

MALHEUR COUNTY CIRCUIT COURT
S.A.F.E. COURT PROGRAM
Malheur County Courthouse
251 B Street West - Vale, OR 97918
541/473-5178

NOTICE TO DEFENDANT

To qualify for entry into the Malheur County Circuit Court S.A.F.E. Court Program Defendants must meet certain criteria in order to be considered for acceptance into SAFE Court:, by the SAFE Court Team:

This program is a privilege you may exercise only once. To take part in this program, you must meet at least one of the following:

___PROBATION:

You are on formal probation and have had an opportunity for treatment while on probation, have had two or more controlled substance or alcohol abuse violations in the last six month and have at least 15 months remaining on probation or are willing to have your probation extended to 15 months.

___DUII CHARGE:

You have been convicted of Driving Under the Influence of Intoxicants or a similar charge in another state.

___ POSSESSION OR DELIVERY OF CONTROLLED SUBSTANCE

You have been convicted of either Possession of a Controlled Substance or Delivery of a Controlled Substance and the following apply: (1) the amount of controlled substance was consistent with personal use; (2) you have a documented history of substance abuse; (3) you are not a first time drug offender; and (4) you are presumptive probation or have been granted a downward departure with the consent of the Court and the District Attorney's Office.

___ OTHER CRIMINAL CHARGE(S):

All other criminal charges will be reviewed at the request of the defendant. Consideration for SAFE Court will only be discussed at the consent of both the Court and the District Attorney's Office. In addition, the defendant must demonstrate (1) he/she has a controlled substance or alcohol addiction; (2) such addiction led, at least in part, to the commission of the new crime; (3) traditional

treatment programs have not been successful; and (4) you are presumptive probation or have been granted a downward departure with the consent of the Court and the District Attorney's Office.

ELIGIBILITY FOR ALL CHARGE/CASE TYPES:

1. There is no evidence that the defendant has been involved in significant and substantial drug dealings (for profit beyond support of addiction);
2. The defendant is a resident of Malheur County.
3. The defendant is not a violent offender as defined by 42 USC 3796ii. "Violent Offender" means a person who either:
 - a. Defendant has a prior felony conviction or juvenile felony adjudication that involved the use or attempted use of force against a person with the intent to cause death or serious bodily harm.
 - b. Defendant's current charges involve or he/she is on probation for a charge that involved: (1) carry/possession/use of a firearm/dangerous weapon; (2) use of force against another; or (3) death or serious bodily injury occurred to any person.
4. The defendant has no holds from another jurisdiction unless it can be rapidly resolved or are otherwise eligible for security release;
5. The Program is not full;
6. The District Attorney's office is not seeking a dispositional departure;
7. The defendant is not currently in a Sex Offender treatment program;
8. The defendant is not required to complete a Domestic Violence Offender program unless the Domestic Treatment provider recommends participation in SAFE Court prior to completion of a Domestic Violence program;
9. There are no serious mental disease or defects that prevent the Defendant's participation in the program.

Transfers from other existing Drug Courts

The SAFE Court Program will accept prospective participants from other programs providing the following criteria is met:

1. The SAFE Court Program is not full
2. They have been accepted into the sending County's Drug or DUII Court program.
3. They agree to all SAFE Court requirements in writing.
4. The sending Court agrees to take the case back for supervision should the participant be terminated from the SAFE Court program unsuccessfully.
5. The participant has been accepted by Community Corrections for supervision in Malheur County.

Re-entry after termination or graduation

Previous participants who were terminated from the program unsuccessfully may be considered for re-entry into SAFE court on a case by case basis. The following requirements must be met for re-entry:

1. The applicant must have a new qualifying criminal conviction.
2. The applicant must have been unsuccessfully terminated from the SAFE Court program or exercised the opt-out provision for new applicants.
3. The applicant being considered for re-entry must personally present their case for re-entry before the Treatment Team prior to a decision being made.
4. An appropriate amount of time should have passed since termination from the program and re-entry. This amount of time will be determined by the team on a case by case basis.
5. All other eligibility requirements will be met.

The previous participant will start from the beginning of the program and be required to fulfill all of the program requirements as if they had never been in the program. No credit will be given for prior participation in the treatment phases. Minimum length of participation in the program will be 15 months from the re-entry date with the full SAFE Court fee imposed and all other requirements of graduation needing to be met for successful completion. The re-entering participant will not be eligible for additional assistance with treatment costs if they have already received these benefits as part of their initial participation. They will be required to pay all necessary costs of the program.

Previous graduates will not be considered for re-entry into the SAFE Court program.

At your initial appearance on the probation violation, or at arraignment or plea the Court will be notified by the District Attorney or defense counsel whether your case appears to be appropriate for the program.

After sentencing, disposition on probation violation, or being placed on conditional discharge, you may make application to enter the Program. You must read, complete, sign and file the petition. At the time you return to Court for sentencing, disposition on probation violation or being placed on conditional discharge, you need to bring with you the petition to enter the SAFE Court Program. A final decision on eligibility and participation will be made by the Safe Court Team at their staffing of your application for entry into SAFE Court.

During the course of your treatment, you must pay a program fee of \$600; the court may approve installment payments but if the fee is paid in full within the first six months then you only need to pay \$550. You must pay the first \$50 of your program fee upon acceptance in the program. You may also have to pay the cost of your attorney and treatment costs.

If, within 14 days of when you are accepted into the Program, for legal reasons, you wish to withdraw from the Program, you may do so. Likewise, during the first 14 days, the State may also withdraw from this agreement and oppose your entry into the program as noncompliant with entry requirements. If you opt out of the Program, or the State may withdraw from the agreement to place you in the Program; the State may move for revocation of your probation; or move to revoke your conditional discharge, etc.

During the treatment program you will be allowed or continued on release or probation subject to satisfactory compliance with terms of the drug treatment program agreement and any other conditions imposed by the Court. The Court may place you back in custody or impose other sanctions for violation of program requirements. If you violate the terms of the S.A.F.E. Court Agreement, you may be returned to custody.

If you are taking a conditional discharge: entry into the program does not entitle you to dismissal of the present charge or successful completion of probation until you have completed the program of treatment, including compliance with all treatment requirements and paying all costs and performing other program conditions to the satisfaction of the Court. If you successfully comply with all program requirements, the District Attorney agrees to move for dismissal of the charge or early termination of probation and the Court will permanently dismiss the charge or move to terminate your probation successfully. If you opt out or the State moves to withdraw from the agreement that you can be in the Program; they can move to revoke your conditional discharge.

If you are currently on probation: should you be terminated from the program, the District Attorney retains all options including calling for revocation of probation and imposition of an executed sentence.

If you enter the program and then later choose not to continue in the program, all fees which have been assessed by or paid to the Court are not refundable.