

Springfield Municipal Adult Recovery and Treatment Court

SMART



Participant Handbook

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DISCLAIMER: All points of view in this document are those of the author and do not necessarily represent the official position of the City of Springfield or any treatment or grant related agency.

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NOTE: Policies and procedures will consistently evolve given new case law, research, and guidance from All Rise.

OVERVIEW

The Springfield Municipal Adult Recovery and Treatment (“SMART”) Court Program is a pre- and post-conviction program which provides alternative sentencing in a multi-phase intervention program designed for adults who have criminal charges, a substance use disorder, and where there is a rational relation to a substance abuse disorder, dual diagnosis disorder, and the crime.

During your participation in SMART Court, you will attend frequent court sessions, substance use treatment, and submit to random drug testing. The SMART Team will work tirelessly to support your recovery and success. Healthy, appropriate behaviors will be enthusiastically rewarded, while sanctions will be strictly imposed to address noncompliant behaviors.

MISSION

The Springfield Municipal Court Adult Recovery and Treatment shall work with community stakeholders to impact the cycle of substance use and/or co-occurring disorders and crime by providing a court supervised response to rehabilitate, educate, and promote a recovery lifestyle in order for participants to become productive and responsible members of the greater Springfield area.

SMART TEAM

Although the SMART Judge makes all final decisions regarding participation in the program, the SMART Court Team has input into all decisions.

The SMART Team includes the following members:

Judge: James Tierney

City Prosecutor: Matt Dahlstrom: SPRINGFIELD-CITY-PROSECUTOR@SPRINGFIELD-OR.GOV

Defense Attorney: Cathy Ouellette: ATTORNEYCATHYOUUELLETTE@GMAIL.COM

SMART Court Coordinator: Erin Selvey: SMARTCourt@SPRINGFIELD-OR.GOV

Case Manager: Tonya Cochran: TONYAC@QRAES.ORG

Probation Officer: Keri Huffman: Keri.HUFFMAN@lanecountyor.gov

Treatment Provider: Emergence Addiction and Behavioral Therapies

Law Enforcement: K. Cardwell

Evaluator: Tara Kunkel

The SMART Team may also include representatives from the community, including but not limited to:

- Additional defense attorneys
- Housing Resources
- Community Colleges or Vocational Rehabilitation
- Veterans Affairs
- Department of Human Services
- Lane County Behavioral Health

- Other community treatment providers, such as: Willamette Family Treatment, Serenity Lane, or treatment representatives, as appropriate
- Ideal Option or other MAT providers

STAFFING

SMART cases will be staffed with the team before each court session. The Smart Team will review a court report drafted by the SMART Coordinator, treatment providers and probation officer. The court report will include information about your drug test results, treatment compliance, and probation cooperation. The Team will make recommendations as to how the program can encourage your success.

Each participant will be reviewed individually to discuss progress and compliance. Court reviews are set according to the participant's current phase and identified needs. Any sanction or missed obligation may require more frequent court reviews. Upon completing the court session, you will sign for your return to court. Failure to appear at the next court session may require the Court to issue a warrant for your arrest and/or issue a termination notice.

SMART SESSIONS

You will be required to appear for SMART sessions on a regular basis. The number and frequency of appearances depends upon your current phase. Failure to appear at any SMART session can result in an arrest warrant. You should address any questions to the SMART Coordinator.

You will have an attorney during SMART sessions who will present an update on your case. However, the SMART Judge will speak with you directly and ask for your input into your progress. This is the time for you to share any issues, concerns, or needs you may have with the Judge and Team.

If you are compliant with your SMART requirements, you will be rewarded with incentives to acknowledge your successes and hard work. If you are not compliant, the Judge will discuss your challenges. Future actions could include sanctions or service adjustments to help you refocus on your recovery path. Sanctions may range from increased program requirements to program termination.

Unless excused by the Judge, you must remain in the SMART session for its entirety. You should be on time, turn off cell phones, dress appropriately, remain quiet when observing, and act respectfully. Depending on your phase, the Court may excuse you, as appropriate.

DRESS CODE

When you appear in court, you should be dressed in respectable attire. While the courtroom atmosphere for SMART Court may be relaxed in nature, SMART Court remains a court of law. If you are dressed inappropriately, you may be asked to leave, your absence will be unexcused and may result in a sanction.

The following is a list of prohibited and inappropriate clothing to wear in court:

1. No tank tops, muscle shirts, crop-tops, swim wear, visible underwear, see through clothing, or clothing with obscene words or pictures
2. No clothing with language or pictures that reference tobacco, alcohol, or drugs
3. No clothing with sexually suggestive or explicit language
4. No pants that hang below the waist
5. No unbuttoned shirts
6. No hats, caps, bandanas, or sunglasses
7. No gang attire or colors of any kind

Additionally:

1. Skirts and dresses must reach 2 inches above the knee, or longer
2. Shoulders must be covered at all times

Resources may be available to assist you in dressing appropriately for court. Please speak with a team member if you would like to access these resources.

FAILURE TO APPEAR (Absconding)

Failure to appear as ordered for any SMART Court session may result in a warrant for your arrest. Any absences must be excused in advance by the Court Coordinator and/or Judge. Medical absences will require that the appropriate medical documentation be submitted to Emergence. Absences caused by appearances in other courts may be excused upon verification you attended the other court hearing.

If you are arrested on a warrant issued by the SMART Court program, you may be held in custody until the next SMART Court docket.

If you abscond from the program (fail to appear as ordered), a termination hearing notice will be mailed to the last known address in the court record for you after 60 days. If you have previously absconded for more than 30 days, a termination hearing notice will be mailed 30 days after the most recent abscond. **If you fail to appear for a termination hearing, you may be terminated in your absence.**

PHASE CHANGE REQUIREMENTS

The SMART Court program consists of five (5) phases over a minimum one-year period.

In all program phases you must:

- Follow the treatment plan and treatment provider program recommendations and requirements.
- Call the UA hotline daily and provide at least 2 random UAs per week.
- Maintain appropriate contact and attend all required appointments with your Probation Officer, Case Manager, and other SMART Court Team members, as required.

Phase-up eligibility is determined by the team when a participant has met all the goals and requirements of their current phase. Time-in-phase does not determine eligibility, except that no participant may phase up without a minimum amount of time in each phase.

The petitions for phase-change can be obtained from the SMART Court Case Manager. The Case Manager will go through the petition with you and assist with submitting it to the court.

Other requirements to complete each phase are listed below:

- A. **Phase 1 – Orientation** (Minimum 28 days (4 weeks) in the phase)
 - a. 7 days sanction free at time of phase up and on the 100% or “On the Path” board
 - b. Must provide all UAs. **Negative UA results not required to phase up.**
- B. **Phase 2 – Stabilization** (Minimum 56 days (8 weeks) in phase)
 - a. 14 days sanction free at time of phase up and on the 100% board
 - b. 14 days of **documented** sobriety
- C. **Phase 3 – Active treatment** (Minimum 84 days (12 weeks) in phase)
 - a. 30 days sanction free at time of phase up and on the 100% board
 - b. 30 days of **documented** sobriety
 - c. Complete GED action plan, if appropriate.
 - d. If DUII charge (in this court or another Oregon court)
 - i. Complete the Victim’s Impact Panel
 - ii. Complete the Oregon ADSS assessment (QRA if DUII in Lane County)
- D. **Phase 4 – Pro-social engagement/Life Skills** (Minimum 84 days (12 weeks) in phase)
 - a. 30 days sanction free at time of phase up and on the 100% board
 - b. 30 days of **documented** sobriety
 - c. Completion of all treatment modules and advancement to recovery planning
 - d. Verification of H.S. diploma or GED certificate
 - e. If DUII charge (in this court or another Oregon court)
 - i. Completion of Oregon DUII treatment requirements
- E. **Phase 5 (to graduate) – After-care and recovery planning**
 - a. Minimum 365 days (12 months) total in program
 - b. 30 days sanction free at time of graduation and on the 100% board
 - c. 120 days of **documented** sobriety
 - d. Verification of H.S. diploma or GED certificate (if allowed to enter phase 5 without)
 - e. 40 hours of “Give-Back” community service, and presentation of that project
 - i. Presentation of G-B must be done a minimum 28 days prior to graduation

Phase 1 – Orientation

- Weekly court attendance.
- Random drug testing (at least 2x/week).
- Appear for substance use, mental health and assessments as required.
- Begin and follow treatment plan.
- Comply with supervised probation.
- Contact with case manager/coordinator weekly.
- Address housing.
- Identify people, places, and things.
- Identify financial and budget issues.
- **To phase up:** Minimum 4 weeks in phase. 100% or "On the Path" board

Phase 2 – Stabilization

- Weekly court attendance.
- Random drug testing (at least 2x/week).
- Continue addressing SU, MH and medical needs. Engage in treatment.
- Comply with supervised probation.
- Contact with case manager/coordinator weekly.
- Review case plan.
- Maintain approved housing.
- Change people, places and things.
- Review financial and budget issues.
- **To phase up:** Minimum total 8 weeks in phase 14 consecutive days of sobriety. 100% board.

Phase 3 – Active Treatment

- Court attendance minimum every 2 weeks
- Random drug testing (at least 2x/week).
- Continue addressing substance use, mental health and medical needs. Engage in treatment.
- Comply with supervised probation.
- Contact with case manager/coordinator monthly.
- Review case plan.
- Maintain approved housing.
- Demonstrate changing people, places and things.
- Begin criminal thinking program and begin prosocial activity.
- Address financial and budget issues.
- At end of phase, begin focusing on recovery support groups and recovery network.
- **To phase up:** Minimum total 12 weeks in phase with 30 consecutive days of sobriety. 100% board.

Phase 4 – Pro-Social Engagement

- Court attendance minimum every 3 weeks.
- Random drug testing (at least 2x/week).
- Continue addressing substance use, mental health and medical needs. Engage in treatment.
- Comply with supervised probation.
- Contact with case manager/coordinator monthly.
- Review case plan.
- Maintain approved housing.
- Maintain changing people, places and things.
- Review financial and budget issues.
- Maintain and apply criminal thinking program. Maintain prosocial activity.
- Engage in recovery network.
- Begin to address ancillary services. Begin parenting/family support.

Phase 5 – Recovery Management

- Begin vocational training or education or employment.
- **To phase up:** Minimum total 12 weeks in phase with 30 consecutive days of sobriety. 100% board.
- Continue in treatment; Develop continuity of care plan; Build recovery capital.
- Comply with probation supervision.
- Contact with case manager/coordinator monthly.
- Review case plan.
- Maintain approved housing.
- Maintain changing people, places and things.
- Review financial and budget issues.
- Maintain prosocial activity.
- **To graduate:** Minimum total 12 months in program with 120 consecutive days of sobriety.

PROGRAM RULES

As a participant you will be required to abide by the following rules:

1. **Honesty is paramount to SMART Court.** You must be honest with the Court at all times. Honesty will be rewarded. If you are dishonest, you may receive a sanction. If you are using controlled substances or other intoxicants and are honest, you may not receive a sanction. Your sanction will be higher if you are deceitful. If you are honest following a relapse you may not be sanctioned. Your sanction will higher if you are deceitful.
2. Abstain totally from the use of illegal drugs, unprescribed legal drugs, alcohol, mind altering substances, or synthetic drugs. This includes medical marijuana and other prohibited substances listed in this handbook. **This is a no tolerance policy.** Other prescription drugs may be approved by Emergence, but you cannot phase up or graduate without a verified clean date.
3. Abstain from selling, possessing, distributing, transporting or being in the presence of any controlled substances, including synthetic substances.
4. Report directly to the SMART Probation Officer upon acceptance into SMART.
5. Follow all policies and procedures of probation not inconsistent with these rules.
6. Verbally inform your treating physicians (doctor, dentist, etc.) that you are in recovery and may not take narcotic addictive medications or drugs. Before taking any medications that are prescribed or over the counter you must confirm with Emergence that you are allowed to do so. Bring in all documentation from doctors' visits and prescriptions to Emergence.
7. Attend SMART court sessions and treatment and group sessions as scheduled. Submit to random alcohol and drug testing, and remain sober and law abiding.
8. Refrain from associating with people who use or possess drugs or associate with people who are on probation/parole, unless authorized by the SMART Team.
9. You may not possess any weapons while in the SMART program.
10. Keep the SMART Team, case managers, treatment providers, and Probation Officer informed of your current address and phone number at all times. You must also obtain permission from the SMART Probation Officer and SMART Coordinator to change addresses/residences.
11. Submit to searches of your person, property, place of residence, vehicle, or personal effects, with or without a warrant, and with or without probable cause, when required by the SMART Probation Officer.
12. Report any contact with law enforcement immediately to your SMART Probation Officer and the SMART Coordinator.
13. Dress appropriately for court and treatment sessions.
14. Sign all releases and documents as necessary.
15. Do not drive unless properly licensed, insured, and registered.
16. Abide by all other rules and regulations imposed by the SMART Team.

****** These rules are subject to change. If the Court informs you of a rule change, that rule is in effect and the policies and procedure manual will be updated as soon as possible.**

INCENTIVES, SANCTIONS, AND SERVICE ADJUSTMENTS

Upon the recommendation of the SMART Team, you may be given incentives for healthy and appropriate behavior. You may also receive sanctions or service adjustments if you violate any of the SMART rules, miss obligations, or continue substance-use. Common incentives, sanctions, or service adjustments may include, but are not limited to:

Incentive Behaviors

- Meeting or exceeding treatment requirements.
- Exhibiting drug-free behavior.
- Repeated compliance with requirements and exceeding treatment plan goals.
- Providing additional support to new participants.

Incentive Options

- Praise by the Judge.
- Promotion to the next phase.
- Incentive gift card draws.
- Small gifts/tokens.
- Reduced supervision.
- Decreased frequency of court appearances.
- Reduction in probation status.

Sanctionable Behaviors

- Positive/falsified/missed drug screen.
 - **Dishonesty may result in more significant sanctions.**
- Diluted drug screens. Dilutes are considered positive samples.
 - **Dishonesty may result in more significant sanctions.**
- Missed meetings (i.e., probation, support, group, treatment, Court, etc.).
- Failure to bring verification or required paperwork.
- Behavior not conducive to recovery.
- Incomplete community service work.

Sanction and Service Adjustment Options

- Warning and discussion in open court about the violation.
- Increase in number of drug screens.
- Essays (written or verbal) on a recovery topic.
- Additional group meetings.
- Day in court to observe court proceedings.
- Community service work.
- Increase in supervision.
- Increase time within phase.
- Incarceration.
- Violation of probation.
- Termination.

100% AND “ON THE PATH” RECOGNITION

Recognition on the 100% board is dedicated to participants who successfully perform all of their SMART Court obligations between court appearances. In order to achieve 100% status participants must have:

- Attended all group and individual sessions, with no tardy appearances or unexcused absences.
- Turned in a minimum two (2) support group slips per week to Emergence.
- Attended all scheduled appointments with Probation Officer, Case Manager, Defense Attorney or Court Coordinator.
- Followed all Probation Officer (PO) directives, including any housing or employment related directives. Attended all PO appointments and had no PO violations.
- Called the UA hotline every day, including weekends and holidays, and provided all UAs as required.
- ***In Phase 2 and above:*** All UA results are negative and not dilute.
- Fulfilled any additional assigned obligations, including, but not limited to:
 - Obligation checklist, journal, or essay assignments.
 - Victim’s Impact Panel.
 - If applicable, make all required residential treatment calls with Peer Support.

The SMART Court Team also wants to recognize your hard work, even when you couldn’t make 100% of the obligations. Those participants who are continuing to move forward in their recovery efforts will be acknowledged on the “On the Path” board. This means we see and appreciate your efforts and want to encourage your continued commitment to beginning or maintaining a recovery lifestyle.

DRUG TESTING

You will be drug tested regularly and randomly throughout your time in SMART. Testing protocol includes:

- Observation.
- Wash hands before giving sample.
- Following all Emergence rules and protocols as it relates to providing samples.
- A missed test will count as a positive screen.
- Attempt to alter, dilute, or fake a drug test will count as a positive test.
- Presumptive positive results are automatically sent for lab confirmation using Liquid Chromatography Tandem Mass Spectrometry (LC/MS/MS).
- Presumptive positive drug tests taken at Probation will be sent for lab confirmation.
- Confirmed positive test may result in immediate sanctions as determined by the SMART team if the individual has had a period of sobriety prior to the test. Current and ongoing use without a defined period of sobriety will not be sanctioned. **However, honesty remains key.**

PROHIBITED FOODS, SUBSTANCES, AND INGESTIBLES

You are prohibited from using any materials (chemicals, ingestibles, drugs, non-medicinal products, non-FDA approved supplements, etc.) that have the ability to interfere with the court's ability to accurately evaluate your abstinence monitoring testing. Exceptions for valid, legal prescriptions can be approved by Emergence. **You should read labels to avoid accidental exposure.**

This can include, but is not limited to:

- Alcohol or alcohol containing over-the-counter medicines
- Poppy seeds
- Creatine or other sports nutrition powders
- Dietary supplements, homeopathic medicines, or herbal supplements
- Energy drinks
- Kombucha
- Products containing THC or Cannabidiol (CBD)
- Nitrous oxide or "whippits"
- Prescription medications belonging to another individual
- Vape pens, e-cigarettes, or other inhalant devices belonging, or previously belonging, to another individual

Review the Emergence ***Approved Over-the-Counter (OTC) Medications List***. If you have additional questions about this topic, confirm with your treatment provider.

EMPLOYMENT

You may be required to seek or maintain employment in the later phases of the program. While you are a participant in SMART Court you may not be employed in establishments where gambling, and/or the sale of alcohol or marijuana is the primary business, or in any adult entertainment industry.

TERMINATION

The SMART Team wants you to remain in SMART until you are law abiding, drug free, and have the tools to succeed. Termination is a last resort. The SMART Team will make every effort to assist you in accomplishing success. However, termination may occur as a result of:

- Failure to comply with treatment.
- Failure to comply with drug testing or falsifying a drug test.
- Failure to consent to release of information.
- Lying or dishonesty.
- New charges or continued illegal activity.
- Engaging in violent or threats of violent behaviors.
- Possession of firearms or other prohibited weapons.
- Failing to engage in the program, failure to appear in court, or demonstrating persistent inability to comply with program expectations.

If you are being considered for termination, you will be told by the Judge during a SMART session. A hearing on termination will be scheduled within 30 days. You will have the right to counsel at this hearing. You will be advised of the behaviors triggering the recommendation for termination. You may be subject to the reinstatement of a bond or release conditions. At the hearing, your lawyer will have the opportunity to be present, heard, and cross examine witnesses. You can elect to waive a hearing. **If you fail to appear for a termination hearing, you may be terminated in your absence.**

If you abscond from the program (fail to appear as ordered), a termination hearing notice will be mailed to the last known address in the court record for you after 60 days. If you have previously absconded for more than 30 days, a termination hearing notice will be mailed 30 days after the most recent abscond. **If you fail to appear for a termination hearing, you may be terminated in your absence.**

If you are terminated from the program, your probation will revert to bench probation, with all original terms and conditions applying. The probation end date will revert to the original end date or be extended as part of the termination hearing.

SELF-TERMINATION PROCEDURE

If you wish to request termination from the SMART program, you must complete the following steps:

1. Schedule and attend an appointment with your primary counselor with the express purpose of discussing your desire to self-terminate from the program.
2. Schedule and attend an appointment with your Probation Officer to discuss your desire to self-terminate from the program.
3. Schedule and attend an appointment with your Defense Attorney to discuss your desire to self-terminate from the program and the legal implications of that action.
4. Schedule and attend an appointment with the SMART Court case manager to discuss available program service and outcomes and your desire to self-terminate from the program.
5. Appear in court to notify the judge of your desire to self-terminate. The Court will allow you to self-terminate **as long as there are no pending or outstanding sanctions** and as long as the first four steps have been completed.

GRADUATION

Upon your successful completion of all phases of SMART, you will be eligible for graduation. You must have completed a minimum of 12 months in the program and finished all phase requirements. This will have been a long journey, but you will graduate with sobriety, employment, GED or trade school equivalent, housing, and a support system. Your friends and family will be present for your graduation, and you will have your charge dismissed, removed from probation, or other outcomes as determined by the SMART TEAM.

Participant Handbook Acknowledgement

By signing this, I acknowledge that I have reviewed this SMART Participant Handbook and that I agree to follow the rules contained therein. If I have any questions, I will contact the SMART Coordinator.

Print Name

Signature

Date

SMART Coordinator/Case Manager

Date