

## **Drug Court Eligibility**

Hennepin and Ramsey County residents who are charged in Hennepin County with felony drug and property crimes (including First and Second Degree Controlled Substance Crimes) may be eligible to voluntarily participate in the Drug Court. Ramsey County residents must make arrangements for chemical health assessment and treatment services prior to admission.

A defendant's eligibility will be determined by assessment of the defendant's risk/need status. Eligible offenders will have:

1. A finding of substance use disorder, moderate\* or severe, consistent with the most current DSM (Diagnostic and Statistical Manual) and have a diagnosis of dependency consistent with the most current ICD (International Classification of Diseases); AND
2. Had a criminogenic assessment showing a high risk to reoffend.

The defendant's race, gender, religious affiliation, creed, color, sexual orientation, and national origin will not be considered when determining his or her eligibility.

\*When the Fourth Judicial District Hennepin County Drug Court census reaches 130 participants as measured by the statistics compiled at the end of the month, in addition to standard eligibility criteria, Drug Court will only consider defendants who have a DSM-5 diagnosis of a *severe* substance use disorder for admission. These added eligibility criteria will remain in place until the census drops to 125 participants. These added restrictions do not impact current participants who have a moderate substance use disorder.

## **Disqualification**

Defendants are disqualified from Drug Court in the following cases:

1. The defendant is charged with an Aggravated Controlled Substance Crime (Kingpin) under Minnesota Statute Section 152.021, Subd. 2b, or the defendant is charged with First Degree Sale and has a prior First or Second Degree Controlled Substance conviction within 5 years.
2. The defendant has current charges or is on felony probation for:
  - a. Homicide
  - b. Robbery
  - c. Manslaughter
  - d. Kidnapping
  - e. Arson
  - f. Aggravated Assault

- g. Vehicular Homicide
- h. Felony Sexual Offense
- i. Felony Stalking
- j. Felony Domestic Abuse
- k. Crimes to Benefit a Gang
- l. First or Second Degree Burglary

3. A gun was used in the commission of the present offense.
4. The defendant is actively working as a police informant.
5. The defendant is on Department of Corrections (DOC) supervised release in Minnesota or active parole from another state.
6. The defendant is demonstrated to be an integral part of a distribution or manufacturing network or actively engaged in crimes to benefit a gang, which can be demonstrated by:
  - a. Search warrants,
  - b. Documentation from prior or ongoing police investigations, or
  - c. Prior arrest charges.

If any such disclosure would compromise an ongoing investigation, the information may be communicated confidentially to the Lead Drug Court Judge.

7. The defendant suffers from mental incapacity that prohibits his or her ability to participate in treatment or the Drug Court program.
8. The Defendant is deemed unsuitable for Drug Court based upon a history of failure to comply with probation supervision as evidenced by multiple probation revocations.
9. The defendant has been designated as a Level 3 Sex Offender by the DOC.
10. The defendant has a prior criminal conviction(s) for any of the offenses listed under Disqualification #2. However, such a defendant may be considered for admission if a significant period of time has elapsed since the defendant completed probation, parole, or was discharged from prison, providing that since that time, the defendant has had no history of violent crime.