



MINNESOTA JUDICIAL BRANCH

FIFTH JUDICIAL DISTRICT

Minnesota Cornerstone Drug Court Policy Manual

INTRODUCTION

The Minnesota Cornerstone Drug Court is a collaboration between the counties of Nobles, and Rock counties. This collaboration will have a rolling implementation process. Initially, there will be one team serving Rock and Nobles and staffing's and court will be held in Worthington (Nobles), and Luverne (Rock). Referrals will be accepted from Pipestone and Murray as appropriate candidates are identified. Pipestone and Murray counties are invited at any time to formally join this collaboration. Cottonwood County is currently designing their operations and will likely join with Watonwan County. There is one coordinator who travels between the counties and one evaluator. The model is a partial traveling criminal justice group.

HISTORY

In late 2010, Judge Timothy Connell agreed to lead an adult drug court planning team for the 5th Judicial District southwest assignment district. A meeting was held with the county attorney's and the decision was made to pursue drug court training.

In January 2011, the Fifth Judicial District received a scholarship on behalf of the multi-county teams so they could attend the national Drug Court Planning Initiative (DCPI) training sponsored by the National Drug Court Institute (NDCI) in Minneapolis, MN. Two teams consisting of sixteen representatives from CMNPR counties attended the week long training May 2-6, 2011.

In June 2011, the Fifth Judicial District applied for a drug court implementation grant through the federal Department of Justice – Bureau of Justice Assistance. Letters of support from several members of the team were included with the application. A \$350,000 three year grant was awarded in September 2011. The teams plan to implement drug court in January 2012.

MISSION STATEMENT

The mission of the Minnesota Cornerstone Drug Court (MCDC) is to enhance public safety and healthy communities through an intensive, collaborative response to substance abuse related criminal activity through a court supervised, accountability based program. The goals are to reduce recidivism and achieve positive community outcomes through alternative criminal justice approaches.

Fostering healthy lives in a rigorous, supportive, and accountable environment

DRUG COURT BEST PRACTICES

MCDC will incorporate best practices into their programming including the Key Components of Drug Courts and the adult drug court standards as adopted by the Minnesota Judicial Branch.

GOALS AND OBJECTIVES – Standard #12

The primary goals of the MCDC are listed below. For a full list of goals, objectives and the evaluation plan, please see Appendix B

Goal 1: MCDC will increase public safety by reducing crime.

Goal 2: MCDC will reduce substance abuse by improving treatment outcomes.

Goal 3: MCDC will reduce the direct and indirect cost of addiction in our communities.

Goal 4: MCDC will incorporate best practices into its policies and operations

JUDICIAL LEADERSHIP – Standard #6

Senior Judge Timothy Connell is committed to leading the planning and implementation process for this multi-county project. While the drug court team may make recommendations regarding participant placement, sanctions, incentives, etc., all judicial decisions remain the responsibility of the judge. Drug Court hearings will be held on an every other week basis.

STEERING COMMITTEE – Standard #1

The steering committee includes executive-level personnel or policy makers from each of the MCDC counties. These are the administrators who can facilitate cooperation, resolve potential conflicts, and provide buy-in at the upper echelon of each participating agency. The steering committee will meet at least semi-annually.

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

- | Judges | County Commissioners * |
|---|------------------------|
| • Rock-Nobles Community Corrections | |
| • Department of Corrections | |
| • Sheriff's Department* | |
| • Multi-county Coordinator | |
| • Defense Attorneys | |
| • 5 th District Administration | |
| • Social Services | |
| • Southwestern Mental Health Center | |
| • Nobles County Jail | |
| • Community member(s) | |

* One representative from each county. City police department representatives are invited to attend any of the steering committee meetings.

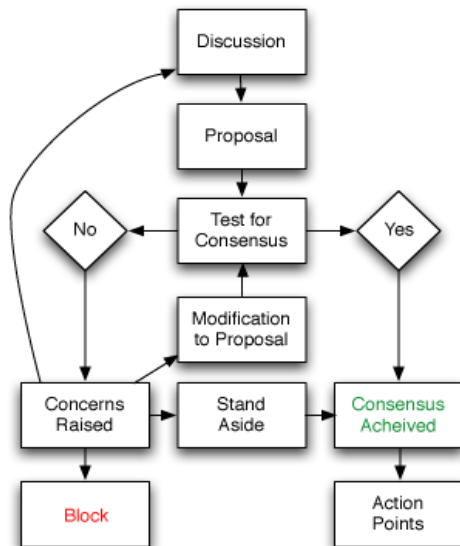
DRUG COURT TEAM MEMBERS

Each participating agency has signed the Memorandum of Understanding which outlines their roles and responsibilities as members of the MCDC. There is one staffing team for MNPR and Cottonwood is exploring the possibility of joining the Watonwan County Drug Court team.

Each team includes at a minimum: a judge, prosecutor, volunteer defense attorney, probation representative, treatment representative, human services and law enforcement. One coordinator and an evaluator will work across both programs. The coordinator will have workspace in the Rock and Nobles County Court House. See **Appendix A** for a copy of the Memorandum of Understanding which outlines agency and team member roles; a current list of steering committee and staffing team members.

TEAM MEMBER COMMUNICATIONS

The MN Department of Corrections (DOC) will establish a web-based Extranet (SharePoint) site for communication between team members outside the normal weekly staffing time. Law enforcement and probation agents will enter data regarding their community contacts with drug court participants which may include drug testing results. DOC and the MCDC coordinator will manage users, site content, site permissions and provide assistance to site users as needed.



DECISION MAKING PROCESS

The MCDC drug court team shares common visions and goals. The team has agreed to share resources, authority and responsibility for team actions. They will share ownership of the team's successes and failures. Therefore, the team will strive for consensus or the "collective agreement" of the group, keeping in mind that a high degree of variation is still possible among individuals. Genuine consensus typically requires more focus on developing the relationships among stakeholders, so that they work together to achieve agreements. Consensus is not a democratic vote. The individuals keep talking and listening until an understanding is reached. Each team member agrees to follow up team decisions with action, as needed. If there are instances where a consensus cannot

be reached and a decision is required, the judge will make the final decision on the course of action to be taken.

TEAM MEMBER TRAINING-Standard #11

Any proposed team member who has not completed drug court training will receive an orientation to the program from the drug court coordinator. They will also be encouraged to visit an operational drug court within the first two months of becoming a team member. Annual team member training/retreats will be conducted. Treatment providers will provide training to the teams on addiction, recovery, relapse, treatment services, etc. on at least a bi-annual basis. Opportunities to attend state and national trainings will be attended as funding and resources allow. Trainings attended and dates of completion will be recorded and compiled by the 5th District.

FISCAL MANAGEMENT

Fiscal Agent

The Fifth Judicial District will serve as the primary fiscal agent for any multi-county expenses reimbursable through multi-county problem solving courts grants. Upon review and approval by the multi-county steering committee, all participating counties agree to allow the Fifth Judicial District to serve as the signatory on any multi-county drug court contracts made with outside vendors.

Program Participation Fees: Minn. Stat. § 357.42 (2007). A \$600 fee is owed by the participant to offset the cost of the program. Program fees must be paid in full before graduation from the program.

Fee Alternatives:

- Up to ½ of the fee may be waived as an incentive for progress and positive behavior in the program.

All program participation fees will be collected by Court Administration in MCDL counties and deposited into a separate account for exclusive use by the program. Funds may be used to pay for program costs (copying, brochure development, etc.); incentives; local training needs; drug testing; chemical and mental health treatment services not covered by the Consolidated Chemical Dependency Treatment Fund and all other payment options (private insurance, PMAP, etc.) have been exhausted. In order for reimbursement to occur, contracts must be in place with the respective agencies and/or organizations.

Terminated participant fee policy: If an individual drops out or is terminated from the program they are responsible for paying the entire \$600 fee owed. Upon termination, the drug court coordinator will notify court administration of the remainder of the fee owed and request revenue recapture.

Financial Assistance Fund: The annual amount of the Fund will be established prior to the beginning of each calendar year by the Steering Committee and funds will be used to offset the client's direct self-pay costs for treatment services or other appropriate financial needs. Funds will be distributed on a "first come, first serve" basis until the established amount for the calendar is depleted. 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 - 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 (MCDL/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.

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. Probation will, in most cases bring requests to the team for consideration and approval.
2. Once a participant has received a total of \$250 from the fund, any future requests must be approved by the Drug Court team.
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 team.

Record Keeping and Evaluation

MCDC will follow the guidelines for program evaluation as required by any state or federal funding sources. The management information system to be utilized by the drug courts is MNCIS and CSTS. Drug Court files will be maintained separate from traditional case files. Treatment information and progress reports will be kept separate from court files, by one or more of the methods described below:

- Maintained in a separate treatment file, located in the judges office.
- Shredded after team meetings and/or drug court sessions;
- Maintained in locked cabinets, separate from the court files.

TARGET POPULATION

The target population of the MCDC 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 dependent and determined to be high risk/high need.

STRUCTURE/MODEL

Post Plea

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 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 – Standard #3

Offenders may meet eligibility requirements, yet not be suitable for Drug Court. Defendants with alcohol and/or drug related offenses will be considered eligible; however, consideration for suitability will focus on those offenders who have a viable chance for recovery and represent the least risk to public safety.

Offender Eligibility

- ✓ Over the age of 18 at the time of the offense
- ✓ U.S. citizen or qualified alien
- ✓ Pled guilty to non-violent, felony level offense
- ✓ No prior adult violent offense history – per attached list
- ✓ Assessment diagnosis of chemical dependency
- ✓ Eligible for treatment per Rule 25 criteria
- ✓ Resident of Rock or Nobles County
- ✓ Willingness to comply with the drug court requirements
- ✓ High need and high risk to reoffend
- ✓ Co-occurring disorders – Participants must be able to benefit from the program modality and understand the sanctions, incentives and services.
- ✓ Ability to participate in treatment and program activities within the guidelines of the Americans with Disabilities Act.

Offense Eligibility

- Felony level offenses – except drug manufacturing or sales primarily for profit other than to support their own use.
- Probation Violation cases - 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.
- Notwithstanding any other provision herein, the drug court team 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.

DISQUALIFYING FACTORS

- **Controlled Substance: 1st and 2nd Degree offenses** (disqualifier may be waived by county attorney)
- **Violent Offender:**

For purposes of BJA funded adult drug courts, a person who either:

1. Is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which:
 - a. The person carried, possessed, or used a firearm or another dangerous weapon; and
 - b. There occurred the use of force against the person of another; or

- c. There occurred the death of, or serious bodily injury to, any person, without regard to whether any of the circumstances described above is an element of the offense or conduct of which or for which the person is charged or convicted; or
2. Has one or more prior convictions 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.

Note: This definition includes recent amendments made by the Second Chance Act of 2007, Pub.L. 110-199. A prior juvenile violent offense history is not a disqualifier. See Attachment C for a list of disqualifying offenses.

- **Gang member or gang affiliation** according to the gang member identification criteria developed by the Minnesota Violent Offender Force, which is as follows:

An individual is identified as a gang member based on verifying at least three of the following criteria and is involved in criminal activity:

1. Admits gang membership or association (give specific gang name and include any subsets, geographical designation, etc.)
2. Is observed to associate on a regular basis with known gang members (must identify associates, times and places of observations)
3. Has tattoos indicating gang membership (be specific)
4. Wears gang symbols to identify with known gang members and/or using gang-related hand signs (take photographs whenever possible, naming associates, flashing signs)
5. Is in a photograph with known gang members and/or using gang-related hand signs (take photographs whenever possible, naming associates, flashing signs)
6. Name is on a gang document, hit list, or gang-related graffiti (if possible, book document/list into evidence or at least photograph)
7. Is identified as a gang member by a reliable source (sources can be Dept. of Corrections, Probation, Parole, Gang Unit, etc.)
8. Arrested in the company of identified gang members or associates (list other gang members by name, give time/date/place and details of arrest)
9. Corresponds with known gang members or writes and/or receives correspondence about gang activities (give specific details of correspondence, submit the writings if possible)
10. Writes about gangs (graffiti) on walls, books, paper, etc. (take photograph of all graffiti- this is invaluable intelligence information)

- **Probation time remaining of less than one (1) year**

- **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. 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

- **Anyone who faces new charges while an active participant in drug court shall be subject to judicial review regarding their continued participation.**
- **Participation in drug court will not bar prosecution for any other current offense.**
- **Prior unsuccessful termination from a drug court program unless approved by the team.**
- **Certain sex offenses/domestic assaults/weapons/mental-medical conditions; all decided on a case by case basis.**
- *Federal funds preclude taking offenders with felony convictions of violence into the drug court program. If a person has a prior misdemeanor conviction, even though threatened or actual use of force; or use, possession, or carrying of a firearm or dangerous weapon occurred during the offense, the person is not a violent offender according to the federal guidelines. The guidelines limit prior offenses that cause a person to be categorized as a “violent offender” to **felony** convictions.*

ENTRY PROCESS – Standard #2

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

1. Controlled Substance 1st & 2nd Degree – at the sole discretion of the county attorney.

2. 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.

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.

4. Felony DWI – Presumptive Prison Commit

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 drug court team 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

Admission Process for new offenses:

Step 1: Drug Court Coordinator:

1. Receives all referrals, enter information into data base.
2. Contacts the prosecuting attorney, and law enforcement to run a records check to determine eligibility criteria.
3. Sends out referral information on Share Point to other members of the team prior to next pre-court meeting. If there are no issues the Coordinator will bring information to the next team meeting to discuss if they need to proceed with assessments.
4. Set up meeting with prospective participant to go over program expectations, sign release information, set appointment for CD assessment to county of residence, set appointment with probation to conduct LSI.
5. Update the team through Share Point on client's eligibility.
6. Take information to the next team meeting to make a decision on acceptance or denial.
7. Notify Court Administration if the client has been accepted, or denied.

Step 2: The prosecuting attorney:

- (1) Reviews the case and determines if the defendant meets initial eligibility criteria for drug court prior to the first court hearing.

Step 3: 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 (if needed) and has the defendant sign consent for release of information forms. All documents are forwarded to the county attorney or coordinator who notifies probation and law enforcement.

Step 4: The probation agent will:

- (1) Conduct a screening to determine if the individual meets broad eligibility requirements
- (2) Interviews the candidate to obtain background information (abbreviated pre-sentence investigation).
- (3) Examines criminal history and other records,
- (4) Completes the Level of Service Inventory-Revised (LSI-R) to determine public safety risk and needs of the individual.
- (5) Discusses basic requirements of each drug court phase so the person knows what the program expectations are.
- (6) Meets with the participant after acceptance to sign Drug Court agreement, and drug testing protocol. At this time will again go over program expectations.
- (7) Informs the participant of next hearing,
- (8) Presents the Drug Court agreement to the Judge to have it signed at the next appearance.

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.
- (3) Informs the Coordinator of their recommendation. Brings recommendations to the next Drug Court Session to discuss it with team.

Admission Process for Probation Violations

The supervising probation agent will complete a drug court referral and submit it to the coordinator when one of their probation clients has a target violation and appears to be a good

candidate for drug court. The coordinator will notify the team of the referral. The drug court agent will screen the offender to determine eligibility and report the results at the next drug court team staffing.

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. The goal is to maintain fidelity to the MN Drug Court Standards (Determinations made within 14 days of conviction on new offenses).
- (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 LSI-R 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.
- The coordinator notifies Court Administration that the defendant should be added to the drug court hearing calendar.
- The defense counsel notifies the defendant to appear at the next drug court hearing.
- Drug Court Coordinator meets with the candidate before the next drug court hearing to conduct an orientation which includes the following:
 1. Provide a participant manual and answer questions
 2. Has the defendant sign all documents necessary for Drug Court participation.
 3. Length of program participation is clearly established.
 4. Payment of fees is discussed.
 5. Treatment requirements are made clear
 6. Current participants may be available to answer questions and provide encouragement.
 7. Verifies the defendant has not been involuntarily discharged from any other substance abuse court.

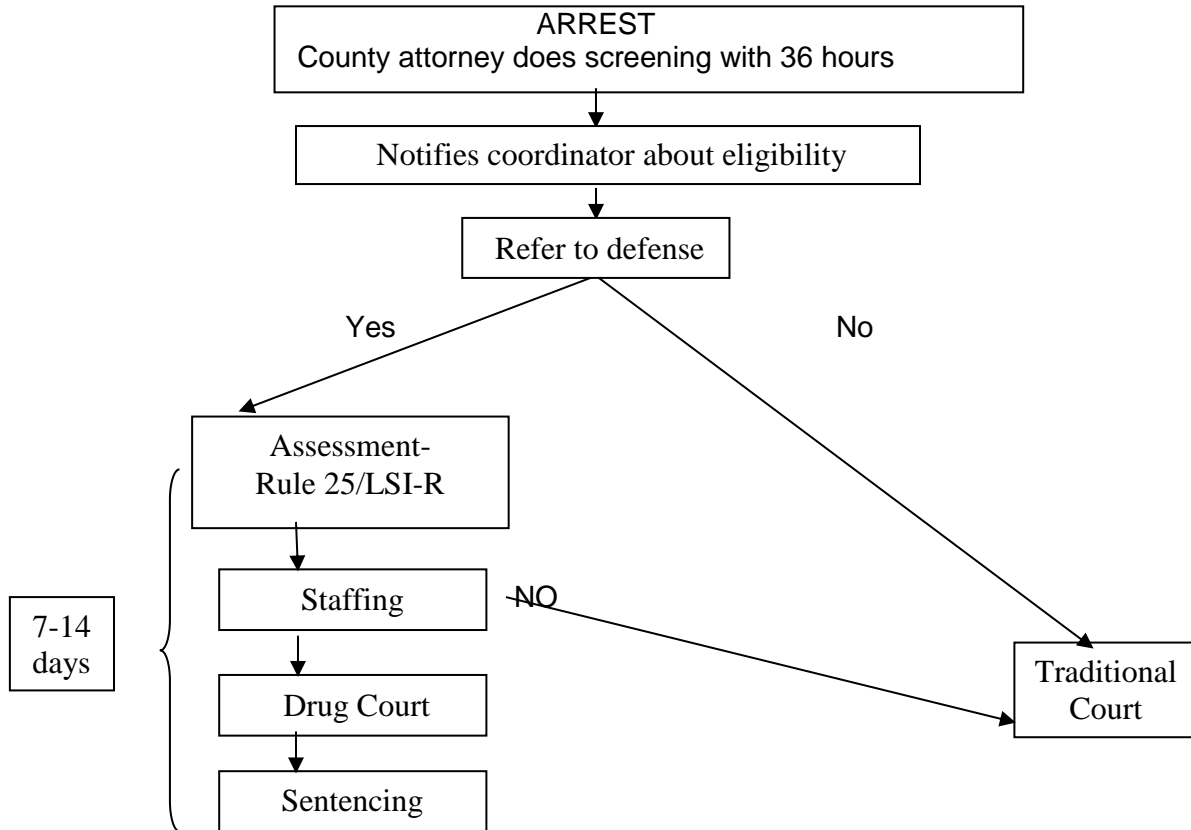
If it is determined the defendant is not appropriate for Drug Court:

- 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. The Drug Court Judge signs the Participation Agreement which has already been explained and signed by the Defendant.

- The Drug Court probation agent completes a pre-sentence investigation and Sentencing Guidelines worksheet for sentencing before the Drug Court Judge.
- 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.



DRUG COURT TEAM MEETINGS & REVIEW HEARINGS

| | Rock-Nobles | Cottonwood |
|-------------------------------|--------------------|-------------------|
| Day | Wednesday | Wednesday |
| Staffing Time | 8:30a.m. | 2:30 p.m. |
| Court Time | 9:30a.m. | 3:00 p.m. |
| Staffing Room Location | Jury Room B | Courtroom |
| Courthouse | Nobles County | Cottonwood County |
| City | Worthington, MN | Windom, MN |

The Drug Court team meets prior to each drug court session and acts as a multi-disciplinary case management team with respect to individual participants. To the greatest extent possible, the Drug Court Team operates on the basis of consensus.

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. Sentencing hearings may be held after the weekly drug court review hearings.

SEARCH REQUIREMENTS

While an overall goal is to help drug court participants get sober and maintain sobriety; it is also recognized that unannounced visits are an important component to ensure they are following the program rules. In addition, we may catch them doing something good that can be rewarded at a future drug court hearing. Drug Court participants are required to submit themselves, their vehicle, place of residence or area to search and seizure of narcotics, drugs or other contraband at any time of the day or night with or without a search warrant, without prior notice and without probable cause by any peace officer or probation officer or their representative.

ARREST REQUIREMENTS

Any law enforcement officer who observes a current participant of Drug Court in any of the following circumstances is authorized to arrest that individual:

- ingesting a controlled substance or alcohol;
- in violation of any criminal law;
- being under the influence of a controlled substance or alcohol;
- possessing a controlled substance or alcohol or drug paraphernalia;
- being in the presence of a person in possession of controlled substance(s) and a reasonable person in a like position would conclude that drugs are present.
- Being in possession of any weapons

Participants detained in jail after arrest will be brought before the Drug Court judge or his/her designee as soon as possible. Hearings may be held via interactive television (ITV). Team members will be immediately notified of the arrest via email.

PROGRAM STRUCTURE Phases

The drug court is an approximately 18-24 month program with 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 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.** All participants must sign a drug court participation agreement which specifically details the requirements and prohibitions.

Special Event Furlough-

Any time a participant plans to leave the supervision area for 24 hours or longer, he/she must first complete an Application for Special Event Furlough which needs to be approved by the Team. Exceptions will be made in emergency situations on a case by case basis.

- If the establishment is a casino, serves alcohol, or is an event at which alcohol is served: Phase One participants may not attend.

Phase Two participants need to complete an Application to be approved by the drug court team.

Phase Three is left to the discretion of the probation agent.

- If the sale of alcohol is not the establishment's primary business function:
Phase One participants may not attend.
Phase Two participants may attend with probation agent approval.
Phase Three participant may attend.

Phase Advancement Plan – Standard #4, Standard #8, Standard #9

Program length is typically 18-24 months. 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 continuing care.

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. The drug court team will meet on a weekly basis to share information, do problem-solving, and recommend appropriate court responses to the participant's behaviors and accomplishments

PHASE ONE – 30 Days

In this short term, approximately 30 days, the participant will be assigned a counselor who is also 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. The participant's problems and needs will be assessed and a treatment plan will be developed. Other general requirements may include the following:

1. Group counseling session (up to three times per week – 3 hour sessions).
2. Individual counseling sessions – 1 time per week
3. Supervision contacts – minimum of 3x per week (probation, law enforcement, treatment)
4. Support Group Meetings (AA, NA, support contacts as approved by Team) – 1-2 times per week
5. Curfew - 10:00pm (except for treatment, work or as approved by team)
6. Random drug tests provided by participant – Minimum of 2 times per week
7. Court appearances – 1 time every other week
8. Daily journaling to the drug court judge to be turned in every week.
9. Turn in weekly schedule to probation

Criteria for advancement to Phase Two:

1. No unexpected or unexcused absences from scheduled services for 15 days
2. Documented required minimum attendance at support group meetings.

3. Must be current with treatment plan
4. All probation paperwork is signed.
5. Team approves movement to Phase II

PHASE TWO – 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, employment/education and housing needs to develop a plan to of meeting those needs.

Structured Activity Requirement Unless otherwise approved/determined by the Team, a participant is required to begin community work services within 30 days of entering the drug court program (or within 30 days of completing inpatient treatment) according to the following schedule:

After 30 days – 25 hours CWS per week

After 60 days – 40 hours CWS per week

After 90 days or longer – 40 hours CWS and weekends in jail

After 15 days of losing a job – 30 hours of CWS per week

*The Drug Court Judge will court order community service work.

Other minimum requirements may include the following:

1. Group counseling sessions (two times per week for 8 weeks)
2. Individual counseling sessions
3. Supervision contacts – minimum of 3x per week (probation, law enforcement, treatment)
4. Support group meetings – (AA, NA, support contacts as approved by Team) – 2-3 times per week
5. Have a sponsor or at least a temporary sponsor.
6. Random drug tests provided by participant – Minimum of 2 times per week
7. Begin vocational rehabilitation/education for those seeking employment;
8. Curfew – 10:00pm
9. Court appearances every other week.
10. Participate in a minimum of two (2) pro-social/recreational events.
11. Daily journaling – submitted to the judge weekly.
12. Establish a payment plan for court costs and treatment services if needed.

Criteria for advancement into Phase 3:

1. Meeting all treatment goals as identified for recovery and life changes
2. No positive drug test results within the last ninety (90) days.
3. Have a sponsor.
4. Employed or positive response to vocational/educational goals.
5. Support group meetings – (AA, NA, support contacts as approved by Team) – 2-3 times per week
6. Actively making payments and current with court costs and treatment fees where applicable.

7. No unexpected or unexcused absences from scheduled services for 90 consecutive days.
8. Must have cog skills class arranged or completed by the end of phase two.
9. Submission of a written request to advance to the next phase.

PHASE THREE – 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 treatment one time per week and individual counseling sessions as needed
3. Supervision contacts – minimum of 1x per week (probation, law enforcement, treatment)
4. Random drug tests minimum of 1 time per week
5. Attend 2 support meetings (AA, NA or support contacts as approved by Team)
6. Attend 2 social/recreational sober activities/events per week.
7. Court appearances and journaling every other week.
8. Classes/groups such as cog skills, anger management, relapse prevention, etc.
9. Supervision contacts 2 times per month
10. Submit schedule every other week.
11. Curfew – 11:00pm unless approved in advance

Criteria for advancement to Phase 4:

1. No positive drug test results within the last six (6) months.
2. Employed or positive response to vocational/educational goals.
3. Documentation of required minimum attendance at support group meetings.
4. Current with payments on court cost and treatment fees where applicable.
5. No unexpected or unexcused absences from scheduled services
6. Submission of a written request to advance to the next phase

PHASE FOUR - 6 months

This is a continuing care phase where the main focus 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 – as needed basis, determined by counselor, treatment team, and/or the client;
3. Continuing care group - 2 times per month (2 hours per session) for 3 months
4. Supervision contacts – 2x per month
5. Random drug tests – minimum of one (1) time per month;
6. Support group meetings (AA, NA or support contacts as approved by Team) 1-2 times per week
7. Actively paying on court cost, Drug Court related fees and treatment fees where applicable;
8. Classes/groups such as cog skills, anger management, relapse prevention, budgeting, etc.
9. Focus on full-time vocational skills, employment and/or education goal setting;
10. Recreation, fellowship, and weekly mentoring with treatment counselor's supervision to other phases of program – 2x per week; and
11. Court appearance – every other week. (not twice a month)

Recommended Criteria for Advancing to Aftercare:

1. Four months sanction free.
2. All program fees paid and current with making payments on other court costs, fines and treatment costs.
3. Meeting and maintaining all of the other program requirements of phase 4.
4. Submission of a written request to graduate to the aftercare portion of the program.
5. Approved aftercare plan
6. Consistent negative (clean) tests for at least 6 months.
7. Consistent negative (clean) tests for at least 6 months.

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 County Attorney and the Defense Attorney will initiate the appropriate paperwork to meet the guidelines for graduation.

TERMINATION CRITERIA

Anyone who withdraws or is terminated from CMNPR will have their cases returned to District Court for further action. The drug court team may make a recommendation to the Court for their consideration.

Voluntary Withdrawal: A participant may voluntarily withdraw from the program at any time.

Non-compliance: Participants who repeatedly violate the rules of the program that result in sanctions. The decision to terminate will be made by the drug court team.

Termination for new violent offense: Participants who are charged with a new violent offense are automatically terminated from the program.

Administrative Discharge: If, after a period of time it appears unlikely the participant will be able to satisfactorily complete the program due to physical or mental health issues, they may be administratively discharged which would not be considered an unsuccessful termination.

Absconding: A warrant will be issued for participants who fail to appear for court. They will be suspended from the program during the time they are on run. Termination will not occur until the individual is found and the team has determined if continued participation is appropriate.

PROGRAM SERVICES – Standard #8

Substance Abuse Treatment Services

Chemical dependency treatment is a vital part of drug court and is used to provide intensive group/individual counseling. It is also a time for participants to develop the necessary tools to begin the process of recovery, which promotes continued abstinence from drugs and alcohol. Participants will incorporate these tools that they have learned into their daily lives and continue to use them once they are discharged from the program. Drug Court will primarily use three providers for intensive outpatient treatment: Sanford Medical Center Luverne, New Life Treatment Center, and New Beginnings.

These programs will have a comprehensive individualized treatment plan for each participant, which will incorporate the 12 Step AA model. This incorporates a thorough assessment which includes: psychological assessment, social history, chemical use history, educational material as well as a family history of chemical dependency. The participant along with the counselor will determine the approaches that are best suited and acceptable for the participant, and these will be reflected in the participant's individualized treatment plan.

Phase I: Assessments and begin treatment program

Phase II: 180 hours total, divided into two parts as follows:
9 hours/week, 3x per week, total of 108 hours (approx. 3-4months),
6 hours/week, 2x per week, total 72 hours (approx. 3-4 months)

Phase III: 6 months 1 x week = 48 hours (aftercare)

Phase IV: 6 (minimum) to 12 months aftercare, 2 x month = 24 hours

12-Step Model: This model is based on the 12 Steps of Alcoholics Anonymous, which will be incorporated into the participant's recovery program. The guiding principle of this program is a course of action for recovery from addiction. The core belief of this model is that the individual is powerless over chemicals, and that the only way for successful recovery is for the participant to turn over their will and their lives over 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.

Treatment, Texting and Permission Policy (implemented 10/15/12). See Appendix A.

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.

A team of professionals including; the correction agent , Rule 25 Assessor, and licensed treatment counselor oftentimes have mutual interest in how referrals to other services and supports are contributing to the success of the participant in reaching their goals. Working with professionals, the participant along with their family gain the insight and tools to make the necessary positive changes to enhance their own recovery.

The program goals include:

- Assisting individuals and families in understanding and accepting the problem as an addiction.
- Provide direction and support in learning positive self-care techniques.
- Guide individuals in becoming positively involved as a member of their family and their community.
- Help establish an outside system supportive of freedom from the use of alcohol and other drugs.
- Provide a full continuum of care that reaches out to help participants and their families in need of solutions.

Treatment counselors will maintain contact and communicate participant progress on the Sharepoint MCDC Team website, to be discussed at the bi-weekly drug court team meetings:

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

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 MCDC 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. In the early phases of the program the agent will have at least two contacts weekly with participants. 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.

Probation supervision fees: Probation Agents will follow their own agencies guidelines for the assessment and collection of probation supervision fees from drug court participants.

ALCOHOL AND DRUG TESTING – Standard #7

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. Random drug testing will occur at the treatment program, by the probation agent and at the county jail.
2. Drug testing will be completed by saliva or by urine. All positive drug screens will be confirmed by a urinalysis, unless there is an admission. Missed and adulterated tests are considered positive tests and will be sanctioned.
3. Policies and procedures for collecting and processing drug tests will be followed according to each county's or agency's already established protocols.
4. A drug testing call-in line (Testday Lite) will be established and participants will be assigned a code or color. Each participant will be required to call the drug testing line on a daily basis and if their code is named, they need to report to their designated testing location (jail, probation, treatment center, Sheriff's Office) during the hours specified by the facility for testing. If a participant tests positive, they will be held and brought before the drug court judge for a hearing.

5. Tests will be randomly sent to a lab (every 6-8 weeks) to test for other substances not included in the 3 or 5 panel field tests which will be normally be administered.
6. EtG testing will be suspended pending the resolution of energy drinks and related positive tests.

Testday Lite / Drug Testing Policy (implemented 10/3/12). See Appendix B.

SANCTIONS AND INCENTIVES – Standard #10

Standard # 10 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. In applying incentives and sanctions, the ultimate goal is not punishment; it is to change behavior. Because addiction is a chronic condition, it is recognized 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, 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 will be recognized.

Small rewards for incremental successes such as grocery or gas certificates have an important effect on a participant’s sense of accomplishment. The coordinator will, as funding allows, purchase a variety of incentives and maintain a tracking system of who has received monetary incentives. The incentives will be kept in a file drawer at Court Administration.

All participants who meet sobriety milestones (30-60-90, 6 months, 9 months, one year) will be recognized by the MCDC Judge, with praise, certificate, etc.

Monthly drawing / Participant Points (implemented 10/1/12, 1st drawing 10/31/12): each participant is expected to meet a minimum of six weekly requirements. If the participant meets each requirement, they are given a point for each, with a total of six. If all weekly points are met, the participant will get their name in a monthly drawing for prizes. The drawing will be held the last Wednesday of each month. The participant also has the opportunity to earn extra points, to get their name in the drawing additional times. *See Appendix C.

Sanctions must be predictable, controlled and consistent

Participant’s ability to perceive fairness in sanctions and incentives is extremely important. A matrix or continuum of responses is in Appendix D. Whether this matrix is absolute or flexible is at the local court’s discretion. If courts choose a more flexible matrix, the judge should articulate why different people are receiving different responses. A list of possible incentives and sanctions is included in the participant handbook and will be explained to them during orientation.

A drug court program violation is not the same as a probation violation. The participant drug court agreement states: I understand that by participating in the MCDC 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 MCDC, and this will NOT be considered a violation of the program.

Sanctions should be imposed as close to the behavior as possible.

Sanctions need not be painful, humiliating or injurious, but they must be of sufficient intensity, and they must be delivered as soon as possible after every infraction. Undesirable behavior must be reliably detected and sanctioned at every instance; otherwise the participant is effectively placed on an intermittent schedule and the perception of fairness is at risk. Confirmation drug testing is an important tool in resolving discrepancies and helping disrupt the user’s denial.

Separate Judicial and Treatment Responses

Participants should perceive a difference between treatment responses and judicial/program responses to avoid negative associations with treatment. For example, a relapsing participant might require residential treatment, but this should be described and understood as a treatment response and not a punishment. To maintain the distinction, the participant should simultaneously receive a program sanction, such as community service or increased court contacts.

| RESPONSES TO BEHAVIOR | |
|--|--|
| ACHIEVEMENTS | REWARDS |
| <ul style="list-style-type: none"> • Attending court appearances • Negative drug test results • Attendance and participation in treatment • Attendance and participation in support meetings • Obtaining educational goals (GED, etc.) • Job Promotion • Compliance with treatment plan • Assist other participants with transportation, child care, etc. so they can attend their drug court required meetings • Obtain stable and appropriate housing • Obtain and maintain employment • Current with child support payments • Complete parenting classes • Positive community involvement • Meeting sobriety milestones | <ul style="list-style-type: none"> • Recognition by the Judge • Courtroom recognition • Certificates of achievement • Later curfew • Phase advancement • Fee reduction • Gift certificates-coupons to local establishments (gas, fast food, restaurants, grocery store, movie passes, haircuts, car repairs, video rental, etc.) • Lunch with the Judge or other team member • Medical/dental assistance vouchers • Fishbowl drawing • Sports tickets • Transportation vouchers to treatment, probation and court • Job placement assistance • Scholarships • Books • Accelerated Phase advancement • Gas cards • Key chains or medallions |

| CHOICES | CONSEQUENCES |
|---|--|
| <ul style="list-style-type: none"> • Dishonesty • Missed court appearances • Missed appointment with probation officer • Missed support meetings • Violation of court order • Positive or missed drug test • Tampered drug test • Missed treatment • Inappropriate behavior at treatment facility • New arrest • Failure to perform sanctions • Noncompliance with treatment plan | <ul style="list-style-type: none"> • Verbal reprimand from the Judge • Increased court appearances • Increased drug testing • Phase demotion • Essay presented to Judge • Additional community work service hours • Jail or holding cell • Termination from the program • Electronic monitoring • Increase time in Phase |

Ancillary Services

Ancillary services include all of the community based organizations and other entities that are able to provide supportive services and address the recovery support needs of participants and their families. Some examples include:

Many local business and foundations may be able to provide incentives for the program participants such as gift certificates, coupons for sporting or entertainment events, or assist a family in paying for necessities such as electricity or water bills.

ETHICS AND CONFIDENTIALITY

Drug courts alter the traditional relationships between justice system officials and treatment providers. Participants may waive certain rights in order to enter a drug court program; however, the fundamental rights of each participant to representation and due process should not be jeopardized.

Eligible participants must be given the opportunity to consult with an attorney prior to entering the program. Participants should be clearly informed of the requirements of the program including possible sanctions they may be exposed to for noncompliance. While the drug court team may make recommendations regarding participant placement, sanctions, incentives, etc., all judicial decisions remain the responsibility of the judge.

Two Federal laws and a set of regulations guarantee the strict confidentiality of information about persons – including participants – receiving alcohol and drug abuse assessment and treatment services. The legal citations for these laws and regulations are 42 U.S.C. SS 290dd-3 and 42 C.F.R. Part 2. These laws and regulations are designed to protect patients' privacy rights in order to attract people into treatment. These regulations state that information cannot be disclosed without written consent of the participant. However, federal laws do not protect any information regarding suspected child abuse or neglect from being reported.

The following is a statement adopted by the MCDC planning team regarding ethics and statements of clients:

The primary purpose of this program is treatment. Therefore, any statements made by anyone participating in the DRUG COURT program shall not be used against him or her in any subsequent adversarial proceeding. However, statements made by a participant in the DRUG COURT program which pertain to any mandatory reporting requirement (child abuse or neglect, vulnerable adult) may be used against the participant in a subsequent adversarial proceeding(s). Also, any unsolicited, spontaneous statements made by the participant in open court, which refers to unrelated criminal activity and which are not related to the participant's participation in the DRUG COURT, may be admissible in other criminal proceedings and such admissibility shall be determined in an evidentiary hearing according to the Rules of Evidence.

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 drug court team 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.

Admission Process for Probation Violations

The supervising probation agent will complete a drug court referral and submit it to the coordinator when one of their probation clients has a target violation and appears to be a good candidate for drug court. The coordinator will notify the team of the referral. The drug court agent will screen the offender to determine eligibility and report the results at the next drug court team staffing.

Step 4: Drug Court Team Staffing:

- (4) 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. The goal is to maintain fidelity to the MN Drug Court Standards (Determinations made within 14 days of conviction on new offenses).
- (5) 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.
- (6) The probation agent reports the results of any intakes completed since the last staffing, including the results of the LSI-R 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.
- The coordinator notifies Court Administration 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.
- Drug Court Coordinator 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.
 - 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.

SEARCH REQUIREMENTS

While an overall goal is to help drug court participants get sober and maintain sobriety; it is also recognized that unannounced visits are an important component to ensure they are following the program rules. In addition, we may catch them doing something good that can be rewarded at a future drug court hearing. Drug Court participants are required to submit themselves, their vehicle, place of residence or area to search and seizure of narcotics, drugs or other contraband at any time of the day or night with or without a search warrant, without prior notice and without probable cause by any peace officer or probation officer or their representative.

ARREST REQUIREMENTS

Any law enforcement officer who observes a current participant of Drug Court in any of the following circumstances is authorized to arrest that individual:

- ingesting a controlled substance or alcohol;
- in violation of any criminal law;
- being under the influence of a controlled substance or alcohol;
- possessing a controlled substance or alcohol or drug paraphernalia;
- being in the presence of a person in possession of controlled substance(s) and a reasonable person in a like position would conclude that drugs are present.
- Being in possession of any weapons

Participants detained in jail after arrest will be brought before the Drug Court judge or his/her designee for hearing within the next business day. Hearings may be conducted via interactive television (ITV). Team members will be immediately notified of the arrest via the Extranet program (if available) or the arresting agency.

TERMINATION CRITERIA

Anyone who withdraws or is terminated from MCDC will have their cases returned to District Court for further action. The drug court team may make a recommendation to the Court for their consideration.

Voluntary Withdrawal: A participant may voluntarily withdraw from the program at any time.

Non-compliance: Participants who repeatedly violate the rules of the program that result in sanctions. The decision to terminate will be made by the drug court team.

Termination for new violent offense: Participants who are charged with a new violent offense are automatically terminated from the program.

Administrative Discharge: If, after a period of time it appears unlikely the participant will be able to satisfactorily complete the program due to physical or mental health issues, they may be administratively discharged which would not be considered an unsuccessful termination.

Absconding: A warrant will be issued for participants who fail to appear for court. They will be suspended from the program during the time they are on run. Termination will not occur until the individual is found and the team has determined if continued participation is appropriate.

SUPERVISION PROTOCOL

The type of supervision/case management model that will be used to supervise/monitor the drug court participants. Include the who, when, where and frequency.

Supervision is a shared responsibility among all members of the Drug Court Team achieved through effective collaboration, decision-making and rapid response to conditions that may lead to relapse or further criminal activity by program participants. Unique to the Drug Court Treatment model is the active personal involvement of the Drug Court Judge at weekly/bi-weekly hearings with each of the program participants. However, the primary responsibility for day-to-day supervision of program participants rests with the assigned Case Manager. Working in collaboration with the Drug Court Team, the Case Manager will meet at least weekly with each Drug Court participant and report his/her status at the weekly Drug Court Team meeting. A designated agent from Parole and Probation will monitor each participant's employment, living environment, weekly court appearances and any new criminal charges. All members of the team will keep the Case Manager informed of any conditions that might impact the capacity or ability of the Drug Court program to successfully monitor and supervise participants in community-based programs.

| Program Element | Who | When | Where | Frequency |
|-----------------|--|----------------------|--------|------------------------|
| Supervision | Drug Court Judge, Case Manager, Parole and | Weekly/ Bi-weekly | varies | At least once per week |

| | | | | |
|--|-----------------|------------------------|-----------------------|--------|
| | Probation | | | |
| | Drug Court Team | Bi-Weekly Team Meeting | Court – Judicial Ctr. | Weekly |

Supervision Contacts – number of times a participant reports to a probation officer or other supervisory personnel (including law enforcement, treatment or other drug court team member contact). During the early phases, contact is usually three times per week and gradually decreases.

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

Curfew – hours in which the participant must be in their home and available for visits from probation and/or law enforcement. Curfew extensions must be requested and approved in advance by the drug court team in the early phases of the program.

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 recommended number of days in each phase to be drug free (i.e., no positive tests for alcohol or drugs) before phase advancement and graduation. The participant’s first sobriety date for drug court purposes will be determined by the treatment counselor

Education/work – completion of GED, attendance at ESL classes, high school attendance, vocational training, cognitive skills training, and/or full-time employment are often conditions of advancement and graduation. Participants are responsible for the payment of any training and educational related costs

Program Participation Fees – A \$600 fee is owed by the participant to offset the cost of the program. Program fees must be paid in full before graduation from the program.

Frequency of drug testing – the number of times a participant is tested will vary according to phase and compliance within program. Participants may be responsible for the cost of any confirmation tests.

Treatment – successful completion or engagement within treatment is required for phase advancement. Participants are responsible for paying for the costs of chemical dependency and mental health treatment services.

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.

Structured Activity Requirement Unless otherwise approved/determined by the Team, a participant is required to begin community work services within 30 days of entering the drug court program (or within 30 days of completing inpatient treatment) according to the following schedule:

After 30 days – 25 hours CWS per week

After 60 days – 40 hours CWS per week

After 90 days or longer – 40 hours CWS and weekends in jail

After 15 days of losing a job – 30 hours of CWS per week