



**MINNESOTA
JUDICIAL BRANCH**



Crow Wing County

**ADULT DRUG
COURT PROGRAM**

**Policies
&
Procedure Manual**

January 2010

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I. COURT OVERVIEW

Introduction

Crow Wing County (CWC) Drug Court began in June 2006 as a response to national interest and investment in problem-solving courts as a means of addressing the non-violent, chemically dependent offender. The CWC Drug Court program complies with the Minnesota Drug Court Standards (MDCS) which are incorporated from the National Association of Drug Court Professional (NADCP) Drug Court Standards, plus two additional state standards which address interdisciplinary education of team members and evaluation of effectiveness (Appendix A, MN Drug Court Standards).

Mission Statement

The mission of the Crow Wing County Drug Court is to enhance public safety by decreasing criminal recidivism through community supported, judicially supervised treatment of substance abuse. This results in participants becoming contributing members of society with restored self-worth.

Goals & Objectives

Program Goal 1: Reduce substance abuse among criminal offenders.

A. Provide early screening and court intervention.

✓ *Early Screening*

Objective 1: 80% of eligible offenders will be screened for Drug Court eligibility within five (5) business days of referral.

Objective 2: 90% of individuals that are screened and found to be appropriate for Drug Court will have a chemical dependency assessment within fourteen (14) days of the initial screening.

Objective 3: More than 85% of eligible offenders assessed as chemically dependent will be referred to a treatment program within five (5) business days of their assessment.

✓ *Court Intervention*

Objective 4: 80% of eligible offenders will be required to make their first appearance in drug court within ten (10) business days of District Court sentencing the offender to complete Drug Court.

Objective 5: 100% of offenders in Phase 1 will be required to make appearances on all days Drug Court is scheduled.

- ✓ *Provide Intensive Supervision*
Objective 6: 100% of offenders in Phase 1 of the program will have a minimum of two contacts per week with the probation agent and/or surveillance agent and will submit to urinalysis testing at least two times per week as directed by the agent/surveillance agent.
- ✓ *Completion of Treatment and Abstinence*
Objective 7: 75% of offenders will complete primary treatment in Phase 1 of the program.
Objective 8: 75% of the offenders will have been drug and/or alcohol free during Phase 3 of the program.

Program Goal 2: Enhance public safety by decreasing criminal recidivism.

- ✓ *New Charges*
Objective 1: Less than 5% of offenders will be charged with new criminal offenses while in the program.
Objective 2: Less than 5% of the graduates will be charged with a new criminal offense within six (6) months post-graduation.
Objective 3: Less than 10% of the graduates will be charged with a new criminal offense within one (1) year post-graduation.
- Graduation*
Objective 4: More than 60% of the offenders will complete the program.

Program Goal 3: Assist offenders in developing personal, family, and social skills.

- ✓ *Education*
Objective 1: 75% of those without a high school diploma or G.E.D. will be referred for education services while in Phase II of the program.
Objective 2: 85% of those referred for education services will obtain either a high school diploma or G.E.D prior to graduation.
- ✓ *Employment*
Objective 3: 75% of those persons unemployed, and capable of obtaining employment, will be referred for employment services while in Phase II of the program.
Objective 4: 90% of those referred will have obtained employment or be enrolled in school at the time of graduation.
- ✓ *Mental Health Services*
Objective 5: 70% of all participants in need of therapy or mental health services will obtain the services while in the program (Appendix B, Work Plan)

II. COURT PLAN

Structure/Model

The Crow Wing County Drug Court will accept up to 35 individuals for supervision and treatment. A screening will be completed shortly after a referral to determine preliminary eligibility. Once an offender is determined to be eligible, offender will be sentenced by District court to enter and complete the Drug Court Program. Participant will make an appearance in Drug Court on the next Drug Court Hearing date. Participants will enter a plea of guilty and be advised as to the requirements of Drug Court (Appendix C, Referral Form).

A person may enter Drug Court as a condition of probation.

The program will consist of four phases. Each participant is given a handbook that clearly defines the requirements and processes of Drug Court. Although certain expectations of each participant can be unique, the handbook details general program information and specifics required to move forward as they complete each phase (Appendix D, Participant Handbook).

Dismissal of charges, stays of adjudication, stays of imposition, and stays of execution of sentence are all available for disposition of the criminal file.

Target Population

All adults charged with felony level drug offenses, or theft type offenses related to drug use. The offender must be non-violent and found to be chemically dependent. First time offenders and repeat offenders who meet these requirements are part of the target population.

Eligibility Criteria

In order to qualify for drug court, the person, at the time of signing the Drug Court Participation Agreement, must meet the following eligibility standards:

A. The person may not:

1. Be a “violent offender” as defined in 28 C.F.R. 93.3(d) as follows:
 - a. ***Violent offender*** means a person who 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 weapons; 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.
2. Have 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.
 3. Have a prior record of convictions for the offenses listed below as required by Federal grant requirements:

609.185	Murder in the First
609.19	Murder in the Second
609.196	Murder in the Third
609.20	Manslaughter in the First
609.205	Manslaughter in the Second
609.21	Criminal Vehicular Homicide and Injury
609.221-609.2231	Assault in the First-Fourth
609.224-609.2243	Felony Assault
609.228	Great Bodily Harm caused by Drug Distribution
609.229	Crime Committed for Benefit of a Gang
609.245	Aggravated Robbery
609.25	Kidnapping
609.2661-609.268	Murder, Manslaughter, Assault, and Injury/Death of Unborn Child
609.342-609.3451	Criminal Sexual Conduct-All Degrees
609.498	Witness Tampering
609.561	Arson in the First Degree
609.582	Burglary in the First Degree
609.66	Dangerous Weapons/Firearms
609.668	Explosive or Incendiary Device w/o Injury
609.712	Real & Simulated Weapons of Mass Destruction
609.713	Terroristic Threats
609.855	Crimes involving Transit; Shooting at Transit Vehicle

4. Have a pending criminal charge of any degree, conviction or which would disqualify him/her under the eligibility criteria herein; "pending" means that the criminal charge is filed with the court. Charges filed while in the program are grounds for termination.
5. Have three or more felony convictions within the seven years preceding drug court screening. The foregoing requirement can be waived by the presiding judge in circumstances where the convictions were accumulated as part of a "spree" or

during a single course of conduct if the probation officer finds that the offender is amenable to drug court supervision.

6. Have a prior involuntary discharge from any other comparable substance abuse court
7. Have any holds from any other jurisdictions other than those that can be readily discharged.

B. The person must:

1. Be 18 years of age or older and charged with a felony level controlled substance crime in the 3rd, 4th, or 5th degree who also meets the other drug court criteria.
2. Be a resident of Crow Wing County or an adjacent county as approved by the Drug Court Team and have the ability to comply with the supervision requirements of the Crow Wing County Drug Court as described in the Participation Agreement.
3. In the opinion of the Drug Court Team, “amenable to probation.” An individual, who is not motivated to participate in the drug court program, and whose criminal history, supervised release, or probation status, or substance abuse and treatment history, render him/her “unamenable to probation,” may be denied admission into the drug court program.
4. Determined to be in need of treatment by a chemical use assessment approved or administered by the Crow Wing County Social Services Department, and is able to obtain chemical dependency treatment from the state consolidated fund, private insurance or other sources.
5. A United States citizen.

Notwithstanding the foregoing provisions, upon the joint request of the prosecuting and defense attorneys, together with the recommendation of the probation department, the drug court may accept persons that are otherwise ineligible, provided the offender is not disqualified by the “violent offender” prohibition.

Disqualification Criteria

An offense or criminal history that would result in a mandatory commitment to prison if convicted of the current charges; or

Any violent offense committed against the person of another.

Entry/Admissions Process

Type 1: Through Arrest/Charges without Arrest

These individuals will be screened for offense eligibility within five (5) days of referral. If the offense qualifies, a review of the offender's criminal history will be conducted that same day.

If after the initial screening, the offender is preliminarily determined to be eligible, a drug court screening will be ordered by the court.

If the offender is found to be appropriate through the Drug Court assessment, a chemical use assessment will also be completed within fourteen (14) days of the Drug Court assessment, as part of the screening process.

Conditions of release will be set which may include immediate treatment.

The offender shall enter a plea of guilty in District Court and be ordered to enter and complete the Drug Court program.

If an offender does not wish to participate in drug court, or is determined not to be eligible, the matter is scheduled for either a Rule 8 Hearing or an Omnibus Hearing.

Type 2: 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 Drug Court Team recommends the person for participation, the offender shall contact the Drug Court staff to set up appointments for a probation screening and chemical use assessment. After the screening and assessment, the results of the screening will be conveyed to the Drug Court Team. Upon approval, the defendant's entry process will commence at the appropriate point along the Type-1 track.

Type 3: Revocation

For otherwise qualifying offenses, if the assigned community corrections officer intends to seek a revocation, the defendant may be screened for entry into the drug court. The officer should verify that the defendant has violated probation by the use of mood-altering chemicals or a failure to submit to chemical testing, that the underlying offense is a qualifying felony, that the defendant does not have a violent felony conviction and that they reside in the qualifying area.

Court Administration shall expedite the first appearance of the revocation hearing with a criminal court judge. If the defendant admits to the violation, the criminal court judge may order the drug court screening and chemical use assessment. If the defendant is eligible, the defendant shall be ordered into drug court.

If the defendant denies the violation, Court Administration shall expedite the revocation hearing. If the defendant is found to be in violation, the court may order a full drug court screening. If the defendant is found to be eligible for drug court, the defendant may be ordered to participate in drug court. (Appendix E, Admissions Process Flow Chart)

Re-Entry

Once a participant has been terminated from Drug Court, they are not allowed re-entry into the program. If a participant has graduated and re-offended, they will be considered on a case-by-case basis only.

III. OPERATIONS

Phases

- Phase I:** Obtain a Chemical Use Assessment and follow all recommendations including completion of in-patient treatment if required.
Obtain at least one (1) sponsor in a support group
Minimum of two (2) weekly random, observed UA/PBT tests
Random work and/or home checks
No new legal offenses
Minimum of twice (2) weekly meetings w/probation staff
Drug Court Review Hearings at least two (2) times a month
Must obtain adequate safe housing as approved by Probation
Maintain three (3) months of sanctionless participation
Curfew required
Request permission for overnight stays away from primary residence
Report all whereabouts on whereabouts line
When required, complete pre-GED or GED testing
May include jail or other sanctions
- Phase II:** Minimum of once (1) weekly random, observed UA/PBT test
Minimum of twice (2) monthly meetings w/probation staff
Random testing
Drug Court Review Hearings at least two (2) times a month
Maintain adequate safe housing as approved by Probation
Maintain three (3) months sanctionless time
Less restrictive curfew required
Request permission for overnight stays away from primary residence
Report all whereabouts to probation agent
Continue and/or complete all treatment and/or aftercare requirements
Be current on drug court fees
When required, begin GED preparation training
Seek employment and/or job skills assessment or post-secondary education
- Phase III:** Minimum of one (1) weekly UA/PBT test
Random testing
Minimum of twice (2) monthly meeting with probation staff
Drug Court Review Hearings at least once (1) per month
Maintain six (6) months sanctionless time
Report all whereabouts on whereabouts line between hours of 8 p.m.

and 8 a.m. or as required by probation agent
Complete GED or High School Diploma, if required by team
Complete all aftercare requirements
Maintain adequate safe housing as approved by Probation
Be current on drug court fees

Phase IV: Supervised Probation
Twelve (12) consecutive months of negative or “clean” drug tests
Have obtained employment or be enrolled in a post-secondary education program
Maintain adequate safe housing as approved by Probation
Be current on drug court fees
Have completed 30 hours of community work service
Graduation
The option of participation in a drug court alumni group/association

Graduation

Termination Criteria

- A. Repeated Program Violations over an extended period of time.
- B. Absconded, on warrant status for 60 or more days.
- C. Violations of law while in the program which would have made the participant ineligible upon initial screening.
- D. Any acts of violence or violent behavior while in the program.
- E. Any conduct deemed inappropriate for drug court participation as determined by the Drug Court Team.
- F. Any act, conduct, and/or behavior that would undermine the integrity of the Drug Court Program.
- G. Any act, conduct, and/or behavior that would affect the safety of the public.
- H. Multiple criminal offenses that would not have otherwise made them ineligible but jeopardize the integrity of the program.
- I. Continued use of alcohol and/or controlled substances during the course of the program.
- J. Selling drugs and/or simulated controlled substances.
- K. Tampering with urinalysis testing (UA).
- L. The termination of a participant will be done by a majority vote of members of the Drug Court Team.

Incentives & Sanctions

Incentives are responses to compliance, perceived as positive, by the receiver.

- 👍 Less restrictive curfews
- 👍 Decreased office visits or court review hearings
- 👍 Reduction and/or waiver in fines, program fees, and/or CSW hours
- 👍 Mentor court jury membership
- 👍 Early phase promotion
- 👍 Reduction in testing
- 👍 Restoration of lost privileges due to relapse or infractions
- 👍 Receipt of certificates, area business coupons and/or other merchandise
- 👍 Day trips and/or events
- 👍 Bus tokens and/or transportation assistance
- 👍 Assistance in obtaining a valid driver's license
- 👍 Compliments
- 👍 Movement off traditional probation
- 👍 Assistance with health service fees
- 👍 Dismissal of charges

Sanctions are the imposition of a consequence, perceived as a negative by the receiver, as a direct result of a prohibited activity. Honesty will be rewarded by a less severe sanction.

- 👎 Verbal or written warnings
 - 👎 Increased curfew
 - 👎 Increased office visits with probation or review hearings
 - 👎 Daily reporting
 - 👎 Re-set in current Phase or return to prior Phase
 - 👎 Community service work (CSW)
 - 👎 Increased urinalysis (UA) testing
 - 👎 Electronic house arrest or home monitoring
 - 👎 Imposition of jail time, including immediate incarceration
 - 👎 Jury box
 - 👎 Written assignment
 - 👎 Termination from Drug Court—execution of sentence
- (Appendix F, NDCI List of Incentives & Sanctions)

Treatment Protocol

Assessment:

Crow Wing County Social Services Chemical Dependency Unit is responsible for completing or obtaining chemical use assessments for drug court participants. The Rule 25 Assessment is used to indicate levels of chemical risk, abuse or dependency, and to determine appropriate level of care. The assessment is based on the six (6) dimensions which include acute intoxication/withdrawal, biomedical conditions and complications, emotional behavioral conditions and complications, treatment acceptance/resistance, relapse/continued use potential, and the recovery environment. The assessment will be completed by assessor within fourteen (14) days of the initial screening of the drug court applicant. Assessment areas include: Personal Profile Information (age, gender, race, marital status, sexual orientation), Circumstances of Intake, Current Residence/Environment, Prior Chemical Dependency Services and Outcomes, Chemical Use (quantity, frequency, duration, age started), Behavioral/Personality, Drinking and Using Lifestyle, Vocational/Educational (level, goals), Social/recreational, Legal, Medical Health, Mental Health, Family History (dynamics, history of abuse, dependence/mental health issues), Placement Summary, Treatment Recommendations, and Collateral Contact Information. The severity of symptoms and risk factors help determine appropriate level of care for treatment. Also determined at the time of the assessment is what funding source (private insurance, consolidated funds, or medical assistance programs) will cover cost of treatment.

Treatment Services:

Crow Wing County Drug Court has access to over 300 state licensed treatment providers in and around Minnesota. These providers employ a variety of treatment modalities including Minnesota Model (12 Step), cognitive/behavioral, and faith based. There are programs specific to gender, CD/MH issues, IV drug users, women and children, Native Americans and gay, bisexual, lesbian and transgendered, etc. Many providers use a variety of strategies to enhance recovery. Crow Wing County has recognized approved programs including Avalon, Focus Unit (St. Joseph's Medical Center), CARE Brainerd, and ADAPT. These programs provide residential and non-residential treatment, aftercare, and relapse-prevention services. The providers offer treatment protocol overviews to participants in their intake packets. Each provider is required to send updated weekly progress reports, documenting participants' attendance, goals, concerns, and progress. Staffings regarding and including each participant will be held on a regular basis.

Aftercare/Continuing Care Services:

Aftercare plans are developed with the client during primary treatment with input from drug court assessor and case manager. They may include; further treatment services, continuing education, support group attendance, sponsorship, referrals for individual counseling and psychiatric/psychological services as needed. These services range in duration according to need and recommendation of treatment staff and drug court team. Participants are referred locally for aftercare/continuing care regardless of where primary treatment occurred. All

participants are required to attend AA, NA, and/or an alternative support group as approved by the Drug Court Team.

Primary and Mental Health Care Services:

During the chemical use assessment, participants are screened for mental health issues or concerns. Questions are asked regarding medication, suicide attempts or ideation, previous diagnoses or assessments, etc. Based upon information gathered through the assessment and collateral contacts, the assessor or case manager may ask the court to order a psychological evaluation, individual therapy, medical evaluation, or other physical/mental health services.

Supervision Protocol

Case Management:

Case management services are provided by a full-time community corrections agent with the assistance of a surveillance agent. The case manager conducts risk assessments and a pre-sentence investigative report on all participants. Case management is individualized to the needs and risks of each participant. The case manager, with input from and agreement of the participant, and input from the chemical use assessor shall develop a comprehensive, individualized case plan. The plan will be reviewed with the client during phase changes. Periodic updates and modifications shall address the participant's plan which may include education, employment, housing, relapse prevention, and development of a social support system (including family). The case manager and the surveillance agent will be responsible for maintaining a log which reports all contact with each participant and urinalysis (UA) test results. The case manager and/or surveillance agent will prepare a short progress report which shall include updates and recommendations, which will be discussed in team staffings. The report shall be provided to the team no less than 12 hours in advance of the team staffing.

Testing Protocol

Drug Testing:

The Crow Wing County Drug Court philosophy is that frequent random tests for chemical use are imperative in assisting the participant to obtain/maintain abstinence. Phase I participants are tested for chemical use between eight (8) and thirteen (13) times per month, Phase II between four (4) and eight (8) times per month, Phase III between three (3) and five (5) times per month. Participants are required to call a phone number daily which is set up exclusively for chemical use testing. The participant shall be required to call between the hours of 6:00 a.m. and 10:00 a.m. to determine whether they are to test that day. The recorded message will state Phase I, Phase I & II, or all Phases are required to report by 10:00 a.m. In addition to drug testing, participants may also be given a preliminary breath test (PBT) to screen for alcohol use. All participants are informed about drug testing policies and procedures when they sign the Drug Court Participant Contract upon admission. They are also informed that all tests are

observed and then reported to the Drug Court Team during staffing. Test results are also supplied to the treatment provider.

Dress Code

All participants are prohibited from attending Drug Court wearing any clothing that may disrupt the court process or contain messages which promote drugs or alcohol are not allowed. Sleeveless shirts, belly shirts, pants that expose under-garments, and body piercings other than earrings, will not be allowed.

Payment of Program Fees

The Court will impose a fee as a condition of participation in Drug Court. This program fee will be a minimum of \$250. Payments can be made on a monthly basis at a minimum of \$25/month beginning in Phase II. No payments are due in Phase I. Checks or MO's should be made payable to: MJC. These funds shall be collected by Probation and forwarded to the 9th Judicial District office to be used for Drug Court expenses and reward programs. The Drug Court Team may impose sanctions for non-payment.

Credit may be administered toward the fee balance should a participant wish to use Community Service Work (CSW) hours at a rate of \$6/hour. Recorded hours must be signed-off by the appropriate organization staff using the proper form obtained from the probation agent. CSW hours sanctioned by the Drug Court Team are not eligible, nor are CSW hours required for phase advancement (Phase III).

IV. ETHICS & CONFIDENTIALITY

Confidentiality issues pertaining to Drug Court:

Any program that specializes, in whole or in part, in providing treatment counseling, or assessment and referral services for offenders with Alcohol or Other Drugs (AOD) problems must comply with the Federal confidentiality regulations (42 C.F.S.2.12(e)).

The Federal regulations apply to programs that receive Federal funding. Two Federal laws and a set of regulations guarantee the strict confidentiality of information about persons—including offenders—receiving alcohol and drug abuse assessment and treatment services. The legal citation for these laws and regulations is 42 U.S.C. SS 290dd-3 and ee-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. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by fine of up to \$500 for a first offense or up to \$5000 for each subsequent offense.

The General Rule:

Federal confidentiality laws and regulations protect any information about an offender if the offender has applied for or has received any AOD-related services from a program that is covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment, or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the offender makes an appointment. It applies to offenders who are mandated into treatment as well as those who enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting it, has some form of official status, is authorized by State law, or comes armed with a subpoena or search warrant.

Sharing Confidential Information:

Information that is protected by Federal confidentiality regulations may always be disclosed after the offender has signed a proper consent form. The regulations also permit disclosure without the offender's consent in several situations, including medical emergencies, program evaluations, and communications among program staff. Offenders who refuse to sign consent forms permitting essential communications can be excluded from treatment or provided treatment temporarily in the hope that resistance to signing the consent forms will evaporate as treatment proceeds.

Most disclosures are permissible if an offender signed a valid consent form that has not expired or has not been revoked (s2.31). A proper consent form must be in writing and must contain each of the items contained in s2.31 including:

- ✓ The name or general description of the program(s) making the disclosure;
- ✓ The name or title of the individual or organization that will receive the disclosures;
- ✓ The name of the client who is the subject of the disclosure;
- ✓ The purpose or need for the disclosure;
- ✓ How much and what kind of information will be disclosed;
- ✓ A statement that the client may revoke the consent at any time, except to the extent that the program has already acted upon it;
- ✓ The date, event, or condition upon which the consent expires if not previously revoked;
- ✓ The signature of the client;
- ✓ The date the consent is signed.

A general medical release form, or any consent form that does not contain all of the elements listed above and herein, is not acceptable (Appendix G, Confidentiality Agreement).

V. ROLES AND RESPONSIBILITIES

Court Appearances

The Drug Court Team meets weekly for ongoing evaluations and advises the Drug Court Judge of the progress and status of each offender. Decisions pertaining to sanctions and/or incentive will be made during staffing. Staffing occurs typically at 12:00 noon on Thursdays. Drug Court Hearings are held every other Thursday at 1:30 pm.

Drug Court Team

Honorable Judge Richard Zimmerman
David Hermerding, Assistant County Attorney
Joe McGown, Defense Counsel
Kaye Wilson, Central MN Community Corrections
Melanie Quillin, Rule 25 Assessor
Derek LaVoy, Sheriff's Deputy
Corky McQuiston, Brainerd PD
Cynthia Riedel, Counselor

The Crow Wing County Drug Court Team is comprised of core members that work in a non-adversarial, professional manner to meet, evaluate, and make decisions regarding each participant's progress in the program. These include incentives, sanctions, and modifications to support positive program advancement as well as sanctions to address infractions by participants. Roles and responsibilities of each core member are as follows:

Drug Court Judge:

The judge presides over the court proceedings and monitors appropriate application of disciplines, sanctions and incentives while maintaining the integrity of the court. The judge regularly reviews case status reports detailing each participant's compliance with the treatment mandate, drug test results, cooperation with the treatment provider, and progress towards abstinence and law-abiding behavior. During regular court appearances the judge administers a system of graduated sanctions and rewards to increase each participant's accountability and to enhance the likelihood of recovery.

As a result of their frequent interactions during court appearances, participants develop a strong rapport with the judge. The judge speaks directly to them, asking about their progress, exhorting them to try harder, and applauding their accomplishments, while also reminding them of the obligation to remain drug-free. The judge imposes any sanctions, including time in jail, for ongoing drug use or other behavior that is inappropriate or impedes progress in the program. The judge typically inquires about specific issues or difficulties, such as school

attendance, attempts to gain employment, and efforts to reunite with their children and other family members. Finally, the Judge decides the ultimate program outcome of graduation or incarceration.

Prosecutor:

The prosecutor will review all potential participants for eligibility, actively participate in staffing of cases, and interact with the staffing team to address revocations, pleas and application of sanctions and incentives as they apply to the participant. The role of the prosecutor in a drug court is quite different from a “typical” criminal proceeding where the roles of prosecutor and defense attorney are adversarial. In drug court, all parties, including the prosecutor and defense attorney, share a common goal of successful treatment completion.

The prosecutor reviews new cases, determines which are drug court appropriate, and recommends the incarceration alternative should the defendant fail to comply with the treatment mandate. As part of a collaborative team with the judge, defense attorney, case manager, and treatment staff, the prosecutor monitors participant progress and can make recommendations regarding sanctions and ultimate treatment outcomes. Also, if a participant is re-arrested, the prosecutor investigates the new case and assesses the appropriateness of continued participation.

Defense Counsel:

The defense counsel will actively participate by advocating for the participant during staffing and court proceedings in a non-adversarial manner, assisting with the negotiation of plea agreements, and completing necessary documents to facilitate the treatment process for the participant. Defense counsel represents the defendant in all court proceedings and is interested in promoting not only the legal rights but also the health and well being of the defendant. At the same time, the defense attorney always makes the defendant’s constitutional rights the primary concern.

Treatment Providers/Assessors:

Designated chemical health staff (such as a county-provided Rule 25 assessor and/or a local program provider) will participate in weekly staffing, make treatment recommendations to the Court, and as appropriate, will identify and/or provide a continuum of care for participants while advocating on behalf of the client and for the integrity of the Court. Treatment services could include hospital-based detoxification, short-term (30-day) residential treatment, long-term residential treatment, outpatient treatment, and intensive outpatient treatment. Staff refer participants to specific programs based on their clinical suitability, the program’s ability to comply with reporting requirements, and the program’s capacity to meet any special needs that may exist (e.g., mental or physical health, or language barriers). Also, in the case of outpatient services, staff will attempt to refer participants to a provider located nearby that participant’s community of residence.

Probation Agent/Case Manager:

The case manager is typically a Corrections/Probation Officer employed by the county or the state, and is responsible for direct supervision of the drug court participant’s compliance with the program, including implementation of the appropriate supervision level based on established measures, providing community linkages and referrals to appropriate agencies, and monitoring the day-to-day activities and home environment of the participant.

Law Enforcement:

The role of the police officer or deputy sheriff varies; they may be responsible for assisting with background investigations of potential participants, providing inter-county transports to treatment facilities, follow-up on warrants issued through the Court, and/or monitoring sanctions and compliance of participants via unannounced house visits and curfew checks. The law enforcement officer will act as a liaison between the program and their respective department and be responsible for dissemination of information to officers that come in contact with Drug Court participants to assure reasonable and appropriate measures are used when checking the participants for compliance.

Steering Committee

The steering committee is comprised of key stakeholders, representative of multiple agencies, area communities, businesses, and political affiliates to provide oversight for Drug Court policies and operations, including development and review of the budget. The result would be regular communications with the county board, city councils, and communities at large.

- Honorable Judge Richard Zimmerman
- David Hermerding, Assistant County Attorney
- Joe McGown, Defense Counsel
- Kaye Wilson, Central MN Community Corrections
- Melanie Quillin, Rule 25 Assessor
- Derek LaVoy, Sheriff’s Deputy
- Cynthia Riedel, Counselor
- Donald Ryan, County Attorney
- Tom Rosenthal, Central MN Community Corrections
- Pam Norenberg, District Drug Court Coordinator
- Jason Rider, Drug Court Graduate & Community Rep
- Sheriff Todd Dahl, Crow Wing County
- Chief John Bolduc, Brainerd PD
- Chief Jim Exsted, Baxter PD
- Jerry Negen, Jail Administrator
- Rachel Nystrom, Crow Wing County Commissioner
- Kurt Schienbein, Business & Community Representative
- Bill Musel, Community Representative

Evaluation Design

The team believes that strong evaluation is fundamental to effective operations and that the means to an optimal outcome evaluation is strong planning, well-defined program goals, and the flexibility necessary to modify the program as required by changing circumstances.

The evaluation process is designed to support the **Goals & Objectives** of the Drug Court **Policies & Procedures**, but also to evaluate the Drug Court Team itself with the desired outcome to increase the effectiveness of the program and to allow the evaluation data to be used on an ongoing basis as a management tool. Evaluation data will be used by the Drug Court Team to help retain clients in treatment, improve the outcomes of the offenders, to record the progress of the program, identify areas which could benefit from improved practices, provide accurate information to stakeholders and to assist in future funding toward self-sustainability.

Data will be tracked utilizing a database developed by the State Court Administrator's Office (SCAO) which will allow all team members to input data through a secure online database system, while standardizing such data throughout the judicial district.

Evaluation will incorporate aspects of process and outcome evaluation as well as stakeholder satisfaction designed to review program goals, program process, research, and best practices procedures, with the ultimate goal of developing a plan for modifications to the program on a scheduled basis.

Process Evaluation:

The process evaluation will help determine whether the program is meeting administrative and procedural goals, and to suggest avenues for program improvement.

Qualitative data will be collected and analyzed through the use of surveys and interviews of drug court staff, participants, treatment providers, and community stakeholders.

Quantitative data will also be collected and will include demographic information on each drug court participant's age, race/ethnicity, education, employment status, housing status, and criminal history. Data will also be collected on the number and type of participants screened and accepted/rejected; the number of treatment services provided; the time from arrest to entry to time of evaluation; time from evaluation to first drug court appearance; time from arrest to entry to treatment access; treatment completion rates; length of time in each phase of drug court; UA results; re-arrests while in program; number of terminations and reasons for termination; and changes in employment status, family status, and housing status while in program. This data will assist the team in analysis of target population characteristics, program implementation, retention rates and completion, and termination.

Outcome Evaluation:

Recidivism rates will be collected for the participants, including failure and dropout rates, for all program participants and the comparison group for one (1), two (2), and three (3) years after

completion or termination from the program. Follow-up surveys will be utilized to help determine post-program measures such as health, substance abuse, family status, and education.

Evaluation results will be shared with stakeholders annually. The evaluation will be conducted both internally and externally through evaluation contract with professional evaluators.