

Blue Earth County Drug Court

Policies and Procedures

**Revised
02/21/2012**

Steering Committee

The steering committee is comprised of agency directors from corrections, human services, county attorney, sheriff, Mankato police department, the judiciary, at least one representative from the county board, county administrator and community providers and other interested persons.

The steering committee will meet quarterly to review the progress of the drug court planning committee and to make any necessary policy or financial decisions to assist in the implementation of the initiative.

Planning Committee:

The planning committee is a multi-disciplinary collaboration which consists of the judge, drug court coordinator, prosecutor, public defender, sheriff's department, local law enforcement, probation agents, evaluator, treatment provider and chemical dependency assessor.

The planning committee is responsible for developing and implementing the day to day operations of the drug court program and to identify any policy decisions or financial resources needed to fully implement the program.

Mission

The Blue Earth County Drug Court is a community-wide collaborative effort to reduce crime, increase public safety, lower recidivism, rehabilitate substance abusing offenders, and re-integrate them into the community in hopes that they become contributing members of society, by developing strong supportive relationships with family, friends and surrounding community; by providing multi-faceted interventions, frequent court contacts, intensive supervision and treatment.

Our Motto:

Creating a climate for rehabilitation, recovery and reducing crime.

Values

- The Blue Earth County Drug Court believes in its ability to protect the public and prevent further criminal activity by providing supervision and services that promote positive behavioral change in substance abusing offenders.
- The Blue Earth County Drug Court believes in an offenders ability to change, and will provide activities and services designed to facilitate change and help them to become productive members of society.
- The Blue Earth County Drug Court believes services should be provided in an individualized, equitable and nondiscriminatory manner.
- The Blue Earth County Drug Court will be accountable to its stakeholders by using resources in an efficient and effective manner and by demonstrating positive program results.
- The Blue Earth County Drug Court believes everyone who enters drug court should have access to treatment regardless of their personal financial situation.
- The Blue Earth County Drug Court believes that by working together and sharing resources we can have greater impact on community safety and improve the quality of life for the citizen's in our region.

GOALS AND OBJECTIVES

I. Blue Earth County Drug Court will reduce crime.

Objective 1. Reduction in crime committed by drug court participants while in the program.

Evaluation:

1. Drug court participants will reduce the number of crimes they commits indicated on self-reports collected at 6-month periods
2. Drug court participants will reduce the number of crimes they commit as indicated by court records at 6 month periods

Objective 2. Reduction in the severity of crime committed by drug court participants.

Evaluation:

1. Drug court participants will reduce the severity of crimes they commit as indicated on self-reports collected at 6-month periods
2. Drug court participants will reduce the severity of crime as indicated by the level of misdemeanors or felonies as indicated by court records at 6-month periods.

Objective 3. Reduction in crime committed by drug court graduates.

Evaluation:

1. Drug court graduates will reduce the number of crimes they commit as indicated on self-reports collected at 6, 12, and 18-month periods
2. Drug court graduates will reduce the number of crimes they commit as indicated by court records at 6, 12, and 18-month periods.

Objective 4. Reduction in severity of crime committed Drug court graduates.

Evaluation:

1. Drug court graduates will reduce the severity of crimes committed as indicated on self-reports collected at 6, 12, and 18-month periods.
2. Drug court graduates will reduce the severity of crimes as indicated by the level of misdemeanors or felonies as indicated by court records at 6, 12, 18 month periods.

II. Blue Earth County Drug Court will reduce substance abuse.

Objective 1. Increase the number of drug involved offenders in treatment

Evaluation:

1. 30 drug-involved offenders have participated in drug court within the first year.
2. 30 drug-involved offenders admitted to qualified treatment program
3. Drug Court participation has increased the number of days drug- offenders stay in treatment.

Objective 2. Decrease substance abuse among drug court participants

Evaluation:

1. Reduced frequency, severity type, and amount of drug use as indicated by self-reports drug court participants at 6-month intervals increased abstinence of drug use as indicated by assessments of drug testings at 6-month intervals.
2. Reduced numbers of new arrests for drug-related crime committed by drug court participants as indicated by court records at 6-month intervals.

Objective 3. Decrease substance abuse among drug court graduates

Evaluation:

1. Reduced frequency, severity type, and amount of drug use as reported by graduates self-reports at 6, 12, and 18 months after graduation
2. Increased abstinence of drug use as indicated by periodic drug testing of Graduates at 6, 12, and 18 months after graduation.
3. Reduced numbers of arrests for drug related crime committed by graduates 6 months, 12 months, and 18 months after graduation.

III. Blue Earth County Drug court will reduce the out-of home placements of children.

Objective 1. Reduce out-of home placements of children of Drug Court Participants

Evaluation:

1. Reduction of temporary, out-of-home placements of children of drug court participants as compared to a control group.
2. Reduction of permanent, out-of-home placements of children of drug court participants as compared to a control group.

Objective 2. Reduce permanent, out-of home of children of Drug Court graduates.

Evaluation:

1. Reduction of temporary, out-of-home placements of children of drug court graduates as indicated by social service records at 6,12, and 18 months after graduation as compared to a control group.
2. Reduction of permanent, out-of-home placements of children of drug court graduates as indicated by social service records at 6,12 and 18 months after graduation as compared to a control group.

IV. Blue Earth County Drug Court will reduce the county's jail population.

Objective 1. Reduce the number of days drug court participants spend in jail.

Evaluation:

1. Reduction in number of days in jail of drug court participants awaiting sentencing Compared to matched, non-drug court offenders.
2. Reduction in number of days drug court participants are sentenced to jail as compared to traditional sentencing practices.

Objective 2. Reduce the number of days drug court graduates spend in jail

Evaluation:

1. Reduction in number of days spent in jail by drug court graduates at 6, 12, and 18 month intervals compared to control group who did not participate in drug court.

V. Blue Earth County Drug Court will improve the life circumstances of drug-involved offenders.

Objective 1. By graduation, all Drug Court participants that are physically and mentally able will have steady employment or other authorized activity (such as school, community service, volunteering).

Evaluation:

1. All participants will have steady employment at time of graduation as indicated in Drug Court Records
2. All participants will have steady employment at 6,12, and 18 month intervals after graduation as indicated by follow-up self-reports.

Objective 2. By graduation, all Drug Court participants will have achieved their high school degrees/ GED or equivalent if assessments have shown the participant is capable.

Evaluation:

1. All participants will have either finished high school or completed GED's upon graduation of drug court as indicated by drug court records.

Objective 3. By graduation, all Drug Court participants will have stable housing.

Evaluation:

1. All participants will have safe, clean, and affordable housing at the time of graduation as indicated by Drug Court records.
2. All participants will have safe, clean, and affordable housing at 6, 12, and 18 month intervals as indicated by follow-up self- reports.

Objective 4. By graduation, Drug Court participants with children will have a better relationship with them than before participating in Drug Court.

Evaluation:

1. By graduation, drug court participants with children will have increased knowledge about parenting than when they started drug court as indicated comparisons of entering and existing self-reports (community-based parenting courses, individualized counseling, and individualized coursework will be utilized to help participants, if deemed appropriate by treatment staff)
2. By graduation, drug court participants with children will be contributing financial to the living expenses of their children
3. By graduation, drug court participants with children will have an improved social bond with their children as indicated by comparisons of entering and existing self-reports and caseworker assessments.
4. Upon graduating, the client will be transferred back to traditional probation by the Blue Earth County Drug Court Probation Officer. In doing so, a felony pre-sentence investigation face sheet should be completed, a felony pre-sentence investigation prior offense should be completed, a felony pre-sentence investigation questionnaire should be completed by the client, a new records check should be completed, and a detailed chrono shall be entered in CSTS. All this information with the client's file will be forwarded to the new probation officer.

VI. Blue Earth County Drug Court will reduce county expenditures.

Objective 1: Drug court will lower costs for law enforcement because of decrease repeat arrests for drug-involved offenders participating in drug court.

Evaluation:

1. Cost/benefit analysis will show savings to local police and sheriff's departments for decrease arrests of drug court participants compared to control group.
2. Cost/benefit analysis will show savings to local police and sheriff's departments for decrease arrests of drug court graduates

Objective 2: Drug court will lower costs for out-of-home placements of children of drug-involved offenders.

Evaluation:

1. Cost/benefit analysis will show savings to county for reduction of out-of-home placements of children of drug court participants.
2. Cost/benefit analysis will show savings to county for reduction of out-of-home placements of children of drug court graduates

Objective 3: Drug court will lower the jail's operational costs

Evaluation:

1. Cost/benefit analysis will show savings to county from reducing the number days spent in jail by Drug Court participants.
2. Cost/benefit analysis will show savings from reducing the number of days spent in jail by drug court graduates.

Objective 4: Overall county savings are greater than the financial costs of drug court.

Evaluation:

1. Total costs of drug court, including: salaries and operational costs are less than the current county expenditures for responding to Drug/alcohol offenders.
2. County decides that the financial benefits of Drug Court are sufficient to continue funding its existence.

VII. Blue Earth County Drug Court will incorporate best practices into its policies and operations.

Objective 1: Implement National Drug Institute's 10 key components.

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

General Description

The Blue Earth County (BEC) Drug Court recognizes the direct connection between drug abuse and crime and the importance of providing rapid entry into appropriate levels of treatment for persons charged with felony level drug and alcohol offenses. BEC Drug Court focuses on those offenders who have a viable chance for recovery, and represent the least risk to public safety.

A Defendant may be considered for referral to Drug Court only if he/she is willing (voluntary) and has the capability to comply with all of the program requirements; and whose **primary** problem is addiction. The Court will accept up to 60 individuals for supervision and treatment through the BEC Drug Court. The final authority regarding admission into Drug Court is the sentencing District Court Judge.

The BEC Drug Court Team consists of the following: Judge, Coordinator, Law Enforcement, County Attorney, Public Defender, Probation Officer, Rule 25 Representative/Social Worker and appropriate Treatment Counselors.

The BEC Drug Court is located in the Blue Earth County Courthouse, Mankato, Minnesota and meets once a week. The Drug Court team conducts a pre-court conference to discuss cases scheduled for court.

Target Population

The target population is chemically dependent adult offenders who come to the attention of the district court in Blue Earth County.

ELIGIBILITY CRITERIA

Offense Eligibility:

1. Felony controlled substance crime in the 3rd, 4th or 5th degree
2. Felony controlled substance crime in the 1st or 2nd degree on a case by case basis and at the sole discretion of the county attorney. Judge will state a departure on the record.
3. Felony DWI offense- Presumptive stay.
4. Gross Misdemeanor DWI offense
5. Probation Violation cases - In addition, the presiding judge of the drug court, may, at his 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.
6. 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.

Personal Eligibility:

1. Age 18 or older
2. U.S. citizen or qualified alien
3. Is determined to be in need of chemical dependency treatment
4. Has indicated a willingness to comply with the Drug Court requirements

DISQUALIFICATION CRITERIA

1. A violent offender*, which means a person who either—
 - a. is currently charged with or convicted of an offense during the course of which:
 - i. The person carried, possessed, or used a firearm or other dangerous weapon: or
 - ii. There occurred the use of force against the person of another; or
 - iii. There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
 - b. Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Additions to the violent offender definition:

609.2247 ASSAULT BY STRANGULATION

609.2325 CRIMINAL ABUSE

609.235 USE OF DRUGS TO INJURE OR FACILITATE CRIME

609.24 SIMPLE ROBBERY (this one you need to think about. If there was force used, then they are excluded under the definition of Violent Offender. If no force was used and it was threats, then they may qualify)

609.27 COERCION (felony only)

609.275 ATTEMPT TO COERCE (felony only)

609.282 LABOR TRAFFICKING (I think we should consider this one)

609.283 UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING (I think we should consider this one)

609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF PROSTITUTION (felony level)

609.324 PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES (felony level)

609.3453 CRIMINAL SEXUAL PREDATORY CONDUCT

609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE

609.377 MALICIOUS PUNISHMENT OF CHILD (felony level)

609.378 NEGLECT OR ENDANGERMENT OF CHILD (felony level)

609.486 COMMISSION OF CRIME WHILE WEARING OR POSSESSING BULLET-RESISTANT VEST

609.487 FLEEING PEACE OFFICER; MOTOR VEHICLE; OTHER (felony – death, great or substantial bodily harm)

609.493 SOLICITATION OF MENTALLY IMPAIRED PERSONS (felony level)

609.494 SOLICITATION OF JUVENILES (felony level)

609.50 OBSTRUCTING LEGAL PROCESS, ARREST, OR FIREFIGHTING (felony level)

609.504 DISARMING PEACE OFFICER

609.594 DAMAGE TO PROPERTY OF CRITICAL PUBLIC SERVICE FACILITIES, UTILITIES, AND PIPELINES (consider)

609.596 KILLING OR HARMING PUBLIC SAFETY DOG (felony level – consider)

609.597 ASSAULTING OR HARMING POLICE HORSE; PENALTIES (felony level – consider)

609.667 FIREARMS; REMOVAL OR ALTERATION OF SERIAL NUMBER (consider)

609.71 RIOT (felony level)

609.746 INTERFERENCE WITH PRIVACY (felony level – consider)

609.748 HARASSMENT; RESTRAINING ORDER (felony level)

609.749 HARASSMENT; STALKING (felony level)

609.901 to 609.912 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS (RICO)

* Per Brent Eckberg, Blue Earth County's BJA Grant manager and Kim Norris, Senior Policy Advisor for Adjudication for Bureau of Justice Assistance: Generally, in the context of eligibility to enter drug court, the BJA does not view an adjudication of delinquency as being equivalent to an adult criminal conviction. The BJA would, however, not object if an individual state held the opposite view and denied eligibility based on an adjudication of delinquency. However, Minnesota does not view an adjudication of delinquency the same as an adult criminal conviction. See MN Stat. 260B.245 Subd. 1(a). Even in states which view them as equivalent - if an adjudication of delinquency has "decayed" so as not to be included in an adult criminal history score – that individual should be eligible for adult drug court. (5/11/06)

2. Felony controlled substance crime in the 1st or 2nd 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); participants will be required to complete a mental health evaluation prior to being accepted into drug court.
 - 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 Mankato 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.

Eligibility Determination Process:

The prosecutor and defense counsel participate in the legal screening, eligibility and case-processing policies and procedures to guarantee that due process rights and public safety needs are served. The drug court probation officer and Rule 25 assessor participate in the clinical screening process to determine a defendant's amenability to drug court participation and determination of treatment needs.

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 4th & 5th 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: 4th & 5th Degree – Prior drug conviction(s)
Controlled Substance: 3rd 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: 3rd 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: 3rd – 5th 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.

ENTRY PROCEDURES

An adult offender who is arrested for a drug or alcohol offense or a related offense will undergo the following basic process in the criminal justice system.

In custody:

Defendant is arrested and taken to jail or detox and goes to arraignment within 36 hours. A bail evaluation is completed.

Step 1: Preliminary Screening for Eligibility

The prosecuting attorney:

- reviews the case and determines if the defendant meets the “person” eligibility criteria for the drug court program within the first business day after arrest.

The pre-trial bail evaluation probation agent will:

- Conduct a bail study at the jail and make recommendations on conditions of release. (Bail evaluations will be completed on all Felony Driving While Intoxicated cases).
- Obtain Criminal History Score – A criminal history score that includes any crimes of violence or more than three felony convictions in the past seven years disqualifies the defendant for Drug Court
- Completes the drug court referral form to indicate initial eligibility for drug court.

Step 2: Rule 5 (Arraignment Hearing)

- The defendant will appear for a Rule 5 (1st appearance). Bail is set. If the defendant meets the initial criteria, a Special Drug Court release order is completed which includes that the defendant:
 - 1) One week continuance
 - 2) Obtain a chemical use assessment
 - 3) Conditional release supervision to the Drug Court Probation Agent
 - 4) Random drug testing
 - 5) Report to the next Drug Court session

Step 3: During the one week continuance:

The defense counsel:

- reviews the arrest warrant, affidavits, charging document and other relevant information and reviews all program documents (e.g., waivers, written agreements)
- advises the defendant as to the nature and purpose of the drug court, the rules governing participation, 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
- explains all of the rights that the defendant will temporarily or permanently relinquish

- 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
- Defense Counsel meets with defendant and determines if defendant is willing to participate in Drug Court.

The chemical dependency assessor:

- Conducts a brief comprehensive 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.
- Submits information to BEC Human Services for funding determination

The Drug Court Probation Agent:

- Gets input from the victim, the police, defense, and the county attorney to obtain their position on eligibility for Drug Court
- Gathers together all of the information and forwards it to the Drug Court team for staffing before defendant's first appearance in Drug Court.
- Provides pre-trial supervision and conducts random drug testing
- Verify the defendant has not been involuntarily discharged from any other substance abuse court.

Step 4: Pre-Court Team Staffing: A drug court team staffing takes place regarding new referrals to drug court and progress of current participants.

The drug court probation agent:

- reports the defendant's level of compliance with conditions of release and/or recommended changes in the conditions.
- recommends any additional conditions of release deemed appropriate (psychological assessment, DVI assessment, etc.).

The drug court treatment counselor:

- reports the results of the chemical dependency evaluation and whether or not the defendant meets the criteria for Drug Court

The drug court coordinator:

- Will notify referral source (if it is not a team member) of the team's decision.

If it is determined the defendant is not appropriate for Drug Court, the case gets referred back to court administration so that it may be assigned to a Judge and probation agent to monitor previously ordered release conditions.

Step 5: Rule 8 Hearing (2nd Appearance)

The defendant's second appearance will be conducted after meeting with defense counsel and completion of a chemical use assessment, typically within one week.

- If a plea agreement can be reached, a guilty plea may be entered, and may be withdrawn up until the first appearance in Drug Court. A sentencing guidelines worksheet is ordered and the matter is scheduled for sentencing.

- The court will amend the conditions of release to include the chemical use assessment recommendations
- A plea will be conditionally accepted.

Offender Prepares for Entry into Drug Court, or Pre-Trial Supervision

- If a plea was entered:
 1. the defendant agrees to, and signs, all documents necessary for Drug Court participation.
 2. The Drug Court agent will only complete the Sentencing Guidelines worksheet for sentencing before the Drug Court Judge (no pre-sentence investigation will be prepared, just brief written or oral sentencing).
 3. Probation Agent will do a face sheet.

If no plea was entered:

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

Released:

Defendants are released pending investigation. They are charged within one week. The first appearance is scheduled within three weeks after the charging date. The court appearance date is set when the Complaint is typed up.

Drug Court Review Hearings

- After Sentencing, the Court will schedule the participant to appear at Review Hearings. The Drug Court Agent will report the participant's level of cooperation and compliance with Court Orders, CD treatment progress, drug test results, and any violations and recommendations for sanctions or other appropriate action.

Arrest with Criminal History Points

The defendant will have a legal screening to assess whether the offense is eligible and will be screened for criminal history. If it is determined that they have a significant history score, they will still be set for first appearance, assessment and second appearance. However, the defendant will not be sent to treatment until completion of the case.

If the defendant pleads to the offense and a departure from a prison sentence is ordered, the defendant will be sent to treatment as soon as possible and the sentencing and first drug court review hearing will be set. If the defendant seeks an omnibus hearing, again treatment is delayed until the determination of the omnibus issues. If there is a plea, the defendant will be ordered to treatment, a sentencing will be set with the first drug court review hearing. If the defendant wishes to seek a trial and loses, again treatment and drug court review hearings will be ordered as part of the sentence provided that there is a departure.

After Negotiations

If a person is originally charged with an offense that does not qualify, but is later amended to a qualifying offense, or the parties agree to participation, the defendant is to contact the drug court staff to set up appointments for a chemical use assessment and probation screening. After the screening and assessment, the results of the screening will be conveyed to the assigned judge for approval of the transfer to drug court. Upon approval, the defendant's entry process will commence at the appropriate point along the entry procedures.

Revocation

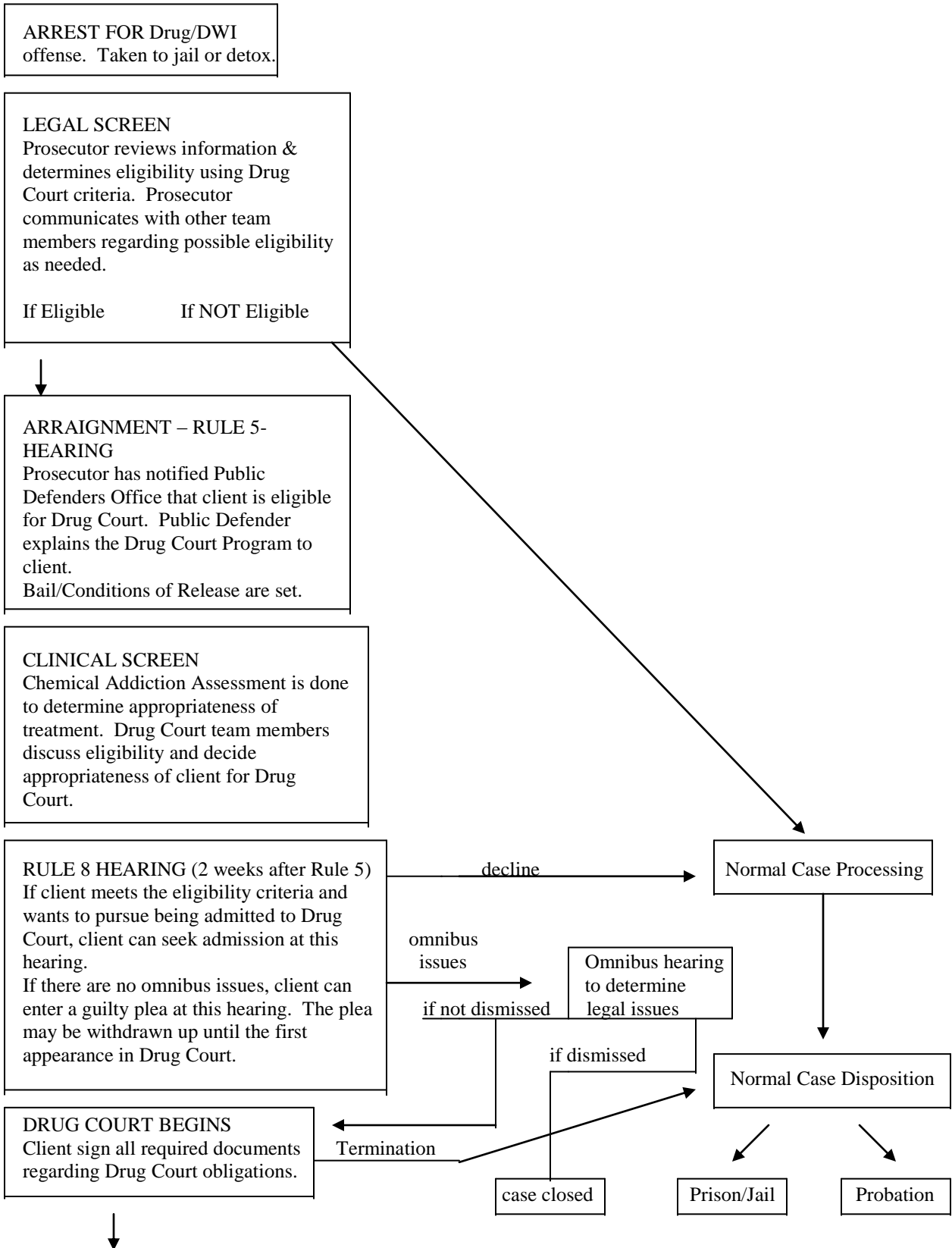
If the assigned probation agent intends to seek a revocation, they are to screen the defendant for entry to the drug court.

The probation agent will:

1. verify that the defendant has violated probation by use of mood-altering chemicals
2. verify the underlying offense is a qualifying felony (non-violent),
3. verify that the defendant does not have a prior violent felony conviction
4. determine that the defendant's residency (distance) would not prohibit their ability to participate in the drug court program.
5. If the defendant meets these requirements, the officer is to attach a Drug Court Referral notice (green form) to the revocation request.

Court Administration is to fast track the 1st appearance on the revocation hearing with the supervising judge. If the defendant admits to the violation, the judge may order the drug court screening and chemical use assessment. The sentencing should be set with the sentencing judge on a fast track basis. If the defendant is eligible, the defendant should be sentenced to drug court and to begin drug court review hearings. If the defendant denies the violation, Court Administration is to fast track the revocation hearing and if found in violation, the court may order the defendant to a full drug court screening. Again, the sentencing should be set with the sentencing judge on a fast track basis. If the defendant is found drug court eligible, the defendant should be sentenced to drug court and to begin drug court review hearings. The drug court agent will then do a modified order suspending the client's fines until the client either completes drug court or is dismissed from drug court. If the client completes drug court the clients fines may be dismissed if the drug court team see's fit . Each case will be looked at separately. If the client does not complete drug court they will be asked to pay the fines.

BLUE EARTH COUNTY DRUG COURT
Admission Flow Chart



DRUG COURT PHASES

Drug Court is approximately 18-months in length, divided into four phases, including a continuing care phase. A participant must successfully complete each phase before transitioning to the next phase. Each phase has a key concept or focus and the basic minimum requirements are listed below. In addition, it is expected that you will be employed and/or participating in educational or vocational training to improve your employment opportunities.

| PHASE ONE | |
|--|---|
| Key Concept: | Stabilization, Assessment & Orientation |
| Length of phase: | Approximately 2 weeks (which may follow detoxification or inpatient services) |
| Requirements: | Drug Court attendance weekly ; at least 3 random urine tests per week; complete chemical health assessment, develop treatment plan; meet with drug court probation agent to determine legal eligibility; 4 motivational enhancement therapy sessions with a counselor; at least 3 support meetings per week. 9:00pm curfew (checked at least 2 times per week). |
| Requirements in order to move to the next phase | Treatment goals are established and identified progress toward meeting those goals. |
| PHASE TWO | |
| Key Concept: | Recovery and Responsibility to Self |
| Length of phase: | 4-6 months |
| Requirements: | Drug Court attendance weekly ; at least three random drug tests per week ; up to 3 group sessions per week; 1 individual counseling session per week; at least 3 support meetings per week; 10:00pm. curfew (checked at least 2 times per week). |
| Requirements in order to move to the next phase | Meeting all treatment goals as identified for recovery and life changes. Six (6) family participation sessions completed |
| PHASE THREE | |
| Key Concept: | Maintenance of Recovery and Responsibility to Self and Others |
| Length of phase: | 3-6 months |
| Requirements: | Drug Court Attendance at least every other week ; random Drug and/or Alcohol tests at Probation Officers discretion ; up to 2 group sessions per week; at least 1 individual counseling session per month; at least 3 support meetings per week. Continue to develop skills to avoid relapse, set boundaries, improve family relationships, medical and mental health stability. |
| Requirements in order to move to the next phase | All ties with addiction culture are severed. Treatment goals are met. |
| PHASE FOUR | |
| Key Concept: | Reinforce a clean, sober and legal lifestyle |

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|-------------------------------------|--|
| Length of phase: | 4-6 months or longer |
| Requirements: | Drug Court attendance at least monthly ; random Drug and/or Alcohol tests at Probation Officers discretion ; up to 1 group session per week; at least 3 support meetings per week or an approved alternative (participant shows evidence of having a support system -- for instance, a supportive relationship with a recovery group sponsor, therapist, teacher, family member, and/or member of the clergy who can support the participant in the recovery process). 11:00pm curfew (randomly checked at least 2x per month). |
| Requirements for Graduation: | Consistently implementing behaviors that support long term abstinence. Consistent negative or "clean" drug tests for at least 6 months. Earn GED or High School Diploma 4 months sanction free Evidence of active involvement in the recovery culture All dimensions at level 1 or below Fulltime employment or fulltime student All program fees are paid Fines may be vacated on a case by case basis |

GROSS MISDEMEANOR DWI TRACK

Eligibility Criteria:

Participants must have two or more priors.

Participants should have one or more attempts at treatment.

Program Requirements:

1. There is a possibility of SCAM monitoring for the first month of the program.
2. The program will last at least 12 months at the minimum.
3. Weekly court attendance is based on the probation officers recommendations. .
4. A minimum of three weekly support meetings per week.
5. The participant must be pursuing educational goals set forth by the team.
6. Follow Drug testing schedule set up by probation officer recommendations, based on risk needs assessment. .
7. The participant will attend weekly CD treatment schedule as set up by their treatment counselor, and approved by the team.
8. Participants may receive reduced fines resulting from participating in the Drug Court program..
9. Participants may receive reduced jail sentences for their participation in the Drug Court program.
- 10 Participants must be working, or attending school, or a combination of both for a total of 40 hours per week.
11. Participants will have a 10:00 p.m.(certain changes can be made if the participant in working ,or has probation officer approval.
12. Participants will have weekly curfew, employment, and compliance checks by probation ,or law enforcement weekly. The amount of checks will be determined by probation.

TERMINATION CRITERIA

- Repeated Program Violations over an extended period of time without showing remorse or what they have learned from them.
- Six positive chemical tests.
- Purposely threatening the integrity of the drug court program.
- Continued risk to public safety.
- Absconded, on warrant status for 90 or more days. The participant can reapply upon arrest, and be readmitted subject to program availability, upon approval of the drug court team.
- Violations of law while in the program which would have made the participant ineligible upon initial screening.
- Anyone who faces new charges while an active participant in drug court shall be subject to judicial review regarding their continued participation

POLICY FOR TERMINATION

- The probation officer needs to make a recommendation to terminate an active participant based on behaviors detrimental to the participant's progress in the program, or to the program. The recommendation should be communicated to the rest of the team prior to the pre-court session either through e-mail, or phone calls.
- There will be a one week cooling off period prior to discussing termination. During this time the probation officer will investigate the incident, to make sure the Drug Court program has attempted all chemical health treatment, mental health, and correctional responses to ensure the participants success.
- Once the week is over the probation staff member will again need to recommend termination to the team. The team will then discuss the issues regarding the recommendation. It is very important that all members of the team share their feeling regarding the recommendation for termination. The only way a participant is terminated from the Blue Earth County Drug Court program is by consensus.
- Once everyone agrees to terminate the participant. The Judge will notify the person in the Drug Court session that they have been terminated.
- The Judge will then ask the probation staff to set a violation hearing. The former participant will be allowed to plead on the violation.
- All violations are heard by the Blue Earth County Drug Court Judge.

SANCTIONS AND INCENTIVES

Progressive sanctions and incentives are related to the goals of the Drug Court and should be appropriately applied in response to program failure and success. There are immediate and direct

consequences for all conduct. Sanctions follow violations and are applied as close to the time of failure as possible by the Drug Court. Incentives and sanctions are applied at the **participant's** next scheduled review/status hearing, with the exception of serious violations (e.g. positive UA, new crime, etc), in which case the participant appears at the **next** review/status hearing.

Sanctions and incentives will be applied incrementally to move the participant steadily toward completion of the program. This list is not inclusive and can include creative ideas which reflect what participants perceive as sanctions and incentives based on initial interviews and assessments.

- **Goal #1: Promote public safety by reducing substance abuse and delinquent activity among participants.**
 - **Behaviors:** Clean UA, no new legal involvement, no curfew violation
 - **Incentives:** Praise, progress through phases, gift certificates, later curfew, fewer drug tests, fee reduction, increase travel privileges, sports tickets, or entry for fishbowl drawings.
 - **Behaviors:** Positive drug tests, new crime, or curfew violation
 - **Sanctions:** Community service, increased curfew, increased drug testing, house arrest, electronic monitoring, increased review/status hearings, weekend detention, essay's, apology letters to judge and group, SCRAM monitoring or day in jury box.
 - **Treatment Response:** Increase in services, or referral to other services
- **Goal #2: Address the participant's and his/her family's social and economic needs by delivering appropriate services in order to strengthen and promote structure, guidance and healthy relationships within the family system.**
 - **Behaviors:** Family involvement in support networks, improved family relationships, staying current with child support payments, attendance at family sessions, completion of parenting classes, attendance in pro-social activities, or involvement in the community.
 - **Incentives:** Praise, family outings, gift certificates, transportation vouchers, daycare vouchers, care packages, movie passes, coupons from local businesses, or credit against community service hours
 - **Behaviors:** No improvement in the use of resources or family relationships, non-attendance at parenting classes, non-compliance with in-home family counseling, or non-compliance with family sessions.
 - **Sanctions:** Lecture from the judge, community service hours, essay's, life skills program,
 - **Treatment Response:** Increase in services, in-home family counseling, increase in therapeutic visits, parenting classes, anger management program.
- **Goal #3: Improve the life circumstances of the drug-involved offender by providing participants with skills that will aid them in leading substance and crime free lifestyles.**
 - **Behaviors:** Employment attendance, or increased performance, attendance and completion of CD treatment, attendance at family sessions, involvement in pro-social activities, attendance and completion of GED program, obtain stable housing, involvement in the community, or support groups.

- **Incentives:** Recreational activities, new clothes, later curfew, gift certificates, praise, coupons from local businesses, movie passes, phase acceleration, care packages, fee reduction, excused early from court or entry for fishbowl drawing.
- **Behaviors:** Unemployed, no response to educational goals, missed classes, no involvement in pro-social activities, association with negative peers, or non-compliance with treatment goals and expectations.
- **Sanctions:** Community service hours, increased curfew, increased drug testing, electronic monitoring, SCRAM monitoring, increased review hearings, reset in current phase or return to prior phase, increased office visits, increased support group attendance, day in the jury box, essay's, apology letters, or weekend detention.
- **Treatment Response:** Make-up missed classes, mentoring/tutoring, educational assessment, referral to job skills assessment, or financial counseling.

PARTICIPANT FEES

As a Drug Court participant, you must agree to pay a minimum program fee of 600.00 to the Court Administrator regardless of the length of time you are in the program. The participant may have 10.00 per month waived if their behaviors exceed the norm. The participant will receive a receipt of credit for the 10.00, and will be responsible to take it to the Court Administrators office for credit. You are also responsible for paying for the cost of treatment which is separate from the drug court program fee. Another supervision fee of 360.00 must be paid to the Blue Earth County Corrections office. There may be other fees to pay depending on your situation and needs, such as: any fee for a confirmation of a chemical test; classes or skills training, etc. You must be current with all of your payments before you are allowed to move to the next phase of your program.

Electronic Home Monitoring Fee

Additionally, the participant will be required to pay an electronic home monitoring (EHM) fee as a result of a court ordered sanction. Depending upon the type of equipment, fees for EHM are paid directly to the vendor or the probation department. The EHM fee is subject to change on an annual basis.

Chemical Testing Confirmation Fee

Participants are required to pay for costs associated with confirmation testing of positive urinalysis tests. This fee, which ranges from \$10-\$40 depending upon the number of drugs being tested, must be paid immediately to the Blue Earth County Community Correction's Department.

Educational Program Fees

Participants who are ordered as a condition of drug court to participate in any special educational programs such as cognitive skills classes are responsible to pay any fees associated with the program directly to the vendor.

Chemical Dependency Treatment Fees

Drug court participants are responsible for paying all of the costs associated with chemical dependency treatment and/or making payment arrangements with the treatment provider.

Payments for fees and loans must be up-to-date in order for clients to move forward into the next phase; however, clients will not be held back from graduating due to lack of payment of remaining fees.

Procedure – Confidentiality and Drug Court

Background: Under Federal law, information regarding substance abuse treatment is protected by the provisions of 42 United States Code (USC) Section 2990dd-2, and the regulations implementing these laws at 42 Code of Federal Regulations (CFR), Part 2.

The Blue Earth County Drug Court Programs have implemented several safeguards to protect this confidential information. These procedures will address those safeguards.

Consent for Disclosure: All participants entering the Drug Court Program will be required to complete a form entitled Consent for Disclosure of Confidential Information (see attached for example) and will be required to execute releases. The original shall be retained by the Drug Court Probation Agent in their case file.

Treatment Information vs. Court Files: Drug Court files are maintained in a separate location from the traditional files located in the court administrator's office. Treatment information and progress reports are kept separate from court files, by one or more of the methods described below:

- Placed in a confidential envelope enclosed in the court file
- Maintained in a separate treatment file, located in the treatment provider's office
- Discarded/shredded after team meetings and/or drug court sessions
- Maintained in locked cabinets, separate from the court files.

All court orders, including orders regarding treatment and sanctions, must be entered in the court minutes.

Visitors and Guests: The Drug Court session is open to the public. The team meetings or staffings however, are closed to the public. Occasionally, guests may be permitted to attend team meetings/staffings for training purposes or orientation to the drug court process. Guests will be required to sign a Non-disclosure of confidential information form which will be kept in the drug court coordinator's office file.

Adopted: 6/14/2005

Blue Earth County Drug Court

Non-Disclosure of Confidential Information

The confidentiality of alcohol and drug abuse patient records as well as identifying information of Drug Court participants maintained by this program are protected by state and federal law. Violation of the law and regulations is a crime.

As a condition of being permitted to view Blue Earth County's Drug Court staffings and proceedings I agree: I shall not directly or indirectly disclose to anyone outside Blue Earth County's Drug Court, confidential information.

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

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

Date: _____

Signature: _____

Witness: _____