

**BROWN-NICOLLET-WATONWAN  
MULTI-COUNTY DRUG COURT  
PILOT PROJECT**

**POLICIES & PROCEDURES**

## **INTRODUCTION**

Drug Courts are a relatively new phenomenon in the state of Minnesota. The first adult drug court was developed in Hennepin County. Several other counties followed suit and have expanded into other problem solving arenas including DWI and mental health courts. By the end of 2006, there will be 24 operational drug courts in the state.

The Minnesota Supreme Court through the State Court Administrator's Office (SCAO) is interested in expanding drug courts statewide in an efficient and cost effective manner. The 2006 Minnesota state legislature appropriated \$200,000 to the Minnesota Supreme Court for the purpose of piloting a multi-county drug court program.

Two pilot projects, both in the Fifth Judicial District, which is located in the southwestern part of the state, received the entire grant award in order to pilot two different multi-county models. The first project is being developed by Faribault, Martin and Jackson counties and it is a "Single Location Multi-County Drug Court". Under this model there is one central location for the drug court. Participants and the team members from Faribault and Jackson counties travel to court in Martin County.

The second project is a "Partial Traveling Criminal Justice Group" being developed by Brown, Nicollet and Watonwan counties. The judge, public defender, probation agent and coordinator will travel. Each county will have their own individual team which will include the "traveling group".

## **WHAT ARE DRUG COURTS?**

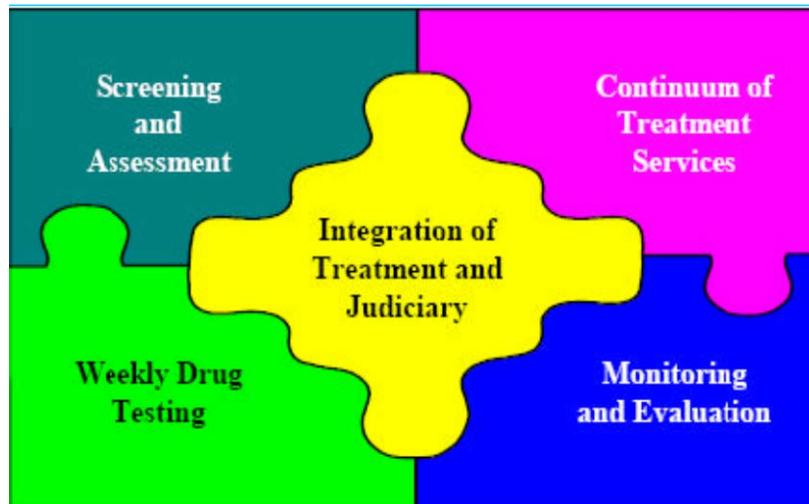
The term drug court refers to a specialized docket that has been specifically designated and staffed to handle cases involving non-violent drug-abusing offenders through an intensive, judicially monitored program of drug treatment and rehabilitation services.

Drug courts represent a non-traditional approach to defendants who are substance abusers. Rather than focusing only on the crime and punishment, drug courts attempt to address the underlying conditions which lead to criminal behavior such as addiction, job skills and thinking errors.

Drug court has a unique relationship between the justice system and the drug treatment community. It structures treatment intervention around the authority and personal involvement of a drug court judge. The judge is part of a dedicated team consisting of probation, prosecutor, defense attorney, treatment provider, and law enforcement who work together toward a common goal of breaking the cycle of drug abuse and deviant behavior. Drug court programs must recognize that:

- Addicts are most vulnerable to successful intervention during the crisis of initial arrest and incarceration. Therefore intervention must be immediate and up-front.
- Preventing gaps in communication and ensuring participant accountability is critical. Court supervision must be highly coordinated and very comprehensive.
- Addiction to drugs is a longstanding, debilitating and insidious condition, so treatment must be long-term and comprehensive.
- Addiction to drugs seldom exists in isolation from other serious problems that undermine rehabilitation. Treatment must include other available resources and services such as educational assessments and vocational assessments along with job training and placement.
- Relapse and intermittent advancement are part of the recovery process, so a continuum of progressive sanctions and incentives must be integral to the drug court treatment strategy.

## TEN KEY COMPONENTS



In 1997, the National Association of Drug Court Professionals, through a grant from the U.S. Department of Justice, published a guide titled *Defining Drug Courts: The Key Components*. This publication defines drug courts as having the following ten characteristics:

1. Integration of alcohol and other drug treatment services with justice system case processing;
2. Use of a non-adversarial approach, involving prosecution and defense counsel to promote public safety while protecting participants' due process rights;
3. Early identification and prompt placement of eligible participants into the drug court program;
4. Access to a continuum of alcohol, drug, and other related treatment and rehabilitation services;
5. Frequent alcohol and other drug testing to monitor abstinence;
6. A coordinated strategy to govern program responses to participants' compliance;
7. Ongoing judicial interaction with each drug court participant;
8. Monitoring and evaluation of the program goals to gauge effectiveness;
9. Continuing interdisciplinary education to promote effective drug court planning, implementation, and operations; and
10. Forging partnerships among other drug courts, public agencies, and community organizations.

### PROGRAM OPERATIONS & PROCEDURES

Planning for the multi-county drug court needs to include as many perspectives as possible. The structure for planning and implementation of the Brown, Nicollet, Watonwan Multi-County Adult Drug Court program is outlined below.

### JUDICIAL LEADERSHIP

Committed judicial leadership is critical to the successful implementation of any drug court. Judges Allison Krehbiel and John T. Rodenberg are dedicated to leading the planning and implementation process for this multi-county pilot project.

### STEERING COMMITTEE

The steering committee includes executive-level personnel or policy makers from each of the counties involved. These are the administrators who can facilitate cooperation, resolve potential conflicts, and provide buy-in at the upper echelon of each participating agency. It is important to have these upper-level policy leaders involved with the initial drug court vision, so that mid- and lower-level employees are confident that drug court is a priority mission.

Members of the steering committee include, at a minimum the following individuals:

- Judges
- County Commissioners \*
- County Attorneys \*
- DOC Supervisor
- Sheriff's Department \*
- Multi-county Coordinator
- Chief Public Defender

\* One representative from each county

### **PLANNING TEAM**

The Planning Team has the task of writing the policies and procedures and implementation of the drug court. This team consists of the multi-county drug court team and staff from other stakeholder agencies.

- Judge(s)
- Probation Agent
- County CD Assessors \*
- Law enforcement representatives\* (county and city)
- Public Defender
- Asst. County Attorney's\*
- Treatment Provider(s)

\* One representative from each county

### **DRUG COURT TEAM**

The Drug Court Team meets prior to each drug court session and acts as a multi-disciplinary case manager with respect to individual drug court participants. In this multi-county model, the judge, DOC probation agent, public defender and coordinator will be part of the core team in each county. Each county will add their own members to the weekly drug court team meetings. At a minimum it should include:

- County attorney
- CD Assessor/Screenener
- Treatment Counselor
- Law enforcement
- Social Services

### **MISSION STATEMENT**

The mission of the Brown, Nicollet and Watonwan Multi-County Drug Court is to enhance public safety by providing a judicially supervised regimen of treatment and innovative case management in an efficient and cost effective manner to substance abuse offenders in order to stop the cycle of substance abuse and related criminal activity.

### **GOALS AND OBJECTIVES**

1. Enhance public safety
2. Boost cost effectiveness for the justice system.
3. Decrease recidivism
4. Assist participants in maintaining a sober and responsible lifestyle

### **TARGET POPULATION**

The target population of the BNW Multi-County Adult Drug Court is adult, non-violent, felony level offenders coming to the attention of the district court in each of the participating counties; that have been diagnosed chemically dependant or chemically abusive and who, according to the Wisconsin-Pre test screening conducted by the DOC agent appear at medium to high risk to re-offend.

### **STRUCTURE/MODEL**

The BNW Adult Drug Court may consider offenders in any of the following categories; however in the early stages of implementation priority will be given to post adjudication cases.

**Pre-Adjudication**Pre-trial conditional release and supervision.

As a condition of bond, defendants abide by the conditions of release (drug court treatment and supervision) and appear for trial or plea. Neither prosecution nor adjudication is deferred, necessarily. Upon successful graduation, charges may be dismissed, a lesser charge filed, deferred adjudication is considered, or a lesser sentence is agreed following adjudication.

**Post Adjudication**Deferred adjudication and regular probation

Drug Court conditions are imposed as conditions of probation.

Modification of orders once on probation, in lieu of revocation (Probation Violation cases)

An offender failing various conditions of community supervision and may be assigned to a drug court in lieu of revocation to prison.

Re-entry from prison

An offender has been sent to prison and subsequently returns to the community. Intensive supervision and treatment immediately following reentry are provided to enhance successful reintegration.

**ELIGIBILITY CRITERIA****Offender eligibility:**

- Age 18 year or older (EJJ on case by case basis)
- U.S. citizen or qualified alien
- Diagnosed chemically dependant or chemically abusive
- Eligible for treatment per Rule 25 criteria
- Resident of multi-county collaboration (Brown, Nicollet, Watonwan)
- Willingness to comply with the Drug Court requirements
- Moderate or high risk to reoffend based upon the results of a structured screening tool
- Co-occurring disorders – Participants must be able to benefit from the program modality and understand the sanctions, incentives and services.

**Offense eligibility:**

- Felony offenses - DWI offenses only on failed attempt at Intensive DWI program
- Probation Violation cases - In addition, the presiding judge of the drug court, may, at their discretion, accept those defendants whose cases have not previously been assigned to drug court, and who have been placed on standard probation, if at a probation violation hearing, it is found that they are chemically dependent and have been unable to abstain from chemicals while on probation. Defendants must be referred for drug court probation by the sentencing judge and must meet the eligibility criteria set out herein.
- Notwithstanding any other provision herein, the drug court may, accept upon joint motion of the prosecuting and defense attorneys, persons who do not initially qualify for drug court because of failure to qualify under the eligibility criteria herein, provided the offender is not disqualified by the "violent offender" designation set out in 28 C.F.R. 93.3

**DISQUALIFICATION CRITERIA**

1. Violent offenders – per the list included in Attachment A
2. Felony controlled substance crime in the 1<sup>st</sup> or 2<sup>nd</sup> degree on a case by case basis and at the sole discretion of the county attorney.
3. Any pending criminal charge of any degree, conviction of which would disqualify him or her under the eligibility criteria herein; "pending" means that the criminal charge is filed with the court.
4. Probation time remaining of less than one (1) year;
5. Personal factors which may disqualify a defendant include:

- a. severe psychological problems (hallucinations, paranoia, anti-social personality disorders);
  - b. a medical condition requiring immediate attention;
  - c. transportation problems and no resources are available to remedy the problem;
  - d. unwilling to comply with the court order for the drug court program;
  - e. under 18 years of age
  - f. does not have a history of substance abuse;
  - g. unable to physically participate in treatment activities (within guidelines of the Americans with Disabilities Act)
  - h. at the discretion of the drug court team, a person whose actual residence is so geographically distant from the drug court program service area as to render the intensive probation required by the drug court impractical, may be disqualified from drug court participation.
  - i. Undocumented immigrant
6. Anyone who faces new charges while an active participant in drug court shall be subject to judicial review regarding their continued participation.
  7. Participation in drug court will not bar prosecution for any other current offense.

### VOLUNTARY ADMISSION

Participants volunteer for a drug court program. They are generally presented with some incentive for participation in addition to treatment, such as release from jail or detention, participation in lieu of conviction or adjudication, a lesser sentence, being able to conditionally remain outside of prison, or having children returned with supervision. Since the choice may be between two circumstances that have complex requirements and potentially adverse consequences, participants should verbalize their wish to participate and sign an agreement to voluntarily enter the program. Once a participant agrees to enter the program, the drug court modality of “coerced treatment” and accountability begins.

“Coercion means that a criminal justice offender is given a choice between entering and complying with a drug treatment program, or receiving alternative consequences prescribed by the law. Participation is mandatory and noncompliance is threatened with sanctions up to and including incarceration . . . .”

Coerced *Drug Treatment for Offenders: Does it Work?* Retrieved From [http://www.iupui.edu/~iutox/Impaired\\_Driving/Coercive%20Treatment.htm](http://www.iupui.edu/~iutox/Impaired_Driving/Coercive%20Treatment.htm)

### ENTRY PROCESS

Chemically dependent defendants who are not violent offenders as defined in 28 C.F.R. 93.3(d) may enter Drug Court by any one of the following:

#### 1. **Controlled Substance 4<sup>th</sup> & 5<sup>th</sup> Degree – Presumptive Probation.**

Generally, a defendant charged with controlled substance crime(s) in the fifth degree, or charged with a controlled substance crime(s) in the fourth degree and has no prior felony drug convictions, shall enter a plea and shall receive a stay of adjudication. A defendant, who successfully completes Drug Court and all periods of probation, shall have his/her charge(s) dismissed upon completion and discharge from the Drug Court program. No additional probation period shall follow the Drug Court Program.

#### 2. **Controlled Substance: 4<sup>th</sup> & 5<sup>th</sup> Degree – Prior drug conviction(s) Controlled Substance: 3<sup>rd</sup> Degree – Presumptive Probation (No prior felony)**

Generally, a defendant charged with controlled substance crime(s) in the fifth degree, or the fourth degree and has a prior drug conviction or convictions; or charged with a third degree controlled substance crime which requires a presumptive probationary sentence and who has no prior felony convictions, shall enter a plea and receive a stay of imposition of sentence. A defendant who successfully completes Drug Court and all periods of probation shall have his/her conviction reduced pursuant to M.S. 609.13 upon completion and discharge from the Drug Court program.

### 3. **Controlled Substance: 3<sup>rd</sup> Degree – Presumptive Probation (One prior felony)**

Generally, a defendant charged with controlled substance crime(s) in the third degree which requires a presumptive probationary sentence, and who has at least one prior non-drug related felony conviction, shall receive the benefit of the plea negotiation between the prosecutor and defense attorney upon successful completion and discharge from the Drug Court program. Additional probationary period following successful completion of Drug Court shall be ordered by the sentencing judge.

### 4. **Felony DWI – Presumptive Prison Commit**

Controlled Substance: 3<sup>rd</sup> – 5<sup>th</sup> Degree – Presumptive Prison Commit

Defendants charged with alcohol or drug related charges which require a presumptive commit to prison will be considered for Drug Court by the County Attorney's Office. If accepted, the defendant shall receive a stay of execution of sentence. The defendant may be conditionally placed under the supervision of the Drug Court program pending the outcome of the case. The defendant will be evaluated and subject to all court ordered conditions of release pending trial. Entry into drug court will not occur until a plea or finding of guilty. Chemical dependency treatment will not begin until a plea agreement stipulating to a dispositional downward departure is placed on the record. Additional probationary period following successful completion of Drug Court shall be ordered by the sentencing judge.

### 5. **Other Felony - alcohol or drug related.**

A negotiated plea of guilty to any alcohol or drug related felony offense in which both the prosecution and defense agree to Drug Court probation, the sentencing judge, after approval and screening for admission to the Drug Court, must find that the defendant is amendable to Drug Court probation.

### 6. **Probation Violation Cases.**

Cases where the defendant was convicted of a felony crime but not initially placed on Drug Court probation. The sentencing judge, after screening and approval for admission to the Drug Court, must find that the defendant is amenable to Drug Court probation. The county attorney agrees to the transfer of probation to the Drug Court unless the defendant is on probation for conviction of a first or second degree controlled substance crime, in which case the county attorney may exercise an option to block referral to Drug Court.

## **INTAKE/ADMISSION STEPS**

Key Component # 3 stresses the importance of expedited entry into the drug court. Admission must be as close to the arrest as possible. These events can be traumatic experiences and can force participants to confront their substance abusing behavior. This is a critical window for intervening and introducing the concept of drug treatment. *(For criminal pre-adjudication courts, the national standard for entrance, and in treatment, is 10 days).*

The following procedures are designated for adult offenders who appear to be candidates for BNW Multi-County Adult Drug Court. Potential participants may be brought to the attention of the team by the Court, County Attorney, City Attorney, Public Defender and/or probation or law enforcement. Barring any extenuating circumstances or emergency situations, the standard or typical procedure for intake and review is as follows:

Step 1: The defense counsel:

- (1) reviews the arrest warrant, affidavits, charging document and other relevant information and reviews all program documents (e.g., waivers, written agreements)
- (2) meets with and advises the defendant as to the nature and purpose of the Drug Court, the consequences of abiding or failing to abide by the rules and how participating or not participating in drug court will affect his or her interests
- (3) explains all of the rights that the defendant will temporarily or permanently relinquish

- (4) gives advice on alternative courses of action, including legal and treatment alternatives available outside the drug court program, and discusses with the defendant the long-term benefits of sobriety and a drug-free life
- (5) Completes a drug court referral form and has the defendant sign a consent for release of information form. All documents are forwarded to the county attorney.

Step 2: The prosecuting attorney:

- (1) Reviews the case and determines if the defendant meets initial eligibility criteria for drug court.
- (2) The information is sent to the drug court coordinator who enters the information into the data base. If the defendant is a potential candidate, the coordinator (or prosecutor) will notify probation and the chemical dependency assessor.

Step 3: The probation and chemical dependency assessor conduct meetings with the candidate prior to the next regular drug court team staffing.

The probation agent:

- (1) Conducts a screening to determine if the individual meets broad eligibility requirements which includes:
- (2) Interviews the candidate to obtain background information (abbreviated pre-sentence investigation).
- (3) Examines criminal history and other records,
- (4) Completes the Wisconsin Pretest to determine public safety risk and needs of the individual.
- (5) Discuss basic requirements of each drug court phase so the person knows what the program expectations are.

The chemical dependency assessor:

- (1) Conducts an assessment including substance abuse severity, psychosocial indicators including: home life, physical/sexual abuse history, environmental assets/strengths, sexual behaviors, developmental status, employment, education, leisure, recreation and family dynamics.
- (2) Submits information to the appropriate county human services department for funding determination.

The assessments will produce **Individualized Treatment and Supervision Plans**. The plans will provide a basis for discussion by the drug court team on whether a person is eligible for the Court and where the participant will be placed in treatment. It also provides guidance to the supervising agent of the types of ancillary services that will be needed to assist the participants. The plans may recommend all or some of the following:

- Outpatient/inpatient treatment
- Halfway house or transitional housing placement
- Frequent and random drug testing
- Counseling (individual and group)
- Self help/sober support activities
- Educational/vocational programs

Step 4: Drug Court Team Staffing:

- (1) The drug court team meets prior to each drug court session to discuss new referrals. The team, with approval from the judge, has the final decision on whether a candidate is appropriate for the drug court.
- (2) The treatment provider reports the results of the chemical dependency screening or evaluations completed on new intakes and whether or not the defendant meets the clinical criteria for drug court.

- (3) The probation agent reports the results of any intakes completed since the last staffing, including the results of the Wisconsin Pre-Test screen and an indication of the candidates willingness to participate. S/he also reports on any pre-trial participants as to their level of compliance with conditions of release and/or recommended changes in the conditions (such as psychological assessment, DVI assessment, etc.).

If the defendant is admitted into drug court:

- the team reviews the treatment and supervision plans and agrees on a course of action.
- Court Administration is notified that the defendant should be added to the substance abuse hearing calendar.
- The defense counsel notifies the defendant to appear at the next drug court hearing.
- Probation meets with the candidate before the next drug court hearing to conduct an orientation which includes the following:
  - Provide a participant manual and answer questions
  - Has the defendant sign all documents necessary for Drug Court participation.
  - Length of program participation is clearly established.
  - Payment of fees is discussed.
  - Treatment requirements are made clear
  - Current participants may be available to answer questions and provide encouragement.
  - Provides pre-trial supervision and conducts random drug testing
  - Verifies the defendant has not been involuntarily discharged from any other substance abuse court.

If it is determined the defendant is not appropriate for Drug Court:

- The case is referred back to Court Administration so that it may be assigned to the regular court calendar.
- Pre-trial supervision will revert back to the appropriate agent in each county.
- The public defender notifies the defendant of the decision.

Step 5: Drug Court Hearings

- Defendant agrees to participate and is formally admitted into the program in the courtroom setting.

If a plea was entered:

1. The Drug Court probation agent completes a pre-sentence investigation and Sentencing Guidelines worksheet for sentencing before the Drug Court Judge.
2. The judge gives a journal to the new participant and explains the purpose and frequency of submission to the court. The journal is an opportunity for the participant to have a personal written conversation with the judge. Contents of the journal are confidential between the judge and participant.

If no plea was entered:

1. The defendant will continue under supervision and continue to attend weekly drug court hearings.
2. The drug court agent will conduct alcohol and drug testing and verify that the defendant complies with all court ordered conditions of release, including participation in chemical dependency treatment.

Team Staffing:

A team staffing takes place on a weekly basis prior to the drug court hearing regarding new referrals to the drug court and progress of current participants.

The drug court probation agent:

- Provides updates on participant's community functioning including drug testing results, housing issues, financial obligations, employment or education and other court ordered obligations, and; makes recommendations regarding incentives and sanctions for individual participants.

The treatment counselor:

- Provides an update on the participant's progress in treatment, and attendance at or need for other medical or mental health services. May also make recommendations for incentives and sanctions for individual participants.

### **DRUG COURT REVIEW HEARINGS**

Drug court hearings are a departure from normal court proceedings. During court, the judge interacts directly with the participants. This close interaction communicates to participants that someone with authority cares about them and is closely watching what they do. Phase advancements are announced, achievements are celebrated, progress is monitored and sanctions are dispensed. In the event that the participant discloses information that may impact a sanction or incentive decision made by the team at the staffing earlier in the day; the court will ask the participant to step back and call the team forward for discussion and decision.

Participants describe their efforts toward sobriety to an audience of their peers, court staff and the judge. Hearings are used to reinforce the drug court's policies and ensure effective supervision. Hearings also give participants a sense of how they are doing in relation to others. Any sentencing hearings will normally be held after the weekly drug court review hearings.

### **Court Session, Court Orders, and Beginning of Phase I**

#### **PROGRAM STRUCTURE** **Phases**

Phases are the steps identified by the drug court team through which clients must progress to complete the drug court program. The BNW drug court has four phases, beginning with an intensive phase that focuses on stabilization and introduction to substance abuse education. The length of time a participant spends in the program depends on individual progress.

Each phase has a prescribed amount of time and participants move through the phases based on a successful completion of the requirements and the individual needs of the participant. As the participant progresses through the program, the treatment plan may be revised/updated as the participant's needs evolve.

Keep in mind if non-compliance occurs during the later phases, the participant's supervision requirements may be increased and/or a participant may be moved back a Phase.

Each phase consists of specified treatment objectives, therapeutic and rehabilitative activities, and specific requirements for advancement into the next phase. Level of treatment may or may not coincide with the drug court program phases. Specifics include:

**Supervision Contacts** – number of times a participant reports to a probation officer or other supervisory personnel (including law enforcement contacts). During the early phases, contact is usually three times per week and gradually decreases. The MN Department of Corrections minimum reporting requirements are:

- Once per week in the office, and one per month in the field.

**Court appearances** – number of times a participant must appear in court. Persons in early phases will have weekly court contacts. Research has shown that higher risk offenders should also have more contact with the court regardless of their progress within the phases.

**Support group attendance** – attendance at support group meetings is monitored by attendance sheets and sponsors are verified by treatment personnel. Support groups can be organizations such as Alcoholics Anonymous, Narcotics Anonymous and SMART Recovery.

**Length of time drug free** – participants have a set number of days in each phase to be drug free (i.e., no positive tests for alcohol or drugs) before phase advancement and graduation.

**Education/work** – completion of GED, attendance at ESL classes, high school attendance, vocational training, and/or full-time employment are often conditions of advancement and graduation.

**Program Participation Fees** – A monthly fee paid by the participant to offset the cost of the program; a portion of which may be waived by the judge for excellent program participation. Program fees must be paid before graduation.

**Frequency of drug testing** – the number of times a participant is tested will vary according to phase and compliance within program.

**Treatment** – successful completion or engagement within treatment is required for phase advancement.

**Compliance with other court orders** – because of the holistic approach of drug courts, participants are often given additional conditions such as child support, visitation, or other orders.

### Phase Advancement Plan

The length of time the participant spends in the program depends on individual progress and whether or not residential treatment had to be utilized. Each phase consists of specified treatment objectives, therapeutic and rehabilitative activities, and specific requirements for advancement into the next phase.

The treatment phase of the program is determined by the participant's progress; however it will be no less than one year, followed by 6 months of mandatory aftercare.

**Please note:** The participant may be required to **perform all or a select portion of** the treatment requirements in each phase. Actual requirements will be determined and included in the treatment plan, so the participant has a clear understanding of what will need to be accomplished in order to advance to another phase of the program. In order to advance from one phase of the program to the next, the participant will be required to do a phase advancement petition.

### PHASE ONE

In this short term, approximately two (2) weeks, the participant will be assigned a counselor who is a member of the Drug Court Team. The counselor will provide the participant with an orientation/overview of the Drug Court Treatment portion of the program and will monitor his/her participation. This is where the participant will come to learn and understand how denial and addiction work, about the disease concept, recovery process and an introduction to working 12-Step. The participant's problems and needs will be assessed and a treatment plan will be developed.

If the participant has shown personal motivation, involvement and compliance with treatment, he/she will be formally advanced into the next phase of the Drug Court Program. Minimum requirements may include the following:

1. Intake and assessment evaluation;
2. Develop individual treatment plan;
3. Individual counseling one time week.
4. Group counseling session (one to four times per week).
5. Form personal program goals in conjunction with treatment plan.
6. 12-Step Meetings (AA, NA or CA) – three times per week.
7. Random drug tests provided by participant

8. Orientation and overview of drug court treatment;
9. Weekly court appearances.

Criteria for advancement to Phase Two:

1. No unexpected or unexcused absences from scheduled services.
2. Documented required minimum attendance at 12-Step meetings.
3. Acknowledgment of a substance abuse problem and a commitment to a drug-free lifestyle.

### **PHASE TWO – 4 to 6 months**

The participant's treatment plan will be updated by the participant and the counselor. The counseling in this phase will focus on sober living. In addition, the counselor will begin to actively address issues related to personal, family, and housing needs to develop a plan to of meeting those needs. This phase of the program will be a minimum of 16 weeks long. Minimum requirements may include the following:

1. Update treatment plan;
2. Individual sessions available on an as needed basis, determined by counselor, treatment team and/or client;
3. Group counseling session (one – three times per week);
4. 12-Step meetings (AA, NA, or CA) - minimum of three (3) per week;
5. Have a sponsor or at least a temporary sponsor.
6. Begin vocational rehabilitation/education for those seeking employment;
7. Random urinalysis
8. Weekly court appearances; and
9. Participate in at least one pro-social/recreational event.
10. Establish a payment plan for court costs.

Criteria for advancement into Phase 3:

1. No positive drug test results within the last sixty (60) days.
2. Have a sponsor.
3. Employed or positive response to vocational/educational goals.
4. Documentation of required minimum attendance at 12-step meetings.
5. Actively making payments on court cost and treatment fees where applicable.
6. No unexpected or unexcused absences from scheduled services.

### **PHASE THREE – 3 to 6 months**

In Phase 3 of the program the participant's treatment plan will be updated and reflect his/her progress, new treatment goals, and objectives for this phase. Counseling and meetings will focus on relapse prevention issues and help the participant to identify ways to cope with stressful situations. The participant will be exposed to weekly topics on education and recovery dynamics. In addition, the participant is encouraged to involve family members in recovery process so they can gain insight to the participant's activities in counseling, and to assist in discovering facts about addiction and recovery while dispelling myths associated with it. This phase will be a minimum of twelve (12) weeks long. Minimum requirements may include the following:

1. Update treatment plan;
2. Group counseling session – one time weekly;
3. Random drug tests provided by participant (minimum of 3 times per month)
4. 12-Step meetings (AA, NA, CA) - minimum of 3 meetings per week; and
5. Court appearances every other week.

Criteria for advancement to Phase 4:

1. No positive drug test results within the last ninety (90) days.
2. Employed or positive response to vocational/educational goals.

3. Documentation of required minimum attendance at 12-step meetings.
4. Actively making payments on court cost and treatment fees where applicable.
5. No unexpected or unexcused absences from scheduled services

#### **PHASE FOUR - 4 to 6 months**

The main focus of this phase will be relapse prevention, maintaining total abstinence from all drugs, mentoring and daily living skills. The participant is encouraged to increase independent life styles, facilitate group discussions, provide support to members entering counseling, and to continue the learning process. During phase four the participant receives support that helps his/her continued success in the community as a productive and responsible citizen. This phase is a minimum of eight (8) weeks long. Minimum requirements may include the following:

1. Update treatment plan;
2. Individual sessions – on an as needed basis, determined by counselor, treatment team, an/or the client;
3. Group session and/or Mentoring Group session – one time per week;
4. Random drug tests provided by participant – minimum of two (2) times per month;
5. 12-Step meetings (AA, NA, or CA) – minimum of 3 per week;
6. Actively paying on court cost, Drug Court related fees and treatment fees where applicable;
7. Focus on full-time vocational skills, employment and/or education goal setting;
8. Recreation, fellowship, and weekly mentoring with treatment counselor's supervision to other phases of program; and
9. Court appearance – once every four (4) weeks.

#### **Criteria for advancing to Aftercare:**

1. No positive urinalysis in the 8 weeks prior to phase up.
2. Actively making payments on court costs.
3. Meeting and maintaining all of requirement treatment requirements of phase 4.

#### **GRADUATION**

Once the participant has successfully completed the criteria for each phase as described in the treatment phase's section, the participant will become a candidate for graduation from the Drug Court Program. Once the participant has completed the graduation process, the Assistant District Attorney and the Defense Attorney will initiate the appropriate paperwork to meet the guidelines for graduation.

#### **PROGRAM SERVICES**

Supervision and Case Management

##### Substance Abuse Treatment Services

Treatment is an integral part of drug court and is used to provide counseling and techniques of self-examination that promote continued abstinence from drugs and alcohol. The BNW Multi-County Drug Court will primarily use two providers for intensive outpatient treatment: New Ulm Medical Center for Brown and Watonwan participants and, New Beginnings-Waverly for Nicollet county participants.

Both programs will have a "toolbox" of strategies and approaches that can be matched with the patients. A further description of the approaches is explained below. The patient together with the counselor will determine the approaches that are best suited and acceptable for the patient, and these will be reflected in the patient's treatment plan.

**12-Step Model:** This model is based on the 12 Steps of Alcoholics Anonymous. The beliefs integral to this model are that the individual is powerless over chemicals, and that the only way for successful recovery is to turn to a Higher Power. This model, which is often part of formal treatment programs, has the advantage of having independent support groups all over the world, which offers ongoing support for persons striving for recovery. Potential limitations of this model for some may be the objection to the Higher Power concept, and issues regarding the position of powerlessness (a particular concern for women who may have been victimized, that are in need of empowerment).

**Motivational Interviewing:** This is a technique which can lend itself to any of the theoretical orientations. It is intended to emphasize the need to engage the patient, particularly early on in the assessment and treatment process. It helps to achieve the commitment of the patient to participate in treatment, and his/her ability to articulate the benefits of making behavior changes relative to their chemical use. This is a significant departure from the early days of treatment when strong confrontation was the norm for treatment programs.

**Cognitive-Behavioral Therapy:** A therapeutic approach which is present centered and forward looking, the emphasis is on altering the thoughts, beliefs, attitudes and assumptions of the patient, so as to prepare them to manage the challenges and opportunities that present in his/her life in a positive and constructive manner. This therapeutic approach is found to be effective in working with the substance abuse population, often in conjunction with other approaches.

The probation agent and treatment counselor oftentimes have mutual interest in how referrals to other services and supports are contributing to the success of the client in reaching their goals. In the BNW Multi-County Drug Court the treatment counselor will have the following responsibilities to maintain contact and communicate participant progress at the weekly drug court team meetings:

- Weekly contact with staff and facilities providing other treatment services to drug court participants (e.g., inpatient, halfway house).
- Regular, weekly contact with counseling services provided to drug court participants.
- Contact with physicians or other medical personnel who are prescribing medications for use by a drug court participant.

#### Probation Supervision:

There are five key functions provided by the supervising agent: assessment, planning, linking, monitoring and advocacy. Assessment is the initial and ongoing process of determining client needs, wants, strengths and resources. This information is then used in the planning process where goals and strategies are developed. A major responsibility of the probation agent is to link participants with the services and resources they need in order to reach their goals.

Probation agents work closely with treatment providers, family members, employers and social service agencies to implement the team approach to each participant's recovery. While primarily concerned with drug and alcohol use, the drug court also considers underlying issues which would impair an individual's success in treatment and may compromise compliance with program requirements. It is the probation agent's role to make referrals for these and other needs:

- Skills testing and an educational assessment
- Job training and job-readiness training
- School or other educational services
- Job placement services
- Family counseling
- Life skills classes
- Public assistance/Medicaid

Once these linkages are made then the responsibility shifts to monitoring in order to see if the person is receiving and benefiting from the service. In the event a participant is being denied access to a service for which they are eligible, the agent then takes on an advocacy role for the participant.

Field supervision or making home visits is an important element. It is constructive to visit participants in their home situations to assess lifestyles, living arrangements and recovery. Random drug testing can also be conducted during field visits.

Cognitive skills programming is an evidence-based practice that has been incorporated into the programming for the offender population. The drug court probation agent will refer participants to, and may co-facilitate "Thinking for a Change" classes for drug court participants. The size of the probation agent's caseload will vary, but it is anticipated there will be no more than 25 participants in the program at any one time.

### **ALCOHOL AND DRUG TESTING**

Drug testing is designed to deter future usage, to identify participants who are maintaining their abstinence and those who have relapsed and to guide the court when making treatment and sanction decisions.

1. Drug court participants will be drug tested as phase requirements indicate or when there is a suspicion of drug use.
2. Drug testing will be completed by the Eye Scan or by urine. All positive drug screens will be confirmed by a urinalysis, unless there is an admission.
3. In order to be cost effective, staff is to use the single drug test kit whenever possible.
4. Policies and procedures for collecting and processing drug tests will be followed according to each county's already established protocols.

### **Sanctions and Incentives**

Key Component #6 addresses a coordinated strategy to govern drug court responses to compliance. This strategy, commonly referred to as "sanctions and incentives," is a fundamental part of any drug court program.

Because addiction is a chronic condition, it is important for judges and drug court staff to realize that relapse is common and is part of the recovery process, particularly in the first several months following a participant's admission into the program. The early stages of treatment will focus on strategies to identify situations that stimulate cravings and relapse and help the participant develop skills to cope with these situations.

Although drug courts recognize that addicts have a propensity to relapse, continuing use is not condoned. The drug court will impose appropriate responses for continuing drug or alcohol use, and responses will increase in severity for continued failure to abstain.

A participant's progress is measured not only by abstinence and compliance with treatment, but also with overall compliance with court rules.

While cessation of drug use is the definitive goal, it is a long term goal and can often seem overwhelming. Therefore, courts must also recognize incremental progress, such as showing up at court, arriving at treatment on time, attending and participating in the treatment sessions, cooperating with staff, and submitting to regular drug testing.

Drug courts reward cooperation and responds to non-compliance. Small rewards for incremental successes have an important effect on a participant's sense of accomplishment. Many courts give entertainment or grocery gift certificates, reduction in community service

hours, fee waivers, or other small reward as incentives. Likewise, swift, short -term sanctions applied as a direct result of a prohibited or undesirable activity are effective tools in gaining a participant's attention and helping curb the behavior.

### DISQUALIFYING OFFENSES (Current):

243.166	Failure to Register	609.4971	Warning Subject of Investigation
609.185	Murder in the First Degree	609.4975	Warning Subject of Surveillance or Search
609.19	Murder in the Second Degree	609.498	Tampering with a Witness
609.195	Murder in the Third Degree	609.50	Felony Obstruction
609.20	Manslaughter in the first	609.561	Arson in the First
609.205	Manslaughter in the second	609.562	Arson in the second
609.21	Criminal Vehicular Homicide	609.576	Negligent Fires -- Great Bodily Harm
609.221	Assault in the First Degree	609.576	Negligent Fires -- Damage \$2500 Or More
609.222	Assault in the Second Degree	609.582	Burglary One with Weapon or Assault
609.226	Harm Caused by a Dog	609.582	Burglary 1 -- Occupied Dwelling
609.228	Great Bodily Harm Caused by Distribution of Drugs	609.66	Possession of A Firearm Silencer
609.229	Crime Committed for Benefit of a Gang	609.66	Furnishing Firearm
609.25	Kidnapping	609.662	Duty to Render Aid to a Shooting Victim
609.245	Aggravated Robbery	609.67	Machine Guns and Short Barreled Shotguns
609.266 - 609.2691	Crimes against Unborn Children	609.671	Criminal Damage to the Environment
609.282	Labor Trafficking	609.687	Adulteration
609.283	Sex Trafficking	609.71	Felony Riot
609.342 - 609.3451	All felony level sex crimes	609.712	Real and Simulated Weapons of Mass Destruction
609.385	Treason	609.714	Crimes Committed in Furtherance of Terrorism
609.395	Interfering with State Military Forces	609.855	Shooting at Transit Vehicles
609.48	Perjury	609.901 - 609.912	RICO/racketeering
609.497	Engaging in a Business of Concealing Criminal Proceeds		

BROWN-NICOLLET-WATONWAN ADULT DRUG COURT
CONSENT FOR THE RELEASE OF PRIVATE MENTAL HEALTH, ALCOHOL OR DRUG, LAW ENFORCEMENT,
AND COUNTY HUMAN SERVICES CASE INFORMATION

I, \_\_\_\_\_, Birthdate: \_\_\_\_/\_\_\_\_/\_\_\_\_, authorize the [ ] Brown [ ]
Nicollet [ ] Watonwan Adult Drug Court team and representatives of the following agencies:

- (1) Any of my alcohol or drug treatment providers,
(2) Any of my mental health agencies or providers,
(3) Any of my medical care provider(s),
(4) County Human Services case managers,
(5) County or Department of Corrections Probation Agent(s)
(6) Service providers for alcohol and drug testing,
(7) County Sheriff's Department and local Police Department representatives.
(8) Brown-Nicollet-Watonwan Adult Drug Court Evaluator

to communicate with and disclose to one another the following information:

- \_\_\_\_\_ my name and other personal identifying information;
\_\_\_\_\_ my status as a patient in alcohol/drug treatment and mental health services including attendance;
\_\_\_\_\_ my status as a client of County Human Services;
\_\_\_\_\_ my status as a participant in the Adult Drug Court
\_\_\_\_\_ information pertinent to child-removal, custody, and reunification issues;
\_\_\_\_\_ my drug court treatment plan and summaries of my progress in reaching treatment plan goals;
\_\_\_\_\_ initial and subsequent evaluations of my service needs by my medical care provider;
\_\_\_\_\_ summaries of alcohol/drug and mental health assessment results and history;
\_\_\_\_\_ discharge plan(s) for alcohol/drug treatment and mental health services;
\_\_\_\_\_ date of discharge from alcohol/drug treatment and mental health services, and discharge status;
\_\_\_\_\_ contact with any law enforcement agency during my participation with the drug court;
\_\_\_\_\_ information and data collected during and after my participation with drug court to be used for research
and evaluation purposes
\_\_\_\_\_ other: \_\_\_\_\_.

The purpose of the disclosures authorized in this consent is to: enable the Adult Drug Court and its members to evaluate my
need for services from the Adult Drug Court and its members, and provide and coordinate the Adult Drug Court and its
members' services to me.

I understand that my alcohol and/or drug treatment records are protected under the federal regulations
governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and cannot be
disclosed without my written consent unless otherwise provided for in the regulations. I also understand that
records concerning mental health services I receive are protected by state law. I understand that I may
revoke this authorization at any time with a written request. Otherwise, this consent will expire one year
from the date listed below. I further understand that my records may be transmitted by fax or electronically
to the above named individuals/agencies.

Dated \_\_\_\_\_ Client Signature: \_\_\_\_\_

Dated \_\_\_\_\_ Witness Signature: \_\_\_\_\_

Adult Drug Court team member list: Judge, Coordinator, Social Workers and Supervisors, County Attorney, Defense Attorney,
Chemical Dependency and Mental Health treatment providers, Probation Agent, Evaluator,

Other (List): \_\_\_\_\_

State of Minnesota  
County:

Judicial District: Fifth  
Court File Number:  
Charges:

### Brown-Nicollet-Watonwan Drug Court Release Order

State of Minnesota

vs.

\_\_\_\_\_  
Defendant

#### **Release With Conditions:**

The defendant shall be released upon:

- Personally promising to obey all of the Release Conditions.
- Personally promising to pay \$\_\_\_\_\_ if defendant violates a Release Condition.
- Posting a secured bond/cash bail in the amount of \$\_\_\_\_\_.
- Fingerprinting

#### **In all the above cases, the defendant shall obey the following RELEASE CONDITIONS:**

- Appear at all court hearings as ordered.
- Keep the peace and obey all laws.
- Do not possess or consume alcoholic beverages or any mood altering drugs not prescribed by a licensed physician and be subject to random testing by any probation, law enforcement, or Drug Court authority.
- Do not leave the State of Minnesota without prior approval of the Court.
- Report any changes of address and phone number to your attorney and drug court probation agent.
- Keep in contact with probation agent as determined by the agent.
- Be on house arrest during the hours of 10:00 p.m. to 6:00 a.m., until further order of the Drug Court and be available if probation or law enforcement officers call or visit.
- Report to the Blue Earth County Drug Court Treatment Program, Room 540 of the Nichols Building, 410 Jackson Street, Mankato, MN for a chemical use assessment at \_\_\_\_\_ am/pm on \_\_\_\_\_.
- Follow all recommendations.
- Reappear in Drug Court on \_\_\_\_\_ at \_\_\_\_\_.
- Electronic Alcohol Monitoring per agent direction, and pay fee per M.S. 169A.44.
- Participate in the Drug Court Drug Testing Program and pay appropriate fees.
- Other: \_\_\_\_\_

By signing this document, the defendant promises to obey the Release Conditions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant's Signature

#### **Release Without Conditions:**

Alternatively the Defendant shall be released upon posting a secured bond/cash bail in the amount of \$\_\_\_\_\_.  
Defendant must appear at all court hearings as ordered.

**Law Enforcement Authority may arrest and return the defendant to court upon probable cause that the defendant has or is about to violate a condition of release.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge of District Court

- Court Administration
- Probation

- \_\_\_\_\_ Police Department
- Sheriff's Department

**BROWN-NICOLLET-WATONWAN  
ADULT DRUG COURT**

**RECOMMENDATION FORM**

**Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Offense:** \_\_\_\_\_

**File No:** \_\_\_\_\_

**General Conditions**

\_\_\_\_\_ Do not possess or consume alcohol or any other non-prescription mood altering chemicals; subject to random drug testing.

\_\_\_\_\_ Abide by a 10:00pm curfew

\_\_\_\_\_ Successfully attend chemical dependency treatment \_\_\_\_\_ times per week, and follow all recommendations.

\_\_\_\_\_ Attend a minimum of two (2) self-help group meetings per week and provide verification of attendance to the drug court treatment counselor.

\_\_\_\_\_ Schedule an appointment to meet with the drug court probation agent and treatment counselor prior to the next drug court appearance.

\_\_\_\_\_ Sign and abide by the drug court participation agreement.

\_\_\_\_\_ Appear at the next drug court hearing on \_\_\_\_\_.

\_\_\_\_\_ Other: \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF

DISTRICT COURT  
FIFTH JUDICIAL DISTRICT

IN THE MATTER OF:

**PETITION TO ENTER A PLEA OF GUILTY  
AND WAIVER OF RIGHTS FOR ENTRY INTO  
ADULT DRUG COURT**

\_\_\_\_\_

Court File No.: \_\_\_\_\_

- 1) My name is \_\_\_\_\_ and my date of birth is \_\_\_\_/\_\_\_\_/\_\_\_\_.
- 2) I have seen the Petition in this case and I understand I have been charged with:  
  
\_\_\_\_\_ in the County of \_\_\_\_\_, Fifth District Court, State of Minnesota.
- 3) I understand the charges against me.
- 4) I have counsel who has been representing me in this matter. His/her name is  
  
\_\_\_\_\_
- 5) \_\_\_\_\_ I am pleading guilty to \_\_\_\_\_ with the understanding that I will receive a \_\_\_\_ Stay of Adjudication, \_\_\_\_ Stay of Execution, or \_\_\_\_\_ Stay of imposition on this charge, and agree to enter the Adult Drug Court (hereinafter "ADC").
- 6) \_\_\_\_\_ I plead guilty to the above-listed charge(s), because I am guilty of the above-listed charge(s).
- 7) \_\_\_\_\_ I have been advised and understand that ADC is an approximately an 18-month program which requires weekly court appearances in its initial phase. I further understand that ADC is intended to be a non-adversarial approach to court proceedings. Accordingly, court is conducted without attorneys representing either side.
- 8) \_\_\_\_\_ I have been advised and understand that upon completion of ADC, the charges against me may be dismissed. I have also been advised of other possible advantages and rewards of entering ADC.
- 9) \_\_\_\_\_ I have been advised and understand that by entering a plea under this agreement, I waive the following rights:
  - a) I understand that I have the right to a court trial in these proceedings.
  - b) I understand that I would be presumed innocent until the State could prove my guilt beyond a reasonable doubt.
  - c) I understand that I have the right to remain silent, and if I chose to exercise this right, my choice could not be used against me in these proceedings.
  - d) I understand the subpoena process and that I could subpoena witnesses to come to court to testify on my behalf if this matter were to go to trial.
  - e) I understand I have a right to a hearing on the issue of probable cause and on evidentiary issues, both of which have been explained to me by an attorney.
  - f) I understand I have the right to present a defense.

- 10) \_\_\_\_\_ I have been advised and understand that by entering ADC, I waive my right to counsel except in limited circumstances as determined by the Court, or if I am terminated from the ADC and the State moves to revoke my Stay of Adjudication.
- 11) \_\_\_\_\_ I have been advised and understand that I will meet with the Drug Court Probation Agent who will explain the ADC to me in detail, and specifically outline the expectations placed upon me, the tasks I will need to complete and the waivers I will need to sign.
- 12) \_\_\_\_\_ I have been advised and understand that if I do not agree to the expectations of the ADC, that I may withdraw from ADC up to my first ADC court appearance. I further understand that if I withdraw from ADC, I will no longer have a Stayed sentence or the advantages of ADC, and will proceed to disposition on the original charge in District Court and face the consequences as ordered by the Court.
- 13) \_\_\_\_\_ I have been advised and understand that upon my entry into ADC, I may not withdraw unless terminated from the program by the ADC Judge.
- 14) \_\_\_\_\_ I have been advised and understand that I will be expected to complete weekly tasks and abide by all of the rules of the ADC.
- 15) \_\_\_\_\_ I have been advised and understand that failure to comply with the Court's orders or weekly tasks could result in an *immediate* consequence ranging from community work service to jail time.
- 16) \_\_\_\_\_ I have been advised that continued or severe disregard of the rules of ADC and /or the Court orders could result in a longer jail stay. I also understand that this placement can occur without a formal evidentiary hearing and without representation by an attorney.
- 17) \_\_\_\_\_ I further understand that decisions regarding rewards and consequences are made by a team of drug court professionals, who collaborate in making such determinations and make recommendations to the Judge. The Judge has the ultimate decision-making authority. Because the decisions and consequences of ADC are intended to be immediate, there are no formal contested evidentiary hearings.
- 18) \_\_\_\_\_ I have been given an opportunity to ask questions of my attorney, and feel I am making an informed decision at this time. I understand the rights I am waiving, and do so freely and voluntarily at this time.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

I have reviewed each paragraph of this waiver with the above-named Respondent.

\_\_\_\_\_  
Signature of Defendant's Attorney

## Fifth Judicial District Brown-Nicollet-Watonwan Drug Court Referral Form

**Step 1 - Application** (This Section is Completed by the Prosecuting Attorney, Defense Attorney or Probation)

County:  Brown  Nicollet  Watonwan  
 Defendant's Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Male  Female  Caucasian  Latino  Other: \_\_\_\_\_  
 African-American  Asian

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Defendant's Attorney: \_\_\_\_\_

Court File No.: \_\_\_\_\_ Charge(s): \_\_\_\_\_

Case Status: Pretrial  Post plea  Probation Viol.  (attach pre-sentence investigation & assessments)

Referred By: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Send Application to: (Prosecutor/Coordinator)

**PLEASE ATTACHED A BAIL STUDY, PRIOR RECORD AND/OR CRIMINAL HISTORY**

**Step 2 - Preliminary Review** (Completed by Probation and Prosecution)

PROBATION OFFICE	PROSECUTOR'S OFFICE <small>The prosecutor has the authority to screen 1<sup>st</sup> and 2<sup>nd</sup> Degree Controlled Substance Crimes and deny referral for Adult Drug Court</small>
Review Date: _____ By: _____	Review Date: _____ By: _____
County Resident: Yes <input type="checkbox"/> No <input type="checkbox"/>	Disqualifier Present: Yes <input type="checkbox"/> No <input type="checkbox"/>
Willing to Participate: Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Maybe	_____
Preliminarily Approved: Yes <input type="checkbox"/> No <input type="checkbox"/>	Preliminarily Approved: Yes <input type="checkbox"/> No <input type="checkbox"/> <small>If No, go to Step 4</small>
Comments: _____	Comments: _____

**Step 3 - Chemical Dependency Assessment**

Assessment Referral Date: \_\_\_\_\_ Chemically Abusive or Dependent: Yes  No

Recommendation: Inpatient  Intensive Outpatient  Halfway House \_\_\_\_\_  
 Other

Funding: Rule 25  Insurance  Self-pay  Unknown  Completion Date: \_\_\_\_\_

**Step 4 - Team or Prosecutor Determination**

Date Screened : \_\_\_\_\_ **APPROVED: YES  NO**

If denied, state reason (check all that apply):

<input type="checkbox"/> Violent History	<input type="checkbox"/> Probation time less than one year
<input type="checkbox"/> Disqualifying Charge: _____	<input type="checkbox"/> Undocumented Alien
<input type="checkbox"/> Unwilling to participate	<input type="checkbox"/> No Chemical Dependency Issues
	<input type="checkbox"/> Unable to Comply ( e.g., lack of transportation, medical, etc.)

AUTHORIZATION FOR THE USE OR DISCLOSURE OF INFORMATION

To:  Brown County Adult Drug Court  Nicollet Drug Court  Watonwan Drug Court

Re: Name: \_\_\_\_\_ Birth date: \_\_\_\_\_

Maiden or other name: \_\_\_\_\_

\_\_\_\_\_ I hereby request and authorize you to disclose to the Adult Drug Court the following types of information you have pertaining to my participation:

\_\_\_\_\_ I hereby authorize the Adult Drug Court to disclose to you the following information:

- |  |                                   |
|--|-----------------------------------|
| _____ Intake History/Admission Information | _____ Medication Records          |
| _____ Psychological Testing                | _____ Social Services Information |
| _____ Progress Notes/Reports               | _____ Treatment Plans             |
| _____ Chemical Dependency Assessment       | _____ Discharge Summary           |
| _____ Summary                              | _____ Medical Records             |
| _____ Mental Health Records                |                                   |
| _____ Other (please specify): _____        |                                   |

**Purpose Statement:** The purpose of this release is to enable the Drug Court to be informed about my situation and to assist me in my recovery.

I know and understand:

- Information on me is protected under state and/or federal privacy laws and generally cannot be disclosed without my consent, with certain exceptions specified by law.
- Information disclosed pursuant to this authorization may be re-disclosed to other parties and may then not be protected under state and/or federal data privacy laws.
- Alcohol and drug treatment records may be further protected by federal regulations and disclosure may require further authorization.
- I am under no obligation to sign this authorization. However, without the requested information the Drug Court may not be able to be of assistance.
- I may revoke this authorization at any time by giving written notice of revocation. Unless earlier revoked, this authorization expires twelve (12) months from the date I signed this form.
- Revoking this authorization does not apply to information already released under this authorization.

I also know and understand that pursuant to federal law (42 CFR, Part 2) alcohol and drug treatment records may be further protected and upon disclosure are subject to the following:

Prohibition of Re-disclosure: This information has been disclosed from records protected by federal confidentiality rules (42 CFR Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR, Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

Dated: \_\_\_\_\_ Client Signature: \_\_\_\_\_

Dated: \_\_\_\_\_ Witness Signature: \_\_\_\_\_

CONSENT FOR THE RELEASE OF PRIVATE MENTAL HEALTH, ALCOHOL OR DRUG, LAW ENFORCEMENT, AND COUNTY HUMAN SERVICES CASE INFORMATION

I, \_\_\_\_\_, Birthdate: \_\_\_\_/\_\_\_\_/\_\_\_\_, authorize the  Brown  Nicollet  Watonwan Adult Drug Court team and representatives of the following agencies:

- (1) Any of my alcohol or drug treatment providers,
- (2) Any of my mental health agencies or providers,
- (3) Any of my medical care provider(s),
- (4) County Human Services case managers,
- (5) County or Department of Corrections Probation Agent(s)
- (6) Service providers for alcohol and drug testing,
- (7) County Sheriff's Department and local Police Department representatives.
- (8) Brown-Nicollet-Watonwan Adult Drug Court Evaluator

to communicate with and disclose to one another the following information:

- \_\_\_\_\_ my name and other personal identifying information;
- \_\_\_\_\_ my status as a patient in alcohol/drug treatment and mental health services including attendance;
- \_\_\_\_\_ my status as a client of County Human Services;
- \_\_\_\_\_ my status as a participant in the Adult Drug Court
- \_\_\_\_\_ information pertinent to child-removal, custody, and reunification issues;
- \_\_\_\_\_ my drug court treatment plan and summaries of my progress in reaching treatment plan goals;
- \_\_\_\_\_ initial and subsequent evaluations of my service needs by my medical care provider;
- \_\_\_\_\_ summaries of alcohol/drug and mental health assessment results and history;
- \_\_\_\_\_ discharge plan(s) for alcohol/drug treatment and mental health services;
- \_\_\_\_\_ date of discharge from alcohol/drug treatment and mental health services, and discharge status;
- \_\_\_\_\_ contact with any law enforcement agency during my participation with the drug court;
- \_\_\_\_\_ information and data collected during and after my participation with drug court to be used for research and evaluation purposes
- \_\_\_\_\_ other: \_\_\_\_\_.

The purpose of the disclosures authorized in this consent is to: ***enable the Adult Drug Court and its members to evaluate my need for services from the Adult Drug Court and its members, and provide and coordinate the Adult Drug Court and its members' services to me.***

I understand that my alcohol and/or drug treatment records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that records concerning mental health services I receive are protected by state law. I understand that I may revoke this authorization at any time with a written request. Otherwise, this consent will expire one year from the date listed below. I further understand that my records may be transmitted by fax or electronically to the above named individuals/agencies.

Dated \_\_\_\_\_ Client Signature: \_\_\_\_\_

Dated \_\_\_\_\_ Witness Signature: \_\_\_\_\_

Adult Drug Court team member list: Judge, Coordinator, Social Workers and Supervisors, County Attorney, Defense Attorney, Chemical Dependency and Mental Health treatment providers, Probation Agent, Evaluator,

Other (List): \_\_\_\_\_

### Adult Drug Court Participation Agreement

Brown County

Nicollet County

Watonwan County

Name: \_\_\_\_\_

File No: \_\_\_\_\_

I understand that I have been accepted to participate in the Adult Drug Court (ADC) Program. I will be under the supervision of the ADC Court Judge and the Minnesota Department of Corrections or County Probation. I understand that if I am terminated from the program, I may be sentenced in accordance with the plea agreement or, if there is no plea agreement, in accordance with the allowable sentence authorized by law. I understand and consent to the following:

1. I agree to participate in alcohol and/or other drug treatment as directed by the court, including support meetings (such as AA/NA) as set forth in my treatment plan, and that I will provide verification of attendance. I understand that compliance with treatment recommendations is mandatory.
2. I agree to cooperate with the ADC Program, probation staff and treatment providers.
3. I agree to attend all treatment meetings, court dates and other scheduled appointments, and I will be on time. I understand that a failure to appear for a court date or any other breach of this agreement will result in the issuance of a bench warrant. I am responsible for transportation in order to fulfill the terms of the ADC Court Program.
4. I agree to sign any and all consent forms waiving confidentiality of any medical, mental health treatment or social service records. I further agree to sign any and all releases which will allow the ADC Court team to review diagnostic and treatment information. If I withdraw my consent, I understand that I will be terminated from the ADC Court program.
5. I agree that in order to achieve and maintain sobriety, I need to have a permanent and stable residence that supports a recovery lifestyle. I shall notify the ADC Probation Agent immediately/next working day of changing my residence.
6. I agree to remain in my residence during the hours specified in my case plan. In the event of an emergency, I will notify my Probation Agent immediately, or as soon as possible.
7. I understand that I shall not use, possess, or associate with any person(s) who use or possess any controlled substance or illegal drugs such as: marijuana, heroin, cocaine (powder, base or "crack"), and methamphetamine, PCP or LSD. I will not eat foods containing poppy seeds.
8. I agree that I will not use or possess alcoholic beverages, nor enter establishments that derive their principal income from the sale of alcoholic beverages. I will not use non-alcoholic beer and/or wine.
9. I understand that I shall inform my ADC Probation Agent of any over-the-counter medications that I am using, or may be using, and the medications must be non-addictive and not contain alcohol (i.e. mouthwash, cough syrup, etc.). I am responsible for verifying with a pharmacy or medical professional that these medications are non-addictive and do not contain alcohol. I understand that using mood-altering medication prescribed or not, could exclude me from participation in the ADC Program.
10. I understand I am responsible for informing and providing documentation of all prescription medications I am taking, or may take. I am also responsible for notifying my ADC Probation Agent if there are any changes to any and all prescriptions.
11. I understand that I will be subject to random chemical testing (usually a urine test) and I agree to abide by the BNW Drug Court drug testing policy. I understand that a positive test for alcohol or any illegal substance may result in immediate incarceration. I understand I may be terminated from the ADC Program based on my failure to be candid with the court about my drug use.
12. I agree to participate in the ADC Program until successfully discharged from all phases of the program including in-patient and out-patient treatment.

- 13. I agree to participate in any educational, treatment, or rehabilitation program ordered by the ADC to help maintain my recovery and maintain a law-abiding lifestyle.
- 14. I agree to perform forty (40) hours of structured activity per week, such as: actively seeking or maintaining employment, attending school/job training, performing unpaid alternative community work assignments, or any other activity approved by my Probation Agent. I agree to provide verification of 40 hours of activity per week.
- 15. I agree to abide by the rules and regulations of probation supervision, and any special conditions ordered by the court including community work service or STS.
- 16. I will pay any fees or fines as directed by the court and will have an opportunity to "earn down" some fees for excellent program participation.
- 17. I agree to inform the ADC Probation Agent and treatment provider of any new arrests, summons or any other situation that may impact my probation.
- 18. I agree that I am subject, at any time, to a search conducted by a representative of the MN Department of Corrections, or County Probation Department and/or ADC representative, which includes any law enforcement representative, without a warrant, of my person, place of residence, vehicle or other personal or real property.
- 19. I agree that my participation in the ADC Program shall be terminated if I fail to make satisfactory progress toward completion of the program.
- 20. I agree that my participation in the ADC Program may be terminated if I am rearrested, test positive for drugs or alcohol, or fail to meet any of my court ordered obligations. I understand that I am subject to immediate arrest by any law enforcement agency that has reason to believe I am in violation of any Drug Court conditions.
- 21. I understand that the Court can impose sanctions, including county jail time, rather than terminate my participation in the program. I understand that sanctions may be increased and may include termination from the program.
- 22. I understand that by participating in the ADC Court program that I give up my right to a violation hearing if I am taken into custody for a period of time no longer than 72 hours (excluding weekends and holidays) for a violation of a condition of the ADC, and this will NOT be considered a violation of the program.
- 23. I understand that I have a right to an attorney during court proceedings which include plea, sentence, and any violation which could lead to termination of participation in the ADC Program. If I am unable to afford an attorney, I may be eligible for public defender representation. I further understand that if I have any questions concerning the ADC Program, I should discuss them with my attorney.

I will not travel outside the \_\_\_\_\_ county area without first receiving permission from my ADC Probation Agent. Further, I understand that if I leave the state, extradition proceedings may be initiated to return me to Minnesota from any jurisdiction in or outside of the United States. By signing this document, I agree to waive extradition, and do waive extradition to return to Minnesota from any jurisdiction in or outside the United States of America.

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
ADC Court Judge Signature

\_\_\_\_\_  
Date

### BNW Multi-County Drug Court Financial Assistance Fund Request

Procedure for requesting financial assistance from the BNW Drug Court Program.

1. Client completes and signs form.
2. Probation Agent/Treatment Counselor provide any additional comments and signs.
3. Request is given to Drug Court Coordinator and a determination is made by the BNW Treatment Sub-committee at the next scheduled meeting (for treatment program costs).
4. Client is notified of decision in writing.
5. Re-determinations of eligibility for assistance may be made at any time, but shall be reviewed at least annually.
6. Assistance may be denied or terminated at any time due to lack of program funding.

**Client Name:** \_\_\_\_\_ **Date of Request:** \_\_\_\_\_

**Amount Requested:** \_\_\_\_\_

**Purpose of Request (check all that apply):**

\_\_\_\_\_ Treatment Program Costs    \_\_\_\_\_ Educational Programming    \_\_\_\_\_ Transportation/Child care  
 \_\_\_\_\_ Other (please describe): \_\_\_\_\_

**Client Financial Information:** Monthly income: \_\_\_\_\_ Monthly expenses: \_\_\_\_\_

Monthly Income means the person's or family's adjusted gross income received from wages or salaries prior to deductions; net income from self-employment; net farm income; social security payments; child support; dividends; interest income; rent received; royalties; school scholarships and grants (less tuition and fees); pensions and annuities, and; unemployment compensation. School loans are not considered to be income.

**Number of family\* members living in your household (include yourself):** \_\_\_\_\_

\*Family is defined as the client, the client's spouse, the client's minor children and the client's spouses minor children.

**Client Comments:** Please explain your reason(s) for needing this assistance including any emergency or unusual event.

Also, please indicate if known, how long you expect to need this assistance.

---



---



---



---



---



---

**Client Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Probation/Treatment Comments:**

---



---



---



---



---



---

**Probation/Treatment Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **Criteria for Financial Assistance Fund - Drug Court Treatment**

1. Candidate is without insurance coverage and does not have personal resources/assets to pay for drug court treatment.  
\*Documentation may be required to include: tax returns, pay stubs, health care benefit set, list of assets, banking documentation.
2. Candidate is above the income threshold to qualify for CD consolidated funds (CCDTF/Rule 24).
3. Using a currently adopted county sliding fee schedule as a guide, assistance will be provided on a graduated percentage basis to eligible candidates from the Financial Assistance Fund.
4. The annual amount of the Fund will be established prior to the beginning of each calendar year and funds will be used to offset the client's direct self-pay costs according to the percentages established in the fee policy until the fund is depleted for the year.
5. Funds will be distributed on a "first come, first serve" basis until the established amount for the calendar is depleted.
6. If funds remain in any given calendar year, the balance will be rolled into the following years' Financial Assistance Fund allocation unless prohibited by the funding source.

### **Criteria for Financial Assistance Fund – Other**

1. Without assistance the candidate would be unable to complete drug court treatment or probation goals.
2. Candidate does not qualify for, or there is no other public funding available to provide the financial assistance needed in order to continue to progress in the drug court program.
3. Candidate may be required to repay a portion or all of the funding received, according to a payment schedule as determined by the drug court probation agent.
4. Funds will be distributed on a "first come, first serve" basis until the established amount for the calendar is depleted.

### **Review and Approval Procedure**

1. All requests must be in writing.
2. All requests for drug court treatment funding assistance must be approved by the BNW Drug Court Treatment Sub-Committee.
3. One time requests for funding (other than treatment)
  - a. Under \$100 may be approved by the Drug Court Probation Agent. Drug Court Coordinator must be notified of decision.
  - b. Over \$100 – must be approved by the Drug Court Coordinator or pre-court staffing team.

**BROWN-NICOLLET-WATONWAN  
ADULT DRUG COURT  
DRUG TESTING GUIDELINES & AGREEMENT**

**AUTHORITY TO TEST**

Agents of the Brown-Nicollet-Watonwan Adult Drug Court have the authority to drug test supervised individuals based upon the following:

1. M.S. 609.135, subd. 1, as it relates to intermediate sanctions when the court orders a stay of imposition or execution of sentence
2. Orders, rules and regulations of the court and/or commissioner of corrections as specified in either the general or special conditions of probation or supervised release.
3. Numerous court decisions have upheld the right to drug test as a part of probation/parole supervision.

**FREQUENCY AND TESTING LOCATION(S):**

You will be required to call the Drug testing hotline on a daily basis. Please listen to the pre-recorded message for testing information for that day. You must call the hotline each day after **12:00 noon** in order to check if your case was randomly selected to provide a urine sample.

**The testing hotline number is 507-\_\_\_\_\_.** **Your code for the hotline is \_\_\_\_\_.**  
 When your code is selected, you must report to:\_\_\_\_\_I according to the following daily schedule:  
**Monday through Friday:** 3:00pm – 5:00pm **OR** 7:00pm – 10:00pm.  
**Saturday:** 9:00pm -11:00pm.  
**Sunday:** 7:00pm -10:00pm

**SCOPE OF TESTING (WHICH DRUGS TO SCREEN)**

Unless otherwise specified by the court, the screening will normally be specific to, although not limited to: substances involved in the offense or indicated in the participant's chemical use history, or; other information is received indicating the need to screen for a specific substance.

**REPORTING AND USE OF RESULTS –**

All test results (positive and negative) will be reported to the court. The following are considered Positive Tests and will be reported to the court as such: 1) Testing positive for any illegal substance; 2) Missing a test without permission; 3) Adulteration of any sort (including flushing); 3) Failure to provide a urine specimen of sufficient quantity will be considered a stall and treated as a positive test; 4) Failure to provide a urine specimen within a reasonable amount of time (usually 15 minutes). Refusal to take a test is treated as a positive test.

**Test Confirmation**

If a drug court participant requests confirmation of a test, and the test results are positive, the participant is responsible for the cost of the test.

I have read and understand the information above, and agree to Brown-Nicollet-Watonwan Adult Drug Court drug testing guidelines.

\_\_\_\_\_  
**Participant Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Probation Agent Signature**

\_\_\_\_\_  
**Date**

**BROWN-NICOLLET-WATONWAN  
ADULT DRUG COURT  
TEAM MEMBER CONFIDENTIALITY AGREEMENT**

I, \_\_\_\_\_ understand that I am a participating member of the Adult Drug Court Team in:  Brown County  Nicollet County  Watonwan County.

I understand that I may hear highly sensitive and/or confidential information which is protected under Federal Rule 42 CFR, Part 2, 45 CFR. Parts 160-164, Minnesota Statutes, §13.46, and other federal and state laws.

I understand that unauthorized release of this information is punishable as a criminal offense. I agree to keep all information about drug court cases and any/all discussion of the drug court participants strictly confidential at all times, even after termination of my participation as a member on the adult drug court team.

The term "Confidential Information" means any and all identifying information pertaining to the Drug Court participants' eligibility and or acceptability for substance abuse treatment services, treatment attendance, prognosis, compliance, toxicology results, and progress in accordance with Drug Court monitoring criteria.

Notwithstanding the foregoing, the term confidential information shall not apply to information that the Drug Court has voluntarily disclosed to the public without restriction, or which has otherwise lawfully entered the public domain.

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Witness Signature Date



## BNW Adult Drug Court Weekly Progress Report

Brown

Nicollet

Watonwan

Participant Name:		Referral Date:
Last drug test date:	Result: <input type="checkbox"/> Negative <input type="checkbox"/> Positive	Date entered Phase 1: Curfew:
Employer:	Since:	Date entered Phase 2: Curfew:
Length of Sobriety:	Today's Date:	Date entered Phase 3: Curfew:
Next Court Date:		Date entered Phase 4: Curfew:

### Comments:

<b>Positives:</b>	Treatment: Family/Community: Financial:
<b>Concerns:</b>	
<b>Team Recommends:</b>	

### Incentives:

Date Given:	Type:	Reason:

### Sanctions:

Date Given:	Type:	Reason:

**CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE  
TREATMENT INFORMATION: DRUG COURT REFERRAL**

I, \_\_\_\_\_, DOB: \_\_\_\_\_, hereby consent to communication between the \_\_\_\_\_ Treatment Program and members of the Adult Drug Court in  Brown County  Nicollet County  Watonwan County which includes the following entities: Fifth Judicial District Court Judge(s) and drug court coordinator(s); County Attorney's office, County Social Services, County Sheriff's Department, and the police department(s) of \_\_\_\_\_.

The purpose of and need for this disclosure is to inform the court and the other above-named parties of my eligibility and/or acceptability for substance abuse treatment services and my treatment attendance, prognosis, compliance, and progress in accordance with the drug court monitoring criteria.

Disclosure of this confidential information may be made only as necessary for and pertinent to hearings and/or reports concerning my court file number: \_\_\_\_\_.

I understand that this consent will remain in effect and cannot be revoked by me until there has been a formal and effective termination of my involvement with the drug court for the case named above, such as the discontinuation of all court (and/or, where relevant, probation supervision) upon my successful completion of the drug court requirements or upon sentencing for violating the terms of my drug court involvement (and/or where relevant, probation).

I understand that any disclosure made is bound by Part 2 of Title 42 of the Code of Federal Regulations, which governs the confidentiality of substance abuse patient or client records, and that recipients of this information may redisclose it only in connection with their official duties.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_



**STATEMENT OF URINALYSIS ACKNOWLEDGEMENT  
ADULT DRUG COURT**

**DATE:** \_\_\_\_\_

**NAME:** \_\_\_\_\_ **DOB:** \_\_\_\_\_

**CASE NUMBER(S):** \_\_\_\_\_

**JUDGE:** \_\_\_\_\_

I, \_\_\_\_\_ being a participant of the adult drug court in:

**Brown County**

**Nicollet County**

**Watonwan County**

and having submitted to urinalysis as required by my participation agreement, do hereby state the following:

I have tested positive on my drug screen for \_\_\_\_\_ which is/are illegal or forbidden substance(s) according to Drug Court policies; and I readily admit I am positive for this substance.

I understand I have the option of paying to have the urine sample sent to a lab for further testing, but choose of my own free will to waive that option.

I further understand that I will be sanctioned for this positive urine screening. Sanctions may include but are not limited to termination from the program.

My signature below indicates I understand I am positive for the above named substance(s) and I do not wish to pursue further testing at an independent laboratory.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Signature