
Olmsted County Adult Drug Court Policies and Procedures Manual



Photo Courtesy of Alex Bunger, Community Corrections

Olmsted County Government Center

The Honorable District Court Judge Kathy Wallace & Judge Lisa Hayne

151 4th Street SE

Rochester MN 55904

Contents

| | |
|--|----|
| Introduction | 6 |
| Mission Statement..... | 6 |
| Goals..... | 6 |
| Drug Court Team | 7 |
| Steering Committee..... | 9 |
| Program Structure..... | 10 |
| Eligibility Criteria..... | 10 |
| Disqualification Criteria..... | 12 |
| Mandatory Disqualification Criteria | 12 |
| Referral Process for New Criminal Behavior related Presumptive Executed Prison Sentences | 14 |
| Referral Process for Probation related Presumptive Executed Prison Sentences | 17 |
| DFO Screening Process for Intake Referrals on Presumptive Executed Sentences..... | 19 |
| Policy: | 19 |
| DFO Screening Process for Probation Referrals on Presumptive Executed Sentences | 21 |
| Policy..... | 21 |
| Phases | 23 |
| Requirements for all phases: | 23 |
| Phase #1 | 23 |
| Requirements:..... | 23 |
| Phase #2 | 24 |
| Requirements:..... | 24 |
| Phase #3 | 24 |
| Requirements:..... | 24 |
| Phase #4 | 25 |
| Requirements:..... | 25 |
| Phase #5 | 25 |
| Requirements:..... | 25 |
| Incentives and Sanctions | 26 |

| | |
|---|----|
| Policy | 26 |
| Procedures | 26 |
| Incentives | 27 |
| Sanctions | 29 |
| Treatment Protocol & Therapeutic Responses..... | 30 |
| Treatment Protocol | 30 |
| Therapeutic Responses | 30 |
| Probation/Case Manager Supervision Protocol..... | 31 |
| Probation Supervision Protocol | 31 |
| Drug Testing..... | 31 |
| Procedure and Protocol | 31 |
| Positive Drug Tests..... | 32 |
| Prohibited Substances..... | 32 |
| Physician-Prescribed Medications | 32 |
| Medication-Assisted Treatment | 33 |
| Unsuccessful Completion..... | 34 |
| Grounds for Termination..... | 34 |
| Graduation | 35 |
| Criteria | 35 |
| Requirements | 35 |
| Drug Court Evaluation | 36 |
| Appendix | 38 |
| Appendix A: Drug Court Sentencing Order | 39 |
| Appendix B: Drug Court Sentencing Order Probation Rules | 40 |
| Appendix D: Waiver of Medical Privilege..... | 43 |
| Appendix E: Drug Court Treatment Providers | 44 |
| Appendix F: Treatment Program Memorandum of Understanding | 45 |
| I. STATEMENT OF PURPOSE | 45 |
| II. PROVIDER SCOPE OF SERVICE | 45 |
| Appendix G: Drug Court Prohibited Substances Contract | 46 |

| | |
|---|----|
| Appendix H: Olmsted County Community Corrections Drug Testing Information and Acknowledgement Form..... | 48 |
| Appendix I: OCDC Drug Testing Policy..... | 49 |
| Appendix J: Medication Notification and Verification Form..... | 51 |
| Olmsted County Drug Court Problem Solving Courts | 51 |
| Appendix K: Pre-Graduation Packet..... | 52 |
| Olmsted County Drug Court Commencement Requirements | 52 |
| Pre-Commencement Questionnaire/Aftercare Plan..... | 52 |
| 1. Sobriety..... | 53 |
| 2. Treatment/ Support Groups | 53 |
| 3. Employment/Education | 53 |
| 4. Family/Friends/Relationships | 53 |
| 5. Accommodations | 53 |
| 6. Future Goals | 53 |
| Appendix L: Olmsted County Drug Court Memorandum of Understanding | 55 |
| Appendix M: Minnesota Judicial Branch Policy 511.1- Drug Court Standards | 62 |
| I. PURPOSE..... | 62 |
| APPLICABILITY | 63 |
| TREATMENT COURT MODELS | 63 |
| Appendix N: Referral Form..... | 65 |
| Appendix O: Phase Movement Applications | 67 |
| Phase 2 Movement Application | 67 |
| General Information | 67 |
| Participant Information | 67 |
| Requirement Checklist for Moving from Phase 1 to Phase 2 | 67 |
| Olmsted County Drug Court Application for Phase Move | 68 |
| Phase 3 Movement Application | 69 |
| General Information | 69 |
| Participant Information | 69 |
| Requirements for Moving from Phase 2 to 3 Checklist | 69 |

| | |
|--|----|
| Olmsted County Drug Court Application for Phase Move | 70 |
| Phase 4 Movement Application | 71 |
| General Information | 71 |
| Participant Information | 71 |
| Requirements for Moving from Phase 3 to 4 Checklist | 71 |
| Drug Court Application for Phase Move | 72 |
| Phase 5 Movement Application | 73 |
| General Information | 73 |
| Participant Information | 73 |
| Requirements for Moving from Phase 3 to 4 Checklist | 73 |
| Olmsted County Drug Court Application for Phase Move | 74 |
| Pre-Graduation Life Plan | 75 |
| General Information | 75 |
| Participant Information | 75 |
| Requirements for Graduation and Checklist | 75 |
| Olmsted County Drug Court Life Plan | 76 |
| Appendix P: Drug Court Fee | 80 |
| Appendix Q: Prescription Blue Card..... | 81 |



Introduction

The Olmsted County Drug Court (OCDC) represents a collaborative effort of criminal justice stakeholders working together to break the cycle of substance abuse. The partners in the effort have a closer working union than is traditionally seen in criminal courts.

The OCDC provides individuals the opportunity to change life circumstances and become alcohol and drug free. The foundation of our 15-month intensive supervision program is honesty and accountability. The primary components for the five-phase program include regular court appearances, chemical dependency assessment, treatment assessment, random alcohol and drug testing, home visits, case management meetings, case plans, attendance of community support groups, obtain employment or pursue education, participate in pro-social activities and pay program fees.

OCDC utilizes evidence-based practices in its delivery of services and works in collaboration with community providers for chemical health and supportive services. Cognitive behavioral programming and enhanced mental health services are inherent pieces of the program. Persons who suffer from co-occurring disorders (chemical and mental health issues) present a growing challenge for the program. In response, a Mental Health Therapist will be administering mental health screens for participants in the program.

Mission Statement

Olmsted County Drug Court mission is to decrease the input of drug and alcohol dependency, promote public safety and form partnerships with the participants, community, and Criminal Justice System. These partnerships will use established Evidenced Base Practices to promote effective treatment approaches thereby reducing costs to the community and reducing recidivism.

Goals

- Reduce criminal recidivism among participants who have a moderate or severe substance use disorder and who are at high risk to re-offend.
- Reduce illegal drug usage by facilitating client sobriety.

-
- Improve community functioning in the areas of employment, education/training and housing.

Drug Court Team

The Drug Court Team is a multidisciplinary working group acting in furtherance of the mission statement and goals set forth herein. The team is led by the Presiding Drug Court Judge. The team members include:

Presiding Drug Court Judge - Third Judicial District Court:

The Presiding Drug Court Judge leads the team in decision making and holds participants accountable for their progress by use of sanctions and incentives at regular judicial supervision hearings. The judge provides input to the team and clients about the behavior witnessed while in drug court.

Drug Court Coordinator/ Probation Officer- DFO Community Corrections:

The Drug Court Coordinator is a Probation Officer who ensures the program is in compliance with agreed upon policy and protocols. They are also responsible for the operation as well as appropriate and timely completion of proposed Drug Court program activities. Some of these activities include monitoring and providing input, providing notifications in the pre-admission staffing process, statistical summary information, ensures the program follows evidence-based practices and supervision of clients. The coordinator also assists by determining eligibility, facilitates case flow, monitors meeting goals and objectives on appropriate timelines. They also provide input to the National Drug Court model in addition to monitoring the participating agencies to ensure quality assurance.

Probation Officer - DFO Community Corrections:

The Probation Officer provides intensive supervision of clients while using the broad range of rehabilitative and case management services on the Drug Court continuum. The Probation Officer designates a representative(s) to attend all staffing and supervision hearings. They are responsible for assisting in determining eligibility, conducts risk and needs triage tool (*RANT Assessment, full explanation on page 10), organizes and presents progress/adjustment information at staffing, participates in review hearings and offers suggestions for appropriate responses to client behavior and progress in the program.

Drug Court Assistant County Attorney - Olmsted County Attorney's Office:

The prosecuting attorney assists in the determination of eligibility, attends all staffing and judicial supervision hearings and assists in the decision-making process. The Prosecuting Attorney represents the ongoing public safety perspective in the process and makes recommendations for correctional response for non-compliant participants.

Drug Court Defense Attorney – Public Defender’s Office:

The Defense Attorney advocates for client’s access and then continued participation in Drug Court. They assure confidentiality requirements are met, attends all staffing and provides ongoing legal representation and advocacy in the judicial supervision process. In addition, the defense attorney makes a constitutional guarantee that any legal proceeding follows due process and must be found to be fair before being deprived of life, liberty or property.

Drug Court Law-Enforcement - Olmsted Sheriff’s Department & Rochester Police Department

Our local law enforcement agencies assist in maintaining public safety. The primary focus is providing community supervision. The law enforcement partners assist in determining client eligibility and attend staffing to provide information and perspective from law enforcement regarding community adjustment.

Treatment Provider Representatives from participating programs:

There are a few treatment providers from various programs we have partnered with for client success. (see Appendix E, Drug Court Treatment Providers) These providers assist in determining eligibility and attend all staffing and judicial supervision hearings. They are able to provide input on various appropriate treatment strategies as detailed in the Treatment Program Memorandum of Understanding (see Appendix F).

Mental Health Therapist: DFO Community Corrections

The Drug Court Mental Health Therapist participates in staffing meetings to work with the team to identify and assess clients who are in need of mental health services. If the client needs services the therapist provides short-term therapeutic intervention, assists with referrals to community mental health services, screens clients for trauma and traumatic stress related issues as well as provides ongoing monitoring and coordination of mental health needs.

Chemical Health Assessor:

The Chemical Health Assessors use a Rule 25 assessment to refer clients to our preferred treatment providers. The Rule 25 assessment is intended to assess chemical health and determines appropriate treatment for each client. In addition, the assessment determines eligibility for public funding. The assessor also assists in determining eligibility and attends staffing and judicial supervision hearings to provide perspective regarding behavioral health issues and services.

Evaluator:

A drug court evaluator assists the Drug Court Team in developing, capturing and communicating useful as well as useable information for key stakeholders and other audiences

Steering Committee

The Drug Court Steering Committee is an interdisciplinary work group that oversees the policies and procedures of the Drug Court program. The participants include:

- Presiding Drug Court Judge - Third Judicial District Court
- Drug Court Coordinator - DFO Community Corrections
- Olmsted County Attorney - Olmsted County Attorney's Office
- Defense Attorney - Chief Public Defender
- Law-enforcement representative– Rochester Police Department and Olmsted County Sherriff's Office
- Director of Corrections- DFO Community Corrections
- Community Representatives

Program Structure

The Olmsted County Drug Court is a voluntary, post sentence program that utilizes a multi-faceted approach to achieve the mission and goals of the program. Once a participant has voluntarily entered the Drug Court program, they are required to remain in the program.

At Drug Court sentencing on a presumptive executed sentence, defendant is provided and signs a copy of the Drug Court Sentencing Order (see Appendix A), Probation Rules (Appendix B), Participant Agreement (Appendix C) and Waiver of Medical Privilege (Appendix D).

The program is a minimum of 15 months in length where participants are under intensive supervision by probation. Participants have frequent appearances before the Drug Court Judge, participation chemical dependency treatment, aftercare, or alternative programming. regular attendance at community support groups, cognitive-behavioral group therapy, mental health interventions and random drug testing. Upon completion, the program encourages and offers continuing care.

Failure to comply with Drug Court conditions may result in sanctions, including but not limited to community work service, Sentence to Service (STS) - a supervised work program that involves community improvement and restoration projects, local incarceration, and/or commitment to the Department of Corrections. Violations may result in probation violation reports or in the issuance of an Apprehension Order or Arrest and Detention Order. Probation violation and/or revocation proceedings are conducted in Drug Court.

Drug Court uses all the remedies, except diversion, available to a sentencing Judge in Olmsted County for disposition of cases. The available options include: Stay of Imposition, Stay of Execution, and Commitment to the Commissioner of Corrections for certain participants who have failed in the program and have a stayed prison sentence.

Eligibility Criteria

Olmsted County residents who are charged with or convicted of a felony level offense may be eligible to voluntarily participate in Drug Court.

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

1. Been determined as having a moderate or severe chemical use disorder according to the Rule 25 or chemical health assessment.
2. Had been administered the RANT* and LS-CMI and have been determined to be high-risk.

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

*RANT® is an assessment tool developed by TRI Research is designed to identify those risks and needs for offenders that have been proven by research to predict a poorer response to standard supervisory or treatment requirements. The RANT calculates risk factors and needs factors to place the offender in one of four quadrants: high risk/high need, high risk/low need, low risk/high need, and low risk/low need. The target population for Drug Court is high risk/high need.

| Risk | | | |
|-------|------|------|-----|
| Needs | High | High | Low |
| | | X | |
| | Low | | |

The Level of Service/Case Management Inventory (LS/CMI) is an assessment that measures the risk and need factors of late adolescent and adult offenders. The LS/CMI is also a fully functioning case management tool. This single application provides all the essential tools needed to aid professionals in the treatment planning and management of offenders in the criminal justice system.

3. Client must be age 18 or older and a resident of Olmsted County.

“**Resident**” means a person who—

- has continuously inhabited Minnesota for at least 1 year prior to the commission of the offense for which the client is under supervision; and
 - Olmsted County shall be the primary place of residence for clients at the time of acceptance into Drug Court and through the duration of his/her participation in the program.
 - Client must be a U.S. citizen or otherwise residing in the United States lawfully and not subject to removal proceedings
4. Clients must enter the OCDC voluntarily, demonstrate full understanding and acceptance of OCDC rules and expectations, his/her obligations, the consequences of not meeting those obligations, and the rewards of successfully meeting those obligations.

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5. Client must be suitable for enhanced supervision as part of the OCDC, as evaluated by the client's willingness and motivation to enter the OCDC, history of chemical dependency, history of mental illness, treatment history, probation history, and amenability to treatment in a probationary setting.
 6. Client must have the ability to participate in all aspects of the OCDC as it relates to mental health, physical health, cognitive ability, and English language proficiency.
 7. The client must be sentenced or has entered a plea for a felony level offense that was motivated by a substance use disorder that would result in a presumptive executed prison sentence under the Minnesota Sentencing Guidelines or have violated probation for a previous charge which meets eligibility criteria.
 8. The client has demonstrated prior criminal activity in which the use of chemicals was a clear contributing factor.

Disqualification Criteria

Mandatory Disqualification Criteria

Clients will not be eligible for the OCDC if the current charged offense(s), or the offense(s) of conviction, include any of the following:

- Homicide (all levels)
- Criminal Sexual Conduct in the First, Second, Third or Fourth Degrees
- Possession/Manufacture of Pictorial Representation of Minors
- Assault in the First, Second, Third, or Fourth Degrees
- Great Bodily Harm Caused by Distribution of Drugs
- Felony Domestic Assault
- Felony Stalking with a Dangerous Weapon
- Felony Domestic Assault by Strangulation
- Felony Malicious Punishment of a Child
- Felony Neglect or Endangerment of a Child
- Theft of a Firearm
- Ineligible Person in Possession of a Firearm/Ammunition
- Burglary in the First Degree
- Arson in the First and Second Degrees

-
- Criminal Vehicular Operation
 - Criminal Vehicular Homicide
 - Kidnapping
 - False Imprisonment
 - Predatory Offender Registration Violation
 - Robbery (All Levels)
 - Crime Committed for the Benefit of a Gang
 - Possession/Reckless Use of Weapons (All Levels)
 - Drive by Shooting
 - Witness Tampering
 - Any crime deemed Violent Offender under *42 U.S.C 3797u-2

*42 U.S.C 3797u-2 shall not be accepted into the OCDC. Under this code a “violent offender” means a person who (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 offense or conduct – (A) the person carried, possessed, or used a firearm or dangerous weapon; (B) there occurred the death of or serious bodily injury to any person; or (C) there occurred the use of force against the person of another without regard to whether any of the circumstances described in subparagraph (A) or (B) 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 conviction(s) for 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.

Clients will be ineligible if any of the following are present:

- The defendant is demonstrated to be an integral part of a distribution or manufacturing network or actively engaged in crimes to benefit a gang, which can be demonstrated by:
 - a. Search warrants,
 - b. Documentation from prior or ongoing police investigations, or
 - c. Prior arrests or charges.
- If any such disclosure would compromise an ongoing investigation, the information may be communicated confidentially to the Drug Court Judge.
- The defendant is on Department of Corrections (DOC) supervised release in Minnesota or active parole from another state.

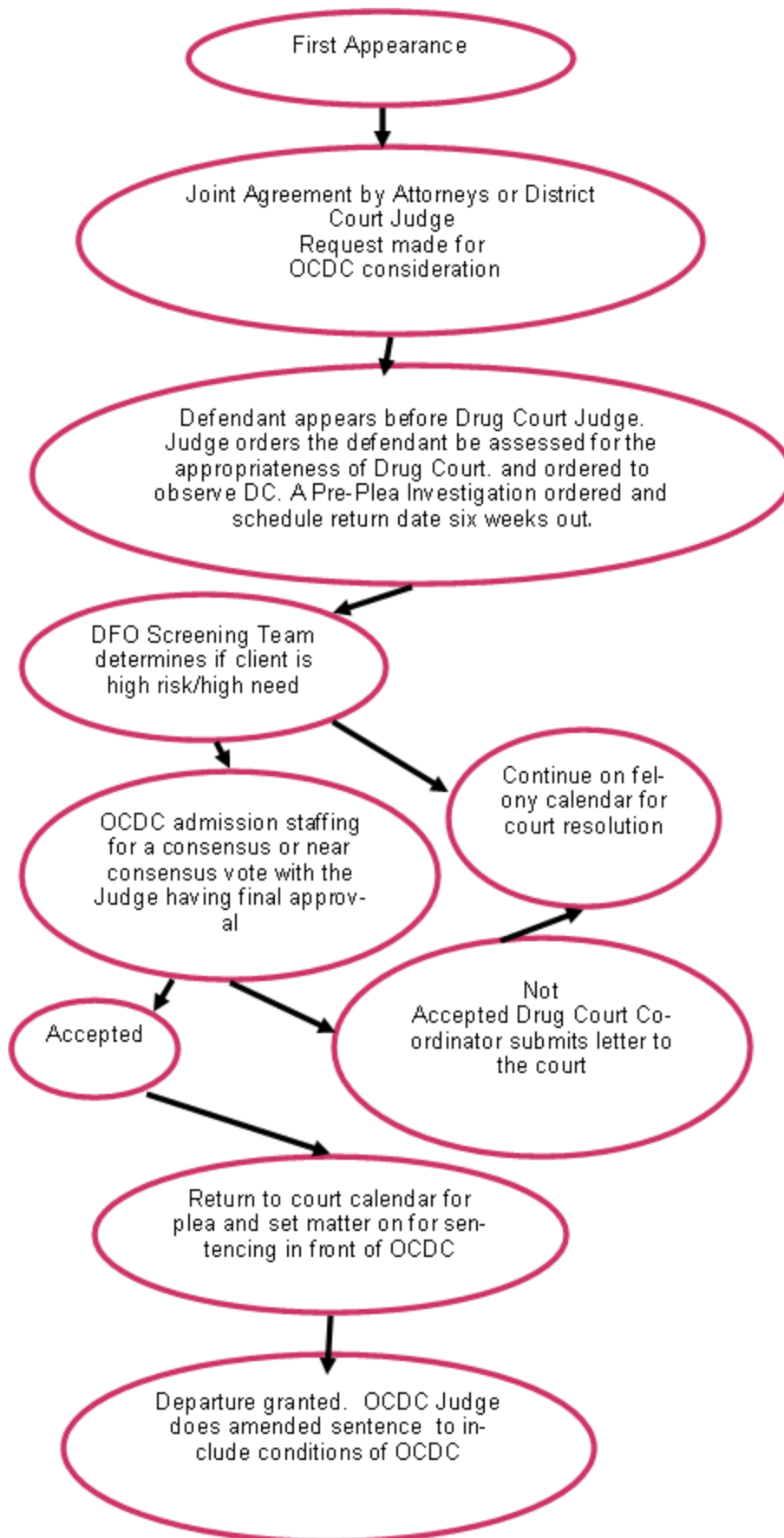
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- Has less than three years of expiration or probationary period of time.
 - Score of 34 or higher on the LS-CMI within the last year will not be eligible for Drug Court.
 - Prior unsuccessful discharge from a similar specialty court program.
 - The defendant suffers from mental incapacity that prohibits his or her ability to participate in treatment or the Drug Court program.
 - The diagnosis of a severe mental illness characterized by symptoms that may inhibit the client from meaningful participation or that may detrimentally impact others in the OCDC. Participants may be required to undergo a mental health evaluation prior to acceptance into the OCDC.
 - A medical condition that is beyond our level of care or requires immediate and intensive treatment and may prevent participation in the OCDC or pose a risk to the OCDC Team or clients, Reasonable accommodations will be made to allow participation in the OCDC provided that the rules and expectations of the OCDC can be substantially met..

Referral Process for New Criminal Behavior related Presumptive Executed Prison Sentences

Defendants charged with a felony level presumptive executed prison sentence may be referred to Olmsted County Drug Court (OCDC). Clients are admitted after meeting eligibility criteria by the DFO Intake Team and upon acceptance by the OCDC team.

1. Referral process to the OCDC begins with a joint agreement by attorneys or District Court Judge.
2. Judge orders the defendant be assessed for the appropriateness of Drug Court. District Court will schedule return date six weeks out.
3. DFO Screening Team determines if client is high risk/high need.
4. If the defendant is determined to ineligible the case will continue on the court calendar for resolution.
5. The OCDC team will conduct a preadmission staffing and make an eligibility determination based on a consensus or near consensus vote, with the Judge having final approval.
6. The OCDC's decision will be conveyed in writing immediately with notification to the Judge and attorneys on the case.
7. If the defendant is accepted the matter is returned to the felony calendar for plea and sentencing.

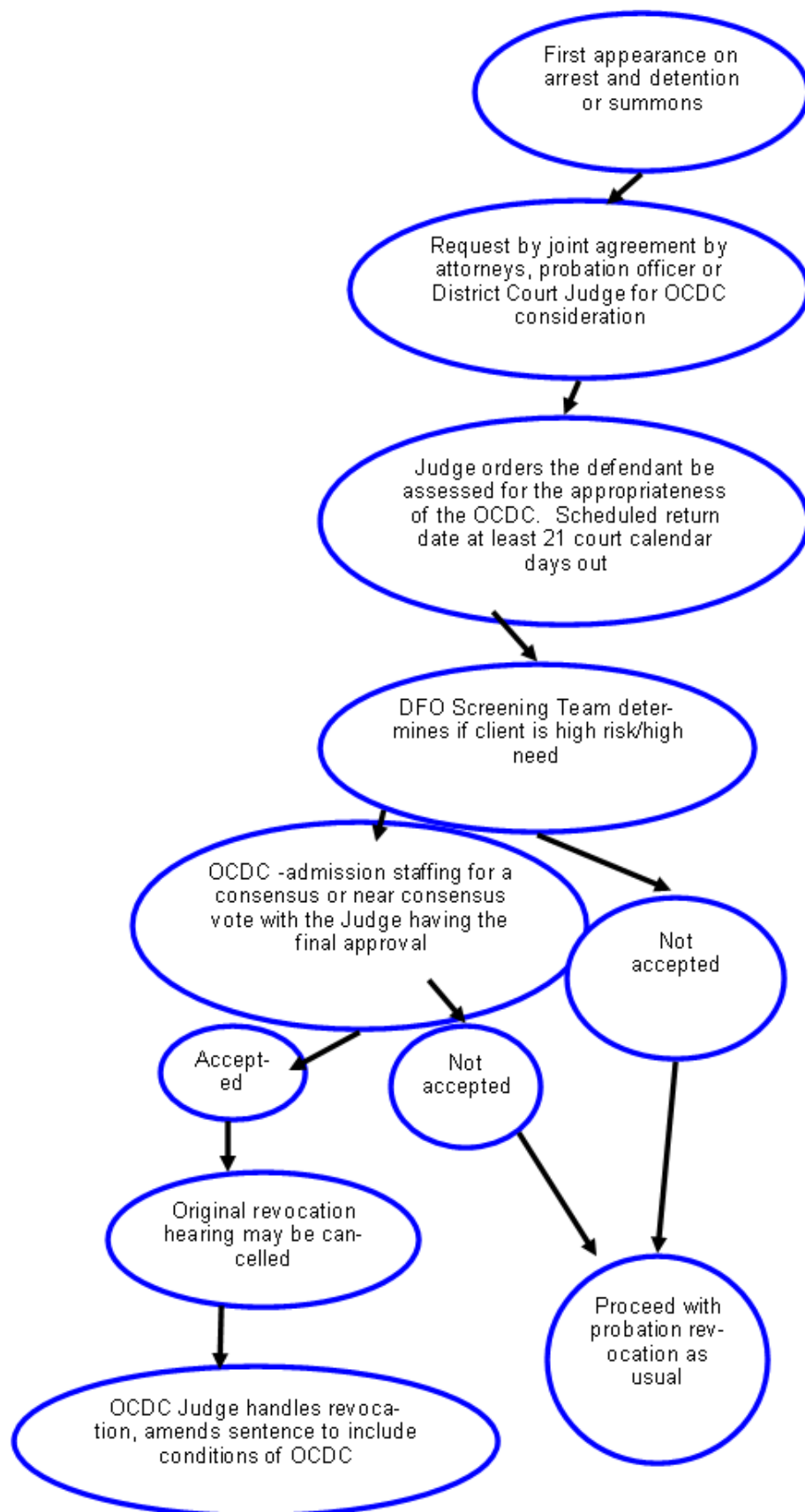
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8. At the sentencing hearing the Judge can determine to grant the departure and the defendant's sentence will be modified by the District Court Judge to include the conditions of OCDC. Final disposition will be determined by the OCDC Judge. OR
 9. The defendant may not be accepted into OCDC and the matter will return to the felony calendar for resolution.



Referral Process for Probation related Presumptive Executed Prison Sentences

Clients on probation for a felony level presumptive executed sentence facing revocation due to noncompliance may be referred for probation restructuring through the Olmsted County Drug Court (OCDC). Clients are admitted after meeting eligibility criteria and upon acceptance by the OCDC.

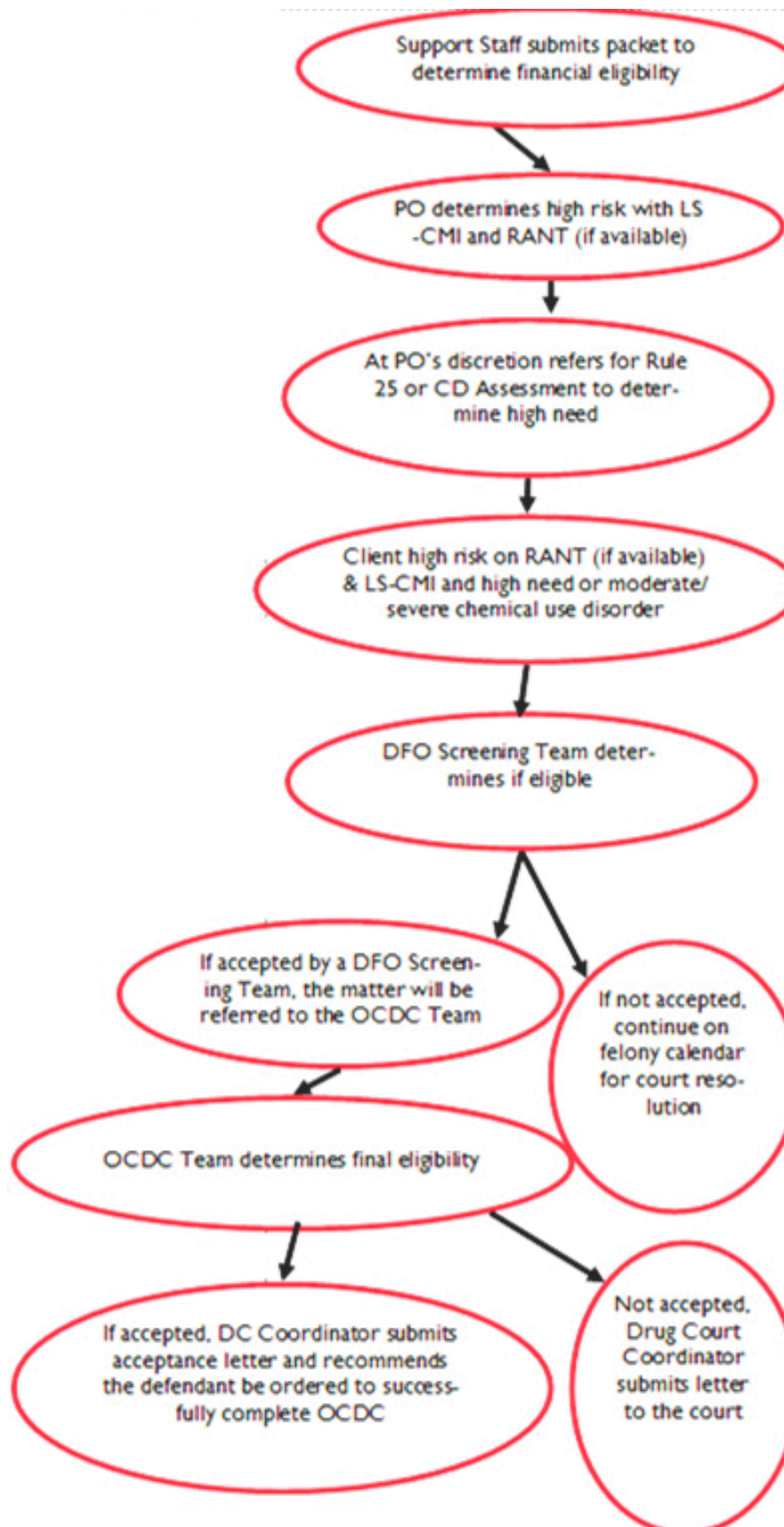
- Client makes his/her first appearance on an arrest, summons, or revocation hearing.
- Request by joint agreement by attorneys, probation officer or District Court Judge for OCDC consideration.
- Judge orders the defendant be assessed for the appropriateness of OCDC. Scheduled return date of at least 21 days court calendar days out.
- DFO Intake Team determines if client is high risk/high need.
- If the defendant is determined to be ineligible the case will be returned to the court calendar for resolution.
- If the defendant is accepted, it will be referred to the OCDC team to conduct a preadmission staffing and make an eligibility determination based on a consensus or near consensus vote with the Judge having the final approval.
- The OCDC team's decision will be made in writing and notification will be made to the probation officer, and attorneys.
- If the client is accepted into OCDC the matter will be scheduled for resolution in OCDC and the next probation violation hearing calendar appearance may be cancelled. The revocation will be resolved by the OCDC Judge and any final dispositions will rest with the OCDC judge.
- If the client is not accepted into OCDC the matter will be set back on the court



DFO Screening Process for Intake Referrals on Presumptive Executed Sentences

Policy:

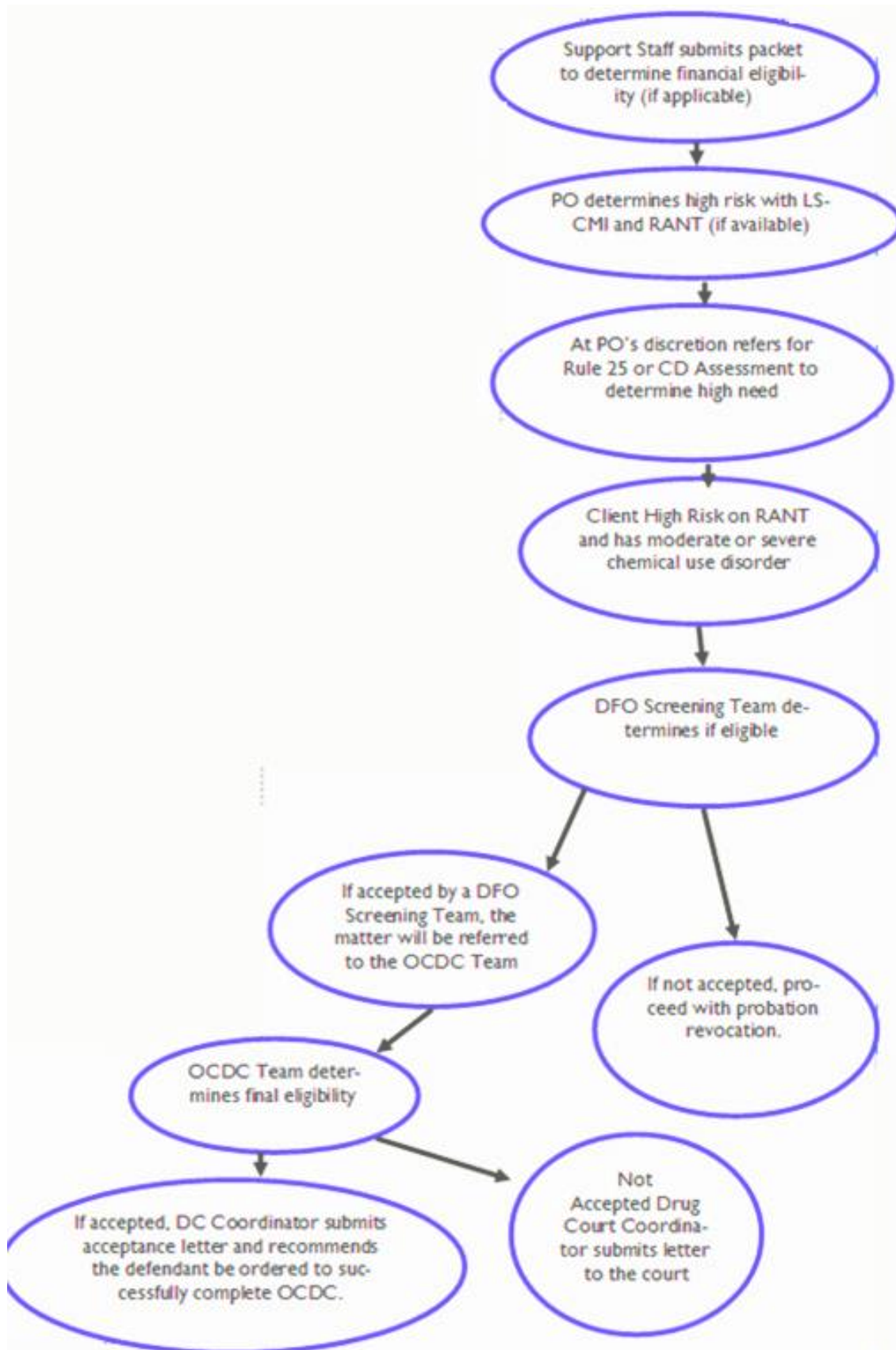
- Probation officer will administer the LS-CMI and the RANT (if available) to determine high risk.
- At Probation Officer's discretion, a referral will be made for the defendant to either complete a Rule 25 Assessment if financially eligible or CD Assessment to determine if the defendant is high need or determined to have a moderate/severe chemical use disorder.
- If the defendant is high risk/high need and a DFO Intake Team determines that the defendant is an appropriate referral for DC. Intake Probation Officer will contact Drug Court Coordinator to schedule a pre-admission staffing with the DC Team.
- If accepted by a DFO Intake Team, the OCDL Team will conduct a pre-admission staffing and make a final eligibility determination.
- If not accepted by a DFO Intake Team, the matter will continue on the felony calendar for court resolution.
- If the defendant is eligible by the OCDL Team, Drug Court Coordinator submits acceptance letter to the court and recommends the defendant be ordered to successfully complete OCDL.
- If defendant is determined to be ineligible by the OCDL Team, the Drug Court Coordinator will submit letter to the court articulating why the defendant was ineligible.



DFO Screening Process for Probation Referrals on Presumptive Executed Sentences

Policy.

- Probation Officer completes the LS-CMI and administers the RANT (if available) to determine high risk.
- At Probation Officer's discretion, a referral will be made for the client to complete a Rule 25 Assessment, if financially eligible or CD Assessment to determine if the client is high need or determined to have a moderate/severe chemical use disorder.
- If the client is high risk/high need and a DFO Intake Team determines that the defendant is an appropriate referral for DC, Probation Officer will contact Drug Court Coordinator to schedule a preadmission staffing with the DC team.
- If accepted by a DFO Intake Team, the OCDC Team will conduct a pre-admission staffing and make a final eligibility determination.
- If not accepted by a DFO Intake Team, the matter will continue with probation revocation as usual.
- If the client is eligible by the OCDC Team, Drug Court Coordinator submits acceptance letter to the court and recommends the client be ordered to successfully complete OCDC.
- If client is determined to be ineligible by the OCDC Team, the Drug Court Coordinator will submit letter to the court articulating why the client was ineligible.



Phases

The Olmsted County Drug Court program is a five-phased, highly structured program lasting a minimum of 15 months; the length of time varying on a participants individual progress. Participants remain on administrative probation after the last phase until probation expires.

Requirements for all phases:

- Attend all court and office appointments
- Urine analysis tests a minimum of 2 x week (Random)
- Individualized treatment and case plans
- Drug Court Fee's
- Meet with Mental Health Professional

Phase #1

Length of phase: A minimum of 60 days

Requirements:

1. Successfully complete OCDC orientation.
2. Drug Court attendance 2 x month & office visits weekly.
3. Curfew from 8:00pm—6:30am.
4. Attend & participate in treatment.
5. Start support groups as recommended by treatment, introduce recovery coach/mentor, sponsor.
6. Subject to home visits at the discretion of his or her probation officer and law-enforcement.
7. Work with Case Manager to develop case plan and treatment plan.
8. Pay Drug Court fee of \$100 (50% incentive based).
9. Must meet with the Drug Court Team Mental Health Professional prior to phase advancement.
10. At least 14 days of demonstrated abstinence from the use of chemicals. If a relapse occurs, length of sobriety prior to phase advancement is at the discretion of the Drug Court team.

Phase #2

Length of phase: A minimum of 90 days

Requirements:

1. Court & Office Visits 2 x month.
2. Curfew from 8:30pm –6:30am.
3. Attend/ participate in treatment (demonstrate engagement), continue to work toward case plan & treatment goals.
4. Explore employment, education, volunteerism/community service.
5. Obtain support groups, recovery coach, mentor or support groups.
6. Subject to home visits at the discretion of his or her probation officer and law-enforcement.
7. Pay Drug Court fee of \$200 (50% incentive based)
8. Must meet with the Drug Court Team Mental Health Professional prior to phase advancement
9. At least 30 days of demonstrated abstinence from the use of chemicals. If a relapse occurs, length of sobriety prior to phase advancement is at the discretion of the Drug Court team.

Phase #3

Length of phase: A minimum of 90 days

Requirements:

1. 2 x month court & office visits.
2. Continue to attend/participate in TX & case plan goals.
3. Evaluate for Cognitive Behavioral Therapy and place if ready.
4. Curfew from 9:00pm –6:30am.
5. Attend monthly Alumni Group meetings.
6. Subject to home visits at the discretion of his or her probation officer and law-enforcement.
7. Work on stable housing and build support group.
8. Must obtain employment, education, volunteerism/community service.
9. Demonstrate pro social activities.
10. Pay Drug Court fee of \$300 (50% incentive based)

11. Must meet with the Drug Court Team Mental Health Professional prior to phase advancement.

12. At least 45 days of consecutive abstinence from the use of chemicals. If a relapse occurs, length of sobriety prior to phase advancement is at the discretion of the Drug Court team.

Phase #4

Length of phase: A minimum of 90 days

Requirements:

1. Court & office visits monthly.
2. Continue TX goals, CBT, attend relapse prevention.
3. Curfew from 9:30pm—6:30am.
4. Subject to home visits at the discretion of his or her probation officer and law-enforcement.
5. Maintain & demonstrate pro social activities.
6. Pay Drug Court fee of \$300 (50% incentive based)
7. Work on employment/school.
8. Must meet with the Drug Court Team Mental Health Professional prior to phase advancement.
9. At least 60 days of consecutive abstinence from the use of chemicals. If a relapse occurs, length of sobriety prior to phase advancement is at the discretion of the Drug Court team.

Phase #5

Length of phase: A minimum of 120 days

Requirements:

1. Court, Office visits monthly, Curfew from 10:00pm –6:30am.
2. Completion of TX, CBT, met case plan goals.
3. Subject to home visits at the discretion of his or her probation officer and law-enforcement.
4. Maintain established support group, sponsor, mentor and demonstrate pro-social activities.
5. Must be working or in school or participating in job training/skills.

-
6. Payment Drug Court fee of \$300 (50% incentive based)
 7. Must meet with the Drug Court Team Mental Health Professional prior to phase advancement.
 8. At least 90 days of consecutive abstinence from the use of chemicals. If a relapse occurs, length of sobriety prior to phase advancement is at the discretion of the Drug Court team.
 9. Submit graduation “life plan” application w/ continuing care and aftercare plan and present in front of the Drug Court team

Incentives and Sanctions

Policy

Drug Court uses graduated incentives and sanctions to encourage defendants to remain sober, abide by the law, and to successfully complete the Drug Court program. Because each defendant’s situation is unique the Olmsted County Drug Court does not systematically prescribe incentives or sanctions; rather, the team discusses the situation and decides upon an appropriate response. Decisions concerning incentives and sanctions are made by Drug Court Judges, based upon evidence-based best practices recommendations of the Drug Court Team. Sanctions are applied at an appropriate level to maximize certain and immediate consequences for their actions.

Procedures

Incentives: If the defendant attains milestones in his or her compliance with supervision, recovery and his or her progress reports reflect marked improvement or successful completion of treatment, the judge may acknowledge the defendant’s success with incentives, including:

Incentives

| Low | Moderate | High |
|--|---|--|
| <p>Verbal Praise</p> <p>Verbal praise is provided for most routine accomplishments in Drug Courts include timely attendance at appointments and participation in treatment related discussions or activities.</p> <p>This is especially important during Phase 1 of the program, when participants have a relatively harder time satisfying basis expectations.</p> <p>All team members should be prepared to offer praise at or near the time that accomplishments are achieved for example, immediately after a productive counseling session or a negative urine test.</p> <p>The judge later reinforces the praise during court hearings.</p> | <p>Reduced Community Restrictions</p> <p>Many Drug Courts impose curfews and area restrictions on participants as a condition of entry into the program.</p> <p>After participants maintain abstinence they may be rewarded with a later curfew one night out of the week.</p> | <p>Reduced Supervision Requirements</p> <p>Participants who have made substantial progress in Drug Court are commonly incentivized by reducing their supervision obligations. For example, they may be permitted to attend less frequent probation appointments or status hearings. Examples include:</p> <ul style="list-style-type: none"> • Less Frequent probation appointments • Less frequent status hearings. <p>Supervised Day Trips: Reserved for participants in the last phase of the program who are recognized for leaving the “offender role” and assuming a role of “citizen”. Examples include: Fishing trips, movie outings, bowling etc.</p> |
| <p>Recognition in Court</p> <p>Formal recognition is provided in court when participants reach milestones in the program.</p> <ul style="list-style-type: none"> • Handshake from the Judge. • Round of applause. | <p>Moderate Tangible Rewards</p> <ul style="list-style-type: none"> • Gift certificates • Movie passes • Hair cuts • Work or school clothing • Gas cards | <p>Large Tangible Reward</p> <p>Participants may earn tangible rewards of more substantial value or impact. Common examples:</p> <ul style="list-style-type: none"> • Concert or sports tickets • Waiver of CWS • Health club membership. |

| Low | Moderate | High |
|--|----------|--|
| <p>Symbolic Rewards</p> <p>Symbolic rewards maybe inexpensive, but they have high emotional impact in the recovery community.</p> <p>Examples, sobriety chips, medallions, copies of addiction readings such as the AA “Big Book”</p> | | <p>Ambassadorship</p> <p>This enables participants or alumni to represent the Drug Court to outside agencies such as the public, church groups, legislators or media.</p> |
| <p>Fishbowl Drawings</p> <p>Weekly drawings with low value prizes with the opportunity of one or two larger value prizes.</p> <p>Posted Accomplishments</p> <p>Evidence of exceptional accomplishments maybe openly posted in the Drug Court.</p> <ul style="list-style-type: none"> • Pro-sobriety artwork • Photos of participants receiving rewards • Letters of commendation from employers or teachers | | <p>Commencement Ceremony</p> <p>Virtually all Drug Courts put great thought and effort into their commencement or graduation ceremonies.</p> <ul style="list-style-type: none"> • Graduation robes/ceremony. • Pictures taken with Judge/Staff • Congratulation speeches • Graduation cake. |

Sanctions

If the participant does not comply with supervision and treatment rules there may be an internal response by the treatment provider. In addition, the judge may impose sanctions for violations of court orders and/or the terms and conditions of probation, including:

| Low | Moderate | High |
|--|--|--|
| <p>Verbal Admonishments</p> <p>May be delivered by any staff member and are ideally delivered at or near the time of an infraction has occurred with the judge reinforcing.</p> <ol style="list-style-type: none"> 1. Clarify the nature of the infraction 2. Emphasize the expectation of compliance in the program. 3. Indicate what sanctions await future transgressions. <p>Letters of Apology</p> <ul style="list-style-type: none"> • Non-compliant or inappropriate behavior • May have to read letter in front of court <p>Jury Box Observation</p> <p>Non-compliant participants sit in the jury box or other designated area of the courtroom to observe the Drug Court proceedings. More serious or repetitive infractions, participants may be required to observe non-drug court</p> | <p>Increased Supervision Requirements</p> <ul style="list-style-type: none"> • More frequent probation appointments • Status hearings • More frequent UA's <p>Essay Assignments</p> <p>Common Topics:</p> <ul style="list-style-type: none"> • Definition of recovery • Relapse triggers • Drug refusal skills • Managing cravings • Lying and dishonesty • The disease of addiction • The impact of addiction on the family • The role of treatment <p>Cognitive Behavioral Therapy</p> <p>Participants who have consistently struggled with thinking errors</p> <p>Team Round-Tables</p> <p>Typically used for participants who are in danger of failing out of Drug Court due to non-compliance with basic</p> | <p>Day Reporting</p> <p>Required activities may include:</p> <ul style="list-style-type: none"> • Drug testing • Counseling sessions • Restriction of free time <p>Electronic Surveillance</p> <ul style="list-style-type: none"> • Ankle monitor • SCRAM device <p>Home Detention</p> <ul style="list-style-type: none"> • Participants remain in their home except for specifically authorized activities, such as work, school or treatment. <p>Flash Jail Sanctions</p> <ul style="list-style-type: none"> • Ideally one to five days in jail • May be served on weekend or other pre-planned time. <p>Termination</p> <p>Participants may subsequently be sentenced on the original charge(s), have their probation or SR revoked,</p> |

| Low | Moderate | High |
|---|---|---|
| proceedings, such as bail hearing or criminal trials. | expectations. Entire Drug Court team meets with the participant to avoid triangulation of staff manipulation. | or receive a jailor prison disposition. |

Treatment Protocol & Therapeutic Responses

Treatment Protocol

The type of chemical dependency treatment services to be used by Drug Court will be determined by the Rule 25 assessment or chemical health assessment, with input from the Drug Court Team. The Drug Court program has several participating treatment providers who provide treatment services and serve on the team (please see Appendix E for a list of preferred providers). The treatment providers are required to participate on the team when a participant is engaged in services. Drug Court participants will be required to successfully complete an individualized treatment plan as approved by their treatment provider and probation officer. The intensity of each treatment plan depends on the participants chemical dependency and mental health needs. Referrals to treatment services will be available based on considerations provider, will be encouraged to participate in treatment at one of the selected Drug Court treatment providers.

Therapeutic Responses

The Drug Court team may respond to a participant's continued drug and alcohol use, relapse, behavioral problems, or a lack of progress in treatment with a therapeutic response. This type of response is distinguished from a sanction in that it is intended to aid in addressing underlying problems or issues. In cases where the participant has exhausted treatment services, or is otherwise ineligible for treatment, the therapeutic response may be the only intervention used by the court. Examples of therapeutic responses include:

- 90 community support meetings in 90 days or daily meetings
- Relapse prevention programming
- Anger management programming
- Relapse grid (increased level of supervision/monitoring/drug testing and ineligibility for phase advancement)
- Mental health counseling

Probation/Case Manager Supervision Protocol

Probation Supervision Protocol

The type of supervision model that is used to supervise and monitor the Drug Court participants will consist of enhanced supervision by Olmsted Community Corrections.

Each participant is referred to a probation officer specifically assigned to the OCDC for case planning, monitoring accountability, and direct service. Probation Officers/ Case Managers will conduct an LS-CMI (Level Services Case Management Inventory) and RANT on each program participant.

The foundation of supervision is individualized case management which means that a comprehensive individualized case plan is developed with and signed by each client. The case plan is based on the LS-CMI and includes identifying the risk and criminogenic need, review conditions, assess motivation, identify client strengths, identify client triggers, build the plan and put the plan into action. The probation officer/ case manager will assist with the client's accomplishment of his/her goals, supportive housing, employment skills training, GED classes, childcare, transportation and other needs.

Probation contacts may take place at the Government Center in Rochester, MN or at the participant's home, school, or place of employment. Contacts are both scheduled and unscheduled. Probation officers may make unannounced home checks and be accompanied by law enforcement.

The probation officer/ case manager provides information on each participant to the team and attends weekly judicial staffing and reviews. Probation officers/ case managers are expected to be familiar with a wide diversity of resources available to their clients in the community and assist participants in obtaining the necessary services and programs.

Drug Testing

Drug testing is used to support positive behavioral changes, and to provide accountability both for Drug Court participants and the public.

Procedure and Protocol

The OCDC relies on DFO Community Corrections & Olmsted County Detention Staff, for assistance with drug testing participants. Drug Testing Procedures is conducted in accordance with their drug testing protocol (Appendix I: OCDC Drug and Alcohol Testing Policy). Drug testing should always be random and observed the tests may take place at treatment, the participant's residence, Probation office or jail. Participants are on random drug testing, participants are assigned a code and given an 1-800 number. Drug court participants will call into the automated call system every day for participants

to see if they are scheduled to be tested that day. Drug testing will be administered 7 days a week between 1:00pm—5:30pm.

Frequency of testing is established by the Drug Court Team. The court may order a participant screened either before or during a judicial supervision hearing if the Drug Court team or the judge feels it is necessary. Both the treatment counselor and the probation officer have access to on-site testing devices for immediate testing

Clients choosing to participate in the Olmsted County Drug Court must agree to cease the use of all mood-altering substances, including alcohol, regardless of whether the participant abuses alcohol. Drug Court participants are advised during the orientation process with probation and the treatment providers as to the consequences of a positive result, a low creatinine level, and other forms of adulteration, tampering, or a failure/refusal to test.

The drug testing protocols and policies are general guidelines and are not considered to be all inclusive

Positive Drug Tests

A missed drug test is considered a positive test and is subject to graduated sanctions. Participants are informed of positive results in treatment or by probation and are required to discuss why the results show positive with the judge on their next court appearance. All positive drug tests, whether performed by probation or treatment, are subject to confirmatory testing. Consequences or sanctions are imposed for continuing substance use and continuing in relapse. Invalid drug screens due to temperature, specific gravity, or creatinine level are also considered as positive. Tampering with drug screens is a serious violation that will result in a sanction and could result in expulsion from the program..

Prohibited Substances

Participants are required to abstain from alcohol-based products, all controlled substances and food products that may result in a positive drug test. (see Appendix G: Prohibited Substances Agreement).

Physician-Prescribed Medications

Participants are required to furnish verification from their physician for any prescribed medication in advance of testing or when changes occur. Participants must furnish the treatment provider and probation with a complete list of prescription and non-prescription drugs currently being used. The participant must sign and date the list and update probation of all changes.

Participants are required to have only one primary physician, one pharmacy, and one hospital. Pertinent medical documentation will be entered into the participant's case file. Notation of telephone conversations with the participant's physician should include the

date, name of physician, and specific relevant case information discussed. Letters from the physician prescribing drug therapy, and from the program providing drug therapy, will become part of the participant's case file.

The use of medication that contains controlled substances or alcohol is not allowed without the knowledge and consent of Drug Court and monitoring and supervision by treatment providers and probation. Participants are encouraged to work with their physician or medical professionals to avoid/limit the use of opiates, amphetamines, benzodiazepines, or any mood-altering drugs and to find non-addictive alternatives. If medications containing controlled substances must be used while participating in Drug Court due to medical necessity, the participant and their physician or medical professional must sign a Medical Notification and Verification Form (Appendix J) and return it to probation staff.

Medication-Assisted Treatment

Medication-assisted treatments (MAT's) have been shown to assist addicted offenders maintain sobriety. Olmsted County Drug Court does not prohibit the use of MATS. If medications containing controlled substances must be used while participating in Drug Court due to medical necessity, the participant and his/her physician or medical professional must sign a Medical Notification and Verification Form and return it to probation staff.

Unsuccessful Completion

Termination from the Drug Court program generally occurs only after other graduated sanctions have been imposed, and the participant continues to disregard program rules. Upon unsuccessful completion, the participant is brought before the court and the case is treated as a formal probation violation with disposition residing with the Drug Court Judge. The defendant is provided all rights and opportunities as any other individual facing a formal probation violation hearing. If the allegation is proven by clear and convincing evidence, then it can result in revocation of stayed local incarceration time

Grounds for Termination

The following is not an all-inclusive list of the reasons for termination from the Olmsted County Drug Court.

- Participants shall be terminated from the program for the following reasons:
 - Charged with an offense involving the use of a gun while in the program;
 - Absconding from the program for more than 30 days;
 - Defendant demands execution of sentence;
 - Convicted of an offense that carries mandatory prison time;
 - Commitment to DOC or federal prison for any amount of time;
 - Discovery of any failure to meet Eligibility Criteria.
- Participants may be terminated from the program for the following reasons:
 - Charged with a disqualifying offense while in the program;
 - Tampering with urine samples;
 - Convicted of an offense while a participant of Drug Court (Discretionary Basis);
 - Violence to staff, participants or property;
 - Threats or gestures of violence to staff, participants, or property.
 - Absconding from the program for 14 days
 - Multiple unsuccessful discharges from treatment
 - Failure to attend Drug Court sessions
 - General non-compliance with treatment or supervision
 - Continued disregard for program rules .

Graduation

Criteria

Participants must complete all five phases of the program and have participated in the program for at least 15 months to be considered eligible for graduation. Any exceptions to this must be approved by the Drug Court team and the Drug Court Judge. Near the end of the fifth phase participants must fill out (Appendix L: Pre-graduation packet) that is reviewed and approved by the Drug Court team. The Drug Court team must approve candidates for graduation.

Requirements

Each participant must meet the following minimum requirements prior to graduation:

- Complete the five phases of the Drug Court Program.
- Have at least 90 current, continuous, sober/clean days.
- Complete required treatment and aftercare.
- Complete cognitive behavioral group or other programming.
- Have a 12-step sponsor or support person as approved by Case Manager.
- Have no pending criminal charges.
- Pay all program fees and fines.
- Employed in/out of the home or in school full time or combination of work/school. Participants with a disability may be exempted from this requirement, however; they must have full-time involvement in productive activities as approved by probation officer.
- Complete a graduation “life plan” application (post-graduation sobriety plan).

Once approved for graduation by the Drug Court team, the participant will be scheduled for the graduation ceremony. The drug court graduate is encouraged to have family present and a support person speak on behalf of the graduate’s accomplishments in their life. Graduation ceremonies will be scheduled throughout the year.

Program graduates remain on probation for the remainder of their probation where they are expected to remain law abiding, chemically free, abide by probation supervision and keep probation updated with current address and telephone number contact information. Abstinence may be monitored by random urinalysis after graduation as ordered by the court. Failure to do so may result in reactivation of intensive supervision in Drug Court. Treatment providers are encouraged to provide support with aftercare programming as well as alumni meetings.

Drug Court Evaluation

The OCDC recognizes the importance of evaluating Drug Court and has partnered with the Continuous Improvement Team in Community Services. The OCDC program has identified a number of variables that we will track but not limited to the following:

- Participant Name
- SID Number
- Court Case Numbers
- Type of Charges
- Arresting Agency
- DOB
- Age at intake,/Age at end
- Gender
- Race
- Military Status
- DL Status
- Highest grade completed
- Employment Status
- Housing Situation
- Child Support Payments
- Court Type
- Date referred to Drug Court & Date Accepted into Drug Court
- Date of First Drug Court Services
- First Appearance in Drug Court
- Chemical Health Assessment Date & Chemical Health Assessment Tool
- Rant
- Risk Assessment Date & Risk Assessment Tool
- Risk Assessment Level & Score
- Substance of Use
- Drug Court Active
- Drug Court Graduated
- Program End Date
- Referral to First Treatment Episode & First Treatment Episode Date
- Received Medically Assisted TX & Medically Assisted TX drug used in the Program
- Final Risk Assessment tool & Risk Level & Risk Score
- Mental Health Diagnosis Final
- DL Status Final
- Highest Grade Completed Final

-
- Employment Status Final
 - Housing Situation Final
 - Current Child Support Payments Final
 - Jail Time Prior to Drug Court Acceptance
 - Days since his last known Substance Use
 - Compliance with Treatment Requirements
 - Reason for termination
 - Alumni Start/End date
 - Substance Use
 - Employment/ Alumni
 - Housing Situation/Alumni

Appendix

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Appendix A: Drug Court Sentencing Order

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

State of Minnesota

Case # 55-CR-_____

v.

Charge

Type: **Drug Court**

TERMS AND CONDITIONS OF SENTENCE

DRUG COURT CONDITIONS

✓ Enter and successfully complete the Olmsted County Drug Court program. Obey all rules of Drug Court. You cannot opt out.

Complete the following as directed:

- ✓ Chemical dependency treatment ✓ Restorative Justice ✓ Cognitive skills
 - ✓ Four sessions of the Introduction to Recovery Group
 - ✓ N.A. Newcomers Group
 - ✓ Community Support Groups
 - ✓ You must be available for home visits and random testing by Probation and/or law enforcement. You must also allow a search of your home to confirm that you do not have alcohol and prohibited substances in your home. The Court will impose a curfew depending on what appropriate phase you are involved in.
 - ✓ Do not use any alcohol or illegal or non-prescribed mood altering drugs. You must submit to drug testing as directed.
 - ✓ You are only allowed to use one hospital, one doctor, and one pharmacy.
 - ✓ Pay a Drug Court participant fee of \$_____ within _____ days.
- £ _____

Appendix B: Drug Court Sentencing Order Probation Rules

It is your responsibility to follow all of these general rules of DFO Community Corrections. If you have any questions about these rules or conditions of your probation, contact your Case Manager/ Probation Officer.

Call your Probation Officer/ Case Manager within 48 hours of sentencing and/or release from custody. If you do not have the name and number of your Probation Officer/Case Manager call the main number for Community Corrections 507-328-7200.

Obey all laws, including ordinances.

Submit to the electronic and/or physical search of you person and/or premises upon the request of a Probation Officer per the search and seizure policies of the Department of Community Corrections and Rehabilitation.

Report any arrests, charges, or contacts with law enforcement to your Case Manager/Probation Officer within 48 hours.

Meet with your Case Manager/Probation Officer as he/she directs.

Keep your Case Manager/Probation Officer informed of your current address, telephone number, and employment.

Do not leave Minnesota unless you have permission of your Case Manager/Probation Officer and you comply with all the rules of the "receiving state." Your Case Manager/ Probation Officer can help you complete the required forms.

Provide verification of your participation in and completion of, required services, programs or evaluations.

If you are required to register as a predatory offender, your Case Manager/ Probation Officer will help you with any required registration; this is however always your responsibility. If you are homeless and you are required to register, you must check in on a weekly basis at a local police station.

You will be required to sign a probation contract outlining all of your sentencing conditions.

It is your responsibility to stay in contact with Olmsted County Community Corrections.

Appendix C: Participant Agreement

STATE OF MINNESOTA

COUNTY OF Olmsted County

State of Minnesota

v.

DISTRICT COURT

THIRD JUDICIAL DISTRICT

Case # 55-CR-____ - _____

Charge: _____

Olmsted County Drug Court Participant Agreement

The purpose of the Olmsted County Drug Court is to promote public safety and to help me remain sober and help live me in recovery from chemical dependency or addiction to drugs and/or alcohol. I have been offered and accepted the opportunity to participate in this program.

I, _____, VOLUNTARILY AGREE TO THE FOLLOWING:

1. I will attend and complete any treatment program and/or support group, including AA/NA, that I am referred to by the Court. I agree to be supervised by persons designated by the Court. I will obey all rules of the treatment program and/or support group, provide verification of my participation and pay all required fees. I agree to sign the EtG Agreement and Waiver of Medical Privilege.
2. I will submit to urine, breath and other drug testing as ordered by the Court. I will not manipulate the results of any testing of me. I will control the intake of fluids so as not to dilute any urine sample. I will cooperate during random home visits by probation officers, police officers or other authorized agencies, including breath testing and cursory searches of my person and residence.
3. I will appear for all court dates, treatment meetings, probation officer meetings, classes or other scheduled appointments as ordered by the court, and I will be on time.
4. I will comply with the terms and conditions of my sentence and any other rules designated by Probation or members of the Team. I will read the Drug Court participant handbook and abide by the rules in the handbook.
5. I agree to keep the Court and treatment providers informed of my current address and phone number(s) and report all address and phone changes to my probation officer before I make the changes.
6. I will not use or possess alcohol or any mood-altering substances while participating in the program. Furthermore, I understand that I must have prior permission from Court staff before administering any prescribed medication. Except in the case of life-threatening medical emergency, I will only use one physician, one pharmacy and one hospital while in Drug Court and I will advise any health care professionals who treat me that I am chemically dependent.

Appendix C: Participant Agreement Continued

7. The court may impose immediate sanctions for non-compliance with conditions of the program.
8. I understand that I have the right to a formal hearing before sanctions are imposed.
9. I agree to the terms set forth by the Olmsted County Drug Court, and I understand that if I do not follow the Court rules I will be terminated from the program. I have received a copy of this Participant Agreement and the Participant Handbook and agree to its terms and conditions. I also understand that full compliance will fulfill the original Court order and may result in early termination of my probation or placement on administrative probation.

Date

Defendant

Date

Drug Court Coordinator

Appendix D: Waiver of Medical Privilege

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF Olmsted County

THIRD JUDICIAL DISTRICT

State of Minnesota

Case #: 55-CR-____-_____

Vs

Charge: _____

CONSENT TO RELEASE PRIVATE HEALTH, ALCOHOL/DRUG AND MENTAL HEALTH RECORDS AND INFORMATION

My name is _____ My date of birth is _____

1. I understand that to be considered for participation in the Olmsted County Drug Court, I must allow my medical and alcohol/drug treatment providers to furnish my information (including mental health) relating to my treatment to any member of the Olmsted County Drug Court Team, which consists of the Judge, court staff, prosecution and defense attorneys, county probation officers, county chemical health assessment personnel, mental health clinicians and treatment providers, for the duration of my participation in the Olmsted County Drug Court and by signing this agreement I agree to the disclosure of such records and information.
2. I understand that my alcohol and/or drug treatment records are protected under the federal law and regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 C.F.R. Part 2, and cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that my medical records are protected by federal law and regulations. I also understand that my records concerning mental health services I receive are protected by state law. I understand that I may revoke this authorization at any time with a written request. **Otherwise, this consent will expire upon completion of probation of the case referenced above.** I further understand that my records may be transmitted by fax and electronically or in person.
3. I understand the purpose of releasing this medical and treatment information is for the Olmsted County Drug Court to determine my eligibility for the program, to determine the proper treatment placements and regiment, and to judge my progress in the program.
4. I understand that my medical and treatment information may be discussed in the Olmsted County Drug Court where other participants and observers may hear it.
5. I have read this document, or it has been read to me, and I understand its contents. By signing this Consent, I am telling the Court that I understand the rights I am waving.

Date: _____ Defendant Signature: _____

Appendix E: Drug Court Treatment Providers

| | | |
|---|--|--|
| <p>Common Ground Lexington Building 1027 7 St NW #207 Rochester, MN 55901 507-281-0023 www.commongroundmn.org</p> | <p>NuWay 300 11 Ave NW Rochester, MN 55901 507-225-0400 www.nuway.org</p> | <p>Fountain Centers Cedarwood Mall 4122 18 Ave NW Rochester, MN 55901 507-252-0818 www.fountaincenters.org</p> |
| <p>Recovery Is Happening 25 16 St NE Rochester, MN 55906 507-218-4773 www.recoveryishappening.org</p> | <p>Stage by Staige 301 West Main St Kasson, MN 55944 507-216-5151</p> | <p>Doc's Recovery House 1821 Restoration Rd SW Rochester, MN 55902 507-216-3353 www.docrecoveryhouse.org</p> |
| <p>Zumbro Valley Health Center 343 Woodlake Dr SE Rochester, MN 55904 Downtown location: 29 7 St NE Rochester, MN 55906 507-289-2089 www.zvhc.org</p> | <p>EmPower CTC 602 11 Ave NW #300 Rochester, MN 55901 507-292-1379 www.empowerctc.com Evaluation walk-in hours Mon: 8:00 a.m. Tues: 12:00 p.m. Wed: 1:00 p.m. Fri: 8:00 a.m.</p> | <p>MN Adult & Teen Challenge 1530 Assisi Dr NW Rochester, MN 55901 507-218-3460 www.mntc.org Some evaluation walk-in hours – call in advance for schedule.</p> |
| <p>Main Street Services (evaluation only) 203 East Main St. Dodge Center, MN 55927 (Anchor of Hope Church) 507-374-9047</p> | <p>Mayo Clinic St. Mary's Hospital Generose Building -1B 1216 2 St SW Rochester, MN 55902 507-266-5100</p> | <p>Nystrom and Associates 401 16 Street SE Unit 100 Rochester, MN 55904 507-516-0030 nystromcounseling.com/</p> |

Appendix F: Treatment Program Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN OLMSTED COUNTY DRUG COURT, AND XXXXXXXXX

This memorandum of understanding is between Olmsted County Drug Court, 151 4th Street SE, Rochester, MN 55904, hereafter referred to as “Drug Court” and XXXXXXXXXXXX hereafter referred to as the “Provider”.

I. STATEMENT OF PURPOSE

The purpose of this memorandum of understanding is a working agreement between Olmsted County Drug Court and representatives who serve on the Drug Court Team.

II. PROVIDER SCOPE OF SERVICE

- A. Provider will work collaboratively with the Drug Court team, specifically the probation officer on case plans and is available for problem solving and decision making by phone/email.
- B. The treatment program will designate a representative (at no cost) who is knowledgeable of the client’s treatment status to serve on the Drug Court team (which includes Drug Court team meetings and Drug Court).
- C. The treatment provider will submit a Drug Court Progress Report to the probation officer the afternoon prior the participant’s scheduled court appearance. This may also be done in person, if the treatment provider has first-hand knowledge of the participant’s progress.
- D. A representative will be available to participate in Drug Court retreats, trainings, events, and scheduled meetings.

This agreement is effective upon date signed.

Approved and Accepted for:

OLMSTED COUNTY COMMUNITY SERVICES

XXXXXXXXXXXXXX

Director of Community Services

NAME
TITLE

Date

Date

Appendix G: Drug Court Prohibited Substances Contract

INCIDENTAL INGESTION OF SUBSTANCES THAT PRODUCE A POSITIVE DRUG TEST

Urine testing detects “non-target” compounds such as amphetamines, benzodiazepines and opiates. Because we consider every positive drug test a violation, we’re asking you to avoid the use of foods or products that contain these substances:

Poppy Seeds: Poppy seeds contain trace amounts of both codeine and morphine and can cause positive drug test results for the “opiate” class.

Diet Pills: Some diet pills contain amphetamines and can cause a positive drug test for amphetamine-based compounds.

Allergy or Cold Medications: Some allergy and cold medications contain codeine and can cause a positive drug test for opiate-based compounds.

CBD Oil: Cannabidiol (CBD) oil is made from strains of cannabis that contain low levels of THC (tetrahydrocannabinol).

INCIDENTAL ALCOHOL EXPOSURE

In order to preserve the integrity of the Drug Court testing program, please refrain from the use of the following alcohol-containing products:

Cough syrups and other liquid medications: Nyquil® and other cough syrup brands and numerous other liquid medications, rely upon ethyl alcohol as a solvent. Please read product labels carefully to determine if they contain ethyl alcohol (ethanol). All prescription and over-the-counter medications should be reviewed with your probation officer before use. Information on composition of prescription medications should be available upon request from your pharmacist. Non-alcohol containing cough and cold remedies are readily available at most pharmacies and major retail stores.

Non-Alcoholic Beer and Wine: Although legally considered non-alcoholic, NA beers (e.g. O’Doul’s®, Sharps®) do contain a residual amount of alcohol.

Food and Other Ingestible Products: There are numerous other consumable products that contain ethyl alcohol that could result in a positive test for alcohol. Flavoring extracts, such as vanilla or almond extract, and liquid herbal extracts (such as Gingko Biloba), could result in positive screen for alcohol or its breakdown products, Communion wine, food cooked with wine, Kombucha and flambé dishes (alcohol poured over a food and ignited such as cherries jubilee, baked Alaska) should be avoided. Please read the labels carefully on any liquid herbal or homeopathic remedy.

Mouthwash and Breath Strips: Most mouthwashes (Listermint®, Cepacol®, etc) and other breath cleaning products contain alcohol. Use of ethyl alcohol-containing

mouthwashes and breath strips by Drug Court participants should be avoided. Non-alcohol mouthwashes are readily available and are an acceptable alternative.

Hand Sanitizers: Hand sanitizers (e.g. Purell®, Germ-X®, etc) and other antiseptic gels and foams used to disinfect hands contain up to 70% ethyl alcohol. Excessive, unnecessary or repeated use of these products could result in a positive urine test. Hand washing with soap and water are just as effective for killing germs.

Hygiene Products: Aftershaves, colognes, hairsprays, mousse, astringents, insecticides (bug sprays such as Off®) and some body washes contain ethyl alcohol. While it is unlikely that limited use of these products would result in a positive test for alcohol (or its breakdown products), excessive, unnecessary or repeated use of these products could affect the test results. Please use such products sparingly to avoid reaching detection levels.

Solvents and Lacquers: Many solvents, lacquers and surface preparation products used in industry, construction and the home contain ethyl alcohol. Both excessive inhalation of vapors and topical exposure to such products can potentially cause a positive test result for alcohol. There are alternatives to nearly any item containing ethyl alcohol. Frequency of use and duration of exposure to such products should be kept to a minimum. If you are employed where contact with such products cannot be avoided please discuss this with your probation officer. Do not wait for a positive test to do so.

REMEMBER, YOU ARE RESPONSIBLE FOR WHAT GOES INTO OR ON YOUR BODY. WHEN IN DOUBT, DON'T USE, CONSUME OR APPLY.

I have read and understand that any positive drug or alcohol test will be considered a violation.

Drug Court Participant

Date

Appendix H: Olmsted County Community Corrections Drug Testing Information and Acknowledgement Form

Drug Testing Information and Acknowledgement

1. As part of my supervision, I can be required to submit to a urine test to determine if I have used drugs or alcohol.
2. If I refuse to cooperate with the test or in any way tamper with the test, I may be treated the same as if I had a positive result.
3. If I fail to provide a urine sample within 2 hours after the request, I may be treated the same as if I had a positive result.
4. Any positive test may lead to actions as agreed with my supervising agent.
5. Prior to providing a urine sample, I will be asked to report any use of prescription and non-prescription drugs I have used in the past two weeks.
6. In the event that a urine sample is positive for drugs, I have the right to request a confirmation test (re-test) of the sample. This might be done within 30 days. If I do request a confirmation test, I will be responsible for the cost of the re-test, a waiver can be requested for this concept.
7. The results of any drug test are governed by Minnesota Government Data Practices Act (June 1990) sections 13.84 subd. 5a. I understand that the results may be used for statistical and research purposes only.

Acknowledgement:

I have read, or had explained to me, the requirement listed above. I understand that the agency responsible for any supervision will be informed of the drug test results. The agency will also be informed if I fail to cooperate with the testing, or if I provide false, incomplete, or misleading information.

Signature of Drug Court Participant

Date

Appendix I: OCDC Drug Testing Policy

PROCEDURES:

When THE Court or releasing authority orders a client to abstain from the use of alcohol and/or illegal controlled substances, probation officers will:

A. For Urinalysis Collection:

1. Verify the client's identity.
2. Complete a Chain of Custody form and ensure the form is signed and dated by the client.
3. Directly observe (same sex) collection of the UA sample whenever possible.
4. Complete and apply an evidence seal, indicating the Client's name, PO, and date of collection.
5. Complete a Verification, Identity and Custody of Specimens form when UA is collected with date, Client's name, identification number, Supervising Agent's name and unit.

B. For a Positive UA/BA Reading:

When a client has a positive test result the PO shall determine the appropriate course of action which may include but is not limited to:

1. Warning the Client that additional positive tests may result in a return to custody or further action.
2. Increasing the frequency of drug testing to monitor compliance.
3. Instruct the Client to submit to a Chemical Health Evaluation and follow recommendations if previously ordered.
4. Notifying the Court or releasing authority of the positive test result and request the appropriate violation report be issued.
5. Complete a chronological case note in CSTS documenting how/if the positive test was addressed.

C. For a Possible Altered UA Reading

When a client has submitted an altered UA, the sample will be discarded and staff may:

1. Require the Client to submit another sample.
2. Warn the client that tampering with a UA test is considered a violation of their probation or supervised release conditions.
3. Any intentional tempering will be documented in a chronological note and the agent of record will be contacted.

D. UA Retest Requested by the Client:

When a Client requests a GC/MS Confirmation of a positive UA, the agent of record will:

1. Inform the Client that they must pay the cost of the test prior to the retest being completed.

-
2. Escort or instruct the Client to a designated support staff at the Government Center 4th floor for accepting and receipting payment in cash or by money order in the miscellaneous receipt book.
 3. Confirm that payment has been received and request that a sample be sent for confirmatory testing.
 4. The sample will be sent to the identified lab for GC/MS confirmation.
 5. Upon receipt of the (faxed or emailed) report from Redwood Toxicology the results will be forwarded to the agent of record.
 6. The agent of record will provide a copy of the test to the client.

Appendix J: Medication Notification and Verification Form

Olmsted County Drug Court Problem Solving Courts

MEDICATION NOTIFICATION AND VERIFICATION FORM

This notice is to verify _____ is currently a participant in the Olmsted County Drug Court program.

As a participant in Olmsted County Drug Court, any use of medication that contains a controlled substance or alcohol is not allowed without the knowledge and the consent from the team. Additionally, it is Drug Court's policy that the participants collaborate with their medical provider to avoid the use of controlled substances and work to find non-addictive alternatives. The Court requests that providers take this into account when prescribing or recommending medication.

The undersigned participant and Olmsted County Drug Court greatly appreciate your consideration of these restrictions as you provide treatment to this patient. Please feel free to contact _____ at _____

to discuss any questions related to this patient and their supervised treatment.

I attest that I have read the attached Medication Policy, reviewed the patient's medical condition, and have found that there is not an acceptable non-controlled medication to manage this patient's condition. The patient is being prescribed: _____

for the following reason(s): _____

Signature of Provider

Date

Signature of Participant

Date

Appendix K: Pre-Graduation Packet

Olmsted County Drug Court

Pre-Commencement Packet/Aftercare Program

In order to prepare for Drug Court commencement all participants must complete a pre-commencement/after care plan one week prior to your last court appearance. This will give the Drug Court team specially your probation officer an opportunity to review it, ask questions and make additional recommendations about your plan for continued sobriety. Once the Drug Court team and your probation officer review and accept your plan you will be able to petition the court for commencement. Your probation officer will help you work through this packet.

Participant: _____ Case #: _____

Address: _____

Phone: _____ Next Court Date: _____

Probation Officer: _____

Olmsted County Drug Court Commencement Requirements

Each petitioning participant must meet the following requirements as a minimum prior to petitioning the Drug Court Team for commencement:

- Have at least 120 current, continuous sober/clean days
- Complete required treatment and aftercare
- Attend at least 50 required 12 step meetings (minimum of 1 meeting per week)
- Complete Cognitive Behavioral Therapy as approved by probation officer
- Have a 12-step sponsor or support person as approved by probation officer
- Have no pending criminal charges
- Pay all program fees
- Be employed in/out of the home or in school full time or combination of work/school. Participants with a disability may be exempted from this requirement, however; they must have full-time involvement in productive activities
- Complete Community Work Service

Pre-Commencement Questionnaire/Aftercare Plan

On a separate sheet of paper answer all of the following questions. It is to your advantage to provide as much detail and information as possible when answering these questions.

1. Sobriety

- a. How long have you been clean/sober?
- b. Describe your life before your entry into the Olmsted County Drug Court.
- c. Describe how your life is different today (after Drug Court)
- d. How have you learned to handle stressful situations? What do you do?

2. Treatment/ Support Groups

- a. Where did you attend treatment while in Drug Court? (List all)
- b. What did you learn in treatment?
- c. Do you attend 12 step meetings? Where is your home group?
- d. Do you have any commitments in the 12 step community?
- e. Do you have a 12-step sponsor? What is their first name and phone number?
- f. How long have you had this sponsor?
- g. What step are you working on currently?
- h. Has having a sponsor been helpful to you? How?
- i. Describe your relationship with your sponsor.
- j. Besides your sponsor, describe your support system. If you were in a crisis who would you call for support? List their names and phone numbers.

3. Employment/Education

- a. Are you currently employed? Or currently in school? Where?
- b. How long have you been employed? Or in school?
- c. What kind of work do you do, or are you looking for?
- d. What are your educational plans or goals?
- e. Are you satisfied with your job? If not what would be your ideal job?

4. Family/Friends/Relationships

- a. Describe your current relationships with family, significant other and friends.
- b. Describe how your recovery has affected your relationships with others.
- c. How do you plan to continue to build sober supportive relationships?

5. Accommodations

- a. Where do you live? Who else lives with you?
- b. Are you satisfied with your accommodations? Do you plan to move?
- c. Is this environment supportive to your recovery?

6. Future Goals

- a. What are your thirty (30) day goals?
 - I. What steps do you need to take to reach these goals?
- b. What are your ninety (90) day goals?

-
- I. What steps do you need to take to reach these goals?
 - c. What are your six (6) month goals?
 - I. What steps do you need to take to reach these goals?
 - d. What are your one (1) year goals?
 - I. What steps do you need to take to reach these goals?

Would you be interested in participating in the Alumni Groups at treatment?

When you have completed your answers to all of these questions, please return the entire package, and your responses, to your probation officer/case manager at least two weeks prior to your court date.

Appendix L: Olmsted County Drug Court Memorandum of Understanding

Agreement between the MN State Bar Association, Olmsted County Attorney's Office, Olmsted County Sheriff's Office, Rochester Police Department, DFO Community Corrections Department, Drug Court Treatment Providers and Third Judicial District Court.

The parties to this Agreement endorse the mission and goals of the Olmsted County Drug Court program in order for participants to eliminate future criminal offenses, thus enhancing public safety. By addressing criminal thinking and chemical dependency, the participants will improve quality of life. The parties recognize that for the Drug Court mission to be successful, cooperation and collaboration must occur within the Drug Court program. All changes in the eligibility and disqualification criteria must be made by the Drug Court Steering Committee.

Mission Statement

Olmsted County Drug Court's mission is to decrease the input of drug and alcohol dependency, promote public and form partnerships with the participants, community and Criminal Justice System. These partnerships will use established Evidence Based Practices to promote effective treatment approaches thereby reducing costs to the community and reducing recidivism.

The primary goals of the Olmsted County Drug Court are:

- Reduce criminal recidivism among participants who are chemically dependent and who are at high risk to re-offend
- Reduce illegal drug usage by facilitating offender sobriety
- Improve community functioning in the areas of employment, education/training, mental health and housing

The parties agree they will work to adhere to the ten key components of a Drug Court. They are:

Key Component #1:

The Drug Court integrates alcohol and other drug treatment services with criminal justice system processing.

Key Component #2:

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants due process rights.

Key Component #3:

Eligible participants are identified early and promptly placed in the Drug Court program.

Key Component #4:

Drug Court provides access to a continuum of alcohol, drug and other related treatment and rehabilitation services.

Key Component #5:

Abstinence is monitored by frequent alcohol and other drug testing.

Key Component #6:

A coordinated strategy governs Drug Court responses to participants compliance.

Key Component #7:

Ongoing judicial interaction with each Drug Court participant is essential.

Key Component #8:

Monitoring and evaluation measure the achievements of program goals and gauge effectiveness.

Key Component #9:

Continuing interdisciplinary education promotes effective Drug Court planning, implementation and operations.

Key Component #10:

Forgoing partnerships among Drug Court, public agencies and community-based organizations generates local support and enhances Drug Court effectiveness.

The parties also agree to adhere to the Minnesota Drug Court Standards, a copy of which is attached to this Agreement.

Individual Agency Responsibilities and Staff Commitments

Drug Court Judge

- Assumes the primary role to motivate and monitor the participants of the Drug Court program
- Ensures a cooperative atmosphere for attorneys, probation officers, law enforcement and treatment providers to stay focused on the task of providing chemically dependent offenders with treatment opportunities
- Provides the necessary reinforcers when deemed appropriate while maintaining the integrity of the court
- Participates as an active member of the Drug Court Team and chairs both the Drug Court Team and the Drug Court Steering Committee
- Provides training to new or replacement judges
- Acts as a mediator to develop resources and improve interagency linkages

-
- Acts as a spokesperson to educate the community and peers about the Drug Court program and appear before governmental agencies, public commissions, legislative hearings, public forums and the media.

Drug Court Coordinator

- Provides general oversight to the Drug Court program to include meeting attendance, grant reporting, funding solicitation and community outreach
- Participants as an active member of the Drug Court Team and Steering Committee
- Assists the Drug Court Team with monitoring and evaluation of the program when necessary
- During staffing advocates for effective sanctions and incentives for program compliance or lack thereof
- Organizes events and meetings, compiles supporting materials to disseminate to stakeholders and providers of services to maintain linkages
- Maintains pre-admission and admission records and notifies judges and lawyers of decisions made at the pre-admission staffing. In addition, the Coordinator assists in the evaluation of the program,
- Provides or seeks continuing training for the Drug Court Team
- Provides leadership and direction to ensure compliance with the Minnesota Drug Court Standards
- Supports the team's efforts in community education and local resource acquisition
- Provides training to a new or replacement coordinator

Olmsted County Attorney

- Assigned to the Drug Court Program for the term of this Agreement, and participates as an active member of the Drug Court Team and the Drug Court Steering Committee
- Assists in identifying defendants arrested for specified felony drug or proper related offenses that are presumptive executed sentence
- Agrees that a positive drug test or open court admission of drug possession or use alone will not result in the filing of additional charges based on that admission
- Makes decisions regarding the participant's continued enrollment in the program based on performance in treatment and in the program rather than on legal aspects of the case, barring additional criminal behavior
- Participates as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence
- During staffing, advocates for effective sanctions and incentives for program compliance or lack thereof

-
- Contributes to the team's efforts in community education and local resource acquisition
 - Supports the education of peers, colleagues, and judiciary in the efficacy of problem-solving courts
 - Provides training to new or replacement prosecutors

Defense Attorney

- Assigned to the Drug Court program for the term of this Agreement, under pro-bono basis and will participate as an active member of the drug court team
- Assists in identifying defendants arrested for specified drug or alcohol-related offenses
- Advises the defendant as to the nature and purpose of the Drug Court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in Drug Court will affect their interests
- Explains all of the rights that the defendant will temporarily or permanently relinquish
- Explains that because criminal prosecution for admitting to alcohol or other drug use in open court will not be invoked, the defendant is encouraged to be truthful with the judge, the case manager and treatment staff, and inform the participant that he or she will be expected to speak directly to the judge, not through the attorney
- Participates as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence
- Reviews the participant's progress in the program and advocates appropriately for effective sanctions and incentives for program compliance or lack thereof
- Contributes to the team's efforts in community education and local resources acquisition
- Supports the education of peers, colleagues, and judiciary, on the efficacy of problem-solving courts
- Provides training to new or replacement defense attorney
- Follows due process to insure court proceedings are fair without the client being deprived of any constitutional rights including life, liberty and property

Probation Officer

- Assigned to provide field supervision of Drug Court Participants for the term of this Agreement, participate as an active member of the Drug Court Team
- Provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits as well as random field visits to participants home

-
- Administer the RANT and coordinate the gathering of background information for the pre-admission staffing process
 - Oversees compliance of all program requirements and provide the Drug Court Team with sufficient and timely information to implement sanctions and incentive systems
 - Facilitate frequent drug and breathalyzer testing on a random basis
 - Coordinate the utilization of community education and local resource acquisition
 - Supports the team's efforts in community-based services such as health and mental health services, victim's services, housing, entitlements, transportation, education, vocational training, and placement to provide a strong foundation for recovery
 - Supports the team's efforts in community education and local resource acquisition
 - Contribute to the education of peers, colleagues and judiciary in the efficacy of Drug Court
 - Provide training to new or replacement probation officer

Treatment Providers

- Participate fully as Drug Court team members, for the term of this Agreement, and work as partners to ensure the success of Drug Court participants
- Operate in a partnership with Drug Court, Community Corrections and Community Services regarding participants in Drug Court
- Provide progress reports on participants active in treatment programming to the team prior to staffing so that the team will have sufficient and timely information to implement sanctions and incentive systems
- Advocate for effective sanctions and incentives during staffing
- Provide information to the team on assessment, basis of substance abuse, the impact of treatment on the offender and the potential for relapse
- Supports the team's efforts in community education and local resources acquisition
- Supports the education of peers, colleagues and judiciary in the efficacy of drug courts

Rochester Police Department/Olmsted County Sheriff's Office

- Participates fully as a Drug Court team member, for the term of this Agreement, and participates as an active member of the Drug Court Team
- Provides input on potential candidates for the Drug Court Program
- Serves as a liaison between the Drug Court team and the community
- Administer Knock and Chats to participants in Drug Court
- Provides information to the Drug Court Team and Drug Court Steering Committees on community issues related to drug abuse and crime

-
- During staffing, advocates for the effective sanctions and incentives for program compliance or lack thereof
 - Supports the education of law enforcement officials in the efficacy or problem-solving courts
 - Provides assistance, information and support to participants in the community, encouraging them to succeed in the program
 - Provides training to new or replacement police officers

In creating this partnership and uniting around a single goal of addressing an underlying problem affecting our community, we are pledged to enhance communication between the courts, law enforcement, corrections, community services, and treatment programs. Through this linkage of services, we expect greater participation and effectiveness in addressing chemically dependent offenders involved in the criminal justice system.

All parties agree to be represented on the Drug Court Team. The Drug Court Team addresses problems and issues as identified and develops policy and program modifications. The OCDC Steering Committee is responsible for modifying and amending this Agreement.

Conflict Resolution

When conflicts arise regarding admission decisions to the Drug Court Program, the Drug Court Team will attempt to resolve the conflict by consensus. If a consensus is not reached, admission discussions will be made by majority vote the Judge will have final approval. In order for admission decisions to be made the judge, prosecutor, defense attorney and probation must be present. When present other team members including law enforcement, chemical health, treatment, and Drug Court Coordinator may participate in the voting process. If any participating team member has more than one representative present, only one member may submit a vote. When conflicts arise relative to programmatic issues, the Drug Court Steering Committee will attempt to resolve conflicts by consensus. If unsuccessful in reaching a consensus, conflict will be referred to the OCDC Steering Committee for resolution.

Agreement Modifications

Any individual agency wishing to amend and/or modify this Agreement will notify the OCDC Steering Committee. The OCDC Steering Committee will address the issue(s) for the purpose of modifying and/or amending the Agreement. The issues will be decided by consensus (if possible) or simple majority, if not.

Termination of Agreement

Individual agencies contemplating termination of their participation in this Agreement shall first notify the Drug Court Coordinator of their concerns if it still cannot be resolved then it shall be brought before the OCDC Steering Committee. The OCDC Steering Committee shall attempt to resolve the problem to ensure continuation of the Drug

Court Program. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

IN WITNESS THEREOF, the parties have caused their duly authorized representative to execute this Agreement.

Third Judicial District Court Judge Kathy Wallace

Dated

Olmsted County Attorney, Mark Ostrem

Dated

MN Public Defenders Office

Dated

Community Corrections Director Nikki Niles

Dated

Rochester Police Department, Captain John Sherwin

Dated

Olmsted County Sheriff, Keven Torgerson

Dated

All Drug Court Treatment providers outlined in Appendix E of the Policies and Procedures Manual, will be subject to a MOU outlined in Appendix F.

Appendix M: Minnesota Judicial Branch Policy 511.1- Drug Court Standards



Minnesota Judicial Branch Policy

Policy Source: Minnesota Judicial Council

Policy Number: 511.1

Category: Statewide Court Programs

Title: Treatment Court Standards

Effective Date: July 20, 2007; June 2, 2014; January 1, 2017, January 1, 2019

Revision Date(s): January 16, 2009; April 17, 2014; August 18, 2016; November 15, 2018

Supersedes:

I. PURPOSE

Judicial Council Policy 511 identifies treatment courts as an effective approach in supporting individuals in the judicial system who are alcohol or other drug addicted and/or suffering from mental health issues. Treatment courts use evidence-based practices and qualified and trained staff to tailor appropriate services for participants. Stakeholders from inside and outside the justice system serve as team members. The treatment court judge serves as the leader of this multidisciplinary team of professionals, which commonly includes a program coordinator, prosecuting attorney, defense attorney, probation or community supervision officer, treatment representatives, and law enforcement representatives. A team approach is required, including the collaboration of judges, treatment court coordinators, prosecutors, defense counsel, probation authorities, law enforcement, treatment providers, and evaluators. Treatment courts employ a multi-phased treatment process. The goal of treatment courts is to engage individuals in treatment long enough to experience the benefits of treatment in order to end the cycle of recidivism and successfully intervene on the addiction. The Judicial Council, comprised of the leadership of the Minnesota Judicial Branch, has convened the multi-disciplinary, cross-branch Treatment Court Initiative Advisory Committee (TCI) to oversee implementation and funding distribution for treatment courts in Minnesota. The goal of TCI is to improve outcomes for alcohol and other drug addicted individuals in the courts through justice system collaboration, thereby:

-
1. Enhancing public safety
 2. Ensuring participant accountability; and
 3. Reducing costs to society.

Successful treatment court initiatives will also improve the quality of life for addicted offenders, their families, and communities through recovery and lead to greater system collaboration and ongoing analysis to ensure effective and fair case outcomes.

APPLICABILITY

This policy is applicable to all Minnesota Judicial Branch DWI, adult drug, mental health, juvenile, hybrid, and veterans treatment courts recognized under Judicial Council Policy 511 Treatment Courts. Family Dependency Treatment Courts (FDTTC) have their own specific treatment court standards outlined in Judicial Council Policy 511.4 Treatment Courts.

TREATMENT COURT MODELS

- A. Adult Drug Courts serve drug and alcohol addicted offenders for purposes of reducing recidivism and increasing the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision and the use of appropriate sanctions and incentives. The treatment court judge maintains close oversight of each case through regular status hearings with the parties involved. The judge both leads and works as a member of a team that comprises representatives from treatment, probation/case manager, coordinator, prosecutor, and defense counsel.
- B. DWI Courts and hybrid DWI Courts serve individuals charged with repeated instances of driving while impaired (DWI) of drugs or alcohol, also referred to as driving under the influence (DUI). DWI and hybrid DWI courts have a variety of elements that set them apart from the original drug court model. While public safety is a priority among all models of treatment courts, drinking and driving is a major public safety issue for our communities and our criminal justice system. The main goal of DWI and hybrid DWI courts is to reduce or eliminate repeat DWI offenses; thereby creating safer roads and saving lives. The detection of alcohol is difficult, requiring more sophisticated testing. Transportation issues tend to be one of the most difficult obstacles for offenders to overcome. To effectively manage these issues and to best treat this population, DWI and hybrid DWI courts utilize increased supervision, frequent alcohol and other drug testing, including scientifically validated technology to detect ethyl alcohol, and driver's license reinstatement plans.

-
- C. Juvenile treatment courts serve teens charged with delinquency offenses caused or influenced by a moderate-to-severe substance use disorder or co-occurring mental health disorder. There are many characteristics and needs specific to this model. Most important is the fact that many of the young people in these courts are still living at home and are under the supervision of caregivers. Juveniles are negatively affected by any criminal or addictive issues in the home. Because the court does not have jurisdiction over the caregivers, it is more difficult to effectively intervene in the youth's problematic use of alcohol and other drugs and support the young person in their recovery. Due to their age and the relatively short period of time using alcohol and other drugs, providing a 3 | P A G E definitive diagnosis of dependence for juveniles regarding their use of alcohol and other drugs is sometimes difficult and some traditional treatment and recovery supports may not be appropriate. Issues such as school performance, teenage pregnancy, gang involvement, transportation, and appropriate housing greatly impact a juvenile treatment court's ability to support the young person in changing their life.

For full details on Minnesota Judicial Branch Policy 511.1, please click [here](#) for full article and any revisions to this Policy.

Appendix N: Referral Form

STATE OF MINNESOTA DISTRICT COURT – CRIMINAL DIVISION

COUNTY OF OLMSTED

THIRD JUDICIAL DISTRICT

COURT FILE NUMBER: _____

REQUEST TO BE CONSIDERED

FOR OLMSTED COUNTY DRUG COURT

STATE OF MINNESOTA

Plaintiff,

Vs.

Defendant

I, _____, Defendant in the above entitled action, respectfully represent and state as follows:

1. My full name is _____. I am ____ years old. My date of birth is _____.
2. I understand that I have been charged with the crime(s) of _____ committed on or about _____ in Olmsted County, Minnesota.
3. I have received, read and fully understand the attached Drug Court Information Sheet.
4. If accepted into the Olmsted County Adult Drug Court, I agree to be bound by all provisions of the Olmsted County Adult Drug Court.
5. I understand that in order to be accepted into this program, I must offer a plea of guilty and admit the facts underlying the charge(s) including, but not limited to, the identity and involvement of others. I understand that I will be convicted and adjudicated guilty.
6. I understand that if accepted my participation in Olmsted County Adult Drug Court will be considered a condition of my probationary sentence and, if I wish to discontinue participation in the program prior to successful completion of all terms and conditions, I will be subjected to further sentencing proceedings.
7. I understand in order to be eligible for Olmsted County Adult Drug Court, I must meet the following criteria:
 - 18 or over (male or female)
 - Olmsted County resident
 - Have been determined to be high risk/high need as determined by Community

Corrections

-Client must enter voluntarily and be suitable for enhanced supervision as part of the Olmsted County Drug Court, as evaluated by the clients willingness and motivation to participate in the program.

8. I understand that although I may be eligible, I will still need to be assessed for the appropriateness for entry into Olmsted County Drug Court by Community Corrections and the Drug Court Team. During the screening process, potential participants are encouraged to be forthright about the conduct underlying their pending charges. Such honesty is an important part of changing their circumstances and becoming alcohol-and drug free. Statements made by potential participants describing the conduct with which he/she is charged will not be used as evidence in a subsequent trial on the pending charge(s).
9. In view of all facts and considerations, and with full understanding of the provisions of this document and the Olmsted County Drug Court, I hereby request admission into this program.

Offender

_____, 20____.

I, _____ state that I am the attorney for the defendant in the above entitled criminal action; that I personally explained the contents of the above request to the defendant; and that I personally observed the defendant date and sign the above petition.

Attorney for Defendant

_____, 20____

Assistant Olmsted County Attorney

_____, 20____

Appendix O: Phase Movement Applications

Phase 2 Movement Application

Olmsted County Drug Court

General Information

As a prospective Phase 2 participant, you must follow the checklist below and verify that you have completed all the requirements of Phase 1 a minimum of one week prior to moving phases.

You may be asked to revise your application if the team feels it is not complete.

Your application to move phases is an important aspect of your program. Answer all the questions completely and as thoroughly as possible. The time and attention you give to completing this application will indicate your level of commitment to your sobriety and the Olmsted County Drug Court (OCDC). Your application is intended to assist the OCDC Team in making a fair determination of your readiness to move phases.

Participant Information

Participant Name: _____

Date: _____

Address: _____

Cell Phone Number: _____

Case Manager: _____

Turn in Date: _____

Requirement Checklist for Moving from Phase 1 to Phase 2

☐ At least 14 days of consecutive abstinence of chemicals: _____

Anniversary Date: _____ # of days: _____

☐ Continue in treatment at: _____

Scheduled Completion Date: _____

☐ Completed Treatment at: _____

On: _____

☐ Regular attendance of support meetings: _____

☐ Verified by: _____

-
-
- ☐ Sponsor/Mentor: _____ Contact #: _____
- ☐ Case Plan created by Case Manager on _____
- ☐ OCDC fee payment schedule completed on" _____
- Making Payments: ☐ Yes ☐ No Balance Owed: _____
- ☐ Minimum 60 days in Phase 1: Start Date: _____ # of Days: _____

Olmsted County Drug Court Application for Phase Move

Using these forms and separate pieces of paper, answer all of the following questions. Answers must be on white standard size paper, single -sided only. Please use a pen or type your responses. Nothing else will be accepted. It is to your advantage to provide as much detail as possible when answering these questions. If you need assistance in completing your application, please let your case manager know.

1. List the case plan goals you have accomplished while in Phase 1:

2. What outstanding case plan goals will you address in Phase 2:

3. Report on your progress while you have been in treatment:

4. Have you had any relapses in Phase 1? _____

If so, what happened and what did you learn?

5. What has your attendance been like with:

a. Office Appointments: _____

b. Treatment: _____

c. Drug Testing: _____

d. Court: _____

6. Why do you believe you are ready to move to Phase 2? _____

7. What other factors should the team consider when determining whether to grant or deny your phase move?

Turn in your entire application to your Case Manager

Phase 3 Movement Application

Olmsted County Drug Court

General Information

As a prospective Phase 3 participant, you must follow the checklist below and verify you have completed all requirements of Phase 2 a minimum of one week prior to moving phases.

You may be asked to review your application if the team feels it is not complete.

Your application to move phases is an important aspect of your program. Answer all the questions completely and thoroughly as possible. The time and attention you give to completing this application will indicate your level of commitment to your sobriety and the Olmsted County Drug Court (OCDC). Your application is intended to assist the OCDC Team in making a fair determination of your readiness to move phases.

Participant Information

Participant: _____

Date: _____

Address: _____

Cell Phone: _____

Case Manager: _____

Turn in Date: _____

Requirements for Moving from Phase 2 to 3 Checklist

- ☐ At least 30 days of consecutive abstinence of chemicals: _____
Anniversary Date: _____ # of Days: _____
- ☐ Continue Treatment at _____ Scheduled Completion Date: _____
- ☐ Completed Treatment at _____ on _____
- ☐ Regular attendance of support meetings. _____
- ☐ Verified by _____
- ☐ Sponsor/Mentor _____ Contact #: _____
- ☐ Case Plan created with Case Manager on _____
- ☐ OCDC Fee payment schedule completed on _____
Making Payments ☐ Yes ☐ No Balance Owed: _____

☐ Minimum of 90 days in Phase 2: _____
Start Date: _____ # of Days _____

Olmsted County Drug Court Application for Phase Move

Using these forms and separate pieces of paper, answer all of the following questions. Answers must be completed on white standard size paper, single sided only. Please use a pen or type your responses. Nothing else will be accepted. It is to your advantage to provide as much detail as possible when answering these questions. If you need assistance in completing your application, please let your case manager know.

1. List the case plan goals you have accomplished while in Phase 2:

2. What outstanding case plan goals will you address in Phase 3:

What new goals have you developed?

3. Report on your progress while you have been in treatment:

4. Have you had any relapses while in Phase 2?

If so, what happened and what did you learn?

5. What has your attendance been like with:

a. Office Appointments: _____

b. Treatment: _____

c. Drug Testing: _____

d. Court: _____

6. Why do you believe you are ready to move to Phase 3?

7. What other factors should the team consider when determining whether to grant or deny your Phase move?

Turn in your entire application to your Case Manager

Phase 4 Movement Application

Olmsted County Drug Court

General Information

As a prospective Phase 4 participant, you must follow the checklist below and verify you have completed all requirements of Phase 3 a minimum of one week prior to moving phases.

You may be asked to review your application if the team feels it is not complete.

Your application to move phases is an important aspect of your program. Answer all the questions completely and thoroughly as possible. The time and attention you give to completing this application will indicate your level of commitment to your sobriety and the Olmsted County Drug Court (OCDC). Your application is intended to assist the OCDC Team in making a fair determination of your readiness to move phases.

Participant Information

Participant: _____

Date: _____

Address: _____

Cell Phone: _____

Case Manager: _____

Turn in Date: _____

Requirements for Moving from Phase 3 to 4 Checklist

- ☐ At least 45 days of consecutive abstinence of chemicals: _____
Anniversary Date: _____ # of Days: _____
- ☐ Continue Treatment at _____ Scheduled Completion Date: _____
- ☐ Completed Treatment at _____ on _____
- ☐ Regular attendance of support meetings: _____
- ☐ Verified by _____
- ☐ Sponsor/Mentor _____ Contact #: _____
- ☐ Case Plan created with Case Manager on _____
- ☐ Working toward case plan and treatment goals: _____
- ☐ Attending monthly Alumni Group Meetings: _____

-
-
- ☐ Started cognitive programming on _____ Completed on _____
- ☐ Working on stable housing/job skills and build support group _____
- ☐ Demonstrate pro social activities: _____
- ☐ OCDC Fee payment schedule completed on _____
- Making Payments ☐ Yes ☐ No Balance Owed: _____
- ☐ Minimum of 90 days in Phase 3: _____
- Start Date: _____ # of Days _____

Drug Court Application for Phase Move

Using these forms and separate pieces of paper, answer all of the following questions. Answers must be completed on white standard size paper, single sided only. Please use a pen or type your responses. Nothing else will be accepted. It is to your advantage to provide as much detail as possible when answering these questions. If you need assistance in completing your application, please let your case manager know.

1. List the case plan goals you have accomplished while in Phase 3:

2. What outstanding case plan goals will you address in Phase 4:

What new goals have you developed?

3. Report on your progress while you have been in treatment:

4. Have you had any relapses while in Phase 3?

If so, what happened and what did you learn?

5. What has your attendance been like with:

a. Office Appointments: _____

b. Treatment: _____

c. Drug Testing: _____

d. Court: _____

6. Why do you believe you are ready to move to Phase 4?

7. What other factors should the team consider when determining whether to grant or deny your Phase move?

Turn in your entire application to your Case Manager

Phase 5 Movement Application

Olmsted County Drug Court

General Information

As a prospective Phase 5 participant, you must follow the checklist below and verify you have completed all requirements of Phase 4 a minimum of one week prior to moving phases.

You may be asked to review your application if the team feels it is not complete.

Your application to move phases is an important aspect of your program. Answer all the questions completely and thoroughly as possible. The time and attention you give to completing this application will indicate your level of commitment to your sobriety and the Olmsted County Drug Court (OCDC). Your application is intended to assist the OCDC Team in making a fair determination of your readiness to move phases.

Participant Information

Participant: _____

Date: _____

Address: _____

Cell Phone: _____

Case Manager: _____

Turn in Date: _____

Requirements for Moving from Phase 3 to 4 Checklist

- ☐ At least 60 days of consecutive abstinence of chemicals: _____
Anniversary Date: _____ # of Days: _____
- ☐ Continue Treatment at _____ Scheduled Completion Date: _____
- ☐ Completed Treatment at _____ on _____
- ☐ Regular attendance of support meetings: _____
- ☐ Verified by _____
- ☐ Sponsor/Mentor _____ Contact #: _____
- ☐ Case Plan created with Case Manager on _____
- ☐ Working toward case plan and treatment goals: _____
- ☐ Attending monthly Alumni Group Meetings: _____

-
-
- ☐ Started cognitive programming on _____ Completed on _____
- ☐ Working on stable housing/job skills and build support group _____
- ☐ Maintain and Demonstrate pro social activities: _____
- ☐ OCDC Fee payment schedule completed on _____
- Making Payments ☐ Yes ☐ No Balance Owed: _____
- ☐ Minimum of 90 days in Phase 4: _____
- Start Date: _____ # of Days _____

Olmsted County Drug Court Application for Phase Move

Using these forms and separate pieces of paper, answer all of the following questions. Answers must be completed on white standard size paper, single sided only. Please use a pen or type your responses. Nothing else will be accepted. It is to your advantage to provide as much detail as possible when answering these questions. If you need assistance in completing your application, please let your case manager know.

1. List the case plan goals you have accomplished while in Phase 4:

2. What outstanding case plan goals will you address in Phase 5:

What new goals have you developed?

3. Report on your progress while you have been in treatment:

4. Have you had any relapses while in Phase 4?

If so, what happened and what did you learn?

5. What has your attendance been like with:
 - a. Office Appointments: _____
 - b. Treatment: _____
 - c. Drug Testing: _____
 - d. Court: _____
6. Why do you believe you are ready to move to Phase 5?

7. What other factors should the team consider when determining whether to grant or deny your Phase move?

Turn in your entire application to your Case Manager

Pre-Graduation Life Plan

Olmsted County Drug Court

General Information

As a prospective OCDC graduate, you must follow the checklist below and verify you have completed all requirements of the Pre-Graduation Life Plan a minimum of one month prior to your graduation date. You will be expected to present your Life Plan in front of the Drug Court Team as a part of completing the Drug Court program.

You may be asked to review your Life Plan if the team feels it is not complete.

Your Life Plan is an important part of the graduation process. Answer all the questions completely and thoroughly as possible. The time and attention you give to completing your graduation tasks and the in-depth information you provide in your Life Plan, are indicators your level of commitment to your sobriety. The Life Plan is intended to assist the OCDC Team in making a fair determination of your readiness to graduate from the Olmsted County Drug Court.

Participant Information

Participant: _____

Date: _____

Address: _____

Cell Phone: _____

Case Manager: _____

Turn in Date: _____

Requirements for Graduation and Checklist

☐ At least 90 days of consecutive abstinence of chemicals: _____

Anniversary Date: _____ # of Days: _____

☐ Completed Treatment at _____ on _____

☐ Regular attendance of support meetings: _____

☐ Verified by _____

☐ Sponsor/Mentor _____ Contact #: _____

☐ Case Plan created with Case Manager on _____

☐ Working toward case plan and treatment goals: _____

☐ Attending monthly Alumni Group Meetings: _____

-
-
- ☐ Completed cognitive programming on _____
 - ☐ Maintain and Demonstrate pro social activities: _____
 - ☐ OCDC Fee payment schedule completed on _____
 - ☐ Minimum of 120 days in Phase 5: Start Date: _____ # of Days ____

Olmsted County Drug Court Life Plan

Using these forms and separate pieces of paper, answer all of the following questions. Answers must be completed on white standard size paper, single sided only. Please use a pen or type your responses. Nothing else will be accepted. It is to your advantage to provide as much detail as possible when answering these questions. If you need assistance in completing your application, please let your case manager know.

Section A – Employment

(job or school attendance required for graduation consideration)

- ☐ Full Time ☐ Part Time

Employer: _____

Address: _____

Telephone: _____

Supervisor/Contact #: _____

- ☐ Attending School at _____

Studying: _____

Anticipated Completion: _____

1- How long have you been at your current employer (or been in school)?

2- Are you currently a homemaker (stay at home mom or dad)?

3- What type of work do you do (or could you do if in school)?

4- Type of income: ☐ weekly ☐ bi-weekly ☐ monthly; check or cash AND is your income stable? _____

5- Is there room for advancement at your current employer? _____

6- What are your future educational or career goals; how will you get there?

7- Is your employment/school situation different than when you started the program, if so, how? _____

Section B - Finances

☐ Receive Assistance Type: _____ Amount: _____

1. How long have you been receiving assistance?

2. Are you able to make all of your financial responsibilities; what are they?
Example: Rent- \$575 per month, utilities - \$320 per month, etc

3. Do you have any judgements, outstanding child support owed, other obligations and are you able to meet these obligations?

4. Is your financial status different than when you started the program? How?

Section C – Living Environment

☐ Own ☐ Rent

Address: _____ City: _____ State: _____ Zip Code: _____

1. Who are you living with? _____

2. How long have you been at your current residence? _____
How long will you stay? _____

3. Do you have any plans to move in the near future? _____

4. Is your living situation stable? _____

5. Is your living situation different than when you started the program? How?

Section D – Relationships:

☐ Married ☐ Life Partner ☐ Separated ☐ Divorced ☐ Engaged ☐ Single

Children: ☐ Have Children ☐ Pay Child Support ☐ No Children

1. Is your current relationship stable? How long have you been in the relationship?

2. Is your current relationship positive and supportive? If not, why?

3. If you have children, what are your plans for their future (where will they live, who supports them, schooling)?

4. Do you have external responsibilities such as: caretaking an elderly relative/friend, foster care of children, step-parent? Do these responsibilities put stress on your relationship? If so, how do you cope?

5. Do you have contact/ties with your extend family (parents, siblings, other)?

6. Are your relationships with family/children/significant other different than when you started the program? How? How has your recovery affected them?

Section E – Health

☐ I am in general good health _____

☐ I am under a doctors care for _____

☐ I was a patient in the Psychiatric Court Clinic and continue on medication under a doctor's care.

1. Do you have medical insurance? _____ Dental? _____ if no, why not and how will you obtain it? _____

2. Do you have a primary care physician; when was the last time you had a physical. Are you up to date on preventative care?

3. What medications related to mental health are you on and do you plan to continue taking them? _____

4. Describe any health/mental health changes that occurred due to your being involved in OCDC?

Section F – Community Involvement and Sobriety Commitment

☐ Attend Support Groups How many per week _____ What type: _____

Sponsor/Mentor _____ Contact # _____

☐ I plan to keep attending to Alumni Group

☐ I would like to assist in leadership with the Alumni Group

☐ I have a valid drivers license

1. How long have you been clean/sober? _____ Is this the longest time you have been chemically free? _____
2. How long have you had your sponsor/mentor; describe your relationship? _____
3. What is the future commitment between you and your sponsor/mentor? _____
4. Is having a sponsor/mentor helpful to you? Why? _____
5. What steps (if any) are you currently working on? _____
6. Do you have a relapse plan in place? _____
7. Describe your support system outside your family; do you have enough support from others in your life? If not, why? How could you change that? _____
8. If you don't have a valid driver's license, are you aware of what you need to do to obtain one and what is your plan to get one? _____
9. Do you intend to remain alcohol/drug free? Why? How? _____
10. Do you intend to remain crime free? Why? How? _____

Section G- Accomplishments and Goals

1. What have you accomplished throughout the program that has prepared you for graduation? _____
2. If you completed a cognitive skill group, what did you learn from that program? _____
3. How is your life different after participating in OCDC? _____
4. Please describe 1
 - a. 90 day goal
 - b. 6 moth goal
 - c. 1 year goal
 - d. Do you have "life goals"? How will you attain them?
5. Why should you graduate at this time? _____

Turn in your entire Life Plan Packet to your Case Manager

Appendix P: Drug Court Fee

Olmsted County Drug Court

Fee Contract

Name: _____ DOB: _____

SSN: _____ Date of Admission to OCDC: _____

I understand that I will be assessed a program fee “per phase” for participating in Olmsted County Drug Court (OCDC).

It is understood that the payment of this fee is a requirement in order to advance to the next phase and ultimately complete OCDC. The cost of the entire program is \$1200.00 but I have the opportunity to earn up to 50% off “per phase” with incentives built into the program.

All payments may be paid in cash, credit card or check, money order made payable to “Olmsted County”.

The fee schedule is as follows:

- Phase 1: \$100.00
- Phase 2: \$200.00
- Phase 3: \$300.00
- Phase 4: \$300.00
- Phase 5: \$300.00

Participant

Date

Case Manager

Date

Appendix Q: Prescription Blue Card



Olmsted County Drug Court
151 4th Street SE, Rochester, MN 55904
Prescription Blue Card

_____, is a participant of OCDCC and has a diagnosis of chemical dependency. He/she is to take no prescribed mood-altering medication including over the counter or prescribed, unless there is no alternative medication and is needed for medical reasons.

The Client's chemical dependency diagnoses include:

- ☐ Alcohol Use Disorder
- ☐ Cannabis Use Disorder
- ☐ Hallucinogen Use Disorder
- ☐ Inhalant Use Disorder
- ☐ Opioid Use Disorder
- ☐ Sedative, Hypnotic, or Anxiolytic Use Disorder
- ☐ Stimulant Use Disorder
- ☐ Tobacco Use Disorder
- ☐ Other (or unknown) Substance Use Disorder

Medical Professional, to help with monitoring and providing guidance to our Client, we ask that you please complete the following:

Please write down any changes to the clients current prescription medication:

I understand that the information will be used to provide medical information, to inform the court of my compliance and progress in OCDCC. I also understand that personal records are protected by various – Federal (Part 2 of Title 42 of the Code of Federal Regulations) and state laws and that recipients may redisclose only in connection with their official duties.

Date: _____ (Client Signature)

_____ (Doctor Signature)

Doctor's Name (Please Print)