
Olmsted County Treatment Court Policies and Procedures Manual



Photo Courtesy of Alex Bunger, D&O Community Corrections

Olmsted County Government Center

The Honorable District Court Judge Kathy Wallace & Judge Lisa Hayne

151 4th Street SE

Rochester MN 55904

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Introduction

The Olmsted County Treatment Court (OCTC) 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 OCTC 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. There are several primary components for the five-phase program: regular court appearances, assessing both chemical dependency and mental health, random alcohol and drug testing, home visits, case management meetings, case plans, attendance of community support groups, obtaining employment or pursuing education, participation in pro-social activities and payment of program fees.

OCTC 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 is a part of the team and can administer mental health screens for participants in the program on an as needed basis.

Mission Statement

Olmsted County Treatment Court's mission is to decrease the input of drug and alcohol dependency, promote public safety and form partnerships with the participants, community, and the 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.

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 the impact of alcohol and illegal drug use by facilitating client sobriety.
- Improve community functioning in the areas of employment, education/training, and housing.

Treatment Court Team

The Treatment Court Team is a multidisciplinary working team acting in furtherance of the mission statement and goals set forth herein. The team assists in determining eligibility and attends staffing and judicial supervision hearings. The team is led by the presiding Treatment Court Judge. Team members include:

Presiding Treatment Court Judge - Third Judicial District Court:

The presiding Treatment 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 treatment court.

Treatment Court Coordinator/ Probation Officer- D&O Community Corrections:

The Treatment Court Coordinator is a Probation Officer who ensures the program complies with agreed upon policy and protocols. They are responsible for the operation as well as appropriate and timely completion of proposed Treatment Court program activities. Some of these activities include vetting client referrals, providing notifications in the pre-admission staffing process, and maintaining statistical information, and ensuring the program follows evidence-based practices on the state and national level.

Probation Officer – D&O Community Corrections:

The Probation Officer provides intensive supervision of clients while using a broad range of rehabilitative and case management services on the Treatment Court continuum. They are responsible for assisting in determining applicant eligibility as well as organizing and presenting progress/adjustment information at staffing. Additionally, they participate in review hearings and offer suggestions for appropriate responses to client behavior and progress in the program.

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

The Prosecuting Attorney aids in determining eligibility for perspective participants. The Prosecuting Attorney provides a public safety perspective and makes recommendations for correctional responses for non-compliant participants.

Treatment Court Defense Attorney – Public Defender's Office:

The Defense Attorney advocates for client access to Treatment Court services, as well as continued participation in Treatment Court. They provide ongoing legal representation and assure confidentiality requirements are met. Lastly, the Defense Attorney makes a constitutional guarantee that any legal proceeding follows due process.

Treatment Court Law-Enforcement - Olmsted County Sheriff's Department & Rochester Police Department:

Our local law enforcement agencies assist in maintaining public safety. The primary focus is providing community supervision. Our law enforcement partners assist in determining client eligibility. They also attend staffing to provide some additional perspective on a participant's adjustment within the community.

Treatment Provider Representatives from Participating Programs:

Treatment providers from various programs throughout our community are represented on the treatment court team to ensure client success through adequate representation. They can provide input on various appropriate treatment strategies as detailed in the Treatment Program Memorandum of Understanding.

Mental Health Therapist – Olmsted County Adult Behavioral Health

The Treatment Court Mental Health Therapist participates in staffing meetings to work with the team to identify and assess clients who need mental health services. This individual screens clients for trauma related issues. If the client needs services, the therapist can provide short-term therapeutic intervention and assist with referrals to community mental health services. Lastly, they provide ongoing monitoring and coordination of mental health needs and services.

Chemical Health Assessor:

The Chemical Health Assessor uses a comprehensive assessment to refer participants to an appropriate provider. The comprehensive assessment is intended to assess chemical health and determine appropriate treatment for each participant. The assessor provides perspective regarding behavioral health issues and services.

Evaluator:

A Treatment Court Evaluator assists the Treatment Court Team in developing, capturing and communicating valuable information for key stakeholders and other audiences.

Steering Committee

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

- Presiding Treatment Court Judge - Third Judicial District Court
- Treatment Court Coordinator – D&O Community Corrections
- Olmsted County Attorney - Olmsted County Attorney's Office
- Defense Attorney - Chief Public Defender
- Olmsted County Bar Association
- Law Enforcement Representative– Rochester Police Department and Olmsted County Sheriff's Office
- Director of Corrections/Associate Director- D&O Community Corrections
- Community Representatives

*(*As it concerns voting, we allow for one vote from each entity on the committee, meaning that D&O Community Corrections is allowed one vote, community representatives are allowed one vote, etc. Voting policies/procedures were clarified during a Steering Committee meeting held on 06/11/2024.)*

Program Structure

The Olmsted County Treatment 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 entered the Treatment Court program, they are required to remain in the program.

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

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

Failure to comply with Treatment 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 the issuance of an Apprehension Order or Arrest and Detention Order. Probation violation and/or revocation proceedings are conducted in Treatment Court.

Treatment Court uses all remedies, except diversion, available to a sentencing Judge in Olmsted County for the disposition of cases. The available options include Stay of Imposition, Stay of Execution, and Commitment to the Commissioner of Corrections for 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 Treatment Court. The individual must have demonstrated prior criminal activity in which the use of chemicals was a clear contributing factor.

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

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

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

*RANT®, 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 Treatment 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. 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.

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

“Resident” means a person who—

- Continuously inhabited Minnesota for at least one 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 Olmsted County Treatment Court (OCTC) and through the duration of their participation in the program.
- Clients who are currently homeless in Olmsted County will be considered on a case-by-case basis. To be eligible, the client must have historical ties to Olmsted County and agree to obtain/maintain approved housing within Olmsted County.
- Client must be a U.S. citizen or otherwise lawfully residing in the United States and not subject to removal proceedings.

OCTC is a program that is entered into on a voluntary basis. Prior to entry into the program, all clients must demonstrate a full understanding of program requirements and agree to follow all OCTC rules and expectations.

Client must be suitable for enhanced supervision as part of OCTC. This determination will be made based on the client’s willingness and motivation to enter the OCTC. This will also be based on the following:

- a. Chemical dependency history
- b. History of mental illness
- c. History of treatment programming
- d. Adjustment during previous periods of probation supervision

Client must have the ability to participate in all aspects of the OCTC as it relates to mental health, physical health, cognitive ability, and English language proficiency.

Client must be sentenced or enter a plea for a felony level offense that was motivated by a substance use disorder that would also result in a presumptive executed prison sentence under the Minnesota Sentencing Guidelines. Alternatively, the client must have violated probation for a previous charge which meets eligibility criteria.

A client on supervised release with the Minnesota Department of Corrections (DOC) will be considered for eligibility if they have a qualifying pending and/or current probation case.

Disqualification Criteria

Mandatory Disqualification Criteria

(see pages 8-10 regarding eligibility criteria)

Clients will not be eligible for the OCTC if the **current charged/pending offense(s), or the offense(s) of conviction in which a client is currently under community supervision,** include any of the following:

- **Homicide (all levels)**

609.19 subd. 1 Murder 2nd Degree (Intentional Murder; Unintentional Drive-By-Shootings) 11

609.19 subd. 2 Murder 2nd Degree (Unintentional Murder) 10

609.195(a) Murder 3rd Degree 10

609.195(b) Murder 3rd Degree 9

609.20(1), (2) & (5) Manslaughter 1st Degree 9

609.20(3) & (4) Manslaughter 1st Degree 8

609.205(1) & (5) Manslaughter 2nd Degree - Culpable Negligence 8

609.205(2), (3) & (4) Manslaughter 2nd Degree - Hunting Accident 5

609.2662(1) Murder of an Unborn Child 2nd Degree 11

609.2662(2) Murder of an Unborn Child 2nd Degree 10

609.2663 Murder of an Unborn Child 3rd Degree 10

609.2664(1) & (2) Manslaughter of an Unborn Child 1st Degree 9

609.2664(3) Manslaughter of an Unborn Child 1st Degree 8

609.2665(1) Manslaughter of an Unborn Child 2nd Degree 8

609.2665(2), (3), & (4) Manslaughter of an Unborn Child 2nd Degree 5

609.268 subd. 1 Death of an Unborn Child in Comm. of Crime 9

609.502 subd. 1(1) Interference with a Dead Body or Scene of Death 4

- **Criminal Sexual Conduct in the First, Second, Third, Fourth, or Felony Fifth Degrees**

609.342 Criminal Sexual Conduct 1st Degree A

609.343 subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i) Criminal Sexual Conduct 2nd Degree B*

609.343 subd. 1a(e)(f)(g) Criminal Sexual Conduct 2nd Degree D

609.344 subd. 1(a)(b)(c) (d) & 1a(c)(d)(g)(h)(i) Criminal Sexual Conduct 3rd Degree C*

609.344 subd. 1a(a) Criminal Sexual Conduct 3rd Degree (By Definition Perpetrator Must be a Juvenile) D

609.344 subd. 1a(e)(f) or subd. 1a(b) with ref. to subd. 2(1) Criminal Sexual Conduct 3rd Degree D

609.344 subd. 1a(b) with ref. to subd. 2(2) Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant) G

609.345 subd. 1(a)(b)(c) (d) & 1a(c)(d)(g)(h)(i) Criminal Sexual Conduct 4th Degree E

609.345 subd. 1a(a) Criminal Sexual Conduct 4th Degree (By Definition Perpetrator Must be a Juvenile) F

609.345 subd. 1a(b)(e)(f) Criminal Sexual Conduct 4th Degree F

609.3451 subd. 3(a) Criminal Sexual Conduct 5th Degree (Nonconsensual Penetration) H

609.3451 subd. 3(b) Criminal Sexual Conduct 5th Degree (2nd or Subsequent Violation) F

609.3453 Criminal Sexual Predatory Conduct

609.3458 subd. 1(a) Sexual Extortion (Contact) E

609.3458 subd. 1(b) Sexual Extortion (Penetration) C

• Solicitation of Minors/Indecent Exposure

609.352 subd. 2 Solicitation of Children to Engage in Sexual Conduct G
609.352 subd. 2a Solicitation of Children to Engage in Sexual Conduct (Electronic) G
617.23 subd. 3 Indecent Exposure G
617.246 subd. 2(a) 3(a) 4(a) Use of Minors in Sexual Performance D
617.246 subd. 2(b) 3(b) 4(b) Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14) C

• Possession/Manufacture of Pictorial Representation of Minors

617.247 subd. 3(a) Dissemination of Child Pornography E
617.247 subd. 3(b) Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14) C
617.247 subd. 4(a) Possession of Child Pornography G
617.247 subd. 4(b) Possession of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14) E

• Other Sex Exploitation/Trafficking Crimes

617.261 subd. 2(b) Nonconsensual Dissemination of Private Sexual Images 3
617.262 subd. 3(b) Nonconsensual Dissemination of a Deep Fake Depicting Intimate Parts or Sexual Acts 3 609.282 subd. 1 Labor Trafficking (Death) 9
609.282 subd. 1a(1) Labor Trafficking (Minor Victim) 8
609.282 subd. 1a(2) Labor Trafficking (Extended Period of Time) 7
609.282 subd. 1a(3) Labor Trafficking (Great Bodily Harm) 8
609.282 subd. 2 Labor Trafficking 6
609.322 subd. 1(a) Sex Trafficking 1st Degree B
609.322 subd. 1(a) with ref. to subd. 1(b) Aggravated Sex Trafficking 1st Degree A
609.322 subd. 1a Sex Trafficking 2nd Degree C
609.322 subd. 1a with ref. to subd. 1(b) Aggravated Sex Trafficking 2nd Degree B
609.324 subd. 1(a) Engage or Hire a Minor to Engage in Prostitution 9
609.324 subd. 1(b) Engage or Hire a Minor to Engage in Prostitution 5
609.324 subd. 1(c) Engage or Hire a Minor to Engage in Prostitution 3
609.324 subd. 2(b) Patrons of Prostitution (2nd or Subsequent Violation) 3
609.3242 subd. 2(2) Prostitution Crimes (Gross Misd. Level) Committed in School or Park Zones 1

• Assault in the First, Second, Third, or Fourth Degrees

609.221 subd. 1 Assault 1st Degree (Great Bodily Harm) 9
609.221 subd. 2 Assault 1st Degree (Deadly Force Against Official) 9
609.221 subd. 3 Assault 1st Degree (Great Bodily Harm Upon Official) 10
609.221 subd. 4 Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force) 11
609.222 Assault 2nd Degree (Dangerous Weapon) 6
609.223 subd. 1 Assault 3rd Degree (Substantial Bodily Harm) 4
609.223 subd. 2 Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse) 4
609.223 subd. 3 Assault 3rd Degree (Bodily Harm, Victim under 4) 4
609.2231 subd. 1 Assault 4th Degree (Peace Officer) 1
609.2231 subd. 2 Assault 4th Degree (Firefighters and Emergency Medical Personnel) 1
609.2231 subd. 3 Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer) 1
609.2231 subd. 3a Assault 4th Degree (Secure Treatment Facility Personnel) 1

609.2231 subd. 4 (b) Assault 4th Degree Motivated by Bias 1
609.224 subd. 4 Assault 5th Degree (3rd or Subsequent Violation) 4

• **Assault /Abuse-Other Felony**

609.267 Assault of an Unborn Child 1st Degree 9
609.2671 Assault of an Unborn Child 2nd Degree 4
609.268 subd. 2 Injury of an Unborn Child in Comm. of Crime 4
609.2325 subd. 3(1) Criminal Abuse of Vulnerable Adult (Death) 9
609.2325 subd. 3(2) Criminal Abuse of Vulnerable Adult (Great Bodily Harm) 8
609.2325 subd. 3(3) Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm) 4
609.71 subd. 1 Riot 1st Degree 8

• **Harm Caused by Distribution of Drugs**

609.228 Great Bodily Harm Caused by Distribution of Drugs 8
609.235 Use of Drugs to Injure or Facilitate Crime 4
609.687 subd. 3(1) Adulteration Resulting in Death 11

• **Felony Domestic Assault**

609.2242 subd. 4 Domestic Assault 4
609.2245 Female Genital Mutilation Unranked
609.2247 Domestic Assault by Strangulation 4

• **Felony Malicious Punishment of a Child/Neglect or Endangerment of a Child**

609.377 subd. 3 Malicious Punishment of Child (2nd or Subsequent Violation) 4
609.377 subd. 4 Malicious Punishment of Child (Bodily Harm) 4
609.377 subd. 5 Malicious Punishment of Child (Substantial Bodily Harm) 4
609.377 subd. 6 Malicious Punishment of Child (Great Bodily Harm) 8
609.3775 Child Torture 8
609.378 Child Neglect/Endangerment 5
609.26 subd. 6(a)(1) Depriving Another of Cust. or Parental Rights 1
609.26 subd. 6(a)(2) Depriving Another of Cust. or Parental Rights 3

• **Threats of Violence, Felony Stalking/Harassment/Restraining Order Violations**

518B.01 subd. 14(d) Violation of an Order for Protection 4
609.713 subd. 1 Threats of Violence (Terror/Evacuation) 4
609.713 subd. 2 Threats of Violence (Bomb Threat) 2
609.713 subd. 3(a) Threats of Violence (Replica Firearm) 1
609.714 Offense in Furtherance of Terrorism
609.746 subd. 1(g) Interference with Privacy (2nd or Subsequent Violation or Minor Victim) 1
609.746 subd. 1(h) Surreptitious Observation Device (Minor Victim and Sexual Intent) G
609.746 subd. 1(j) Surreptitious Photography Under or Around Clothing (3rd or Subsequent Violation) 3
609.749 subd. 3(a)(b) Harassment (Aggravated Violations) 4
609.749 subd. 4(a) Harassment (2nd Violation) 4
609.749 subd. 4(b) Harassment (3rd or Subsequent Violations) 5
609.749 subd. 5 Stalking 5

629.75 subd. 2(d) Violation of a Domestic Abuse No Contact Order 4

• **Kidnapping/False Imprisonment**

609.25 subd. 2(1) Kidnapping (Safe Release/No Great Bodily Harm) 6

609.25 subd. 2(2)(i) Kidnapping (Not Released in Safe Place) 8

609.25 subd. 2(2)(ii) Kidnapping (Great Bodily Harm) 9

609.25 subd. 2(2)(iii) Kidnapping (Victim Under 16) 8

609.255 subd. 2 False Imprisonment (Restraint) 3

609.255 subd. 3(b) False Imprisonment (Demonstrable Bodily Harm) 3

609.255 subd. 3(c) False Imprisonment (Substantial Bodily Harm) 4

• **Witness Tampering**

609.27 subd. 1(1) Coercion (Threat Bodily Harm) 3

609.498 subd. 1a Tampering with a Witness 1st Degree 5

609.498 subd. 1b Tampering with a Witness Aggravated 1st Degree 9

• **Firearms/Dangerous Weapons**

609.165 subd. 1b Certain Persons Not to Have Firearms or Ammunition 6

609.504 Disarming a Peace Officer 3

609.52 subd. 3(1) Theft of Firearm 4

609.52 subd. 3(2) Theft of Incendiary Device 4

609.66 subd. 1a(a)(1) Firearm Suppressor 2

609.66 subd. 1a(a)(1) Firearm Suppressor (Public Housing, School or Park Zone) 3

609.66 subd. 1a(a)(2) & (3) Discharge of Firearm (Public Housing, School or Park Zone) 2

609.66 subd. 1a(a)(2) Discharge of Firearm (Intentional) 2

609.66 subd. 1a(a)(3) Discharge of Firearm (Reckless) 1

609.66 subd. 1b Furnishing Firearm to a Minor 2

609.66 subd. 1c Furnishing a Dangerous Weapon 2

609.66 subd. 1d(a) Dangerous Weapons on School Property 4

609.66 subd. 1e(a)(1) Drive-By Shooting (Unoccupied Motor Vehicle or Building) 3

609.66 subd. 1e(a)(2) & (3) Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building) 8

609.66 subd. 1g Weapon in Courthouse/Certain State Buildings 4

609.667 Remove or Alter Serial Number on Firearm 1

609.668 subd. 6 Explosive Devices/Incendiary Devices 6

609.67 subd. 2(a) Machine Gun, Trigger Activator, or Conversion Kit 8

609.67 subd. 2(b) Short-Barreled Shotgun 3

609.855 subd. 5 Discharge Firearm at Occupied Transit Vehicle/Facility 6

609.855 subd. 5 Discharge Firearm at Unoccupied Transit Vehicle/Facility 1

609.712 Real/Simulated Weapons of Mass Destruction Unranked

624.713 subd. 2(a) Certain Persons Not to Have Firearms or Ammunition 3

624.713 subd. 2(b) Certain Persons Not to Have Firearms or Ammunition 6

624.7131 subd. 11 False Statement to Obtain Firearm Transferee Permit 1

624.7132 subd. 15(b) Transfer Pistol to Minor 2

624.714 subd. 1a Pistol Without Permit (Subsequent Violations) 1

624.7141 subd. 2 Transfer Pistol to Ineligible Person 2

624.7181 subd. 2 Assault Weapon in Public (Under 21) 1

624.731 subd. 8(a) Tear Gas and Tear Gas Compounds; Electronic incapacitation devices 3
624.732 subd. 2 Intentional Release of Harmful Substance 3
624.7191 Metal Penetrating Bullets Unranked
641.165 subd. 2(b) Bring Dangerous Weapon into County Jail 4

• **Burglary in the First Degree**

609.582 subd. 1(a) Burglary 1st Degree (Occupied Dwelling) 6
609.582 subd. 1(b)(c) Burglary 1st Degree (w/Weapon or Assault) 8

• **Arson in the First and Second Degrees**

609.52 subd. 3(2) Theft of Incendiary Device 4
609.561 all sections Arson 1st Degree 8
609.5641 subd. 1a(b) Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000) 7
609.5641 subd. 1a(c) Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)

• **Criminal Vehicular Operation/Homicide**

609.2112, subd. 1(a) Criminal Vehicular Homicide (Death) 8
609.2112, subd. 1(b) Criminal Vehicular Homicide (Death, and Qualified Prior Conviction) 8
609.2113, subd. 1 Criminal Vehicular Operation (Great Bodily Harm) 5
609.2113, subd. 2 Criminal Vehicular Operation (Substantial Bodily Harm) 3
609.2114, subd. 1(a) Criminal Vehicular Operation (Death to an Unborn Child) 8
609.2114, subd. 1(b) Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction) 8*
609.2114, subd. 2 Criminal Vehicular Operation (Injury to an Unborn Child) 5

• **Interfere with Emergency Services**

609.487 subd. 4(a) Fleeing Peace Officer (Death) 10
609.487 subd. 4(b) Fleeing Peace Officer (Great Bodily Harm) 6
609.487 subd. 4(c) Fleeing Peace Officer (Substantial Bodily Harm) 4
609.78, subd. 2a(1) Fictitious Emergency Call (Great Bodily Harm or Death) 8

• **Robbery (All Levels)**

609.24 Simple Robbery 5
609.245 subd. 1 Aggravated Robbery 1st Degree 8
609.245 subd. 2 Aggravated Robbery 2nd Degree 6
609.247 subd. 2 Carjacking 1st Degree 9
609.247 subd. 3 Carjacking 2nd Degree 7
609.247 subd. 4 Carjacking 3rd Degree 6

• **Crime Committed for the Benefit of a Gang**

609.229 subd. 3(a) Crime Committed for Benefit of Gang
609.229 subd. 3(c) Crime Committed for Benefit of Gang 1

No offender deemed to be a “**violent offender**” shall be accepted into the OCTC unless 10 years has lapsed from the expiration of sentence on the offense(s) that would categorize an applicant as a “violent offender”. This will be evaluated by the “violent offender” designation set out in 42 U.S.C. 3797u-2.
Crime of Violence: 42 U.S.C. 3797u-2 - 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;

(i) *This provision applies to defendant’s **pending charge(s)** at the time that a defendant is considered for Treatment Court. If current charges include paragraphs A, B, or C above, the defendant is not eligible for Treatment Court.*

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.

(i) *This provision applies to **prior convictions**, not pending charged offenses. Offenders are ineligible for Treatment Court if they have previously been convicted of an offense involving the use of force against another person with the intent to cause death or serious bodily harm. Offenders will be eligible if 10 or more years have lapsed from expiration of sentence on any offense that would categorize an individual as a “violent offender”.*

Additional Eligibility Considerations:

(1) Pending Complaints Eligibility:

(A) In order to treat participants objectively and similarly, it is expected that defendants will plead guilty to the sole count in single-count complaints or the most serious count in multi-count complaints.

(B) It is not the policy of the Olmsted County Attorney’s Office to dismiss counts or complaints or amend complaints for the purpose of making an otherwise ineligible defendant eligible for Treatment Court.

(C) In multi-count complaints or defendants with multiple pending files, charges that are otherwise disqualifiers which are dismissed by negotiated plea agreement will be considered disqualifying conduct so long as supporting probable cause exists at the time of sentencing.

(D) Defendants shall not be eligible if, in the same action, have entered into a negotiated plea agreement which was not accepted by the court or if a requested departure from a guideline sentence was rejected by the court resulting in a withdrawal of plea and subsequent application to Treatment Court.

(E) Defendants shall make application for, or be accepted into, Treatment Court no later than the first Settlement Conference or upon the resolution of pretrial contested Omnibus issues. Late application for Treatment Court will be rejected unless special circumstances are approved by the Treatment Court Judge. Clients are admitted after meeting eligibility criteria by the D&O Intake Team and upon acceptance by the OCTC team.

(F) Felony DWI, 169A.24, Third or subsequent offense (client has been convicted of 2 or more Felony DWI offenses) will be considered a disqualifying offense unless a period of 10 years has lapsed from expiration of sentence on prior, 2nd Felony DWI. The final decision on whether an applicant will be considered under these circumstances will rest with the OCTC Judge.

(2) Probationary Supervision Eligibility:

(A) When a defendant is already on probationary supervision for an offense that is a disqualifying offense and subsequently commits a new offense for which the defendant wishes to be considered for Treatment Court, that defendant is not eligible for Treatment Court.

(B) When a defendant has multiple pending files or charges, and one of the charged offenses is on the list of disqualifying offenses, the defendant is not eligible for Treatment Court.

(C) Clients requesting consideration on a probationary track shall make application for or be accepted into Treatment Court prior to a contested revocation hearing.

(D) Felony DWI, 169A.24, Third or subsequent offense (client has been convicted of 2 or more Felony DWI offenses) will be considered a disqualifying offense unless a period of 10 years has lapsed from expiration of sentence on prior, 2nd Felony DWI. The final decision on whether an applicant will be considered under these circumstances will rest with the OCTC Judge.

(3) Defendant is engaged in distribution or manufacturing network or crimes to benefit a gang:

(A) Defendants are not eligible for Treatment Court if it is demonstrated by clear and convincing evidence that they are an integral part of a distribution or manufacturing network or actively engaged in crimes to benefit a gang. Proof shall be demonstrated by:

- (i) Search warrants
- (ii) Documentation from prior or ongoing law enforcement investigations,
- (iii) Prior arrests or charges.

(B) Such evidence may be made confidentially, with the Treatment Court Judge, if public disclosure would compromise an on-going investigation.

(4) Prior participation in Specialty Court:

(A) Defendants who have previously participated in OCTC, successfully or unsuccessfully, are not eligible for re-entry to OCTC.

(B) Defendants who have previously participated in a Specialty Court, other than OCTC, are not automatically disqualified, but will be considered on a case-by-case basis.

(5) Has less than three years of expiration or probationary period of time.

(6) Score of 34 or higher on the LS/CMI within the last year will not be eligible for Treatment Court.

(7) The client suffers from mental incapacity that prohibits his or her ability to participate in treatment or the Treatment Court program.

(8) 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 OCTC. Participants may be required to undergo a mental health evaluation prior to acceptance into the OCTC.

(9) A medical condition that is beyond our level of care or requires immediate and intensive treatment and may prevent participation in the OCTC or pose a risk to the OCTC Team or clients. Reasonable accommodations will be made to allow participation in the OCTC provided that the rules and expectations of the OCTC can be substantially met.

Referral/Screening Process for New Criminal Behavior Presumptive Executed Prison Sentence

Defendants charged with a felony offense, facing a presumptive executed prison sentence, may be referred to Olmsted County Treatment Court (OCTC).

- Referral process to OCTC begins with a joint agreement by attorneys or District Court Judge.
- Judge orders the defendant be assessed for the appropriateness of Treatment Court via a pre-plea investigation. District Court will schedule return date six to eight weeks out.
- At D&O's Screening Team discretion, a referral will be made for the defendant to complete a chemical dependency assessment to determine if the defendant is high need or determined to have a moderate/severe substance use disorder.
- D&O Screening Team determines if client is high risk/high need using both the RANT and LS/CMI.
- If the defendant is high risk/high need and the D&O Intake Team determines that the defendant is an appropriate referral for OCTC, the Intake Probation Officer will contact the Treatment Court Coordinator to schedule a pre-admission staffing with the OCTC Team.
- The OCTC team will conduct a pre-admission staffing and make an eligibility determination based on a consensus or near consensus vote, with the Judge having final approval.
- The OCTC's decision will be conveyed in writing immediately with notification to the Judge and attorneys involved in the case.
- If the defendant is determined to be ineligible, the case will continue on the felony court calendar for resolution.
- If the defendant is accepted, the matter is returned to the felony calendar for plea and sentencing.
- At the sentencing hearing, the Judge can determine whether or not to grant the departure. If the departure is granted, defendant's sentence will be modified by the District Court Judge to include the conditions of OCTC. Final disposition will be determined by the OCTC Judge; OR the defendant may not be accepted into OCTC and the matter will return to the felony calendar for resolution.

Referral/Screening Process for Probation Violation Presumptive Executed Prison Sentence

Clients on probation for a felony offense, who are facing revocation of their probationary sentence, may be referred to the Olmsted County Treatment Court (OCTC).

- 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 OCTC consideration.
- Judge orders the defendant be assessed for the appropriateness of OCTC. Scheduled return date of at least 21 days court calendar days out.
- At D&O's Screening Team discretion, a referral will be made for the defendant to complete a chemical dependency assessment to determine if the defendant is high need or determined to have a moderate/severe substance use disorder.
- D&O Intake Team determines if client is high risk/high need using both the RANT and LS/CMI.
- If the client is high risk/high need and the D&O Intake Team determines that the defendant is an appropriate referral for OCTC, Probation Officer will contact the Treatment Court Coordinator to schedule a pre-admission staffing with the OCTC team.
- If accepted by the D&O Intake Team, the OCTC Team will conduct a pre-admission staffing and make a final eligibility determination.
- The OCTC team's decision will be made in writing, and notification will be made to the probation officer and attorneys.
- If the defendant is determined to be ineligible and not accepted into the program, the case will be returned to the felony court calendar for resolution.
- If the client is accepted into OCTC, the matter will be scheduled for resolution in OCTC and the next probation violation hearing calendar appearance may be cancelled. The revocation will be resolved by the OCTC Judge, and any final dispositions will rest with the OCTC Judge.

Phases

The Olmsted County Treatment Court program (OCTC) is a five-phased, highly structured program, lasting a minimum of 15 months. The length of time varies based on a participant's individual progress. Upon successful completion of OCTC, the client will be placed back on traditional probation supervision with an opportunity for early discharge based on the client's continued compliance and progress on supervision.

Requirements for all phases:

- Attend all court and office appointments.
- Random urinalysis tests at a minimum of twice per week.
- Individualized treatment and case plans.
- Treatment Court fees.
- Meet with Mental Health Professional.

Phase #1

Length of phase: A minimum of 60 days

Requirements:

- 1) Successfully complete OCTC orientation.
- 2) Treatment Court attendance twice per month and weekly office visits.
- 3) Curfew from 8:00pm-6:30am.
- 4) Attend and participate in treatment programming as recommended by chemical dependency assessment(s).
- 5) Start support groups as recommended by treatment. Introduce recovery coach/mentor, Peer Recovery Support Specialist (PRSS), and/or sponsor.
- 6) Subject to home visits at the discretion of his/her probation officer and law-enforcement.
- 7) Work with probation agent to develop case plan and treatment plan.
- 8) Pay Treatment Court fee of \$100 (50% incentive based).
- 9) Must meet with the Treatment 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 Treatment Court team.

Phase #2

Length of phase: A minimum of 90 days

Requirements:

- 1) Treatment Court attendance and office visits twice per month.
- 2) Curfew from 8:30pm-6:30am.
- 3) Attend, participate, and engage in treatment. Continue to work toward case plan & treatment goals.
- 4) Explore employment, education, volunteerism/community service.
- 5) Engage in support groups as recommended by treatment and/or OCTC Team. Obtain/maintain recovery coach, PRSS, and/or mentor.
- 6) Subject to home visits at the discretion of his/her probation officer and law-enforcement.
- 7) Pay Treatment Court fee of \$200 (50% incentive based).
- 8) Must meet with the Treatment 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 Treatment Court Team.

Phase #3

Length of phase: A minimum of 90 days

Requirements:

- 1) Treatment Court attendance and office visits twice per month.
- 2) Continue to attend, participate, engage in treatment and case plan goals.
- 3) Evaluate for cognitive behavioral therapy/cognitive skills programming and refer, 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/her probation officer and law enforcement.
- 7) Work towards acquiring stable housing and build support group.
- 8) Must obtain employment, education, or engage in volunteer/community service opportunities.
- 9) Demonstrate pro-social activities.

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- 10) Pay Treatment Court fee of \$300 (50% incentive based).
 - 11) Must meet with the Treatment 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 Treatment Court team.

Phase #4

Length of phase: A minimum of 90 days

Requirements:

- 1) Monthly treatment court attendance and office visits.
- 2) Continue treatment goals, cognitive behavioral therapy/cognitive skills programming, and attend relapse prevention.
- 3) Curfew from 9:30pm-6:30am.
- 4) Subject to home visits at the discretion of his/her probation officer and law-enforcement.
- 5) Maintain and demonstrate pro-social activities.
- 6) Pay Treatment Court fee of \$300 (50% incentive based).
- 7) Work on employment and/or school.
- 8) Must meet with the Treatment 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 Treatment Court team.

Phase #5

Length of phase: A minimum of 120 days

Requirements:

- 1) Monthly treatment court attendance and office visits.
- 2) Curfew from 10:00pm-6:30am.
- 3) Completion of treatment and cognitive behavioral therapy/cognitive skills programming. Meet case plan goals.
- 4) Subject to home visits at the discretion of his/her probation officer and law-enforcement.

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- 5) Maintain established support group, sponsor, PRSS, and/or mentor. Demonstrate pro-social activities.
 - 6) Must be working, in school, or participating in job training/skills.
 - 7) Pay Treatment Court fee of \$300 (50% incentive based).
 - 8) Must meet with the Treatment Court Team Mental Health Professional prior to phase advancement.
 - 9) 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 Treatment Court team.
 - 10) Submit graduation “Life Plan” application with continuing care and aftercare plan. Present Life Plan in front of the Treatment Court team.

Incentives and Sanctions

Policy

Treatment Court uses graduated incentives and sanctions to encourage participants to remain sober, abide by the law, and successfully complete the Treatment Court program. Since each participant’s situation is unique, the Olmsted County Treatment 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 Treatment Court Judges based upon evidence-based practices and recommendations of the Treatment 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 their compliance with supervision, recovery and their progress reports reflect marked improvement or successful

completion of treatment, the judge may acknowledge the defendant's success with incentives, including:

Low	Moderate	High
<p>Verbal Praise</p> <p>Verbal praise is provided for most routine accomplishments in Treatment Courts include timely attendance at appointments and participation in treatment related discussions or activities.</p> <p>This is especially important during Phase One of the program, when participants have a relatively harder time satisfying basic 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 Treatment 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 Treatment Court are commonly incentivized by reducing their supervision obligations. For example, they may be permitted to attend less frequent probation appointments or status hearings.</p> <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:</p> <ul style="list-style-type: none"> • Fishing trips • Movie outings • Bowling

Low	Moderate	High
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<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>Symbolic Rewards</p> <p>Symbolic rewards maybe inexpensive, but they have high emotional impact in the recovery community. Common examples:</p> <ul style="list-style-type: none"> • Sobriety medallions • Copies of addiction readings such as the AA “Big Book <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 on the Treatment Court media site:</p> <ul style="list-style-type: none"> • Pro-sobriety artwork • Photos of participants receiving rewards • Letters of commendation from employers or teachers 	<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 Rewards</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. <p>Ambassadorship</p> <p>This enables participants or alumni to represent the Treatment Court to outside agencies such as the public, church groups, legislators or media.</p> <p>Commencement Ceremony</p> <p>Virtually all Treatment 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
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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:

Sanctions

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> <ul style="list-style-type: none"> Clarify the nature of the infraction Emphasize the expectation of compliance in the program. 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> <ul style="list-style-type: none"> Non-compliant participants sit in the jury box or other designated area of the courtroom to observe the Treatment Court proceedings. More serious or repetitive infractions, participants may be required to observe 	<p>Increased Supervision Requirements</p> <ul style="list-style-type: none"> More frequent: <ul style="list-style-type: none"> Probation appointments. Status hearings UA's. <p>Essay Assignments</p> <ul style="list-style-type: none"> 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 Skills</p> <ul style="list-style-type: none"> Participants who have consistently struggled with thinking errors may be required to participate in a cognitive skills group. <p>Team Roundtables</p> <ul style="list-style-type: none"> Typically used for participants who are on the verge of termination from the program. The entire Treatment Court 	<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"> SCRAM or Breath Test monitoring. <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> <ul style="list-style-type: none"> Participants may face revocation on both probation and supervised release matters.

Low	Moderate	High
non-treatment court proceedings, such as bail hearing or criminal trials.	team meets with the participant to determine ways to avoid termination.	

Treatment Protocol & Therapeutic Responses

Treatment Protocol

The type of chemical dependency treatment services to be used by Treatment Court will be determined by a chemical dependency assessment, with input from the Treatment Court Team. *(As of 07/01/2022, the State of Minnesota no longer conducts the Rule 25 Assessment at any level and has moved to the Direct Access model via a comprehensive assessment to gain access to treatment services. This approach allows individuals to go directly to a treatment provider to receive a comprehensive assessment and initiate treatment services.)*

The Treatment Court program has several participating treatment providers who provide treatment services and serve on the team. The treatment providers are required to participate on the team when a participant is engaged in services. Treatment 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.

Therapeutic Responses

The Treatment 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.
- 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 Treatment Court participants will consist of enhanced supervision by Olmsted Community Corrections.

Each participant is referred to a probation officer specifically assigned to the OCTC for case planning, monitoring accountability, and direct service. Probation Officers will conduct an LS-CMI (Level of Service/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, reviewing conditions, assessing motivation, identifying client strengths, identifying client triggers, building the plan and putting the plan into action. The probation officer 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 Olmsted County Government Center, 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 provides information on each participant to the team and attends weekly judicial staffing and reviews. Probation officers 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, by providing accountability for Treatment Court participants and ensuring public safety

Procedure and Protocol

The Treatment Court relies on D&O Community Corrections and Olmsted County Detention Staff for assistance with drug testing participants. Drug testing procedures are conducted in accordance with Appendix H: OCTC Drug and Alcohol Testing Policies. Drug testing should always be random and observed. The tests may take place at treatment, the participant's residence, probation office or at the Work Release Facility. Participants are on a random drug testing schedule through our vendor, Redwood Toxicology. Treatment Court participants will call into the automated call system every

day to determine if they are scheduled for testing that day. They will be provided with a PIN code upon entry into the program. Drug testing will be administered seven days a week. Testing hours will be reviewed with each participant upon entry into the program. To reach the automated system, participants can call: 1-800-494-1250.

Frequency of testing is established by the Treatment Court Team. The court may order a participant screened either before or during a judicial supervision hearing if the Treatment 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 participating in the Olmsted County Treatment Court must agree to cease the use of all mood-altering substances, including alcohol/THC, regardless of whether the participant abuses alcohol/THC. During the orientation process, Treatment Court participants are advised of the consequences of a positive test result, a low creatinine level, 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. If medications containing controlled substances must be used while participating in Treatment Court due to medical necessity, the participant and their physician or medical professional must sign a Medical Notification and Verification Form (Appendix I) and return it to probation staff.

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 confirmation testing. Consequences or sanctions are imposed for continued substance use. Invalid drug screens due to temperature, specific gravity, or creatinine level are also considered positive. Tampering with drug screens is a serious violation that will result in a sanction and could result in termination from the program.

Prohibited Substances

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

Physician-Prescribed Medications

Participants are required to provide verification from their physician of any prescribed medications they are taking. They must do so in advance of testing or when medication

changes occur. Participants must furnish the treatment provider and their probation officer/case manager with a complete list of prescription and non-prescription drugs currently being used.

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. Documentation 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 as well as 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 OCTC. Monitoring and supervision by treatment providers and the probation department will be conducted to ensure medication compliance. Participants are encouraged to work with their physician or medical professionals to avoid/limit the use of opiates, amphetamines, benzodiazepines, or any mood-altering chemicals. Participants should also work with their provider to find non-addictive alternatives.

Medication-Assisted Treatment

Medication-assisted treatments (MAT's) have been shown to assist clients in maintaining sobriety. Olmsted County Treatment Court does not prohibit the use of MAT programs.

Unsuccessful Completion

Termination from the Treatment 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. Disposition resides with the Treatment 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, it can result in revocation of his/her sentence.

Grounds for Termination

The following is not an all-inclusive list of the reasons for termination from the Olmsted County Treatment 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 Treatment 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 Treatment 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 Treatment Court Team and the Treatment Court Judge. Near the end of the fifth phase, participants must fill out Appendix M: Pre-Graduation packet that is reviewed and approved by the Treatment Court Team. The Treatment Court Team must approve candidates for graduation.

Requirements

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

- Complete the 5 phases of the Treatment 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 probation officer.
- 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 Treatment Court Team, the participant will be scheduled for a graduation ceremony. The treatment 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 upon graduation. While on probation, 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. Treatment providers are encouraged to provide support with aftercare programming as well as alumni meetings.

Treatment Court Evaluation

The OCTC recognizes the importance of evaluating Treatment Court and has partnered with the Continuous Improvement Team in Community Services. The OCTC program has identified variables we will track, that include but are not limited to the following:

- Demographic Information
 - Age at Intake/Age at Discharge
 - DOB
 - Gender
 - Participant Name
 - Race
 - SID Number
- Court Information
 - Arresting Agency
 - Court Case Numbers
 - Court Type
 - Date of First Treatment Court Services
 - Date Referred to Treatment Court & Date Accepted into Treatment Court
 - First Appearance in Treatment Court
 - Treatment Court Active
 - Treatment Court Graduated
 - Type of Charges
- Document Status
 - DL Status
 - Military Status
- Education and Vocation
 - Employment Status
 - Highest Grade Completed
- Housing and Payments
 - Housing Situation
 - Child Support Payments
- Assessments
 - Chemical Health Assessment Date & Chemical Health Assessment Tool
 - Final Risk Assessment tool & Risk Level & Risk Score
 - RANT
 - Risk Assessment Date & Risk Assessment Tool
 - Risk Assessment Level & Score
- Treatment and Substance Use
 - Compliance with Treatment Requirements
 - Days Since Last Known Substance Use
 - Jail Time Prior to Treatment Court Acceptance

-
- Program End Date
 - Received Medically Assisted Tx & Medically Assisted Tx Drug Used in the Program
 - Referral to First Treatment Episode & First Treatment Episode Date
 - Substance of Use
 - Substance Use
 - After Treatment Court
 - Alumni Start/End Date
 - Employment/ Alumni
 - Housing Situation/Alumni
 - Final Status
 - Current Child Support Payments Final
 - DL Status Final
 - Employment Status Final
 - Highest Grade Completed Final
 - Housing Situation Final
 - Mental Health Diagnosis Final
 - Reason for Termination

Appendix

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Appendix A: 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 TREATMENT 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 Treatment Court Participant Handbook.
4. If accepted into the Olmsted County Treatment Court, I agree to be bound by all provisions of the Olmsted County Treatment 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 Treatment Court will be considered a condition of my probationary sentence. 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 that in order for me to be eligible for Olmsted County Treatment Court, I must meet the following criteria:
 - 18 or over.
 - Olmsted County resident.

Appendix A: Referral Form (Cont.)

- Have been determined to be high risk/high need as determined by D&O Community Corrections.
 - Must enter voluntarily and be suitable for enhanced supervision as part of the Olmsted County Treatment Court. This determination will be based on the client's 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 appropriateness to enter into Olmsted County Treatment Court. This determination will be made by D&O Community Corrections and the Treatment 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 they are 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 Treatment Court, I hereby request admission into this program.

Defendant

_____, 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 B: Treatment Court Sentencing Order

STATE OF MINNESOTA
COUNTY OF OLMSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT

State of Minnesota

Case # 55-CR-_____

v.

Charge: _____

Type: **Treatment Court**

TERMS AND CONDITIONS OF SENTENCE

☐ Amended

- ☐ *Stay of Imposition.* Imposition of the sentence is stayed for _____ years. You are placed on probation. Successful completion of probation will result in the conviction being reduced to a misdemeanor.
- ☐ *Stay of Execution.* You are committed to the custody of the Commissioner of Corrections for _____ months (plus a conditional release period of _____ years following any executed prison term). Execution of this sentence is stayed for _____ years.
- ☐ Pay: ☐ a fine of \$_____, with \$_____ stayed for _____ year(s), due within _____ days.
☐ restitution of \$_____ **or** reserved for _____ days.
☐ restitution is to be paid prior to any other financial sanction.
- ☐ Serve _____ days in the workhouse, with credit for _____ days. Report to the workhouse ☐ immediately **or** ☐ by _____ a.m./p.m. on _____.
- ☐ You are approved for immediate furlough for treatment.
- ☐ In lieu of ☐ workhouse or ☐ fine: ☐ perform _____ days of Sentence to Service (STS) within _____ days
☐ perform _____ hours of community service within _____ days
- ☐ Do not commit any new offense or have any arrest or charge supported by probable cause for any new offense.
- ☐ Do not use, possess, or transport any firearm or ammunition.
- ☐ Provide a DNA sample.
- ☐ Follow all Probation Rules

Appendix B: Treatment Court Sentencing Order (continued)

TREATMENT COURT CONDITIONS

☐ Enter and successfully complete the Olmsted County Treatment Court program. Obey all rules of Treatment 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 set an appropriate curfew depending on what 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 Treatment Court participant fee of \$_____ within _____ days.

☐ _____

I HAVE READ AND UNDERSTAND THE CONDITIONS OF MY SENTENCE.

District Court Judge's Signature

Date

Defendant's Signature

Date

Appendix C: Treatment Court Sentencing Order Probation Rules

- It is your responsibility to follow all of these general rules of D&O Community Corrections. If you have any questions about these rules or conditions of your probation, contact your 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 call the main number for D&O Community Corrections at: 507-328-7200.
 - Obey all laws, including local ordinances.
 - Submit to the electronic and/or physical search of your person and/or premises upon the request of a Probation Officer per the search and seizure policies of D&O Community Corrections.
 - Report any arrests, charges, or contacts with law enforcement to your Probation Officer within 48 hours.
 - Meet with your Probation Officer as they direct.
 - Keep your Probation Officer informed of your current address, telephone number, and employment.
 - Do not leave Minnesota unless you have permission of your Probation Officer. If permission is granted, you shall comply with all the laws of that applicable state. Your 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 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 your sentencing conditions.

It is your responsibility to stay in contact with D&O Community Corrections.

Appendix D: Participant Agreement

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF Olmsted

THIRD JUDICIAL DISTRICT

State of Minnesota

Case(s):

v.

Charge(s):

Olmsted County Treatment Court Participant Agreement

The purpose of the Olmsted County Treatment Court is to promote public safety. The program is also designed to help me address my substance use disorder and live life in recovery. 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 drug/alcohol testing. 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. This includes breath testing and cursory searches of my person and residence.
3. I will appear and be on time for all court dates, treatment meetings, probation officer meetings, classes, or other scheduled appointments as ordered by the Court.
4. I will comply with the terms and conditions of my sentence and any other rules designated by the Probation Department or members of the Treatment Court Team. I will read the Treatment 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 these changes.

Appendix D: Participant Agreement (Continued)

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 my probation officer/case manager before consuming any prescribed medication. Except in the case of a life-threatening medical emergency, I will only use one physician, one pharmacy and one hospital while in Treatment Court. I will advise any health care professionals who treat me, that I am chemically dependent.
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 Treatment Court, and I understand that if I do not follow the rules of the program, I will be terminated. 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

Participant

Date

Treatment Court Coordinator

Appendix E: Waiver of Medical Privilege

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF Olmsted

THIRD JUDICIAL DISTRICT

State of Minnesota

Case(s):

vs

Charge(s):

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 Treatment 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 Treatment 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 Treatment Court. 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, electronically, or in person.
3. I understand the purpose of releasing this medical and treatment information is for the Olmsted County Treatment 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 Treatment Court where other participants and observers may hear it.

Appendix E: Waiver of Medical Privilege (continued)

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

Participant

Appendix F: Treatment Court Prohibited Substances Contract

INCIDENTAL INGESTION OF SUBSTANCES THAT PRODUCE A POSITIVE DRUG TEST

Urinalysis 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

To preserve the integrity of the Treatment 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 Ginkgo 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.

Appendix F: Treatment Court Prohibited Substances Contract (continued)

Mouthwash and Breath Strips: Most mouthwashes (Listerine®, 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.

Date

Participant

Appendix G: 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 requirements 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.

Date

Participant

Appendix H: OCTC 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, probation officer, 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 probation officer 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 documentation in the D&O Community Corrections database regarding how 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 tampering will be documented in the D&O Community Corrections database and the agent of record will be contacted.

Appendix H: OCTC Drug Testing Policy (continued)

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 within D&O Community Corrections for accepting 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 confirmation 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 I: Medication Notification and Verification Form

Olmsted County Treatment Court Problem Solving Courts

MEDICATION NOTIFICATION AND VERIFICATION FORM

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

As a participant in Olmsted County Treatment 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 Olmsted County Treatment 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 Treatment Court greatly appreciate your consideration of these restrictions as you provide treatment to this patient. Please feel free to contact Andrew Lea, Treatment Court Coordinator, at (507) 328-7211 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 J: Treatment Court Fee

Olmsted County Treatment Court

Fee Contract

Name: DOB:

SSN: Date of Admission to OCTC:

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

It is understood that the payment of this fee is a requirement in order to advance to the next phase and ultimately complete OCTC. 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

Treatment Court Coordinator

Date

Appendix K: Prescription Blue Card



Olmsted County Treatment Court
151 4th Street SE, Rochester, MN 55904

Prescription Blue Card

_____, is a participant of OCTC and has a diagnosis of chemical dependency. They are 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 write down any changes to the client's 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 OCTC. 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.

Signature of Provider

Date

Signature of Participant

Date

Appendix L: Phase Movement Applications

Phase 2 Movement Application

Olmsted County Treatment 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 Treatment Court (OCTC). Your application is intended to assist the OCTC 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: _____

OCTC fee payment schedule completed on: _____

Making Payments: ☐ Yes ☐ No Balance Owed: _____

Minimum 60 days in Phase 1: Start Date: _____ # of Days: _____

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 Treatment 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 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 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 Treatment Court (OCTC). Your application is intended to assist the OCTC 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: _____

OCTC Fee payment schedule completed on: _____

Making Payments ☐ Yes ☐ No Balance Owed: _____

Minimum of 90 days in Phase 2: _____

Start Date: _____ # of Days _____

Using these forms and separate pieces of paper, answer all 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 Treatment 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 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 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 Treatment Court (OCTC). Your application is intended to assist the OCTC 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: _____

OCTC Fee payment schedule completed on _____

Making Payments ☐ Yes ☐ No Balance Owed: _____

Minimum of 90 days in Phase 3: _____

Start Date: _____ # of Days _____

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 Treatment 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 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 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 Treatment Court (OCTC). Your application is intended to assist the OCTC 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 4 to 5 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 _____

Demonstrate pro social activities: _____

OCTC Fee payment schedule completed on _____

Making Payments ☐ Yes ☐ No Balance Owed: _____

Minimum of 90 days in Phase 4: _____

Start Date: _____ # of Days _____

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

Appendix M: Pre-Graduation Packet

Olmsted County Treatment Court

Pre-Commencement Packet/Aftercare Program

To prepare for Treatment Court commencement all participants must complete a pre-commencement/after care plan one week prior to their last court appearance. This will give the Treatment Court Team, especially your probation officer, an opportunity to review it, ask questions, and make additional recommendations about your plan for continued sobriety. Once the Treatment 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 Treatment Court Commencement Requirements

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

- Have at least 90 current, continuous, sober/clean days.
- Complete required treatment and aftercare.
- Attend at least 50 required 12-step meetings (minimum of one 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-Graduation Life Plan

Olmsted County Treatment Court

General Information

As a prospective OCTC 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 Treatment Court Team as a part of completing the Treatment Court program. You may be asked to revise your Life Plan if the team does not feel it is complete.

Your Life Plan is an important part of the graduation process. Answer all the questions as 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 OCTC Team in making a fair determination of your readiness to graduate from the Olmsted County Treatment Court.

Participant Information

Participant: _____

Date: _____

Address: _____

Cell Phone: _____

Probation Officer: _____

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 Probation Officer on: _____

Working toward case plan and treatment goals? _____

Attending monthly Alumni Group Meetings? _____

Completed cognitive programming on: _____
Maintain and demonstrate pro social activities? _____
OCTC Fee payment schedule completed on: _____
Minimum of 120 days in Phase 5: Start Date: _____ # of Days _____

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? _____

-
-
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, stepparent? Do these responsibilities put stress on your relationship? If so, how do you cope?

5. Do you have contact/ties with your extended 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 doctor's care for: _____

☐ I was a patient in the Psychiatric 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 OCTC?

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 driver's 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 OCTC?

4. Please describe your goal at the following stages:

a. 90-day goal:

b. 6-month goal:

c. 1-year goal:

5. Do you have "life goals"? How will you attain them?

6. Why should you graduate at this time?

Turn in your entire Life Plan Packet to your Case Manager

Appendix N: Olmsted County Treatment Court Memorandum of Understanding

This is an agreement between the MN State Bar Association, Olmsted County Attorney's Office, Olmsted County Sheriff's Office, Rochester Police Department, D&O Community Corrections Department, Treatment Court Treatment Providers and Third Judicial District Court.

The parties to this Agreement endorse the mission and goals of the Olmsted County Treatment 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 in order for the Olmsted County Treatment Court mission to be successful, cooperation and collaboration must occur within the Treatment Court program. All changes in the eligibility and disqualification criteria must be made by the Treatment Court Steering Committee.

Mission Statement:

Olmsted County Treatment Court's mission is to decrease drug and alcohol dependency, promote public safety and form partnerships with the participants, community, and the 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 Treatment Court are:

- Reduce criminal recidivism among participants who are chemically dependent and who are at high risk to re-offend.
- Reduce the impact of alcohol and illegal drug use by facilitating client 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 following ten key components of a Treatment Court.

Key Component #1:

The Treatment 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 Treatment Court program.

Key Component #4:

Treatment 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 Treatment Court responses to participant's compliance.

Key Component #7:

Ongoing judicial interaction with each Treatment 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 Treatment Court planning, implementation, and operations.

Key Component #10:

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

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

Individual Agency Responsibilities and Staff Commitments

Treatment Court Judge:

- Assumes the primary role to motivate and monitor the participants of the Treatment 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 Treatment Court Team and chairs both the Treatment Court Team and the Treatment 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 Treatment Court program and appear before governmental agencies, public commissions, legislative hearings, public forums and the media.

Treatment Court Coordinator:

- Provides general oversight to the Treatment Court program to include meeting attendance, grant reporting, funding solicitation, and community outreach.
- Participates as an active member of the Treatment Court Team and Steering Committee.
- Assists the Treatment 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 service providers 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 Treatment Court Team.
- Provides leadership and direction to ensure compliance with the Minnesota Treatment 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 Treatment Court Program for the term of this agreement and participates as an active member of the Treatment Court Team and the Treatment Court Steering Committee.
- Assists in identifying defendants arrested for specified felony drug or proper related offenses that are presumptive executed sentences.
- 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 Treatment Court program for the term of this agreement, under pro-bono basis and will participate as an active member of the Treatment 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 Treatment Court, the rules governing participation, the consequences of abiding or failing to abide by the rules and how participating or not participating in Treatment Court will affect their interests.
- Explains all 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 they 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 acquisition of]
- 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 ensure 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 Treatment Court Participants for the term of this agreement, participate as an active member of the Treatment 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 participant's home.

-
- Administer the RANT and coordinate the gathering of background information for the pre-admission staffing process.
 - Oversees compliance of all program requirements and provides the Treatment Court Team with sufficient and timely information to implement sanctions and incentive systems.
 - Facilitates 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 Treatment Court.
 - Provide training to a new or replacement probation officer.

Treatment Providers:

- Participate fully as Treatment Court team members, for the term of this agreement, and work as partners to ensure the success of Treatment Court participants.
- Operate in a partnership with Treatment Court, Community Corrections and Community Services regarding participants in Treatment 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/or incentives.
- 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 treatment courts.

Rochester Police Department/Olmsted County Sheriff's Office

- Participates fully as a Treatment Court team member, for the term of this agreement.

-
- Provides input on potential candidates for the Treatment Court Program.
 - Serves as a liaison between the Treatment Court Team and the community.
 - Administer Knock and Chats to participants in Treatment Court.
 - Provides information to the Treatment Court Team and Treatment 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 of 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 Treatment Court Team. The Treatment Court Team addresses problems and issues as identified and develops policy and program modifications. The OCTC Steering Committee is responsible for modifying and amending this agreement.

Conflict Resolution

When conflicts arise regarding admission decisions to the Treatment Court Program, the Treatment Court Team will attempt to resolve the conflict by consensus. If a consensus is not reached, admission discussions will be made by majority vote with the Treatment Court Judge having final approval. For admission decisions to be made; the judge, prosecutor, defense attorney, and probation officer must be present. When present, other team members including law enforcement, chemical health, treatment, and Treatment 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 program policies and procedures, the Treatment Court Steering Committee will attempt to resolve conflicts by consensus. If unsuccessful in reaching a consensus, conflict will be referred to the Olmsted County Justice Council Steering Committee for resolution.

Agreement Modifications

Any individual agency wishing to amend and/or modify this Agreement will notify the OCTC Steering Committee. The OCTC 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.

Termination of Agreement

Individual agencies contemplating termination of their participation in this agreement shall first notify the Treatment Court Coordinator of their concerns. If it cannot be resolved by the coordinator, it shall be brought before the OCTC Steering Committee. The OCTC Steering Committee shall attempt to resolve the problem to ensure continuation of the Treatment 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, Chief Jim Franklin

Dated

Olmsted County Sheriff, Kevin Torgerson

Dated

All Treatment Court providers will be subject to a MOU outlined in Appendix E of the Olmsted County Treatment Court Policy and Procedure Manual.

Appendix O: Treatment Program Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING BETWEEN OLMSTED COUNTY TREATMENT COURT, AND XXXXXXXXX

This memorandum of understanding is between Olmsted County Treatment Court, 151 4th Street SE, Rochester, MN 55904, hereafter referred to as “Treatment 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 Treatment Court and representatives who serve on the Treatment Court Team.

II. PROVIDER SCOPE OF SERVICE

- A. Provider will work collaboratively with the Treatment Court Team, specifically with the probation officer on case plans, 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 Treatment Court Team (which includes Treatment Court team meetings and Treatment Court).
- C. The treatment provider will submit a Treatment Court Progress Report to the probation officer the afternoon prior to 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 Treatment 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 P: 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:

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 (FDTC) 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.
- D. Veterans' treatment courts serve military veterans or active-duty military personnel charged with crimes caused or influenced by a moderate-to-severe substance use disorder and/or serious and persistent mental health disorder. Traumatic exposure during combat, difficulty reintegrating into civil society after discharge, and the unique socialization processes of military culture are some of the identified needs addressed in this model of treatment court. Modeled after drug courts and mental health courts, veterans' treatment courts meld treatment with intensive supervision by the court and probation department. A distinguishing feature of these courts is the use of veteran peer mentors familiar with military culture who provide around-the-clock support, advice, and camaraderie for participants, and help them attend treatment services and prosocial events. This practice borrows heavily from the peer-support specialist model, which is used most commonly with teens and persons with severe substance use disorders.
- E. Mental Health courts typically serve individuals charged with offenses that are caused or exacerbated by severe and persistent mental illness, such as schizophrenia, schizoaffective disorder, or bipolar disorder. Participants receive mental health treatment and intensive clinical case management. Case management is commonly based on the Assertive Community Treatment (ACT) model, which provides around-the-clock access to a multidisciplinary team of professionals offering wraparound services to meet an array of treatment and social service needs. Similar to substance abuse issues, too often people with serious mental illnesses at risk of criminal justice

involvement cycle repeatedly through courts and correctional facilities, frequently for minor offenses. Mental Health courts have been a positive intervention to these issues

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

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