

HENNEPIN COUNTY TREATMENT COURTS (DWI, DRUG, VETERANS, MENTAL HEALTH): REFERRAL PROCESS

THIS IS NOT THE PROCESS FOR RULE 20.01 REFERRALS

Contact Lisa Keller with Triage questions: 612-348-9265 lisa.keller@courts.state.mn.us

Grace Spearman for any Veterans and Mental Health Court questions: 612-348-6302 Grace.Spearman@courts.state.mn.us

Laurin Olson for any Drug and DWI Court questions: 612-543-4764 laurin.olson@courts.state.mn.us

ELIGIBILITY

Individuals being referred must:

- Have an open Hennepin County case or an open probation violation on a Hennepin County Case.
- Must be Hennepin County Resident (exceptions for Veterans that are eligible under statute 609.1056. If they work in Hennepin County they may be eligible).
*Residency definition: Individuals are eligible for treatment court services if Hennepin County is the current County of Fiscal Responsibility (CFR) and/or the day they become Hennepin CFR. If someone that you want to refer to treatment court services does not have Hennepin County as CFR, they would need to establish that **prior** to the referral to Triage. This is typically sixty days living in Hennepin County in non-excluded status. When individuals are referred while incarcerated the CFR prior to incarceration is considered the current CFR.*
- Must not be required to register as a Level 3 on POR
- Not have a Criminal Sexual Assault charge 1-4 in any County, Criminal Sexual Assault 5 and Indecent Exposure may be referred and will be reviewed on a case by case basis
- DOC supervision must expire within 90 days of referral (except if the individual is a Veteran and eligible for diversion under 609.1056)

Presumptive Probation Cases:

- All presumptive probation cases not on the exclusion list may be submitted to the Triage Calendar for review and referral to a Treatment Court.
- All presumptive probation cases on the exclusion list require HCAO Senior Attorney approval for Triage referral and admission to Treatment Court.

Presumptive Prison Cases:

- All presumptive prison cases not on the exclusion list require indication from the prosecutor or the judge that a downward dispositional departure is contemplated before the matter may be referred to the Triage Calendar. [Only an HCAO Managing Attorney or their superior is permitted to consent to a presumptive prison case being referred to a Treatment Court.]
- All presumptive prison cases that are on the Exclusion List may not be referred to the Triage Calendar without the prior approval of an HCAO Managing Attorney or their superior.

County Attorney:

All case types, EXCEPT:

- Murder
- Manslaughter
- Aggravated Robbery
- Kidnapping
- Arson
- First Degree Assault
- Criminal Vehicular Homicide
- Felony Stalking/Harassment
- Felony Domestic Abuse
- First or Second Degree Burglary
- Crime for the Benefit of a Gang

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REFERRAL PROCESS

1) Complete referral form on SharePoint: [Treatment Court Referral Form](#)

2) Enter event **TTC** – Triage for Treatment Court code in MNCIS.

3) Select a report due date .

- At least 3 weeks out from the referral date for in custody cases.
- At least 8 weeks out from the referral date for out of custody cases.
- Only 3 reports can be scheduled per day (exception for in-custodies). If the date is full move to the next available date.

4) Set a tracking date at least 3 days after the report due date to allow the HCAO and City Attorneys time to review the report.

5) Provide the defendant with a **copy of the [Triage Handout](#) and [Notice of Triage Referral and Court Observation](#).**

* Notifications to the referring parties will be sent once eligibility and court placement are determined.

****Current participants with new cases;** Please contact the coordinator for further direction on how to get these types of cases processed.

TRIAGE REPORT

INELIGIBLE

If defendant is ineligible the report will be e-filed and the case should follow the traditional process.

- If re-referring an individual that the Triage team was not able to reach previously please provide updated contact information. The Triage team will need the full 3 weeks/8 weeks to complete the triage referral.

ELIGIBLE

If the defendant is eligible, the Judge and attorneys will receive the report and instructions from the Coordinator via email. If the Judge and Prosecutor approve of treatment courts, sentence all cases to the recommended treatment court. Resolve all probation violations and add the condition of “enter and complete Drug/DWI/Mental Health/Veterans court.” The Coordinator will send you the appropriate Treatment Court Sentencing Order(s) via email.

In-custody defendants

If the agreement of the parties is to have the defendant released prior to the first treatment court appearance, please release defendant when sentenced and set for the treatment court review date provided. We recommend that the defendant remain in custody and be placed on the treatment court date provided by the coordinator. This will allow the Team to staff the case and determine the appropriate placement and conditions of release. Ideally a Rule 25 evaluation has already been completed and a placement or treatment recommendations allowing for the defendants release will be in place within a week.

***If the defendant is eligible but the Prosecutor *does not* support the recommendation, and the Judge plans to grant a departure to probation over the Prosecutor’s objection, the Prosecutor may re-evaluate the case for approval or rejection. If ultimately approved for Treatment Courts, follow the steps under “Eligible”.

****Defense counsel should review treatment court documents provided by the coordinator with the defendant prior to their first appearance in the treatment court.

*****On cases requiring victim impact probation will include victim information in the triage report to the level required for a domestic PSI. These cases will not need to be re-referred for a PSI. If they are ineligible for a treatment

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court probation asks that a new referral be submitted for a domestic PSI. Probation will use the investigative work used during triage to complete a PSI meeting the statutory requirements.

***** If a Veteran is eligible for a Stay of Adjudication under 609.1056 and does not reside in Hennepin County they still be eligible for Hennepin County Veterans Court if they work in Hennepin County. Please contact the treatment court manager with any questions.

QUESTIONS AND CONCERNS:

If you have questions related to the triage process contact District Court Treatment Court Manager,

Lisa Keller
612-348-9265

Lisa.Keller@courts.state.mn.us

For questions or concerns regarding the pre-screener assessment or Risk level contact DOCCR Program Managers,

Scott Verdoorn
612-348-6063

scott.verdoorn@hennepin.us

Vince Vaughn

612-596-9224

vincent.vaughn@hennepin.us

**Public defenders should reach out to Melissa Fraser and she will connect with the program managers.

For questions related to residency, chemical health or mental health diagnoses contact HHS Supervisors,

Fatai Popoola
612-396-2280

Fatai.Popoola@hennepin.us