants to the Drug Court on probation violation (PV) cases any time prior to sentencing on the PV. As in the case for binding plea agreements in a criminal case, participants referred to the Drug Court will be assessed by the Waabshki-Miigwan Program Coordinator for eligibility as a condition of their acceptance into the Drug Court. If accepted, the PV will be permanently transferred to the presiding Judge assigned to the Drug Court.

Client Agreement

Client shall read and voluntarily sign the Client Contract, Rules and Regulations, Participation Agreement, and Payment Agreement. Failure to agree to the terms within these documents can result in being ineligible for the Waabshki-Miigwan program.

Sanctions and Incentives

The Waabshki-Miigwan Program utilizes a variety of rewards to recognize and reinforce progress, and applies a range of sanctions to address noncompliance. Behavior that results in a reward or a sanction will be addressed at status review hearings. Since sanctions are most effective when applied immediately, participants who have violated the terms of the client contract will be required to report in person at the next scheduled Drug Court hearing to accept the resulting penalty.

Participant rewards may include:

- a. Encouragement and praise from the Drug Court Judge;
- b. Applause and praise by the Drug Court Team in hearing;
- c. Ceremonies and progress patches or certificates of progress;
- d. Decreased frequencies for court appearances;
- e. Decreased drug and alcohol testing;
- f. Overriding imposed drug court sanctions when appropriate, and at the direction of the judge;
- g. Restoration of lost privileges;
- h. Gifts from the Tribal Court;
- i. A reduction in assigned court fees;
- j. Graduation ceremonies; and
- k. Other rewards as determined by team.

Participant sanctions may include:

- a. Warnings and admonishments by the Drug Court Judge in open court;
- b. Increased frequency in court appearances;
- c. Increased frequency of AA meetings;
- d. Increased frequency of drug testing and/or breath testing;
- e. Inpatient treatment program;
- f. Assignment to a work detail;
- g. Increased supervision by Tribal Probation;
- h. Tether or SCRAM unit;
- i. A halt in weekly progress through the program. (phase freeze);
- j. Escalating periods of jail confinement;
- k. Termination from Drug Court and referral to the Tribal Prosecutor for re-sentencing; and/or,
- l. Other sanctions determined by team.

Restorative Choice is an optional incentive for participants who would like to restore any non-compliance penalty imposed by the program or any misbehavior/action while in the program. The Restorative Choice may include additional wellness activities or any other activity approved by the Waabshki-Miigwan Team. Clients must always complete the tasks assigned in the Waabshki-Miigwan Program Workbook in order to graduate.

Chemical Free Home

All clients enrolled in the Waabshki-Miigwan program will reside in a chemical/alcohol free residence. Everyone that lives in the client residence must agree to random home visits by a member of the LTBB Tribal Court Team to assure that this is complied with. All residents must sign the Chemical/Alcohol Agreement Form.

Non-compliance with this agreement can be grounds for denial or removal from the Waabshki-Miigwan program

Drug and Alcohol Screening

Drug and Alcohol screenings are a major component of the Waabshki-Miigwan Program. The screenings are used to determine substance use and to monitor the participant's progress.

Screenings are conducted on a frequent and random basis. The participant will be drug-screened throughout the entire program as mandated by each phase. It is the responsibility of the participant to seek clarification of guidelines that are not fully understood. Testing will be at a scheduled time as well as on a **random basis** and may occur **any day of the week**. Results of drug screens will be reported to the court and maintained in the participant's file.

For the protection of the participant, use of any schedule 1 & 2 drug prescriptions, must be brought to staff for review and approval along with verification by the prescribing doctor. Prior to receiving a prescription, it is the responsibility of the participant to inform the physician of the participant's involvement in the program. All medications will not be automatically approved. Failure to comply with proper procedure or a positive screen (excluding the baseline screen) will result in the following sanction(s):

- First Positive Screen - Minimum 3 days Incarceration
- Second Positive Screen - Minimum 7 days Incarceration
- Third Positive Screen - Minimum 30 days Incarceration
- Fourth Positive Screen - Termination, referral to LTBB prosecutor for re-sentencing

Sponsorship Participation

All participants will be required to obtain sponsorship in AA/NA and provide the name and contact information of their sponsor as required by the Waabshki-Miigwan Curriculum. Sponsors will be required to give periodic updates on the participant's progress through the Twelve Step Program throughout the 44 week Waabshki-Miigwan program. Sponsors are encouraged to attend the court hearings, especially hearings that include phase advancement ceremonies.

A sponsor must have two years of continuous sobriety and have a working knowledge of the twelve steps. It is preferred that sponsors have completed the twelve steps in their personal program.

Counseling

Program staff will coordinate with LTBB Substance Abuse Counselors to administer treatment plans. All staff involved will cooperate to insure clients complete the Waabshki-Miigwan curriculum as well as receive any additional therapy that is recommended by LTBB Substance Abuse Staff.

The LTBB Substance Abuse Department staff is the primary counselor for any and all clients in the Waabshki-Miigwan program. Therefore, all requests by the client and/or previous counselor/agency to continue counseling will not be approved, except as provided below:

- a. If a therapeutic relationship existed prior to admission to the Waabshki-Miigwan program, and is requested by the client and agreed to by the counselor/agency and does not interfere, replace or regulate LTBB Tribal Court services;

- b. In such instances where the request to continue counseling with a non-staff professional is approved, the Program Coordinator and the non-staff counselor/agency must define the parameters for the dual relationship with the client;
- c. If during the client's treatment it becomes necessary for the program staff to request specialized services (i.e. psychiatric care or psychological testing); or
- d. In the event a conflict of interest is apparent.

Self-Help Meeting Attendance

Clients are expected to attend self-help meetings throughout the Waabshki-Miigwan Program. In the first phase clients are to attend four (4) meetings per week. In the second and third phases clients are to attend three (3) meetings per week. In phase four clients should attend two (2) meetings per week. Clients should attend all meetings on separate days through the week so that support contact is spread throughout that week. If a client attends more than one meeting per day it will be considered as extra credit when the team considers client recommendations.

30/30/30 Requirement

All clients must provide documentation confirming 30 hrs of attendance at a school or trade program or 30 hours of employment per week. If enrolled in school clients are expected to maintain a "C" average and provide grades at the end of the semester. Participants who work will provide a check stub for each pay period and a work schedule on a regular basis. Client's who fail to meet these requirements will be obligated to complete 30 hours of community service per week to be completed with the LTBB Tribal Government or another approved non-profit organization.

Education

If a client elects to not work or volunteer, they must pursue educational goals. Clients without a high school diploma will be required to enroll in GED classes and complete all tasks assigned by the GED instructor during their enrollment in the Waabshki-Miigwan program.

Curfew

A curfew of 12:00 a.m. until 6:00 a.m. will be in effect throughout the Waabshki-Miigwan program for all participants until the Drug Court Team decides otherwise. Exceptions will be made for conflicts in employment schedule. Possible removal of curfew will depend on the participation and progress of the participant. Permission may be granted by a court team member in the event of an emergency. The participant will be notified if the curfew is changed.

If the client is found breaking curfew by Law Enforcement, clients understand they may be screened for drugs and alcohol by Law Enforcement or a LTBB Court Official. Law enforcement will notify the Waabshki-Miigwan Coordinator and the matter will be reviewed at the next Court Hearing.

Out of Town Travel

If clients wish to leave the three-county area of Emmett, Charlevoix, and Cheboygan Counties, participants should:

- a. Obtain a “Request to Travel” form from Tribal Probation and complete it at least one week prior to leaving the three-county area. All requests must be approved by Tribal Probation before travel will be granted.
- b. In case of an emergency that requires a participant to leave the three county area, the client will contact Tribal Probation to get approval. In the event that Tribal Probation cannot be contacted, client will contact a Drug Court Team member. Documentation of the emergency shall be submitted to Tribal Probation upon return.
- c. Upon return, the participant shall take a PBT and drug screen. In some cases when clients may be out of town for a period of more than three days, they may be required to wear a drug screen patch and/or submit to daily PBTs in order to continually monitor sobriety.

If the proper procedure is not followed permission will not be granted except in the case of an emergency.

Casino Prohibition

All Clients are prohibited from frequenting any Gaming Operations/Facilities (Casino). If a client works at a gaming facility then exceptions can be made by WMDCP Coordinator. Clients may be able to attend special events on a casino property if they secure proper permission from the WMDCP Coordinator prior to event. Violations of this policy will result in WMDCP team approved sanctions.

Attendance

Each client will be required to attend all scheduled hearings, program and counseling appointments, program sessions, and self-help meetings (AA) unless they are properly excused by the Tribal Probation Officer. Clients must notify the court of the possible absence at least twenty-four (24) hours in advance and receive approval. Failure to notify the court of absence will result in the following penalties:

- First Offense - Minimum Fine of \$25
- Second Offense - Minimum Fine of \$50
- Third Offense - Minimum 3 days in jail
- Fourth Offense - Minimum 7 days in jail
- Fifth Offense- Minimum 30 days in jail
- Sixth Offense - Termination, referral to prosecutor for re-instatement of charges

Punctuality

Clients are expected to attend all court hearings prepared and on time. All regularly scheduled Drug Court Meetings/Hearings take place on Wednesdays throughout the year at 2:00 PM unless they are re-scheduled by Court Administrator. If meetings or hearings are rescheduled, clients will be notified as soon as re-scheduling decision is made. If a client expects to be late when attending a scheduled hearing they must call and notify the WMDCP Coordinator or other appropriate court staff. If a client is late and does not notify court about possible tardiness this violation will result in a minimum of the following sanctions:

- First Offense - Verbal Warning
- Second Offense - 2 Hours Community Service
- Third Offense - 4 Hours Community Service
- Four and Subsequent Offenses - 6 Hours Community Service/Will not pass the week

Emergency Hearing

As necessary, the Tribal Court will have emergency hearings when the participant is non-compliant with the program. The Probation Officer or the Presenting Officer will report serious non-compliance to the Judge. These hearings are immediate when the Judge deems necessary to proceed with a hearing when the participant action or activity is seriously non-compliant and when immediate sanctions and/or detention needs to be imposed. The Judge leads the hearings and may impose sanctions with or without the team consent only in emergency situations.

Fines, Fees, and Court Costs

Fines and Fees are determined by the Judge on a case-by-case basis depending on a participant's infractions and needed services.

Disqualification/Termination Criteria

Enrollment and participation in Waabshki-Miigwan is an opportunity for an eligible participant to overcome his/her drug and/or alcohol dependence. Participants may be disqualified from program entry, continuation, or graduation if it is in the best interest of the community, and/or the credibility of the LTBB Tribal Court to do so. Examples include:

- a. Committing a crime of violence;
- b. Co-occurring disordered clients whose mental illness is so severe to prevent active and full participation;
- c. A demonstrated lack of capacity or willingness to engage in treatment and comply with the conditions of probation;
- d. Continuing criminal activity;
- e. Acts of violence while participating in LTBB Tribal Court Programs; and/or
- f. Continued positive drug/alcohol screens.

Graduation Requirements

Graduation will occur after successful completion of the program. The Client must complete all Forty Four Weeks of the Curriculum (A+B+C for 44 weeks). At the end of the forty-four (44) weeks clients will be required to do an "Open Talk Project" in which they will present their recovery story. Members of the LTBB community will attend to hear the client's story and also celebrate the client's success in recovery. A feast will be prepared in the client's honor and a certificate of completion will be awarded at the conclusion of the night. Prior to release from probation the client must complete an exit interview.

Team Member Roles

The **Waabshki-Miigwan Judge** supervises and re-enforces treatment by reviewing the reports from the Waabshki-Miigwan team members and input from each participant and will assign various sanctions and incentives to encourage compliance with the Waabshki-Miigwan Program. The Judge will establish a rehabilitative relationship with the participant through intensive interaction during court appearances. The Judge assumes the role of not only judge, but also mentor and encourager.

The Judge responds quickly to any relapse or other violations with immediate sanctions that address the problem and encourages more dedication to the treatment process. The Court will utilize graduated sanctions to become more restrictive as the severity and frequency of the behavior increases. The court can utilize all the sanctions and incentives spelled out in the Waabshki-Miigwan Policy Manual and any other deemed proper by the Court.

The Drug Court will actively supervise and re-enforce the treatment received by the client. It is a goal of the Drug Court to be an optimistic outlook for each participant in encouraging that client to complete the Drug Court Program as they and the community will both benefit immensely.

The **LTBB Tribal Prosecutor** reviews each participant's case and advises the Drug Court as to whether or not the participant might be a possible candidate for the Waabshki-Miigwan Program. The prosecutor's assessment will include the verification of whether the candidate's charges are appropriate for the program and whether the participant has any prior convictions or charges that may disqualify him from participation. The Tribal Prosecutor will report to the Court his findings. The Tribal Prosecutor will not prosecute any pretrial participant who is participating in the Drug Court Program unless the client is unsuccessful in the program and is terminated. If the participant is unsuccessfully discharged from the Waabshki-Miigwan Program, the prosecutor can pursue the charges as normal.

The **Court Administrator** and the **Court Clerk** of the LTBB Tribal Court are responsible for receiving and filing all original documents, keeping current files and making them available at all Drug Court hearings. The Court Administrator and Clerk of the Court will also be responsible for receiving and recording all payments made to the Drug Court by a client. Finally, the Court Administrator will oversee all budgetary tasks and any grant related objectives or reporting.

The **LTBB Substance Abuse and Mental Health Department** has reserved slots for participants, allowing the participant to access services immediately. Each participant will go through in an intake-initial screening and assessment process at the onset. The participant is assigned a substance abuse counselor and/or a mental health therapist based upon this assessment. The participant and the counselor or therapist will develop a treatment plan based on the abilities, needs and strengths of the participant and also work together to complete the Waabshki-Miigwan Curriculum. The substance abuse counselor and the mental health therapist will provide timely and accurate progress reports regarding the participant to the Waabshki-Miigwan Team prior to each court appearance of the participant. The substance abuse counselor

or mental health therapist will provide any recommendations based on the progress report to the team.

The **Waabshki-Miigwan Court Coordinator** will update files and prepare notes relating to each participant's progress in the Waabshki-Miigwan Program. They will also provide the Client, Client's attorney, or other representative the proper forms for entry into the Drug Court Program. The Adult Drug Court Coordinator will be responsible for preparing any orders and distributing them to the appropriate parties. Copies of all the documents pertaining to the client will be sent to the appropriate personnel (i.e. Program Coordinator, Tribal Probation, and Tribal Prosecutor). The Adult Drug Court Coordinator will pay special attention to each Drug Court client's progress and coordinate with Tribal Probation to make necessary adjustments to client's track.

The **LTBB Adult Tribal Probation Officer** will monitor and supervise the participant on a daily basis. The Probation Officer is in charge of drug and alcohol testing the participant. The Probation Officer works with the client and the client's assigned counselor to guide them through the Waabshki-Miigwan curriculum. Supervision includes weekly monitoring of 30/30/30 completion, Wellness Activity progress, Self-help Meeting attendance, client behavior, and drug screening. The Probation Officer will confirm the client's successful completion of each week's tasks by going over the Client Workbook and Client Calendar with the participant weekly.

The **Cultural Resource Advisor** will coordinate all cultural components of the Waabshki-Miigwan Program. They will build and maintain a community network of Tribal members capable of assisting the client in completing the culturally relevant tasks throughout the Waabshki-Miigwan Program. Also, the Cultural Resource Advisor will work closely with the Waabshki-Miigwan Program Coordinator to complete all the goals and objectives laid out in the strategic plan.

The **LTBB Law Enforcement** provides information to the drug court team concerning contacts between Law Enforcement and drug court participants. A verbal or written report from the Law Enforcement Department regarding positive and negative behavior of participants is provided to the team when necessary. In addition, the Law Enforcement may provide transportation, drug screening,

Client Records

The Adult Drug Court Coordinator shall establish and maintain both a paper filing system and a computer database to track information for all individuals who are processed by the wellness court (before, during and after participation). Information will be used to monitor and program effectiveness, to make improvements, and to demonstrate innovations or success to acquire additional funding. The forms and computer data base shall be designed to collect and report on the following information:

- a. Name, age, birth date, sex, tribe, village, last grade completed, and the names of schools of the participant;
- b. Whether the participant has children, Children's name and age;

- c. Employer Information
- d. Clients specific charges and a brief description of the incident that lead to program admission
- e. Dates of all court hearings and orders and types or orders;
- f. Date of admission, date of physicals, health issues upon admission;
- g. Documented Criminal History
- h. The specific treatment plan requirements for each participant (classes, counseling, groups, support groups, mentoring, physical activity, etc.);
- i. The specific beginning dates for each phase of treatment and phase graduation dates;
- j. Date of expulsion from the wellness court program;
- k. Date of re—admission to the wellness court program;
- l. Date of each alcohol and/or drug test and results;
- m. Dates of additional new charges, Dates of Arrest
- n. Dates of changes in employment;
- o. Number of babies born to participants alcohol and drug free; and
- p. Date and type of sanction issued and for what act or omission

Meetings

A regular Drug Court Team meeting will be held. During weeks when a Drug Court hearing is scheduled the team meeting will be held immediately prior to hearing. Special Drug Court Team meetings may be held as needed.

Ethics and Confidentiality

The fundamental concern of the Waabshki-Miigwan program is addressing alcohol and substance abuse through treatment. Federal requirements and any tribal policies regarding confidentiality of client records must be considered. To properly address the confidentiality rights of participants, the Waabshki-Miigwan team must incorporate confidentiality regulations into its policies and procedures. Confidentiality regarding substance abuse treatment is protected by United States Code and the Code of Federal regulations. Therefore, all treatment providers and team members are bound by confidentiality guidelines.

The Waabshki-Miigwan team can share information regarding participants by obtaining written consent from each participant or through court order. Participants can sign a “Release of Confidential Information Form” where the participant gives his/her consent, in writing, allowing treatment providers and team members to share and disclose information regarding substance abuse issues.

Additionally, the purpose and conditions of the Release of Confidential Information Form should be explained to the participant by a member of the Waabshki-Miigwan Team (defense, probation, prosecution). It is important for the participant to understand the duration of the consent and that consent may be revoked, but that revoking consent may affect his or her ability to remain in the Wellness Court Program.

Because participants are involved in group counseling it is essential that they respect the confidentiality of other participants. They should agree not to disclose sensitive information discussed during sessions. This topic will be addressed in the Client Contract and the initial orientation. Also, measures must be taken by the team to ensure that information disclosed is relevant, reliable and limited to the scope of the program and that it takes place in a professional forum.

In the event that a court staff member and a client should come in contact outside of a professional setting, communication should not take place unless initiated by the drug court participant.

Finally, Tribal law and regulations do not protect any information about suspected child abuse or neglect from being reported under tribal law to appropriate state or local authorities. Other instances of mandated reporting are in case of emergency, or threats to harm self or others.

Evaluation Design

Waabshki-Miigwan will complete consistent and ongoing examination and evaluation of its efforts in order to identify strengths and weakness. A process evaluation will be completed on a yearly basis and every new client will complete an entrance and completion questionnaire. Data gathered from process evaluations will be used to make improvements within the program. The entrance and completion questionnaires will be used to generate useful reports that reflect any progress and provide some preliminary data that will be used in seeking additional funding. A profile of participants will be developed through the collected data that will be useful in making changes to the program target population. The Adult Drug Court coordinator will be responsible for collection and input of data. Data stored in the court Database will be available to the Program Coordinator and Judge to allow more accountability for the program.

Entrance Questionnaire will include the following fields:

- a. Age
- b. Gender
- c. Tribal affiliation
- d. Drugs of choice
- e. Age at first use
- f. Employment status
- g. Educational status
- h. Marital status
- i. Number of dependents
- j. Referring charge
- k. Date of screening
- l. Date of entrance into the program
- m. History of drug use
- n. Personal Statement (Outlook on self and life)

The Completion Questionnaire will include the following fields:

- a. Drugs of choice
- b. Age at first use
- c. Employment status
- d. Educational status
- e. Date of discharge/graduation
- f. Reason for discharge
- g. History of drug use
- h. Additional offenses while in the program
- i. Results of drug testing
- j. Personal Statement (Outlook on self and life)

Periodic (Every Year) process evaluations will include the following questions:

- a. What was planned that did not work?
- b. What worked that was not planned?
- c. What resources were needed?
- d. What data need to be collected?
- e. What is the best collection system (data base/management information system) to use, and how do you begin to plan for it?
- f. What goals and objectives have you met and do you need to change, add, or delete any goals and objectives?
- g. How many clients will we serve the coming year?
- h. Did we serve the number of program participants we anticipated the prior year?
- i. What percent of females are in the program and do we need to adjust the program in any way to meet some of their needs? Males?
- j. What is the average age of participants?
- k. What are the drugs of choice so we know how best to drug test? Should we drug test once a week or more often?
- l. What percent of participants use alcohol, cocaine, methamphetamine, heroin, or other drugs?
- m. What is the employment rate? Do participants need any specialized or vocational training?
- n. What is the average grade completed in school? Do adults need additional educational programs?
- o. What is the marital status of most participants? Does it appear there is a need for dedicated marriage and/or family counseling groups?
- p. On average, how old were participants when they first began to use alcohol or drugs?
- q. What was the referring charge that brought them into the program? Are we addressing the problem within the LTBB community? Is the number of these charges decreasing as participants graduate?
- r. What is the graduate rate?

- s. What is the retention rate?
- t. What is the discharge rate for noncompliance? What are participants doing that causes their discharge? Can we adjust for that?
- u. Are we reaching (or approaching) the recidivism rate we addressed in your goals and objectives?
- v. What are the results of drug tests? Does it appear that participants' alcohol/drug use is decreasing?
- w. Are individuals being screened and are they entering the program in a timely manner?