



**WINONA COUNTY & WABASHA COUNTY**  
**TREATMENT COURT**

**State of Minnesota • Third Judicial District**

***Policy & Procedure Manual***

**February 2021**

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## **MISSION STATEMENT**

The mission of the Winona County & Wabasha County Treatment Court (WWTC) is to enhance public safety and reduce costs to the community and criminal Justice System by providing resources and structure that allow offenders to become alcohol and drug free.

## **WINONA COUNTY & WABASHA COUNTY TREATMENT COURT OVERVIEW**

The Winona County & Wabasha County Treatment Court represents a collaborative effort of criminal justice stakeholders working together to break the cycle of substance abuse and criminal activity. The WWTC follows the national standard ten key components for Adult Treatment Court Services. The program is based on three fundamental principles: accountability, responsibility, and honesty.

The Winona County & Wabasha County Treatment Court uses evidence-based practices in its delivery of services and works in collaboration with community providers for chemical health and ancillary services. Cognitive behavioral programming and enhanced mental health services are inherent pieces of the program.

Treatment Court is a common term for Drug Court. Treatment Court represent a shift in the way courts are handling certain offenders while working with key stakeholders in the Justice System. In this approach, the court works closely with prosecutors, public defenders, probation agents, law enforcement officers, social workers, and other Justice System partners to develop a strategy that will result in an offender completing a treatment program while abstaining from repeating the behaviors that brought them to court.

Treatment Courts are the single most successful intervention in our nation's history for leading people living with substance use and mental health disorders out of the Justice System and into lives of recovery and stability. The organization improves education, employment, housing, and financial stability while promoting family reunification. Instead of viewing addiction as a moral failing; Treatment Courts view it as a disease. Instead of punishment; they offer treatment. Instead of indifference; they show compassion.

Treatment Court strategies include regular appearances before a judge, intensive supervision and case management by a probation agent and coordinator. Frequent drug and alcohol testing that is random and individualized, and the use of immediate sanctions and incentives to reward program compliance and respond to program non-compliance are also implemented. Research shows that when these strategies are executed correctly, Treatment Courts improve public safety and save taxpayer dollars.

*\*The Winona County & Wabasha County Policy and Procedure Manual is subject to change at any time.*

## **KEY COMPONENTS**

**The Winona County & Wabasha County Treatment Court program utilizes the 10 Key Components for Adult Treatment Courts, as established by the MN Treatment Court Initiative and the MN Judicial Council:**

1. Integrate alcohol and other drug treatment services with Justice System case processing.
2. Use a non-adversarial approach in which prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Identify eligible participants early for immediate referral and prompt placement in the program.
4. Provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Monitor abstinence by frequent drug and alcohol testing.
6. A coordinated strategy governs Treatment Court responses to participants' compliance.
7. Ongoing judicial interaction with Treatment Court participants is essential.
8. Monitor and evaluate the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective Treatment Court planning, implementation, and operations.
10. Forge partnerships among Treatment Courts, public agencies and community-based organizations to generate local support and enhance Treatment Court effectiveness.

## **GOALS AND OBJECTIVES**

- ❖ To provide eligible participants the opportunity to participate in the Winona County & Wabasha County Treatment Court (WWTC).
- ❖ To reduce recidivism of high risk prison or jail bound chemically dependent offenders.
- ❖ To reduce costs to the criminal Justice System and the local/statewide community by diverting repeat substance dependent offenders from incarceration and placing them on supervision in the WWTC program.
- ❖ To establish a systemic response by all involved community agencies.

## **ORGANIZATION**

Winona County & Wabasha County will have separate Treatment Court Teams with criminal justice stakeholders in each county who can collaboratively address the common goal of rehabilitation of the Treatment Court participants. Both counties will have separate team meetings to discuss the progress of participants. The Teams are led by Treatment Court Judges, who are ultimately responsible for the monitoring, supervision, and treatment of participants.

The Treatment Court Teams will consist of a Judge, Prosecutor, Defense Attorney, Program Coordinator, Law Enforcement, Probation, Treatment and Mental Health Provider(s) and other community partners who can provide community support and services. A Memorandum of Understanding is required with each team member, outlining each agencies role and expectations to the Treatment Court Team.

## **STRUCTURE/MODEL**

The Winona County & Wabasha County Treatment Court is a post-conviction program. The WWTC focuses on high risk, high need adult offenders and probation violators who are facing jail or prison because of new charges or because of non-compliance with probation conditions. Participants will have documented moderate to severe alcohol or drug dependence diagnosis and a LS-CMI or RANT Assessment indicating high risk/high need.

Advancement through the WWTC progressive phases is contingent upon compliant behavior in treatment, the court and community supervision outliers. Program advancement criteria are specifically defined later in this manual. Phase advancement may be delayed due to participant non-compliance. Advancement decisions will be made by the Treatment Court Team with the Judge maintaining judicial discretion.

Treatment and supervision case plans will be comprehensive, re-assessed, and updated regularly to reflect accomplished goals and individual progress. Throughout the program, the participant and team will address other obstacles that are barriers to long term sobriety including but not limited to; employment, sober housing, transportation, education or vocational rehabilitation needs and health and medical needs.

Upon the successful completion of and commencement from the WWTC, a participant will continue probation at a level deemed appropriate by the Probation Department.

## **TARGET POPULATION**

The Winona County & Wabasha County Treatment Court targets high risk/high need adult offenders where there is a reasonable assumption that the offender's criminal activity is connected directly to the ongoing, chronic, and habitual abuse of substances. Absent an interruption in their cycle of addiction, it is likely that criteria-eligible offenders will continue to commit crime, re-enter the criminal Justice System and be exposed to long-term incarceration or other negative consequences. This often results from traditional, less resource-intensive approaches to case disposition. Typically, offenders enrolled in Treatment Courts have criminal histories, prior contacts with law enforcement, previous exposure to alcohol and drug treatment systems, and a history of relapse into substance abuse. The WWTC targets offenders who require the more intensive focus on treatment, monitoring, and judicial intervention.

## **ELIGIBILITY CRITERIA**

The eligibility criteria for Winona County & Wabasha County Treatment Court are individualized to each treatment court program and community needs. Individualized criteria are outlined later in this manual.

## **SCREENING PROCESS**

The Winona County & Wabasha County Attorney's Office will screen anyone charged with a new eligible offense for initial Treatment Court eligibility upon the filing of a criminal complaint. Probation agents will screen anyone accused of a probation violation for initial Treatment Court eligibility upon the filing of a probation violation report. Any defense attorney can also submit a screening referral form on behalf of a client

charged with an eligible offense or facing a probation violation. Regardless of the origin, the initial screening will focus on age, residency, and offense (both prior criminal history and current offense) eligibility. All screening referral forms will be sent to the Treatment Court Coordinator, who will then make contact with any applicant who meets the initial eligibility criteria.

*\*An offender's race, gender, religious affiliation, sexual orientation, and national origin are not considered when determining eligibility.*

### **TREATMENT COURT ENTRY**

Upon accepting an offer to enter into the Winona County & Wabasha County Treatment Court, sentencing (or re-sentencing for probation violation files) can proceed in District Court. Assuming the District Court does in fact sentence the applicant to Treatment Court, entering into and successfully completing the Treatment Court program will be a condition of the applicant's probation. Prior to that sentencing hearing, or immediately thereafter, the Treatment Court Coordinator will meet with the applicant to sign the initial participation documentation.

No applicant accepted and approved for entry into WWTC will be allowed to enter the program if the applicant has any pending warrants in the State of Minnesota that will interfere with their participation in Treatment Court. However, once any outstanding warrants are quashed, an approved applicant can enter into the WWTC.

Any applicant who enters into the Treatment Court program remains on probation supervision. Treatment Court is not a substitute for probation. Treatment Court is a condition of probation. Should a participant fail to successfully complete the Treatment Court program, he/she would result back in District Court on a probation violation, facing the possibility of an executed sentence.

When someone is being held in custody and is sentenced in District Court to enter into and complete Treatment Court, the participant may remain in custody until he/she makes his/her first appearance in Treatment Court. This appearance would likely occur within a week of sentencing at the first Treatment Court session immediately following sentencing.

A participant who has a treatment recommendation for residential treatment will likely remain in custody until a bed is available at that facility. Subsequently, the participant will be transported to the designated treatment facility and released from custody under the supervision of the WWTC.

### **OPEN HEARING POLICY**

Treatment Court sessions are open to the public. Prior to each court session the team staffs each participant's case. While the staffing sessions are not open to the public; permission to attend may be obtained from the Judge or Coordinator. Those individuals who are permitted to attend the staffing will be required to sign a confidentiality form.

## **CASE MANAGEMENT**

The WWTC Teams provide case management services for each participant. Case management is a coordinated, collaborative effort to link service providers to assist participants with their needs.

Case management responsibilities will be shared by the Treatment Court Coordinator and the Probation Agent. Case management is defined as coordination of all aspects of a participant's experience in Treatment Court. Specific services include:

- ❖ Serving as the point of contact for participants and referrals to treatment providers and other agencies.
- ❖ Providing updates and progress reports for participants to the team.
- ❖ Coordinating the docket.
- ❖ Providing informal counseling and ensuring accountability.
- ❖ Collecting specimens.

## **CASE PLAN**

All participants will have a comprehensive, individualized case plan for each phase developed with the Treatment Court Team members based on each participant's needs as determined by the chemical dependency evaluation, mental health assessment, and LS-CMI or RANT Assessment results. The case plan will be reviewed regularly for changes and modifications. The plan may include, but is not limited to the following:

- ❖ A plan for fulfillment of criminal justice obligations.
- ❖ Treatment and other services.
- ❖ A plan for assuring continuity through treatment and program completion.
- ❖ Obtaining and maintaining a sponsor.
- ❖ Attending recovery support meetings.
- ❖ Building healthy relationships with family, significant others, and friends.
- ❖ Maintaining sobriety.
- ❖ Arrangements to repair the harm done to any victim(s) and the community.
- ❖ Obtain/maintain employment, identify educational needs (if applicable), and establish stable housing.
- ❖ A plan for relapse prevention and a pro-social support system in the community.
- ❖ Regular reporting to the Treatment Court Judge on individual progress including, but not limited to, in court sessions.

The Treatment Court Team will assist the participant in obtaining the collateral services that he/she needs related to chemical use, mental health, employment services, community based program, and education.

## **PROGRESS REPORTS**

The Treatment Court Coordinator shall gather information from the participant, Probation Agent, law enforcement, and treatment providers about each participant's progress and will report that information to the team. The Treatment Court Team will meet prior to Treatment Court hearings to discuss individual participants' progress and to address next steps, goals, incentives and/or sanctions.

## **PARTICIPANT REQUIREMENTS**

- ❖ Law abiding behavior.
- ❖ Comply with the case plan.
- ❖ Attend all required meetings and be on time. In the event a participant is unable to attend a scheduled meeting or appointment, the participant will call and inform the Coordinator or Probation Agent. Notification is expected as soon as possible or at least two hours in advance.
- ❖ Attend all Court appearances and be on time.
- ❖ Submit to drug and alcohol testing as required.
- ❖ Abstain from the use, possession, and consumption of all alcohol and all non-prescribed controlled substances. Take any prescribed medications only as directed and only in the dosages and frequencies ordered. Medications may require medication management services.
- ❖ Have no contact with any persons associated with illegal drugs and do not associate with any persons known to be using or possessing alcohol and/or controlled substances.
- ❖ Appointments with anyone in the medical field must be reported to the Treatment Court Coordinator. Use only one primary provider/physician and one pharmacy.
- ❖ Submit any required reports to the team as ordered.
- ❖ Keep the Coordinator and Probation Agent informed of current address, phone number and whereabouts. The participant must promptly report any changes of address and phone number to the Coordinator and Probation Agent within 48 hours.
- ❖ Obtain full-time employment and/or work on GED/educational objectives while maintaining employment or an alternative plan approved by the team. Each participant will provide proof of employment or employment search to the Treatment Team and will report any changes of employment within 48 hours.
- ❖ Submit to rehabilitative, medical, or psychological programming as directed.
- ❖ Pay all costs, restitution, fines, etc. ordered by the Court.
- ❖ Comply with the directives of the Treatment Court Team.
- ❖ Residence and anyone occupying or visiting the residence are subject to approval by the Treatment Court Team.
- ❖ Use sound judgment and common sense when utilizing social media. Be aware that social media is public information. Participants will be held accountable for foul, disrespectful, and threatening language, harassment, and violent statements posted on social media.
- ❖ Make satisfactory progress in the program as measured by each phase requirement.
- ❖ Abide by curfew requirements as outlined below.

## **CURFEW AND OVERNIGHT REQUESTS**

Participants are required to abide by a curfew in several phases of the program as outlined in the individual criteria of each county. Curfew extensions and overnight requests require approval from the Treatment Court Team, except in emergency situations. To ensure approval, planned events should be provided to the Coordinator prior to the next scheduled court hearing. Some flexibility can be provided on weeks when no court is scheduled. In emergency situations, the participant shall contact the Coordinator or Probation Agent as soon as possible.

Although participants in the final program phase are not required to have a curfew (unless directed otherwise by the Court), all participants need prior approval from the Coordinator and Probation Agent to stay overnight at



another residence. If approval is granted, participants will need to notify the Coordinator and Probation Agent of overnight stays before they occur, along with pertinent information regarding location and length of stay.

### **APPREHENSION AND DETENTION ORDER**

Pursuant to Minn. Stat. §244.195, Probation may issue an Apprehension and Detention order (A&D), when the participant is alleged to be in violation of probation or WWTC program requirements. The written A&D order is sufficient authority for a Peace Officer or Probation Agent to detain the individual for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the Treatment Court or District Court Judge.

The Coordinator or Probation Agent issuing the A&D should advise the team of the violation and action needed.

### **MEDICATION MONITORING AND MEDICATION ASSISTED TREATMENT**

Upon entering the WWTC a participant must provide a complete list of prescription and over-the-counter medications that he/she is using or may be using to the Treatment Court Coordinator.

All medications must be non-addictive and not contain alcohol (i.e. mouthwash, cough syrup, etc.), unless validly prescribed by a medical professional or specifically approved in advance by the Treatment Court, Probation Agent or Coordinator. Each participant is required to sign a “Treatment Court Prohibited Substances Contract” upon entry into the Treatment Court Program.

All prescription medications that a participant is using or may use are subject to medication monitoring. The participant must notify the Treatment Court Coordinator of any prescription medications that he/she is prescribed within 24 hours of receiving a new prescription. Proof of a valid prescription must be provided to the Treatment Court Coordinator within 72 hours of receiving the prescription.

It is the policy of WWTC to incorporate evidenced based practices which includes the use of medications, in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders. Medication Assisted Treatments (MATs) have been shown to assist addicted offenders maintain sobriety. The WWTC does not exclude program participation due to using MATs nor requires participants to taper off MATs.

Participants who are under the care of a physician are permitted to continue on with MATs as long as the prescriber determines that the medication is clinically beneficial. Participants are encouraged to work with their physician or medical professional to avoid/limit the use of opiates, amphetamines, benzodiazepines, or any mood altering drugs and to find non-addictive alternatives. If medications containing controlled substances must be used while participating in Treatment Court due to medical necessity, the participant and his/her physician or medical professional must sign a “Treatment Court Medication Notification and Verification Form” and return it to the Treatment Court Coordinator. All participants will be provided a copy of the “Safe Drug Use for the Recovering Addict or Alcoholic” form (Ridgeview Institute, 2012).

If controlled substances are prescribed to a participant, medication monitoring by a licensed service provider may be required. Medications would be distributed on a daily, weekly or monthly basis, or as deemed appropriate based on a participant's individual case plan and medical needs.

### **DRUG AND ALCOHOL TESTING**

#### **Random, observed, and frequent drug and alcohol testing is vital in monitoring compliance.**

Participants choosing to enter the WWTC must agree to cease the use of alcohol and all mood-altering substances, unless prescribed by a medical provider that would test positive during a drug or alcohol test (including but not limited to: narcotics, tranquilizers, sedatives, stimulants, opiates, and opiate-based medications). More details are provided above in "MEDICATION MONITORING AND MEDICATION ASSISTED TREATMENT" section.

#### **If it becomes necessary for a participant to take prescription medication during his/her participation, prior approval must be sought from the team with appropriate medical documentation provided, whenever possible.**

All participants could be subject to urine, blood, breath and/or other tests. Requirements include direct observation of the sample submission. All drug and alcohol testing results will be reported to the Treatment Court Team. Frequency of testing is determined by the participant's case plan and the Treatment Court Team.

The WWTC Team members (or their designees) are responsible for administering drug and alcohol testing and have discretion to test participants at any time. Drug and alcohol testing may include but is not limited to: random UA's, the Drug Patch, Soberlink, and PBT's.

### **DRUG TESTING POLICY**

All WWTC participants will be informed of drug testing policies and procedures upon entry into Treatment Court and will sign an agreement to comply with the testing requirements. Failure to submit to a drug test or produce a sample upon demand, late or missed tests, a positive test, a diluted test, and/or a tampered sample will result in a possible treatment response and detention pursuant to Minn. Stat. §244.195 as follows:

#### **Positive Tests**

If a participant tests positive for alcohol or a controlled substance for which he/she has no prescription (as outlined in "Medication Monitoring and Medication Assisted Treatment" section), admits to use and signs an admission of chemical use form, or if a Drug Recognition Expert (DRE) evaluates that the participant is under the influence of an illegal controlled substance, the participant may be apprehended, taken into custody, and held in jail pursuant to Minn. Stat. § 244.195, receive a treatment response AND perform 8 hours of STS to be completed outside of the jail sanction prior to the next court session. At the discretion of jail staff, a participant may receive another test after 24 hours. If that test is negative, the participant may be released from custody. If the participant produces a sample indicating use of alcohol or a controlled substance for which he/she has no prescription, the participant may continue to be held pursuant to Minn. Stat. § 244.195. The participant shall attend the next scheduled Treatment Court hearing.

If a participant admits that the test will be positive for alcohol or a controlled substance for which he/she has no prescription and signs an admission of chemical use form, a confirmation test is not necessary. However, if the participant denies using alcohol or controlled substances and the test results are positive, the sample will be submitted for confirmation.

Payment for confirmation testing when the participant denies use is the responsibility of the WWTC participant if use is confirmed.

### **Diluted/Tampered Tests**

A diluted sample or sample that has been tampered with will be considered a positive drug test. If a participant produces such a sample, the participant may be apprehended, taken into custody, and held in jail pursuant to Minn. Stat. § 244.195. The participant will be required to perform 8 hours of STS to be completed outside of the jail sanction prior to the next court session. The participant shall attend the next scheduled Treatment Court hearing.

### **Refusal to Produce**

If a participant refuses to produce a sample upon request of an authorized Treatment Court agent, he/she may be apprehended, taken into custody, and held in jail pursuant to Minn. Stat. § 244.195. At the discretion of jail staff, a participant may receive another test after 24 hours. If that test is negative, they may be released from custody. If the participant produces a sample indicating use of alcohol or a controlled substance for which he/she has no prescription, the participant may continue to be held pursuant to Minn. Stat. § 244.195. The participant will be required to perform 8 hours of STS to be completed outside of the jail sanction prior to the next court session. The participant shall attend the next scheduled Treatment Court hearing.

### **Failure to Produce**

If a participant fails to produce a sample upon request of an authorized Treatment Court agent, he/she may be apprehended, taken into custody, and held in jail pursuant to Minn. Stat. § 244.195. At the discretion of jail staff, a participant may receive another test after 24 hours. If that test is negative, they may be released from custody. If the participant produces a sample indicating use of alcohol or a controlled substance for which he/she has no prescription, the participant may continue to be held pursuant to Minn. Stat. § 244.195. The participant will be required to perform 8 hours of STS to be completed outside of the jail sanction prior to the next court session. The participant shall attend the next scheduled Treatment Court hearing.

### **Late Tests**

A participant is late to test if he/she arrives more than five (5) minutes late on the designated date and time the participant is directed to report. If a participant is late for a test but proceeds to test negative upon arrival, he/she will be subject to the following graduated sanctions:

- ❖ First Late Test: Verbal reprimand at the next court session and a written reflection on time management (or any other reason that caused the late test);
- ❖ Second Late Test: Attend 6 cognitive thinking sessions for a lesson applicable to this issue;
- ❖ Third Late Test: 8 hours in custody immediately upon arrival at the jail AND 8 hours of STS to be completed outside of jail sanction and within 7 days from the time of the late test.

- ❖ Additional Late Tests: 24 hours in custody immediately upon arrival at the jail.

### **Missed Tests**

A missed test means a complete failure to report for a scheduled UA or as requested by an authorized Treatment Court agent by end of day, 4:30pm, on the date the test was requested. If a participant fails to test when directed, this will be considered a missed test. The participant may be apprehended, taken into custody, and held in jail pursuant to Minn. Stat. § 244.195, where he/she shall be tested. If the test is negative, the participant will be held in custody for 24 hours AND perform 8 hours of STS to be completed outside of the jail sanction and within 7 days from the time of the missed test. If the test is positive, the participant will be held pursuant to Minn. Stat. § 244.195, receive a treatment response AND perform 8 hours of STS to be completed outside of the jail sanction prior to the next court session. At the discretion of jail staff, a participant who has a positive test may receive another test after 24 hours. If that test is negative, they may be released from custody. The participant shall attend the next scheduled Treatment Court hearing.

If the test was missed due to medical reasons, documentation should be provided to the Corrections Agent and Coordinator as soon as possible. A sanction may be reconsidered upon review of medical documentation.

### **SEARCHES AND SEIZURES**

As a participant in Treatment Court and subject to probation conditions, participants may have their person, vehicle, and/or place of residence searched by any Probation Agent, law enforcement officer (including a K9), or Treatment Court Team member for the presence of narcotics, drugs, or other contraband at any time (day or night), with or without a search warrant, and without prior notice. Any agent or officer who observes a current participant of Treatment Court in any of the following circumstances is authorized to immediately arrest that individual:

- ❖ In violation of any criminal law.
- ❖ Ingesting/under the influence of a controlled substance or alcohol.
- ❖ Being in the presence of drug paraphernalia, alcohol containers/bottles/cans, etc.
- ❖ Being in the presence of a person in possession of a controlled substance or alcohol, or where a controlled substance or alcohol is present.

Law enforcement officers, Probation Agents, and designated Treatment Court Team members have the discretion to impose an immediate sanction; including, but not limited to jail time, for the above stated circumstances. Participants detained in jail after arrest will be discussed by the team either in staffing or electronically, and may be released according to the sanction policy or brought to the next scheduled Treatment Court hearing.

Refusing a search may result in an A&D order and/or termination from the WWTC.

### **INCENTIVES AND SANCTIONS**

Incentives are responses to compliance, perceived as positive by the receiver. Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity. At each court

review hearing, participants may be subject to incentives or sanctions based on their performance and program compliance for the reporting period. Both compliant and noncompliant behaviors may be addressed with incentives and sanctions ordered to reinforce the participants' choices and behaviors. The more noncompliant behaviors that the participant is engaging in, may receive more severe sanctions. When ordering sanctions, the Judge considers the nature of the noncompliant behavior, the number of previous or similar sanctions, the participant's current phase level, and the participant's attitude.

Sanctions are intended for immediate imposition and will be graduated per episode of non-compliance. Incentives are awarded to recognize participants for their efforts in recovery and to reinforce their positive behaviors. Incentives are granted on an as-earned basis.

If a participant receives a sanction of community work service, they will be required to complete the assigned hours on the Sentence to Serve (STS) crew. If the participant is not eligible for STS, a similar community work service sanction will be provided at the discretion of the Treatment Court Team.

ACHIEVEMENTS	INCENTIVES
<ul style="list-style-type: none"> <li>❖ Attending all court appearances</li> <li>❖ Negative drug test results for period of time</li> <li>❖ Attendance and participation in treatment</li> <li>❖ Attendance and participation in support meetings</li> <li>❖ Completion of GED</li> <li>❖ College enrollment and attendance</li> <li>❖ Job promotion/obtaining employment</li> <li>❖ Compliance with treatment/supervision plan</li> <li>❖ Voluntary speaking engagements</li> <li>❖ Phase advancement</li> <li>❖ Demonstrates accountability, responsibility, and honesty</li> </ul>	<ul style="list-style-type: none"> <li>❖ Recognition and praise by the Judge</li> <li>❖ Courtroom recognition</li> <li>❖ Certificates of achievement</li> <li>❖ Bus passes</li> <li>❖ Movie/Event tickets or gift cards</li> <li>❖ Reduction in fines and costs</li> <li>❖ Decreased court appearances</li> <li>❖ Phase advancement</li> <li>❖ Voucher assistance</li> <li>❖ \$5 off monthly fees for turning in journal</li> <li>❖ \$5 off monthly fees</li> <li>❖ Community education fee assistance</li> </ul>
CHOICES	SANCTIONS
<ul style="list-style-type: none"> <li>❖ Missed court appearance</li> <li>❖ Missed appointment with Probation Agent or Coordinator</li> <li>❖ Missed support meeting</li> <li>❖ Missed treatment</li> <li>❖ Violation of court order</li> <li>❖ Positive or Missed drug test</li> <li>❖ Tampered/diluted drug test</li> <li>❖ Inappropriate behavior at treatment facility</li> </ul>	<ul style="list-style-type: none"> <li>❖ Reprimand from the Judge</li> <li>❖ Increased court appearances</li> <li>❖ Increased drug testing</li> <li>❖ Payment for confirmation testing for denied use</li> <li>❖ Daily recovery support group meetings and/or 30 meetings in 30 days</li> <li>❖ Day reporting to probation, court or facility</li> <li>❖ Curfew Imposed</li> </ul>

<ul style="list-style-type: none"> <li>❖ New DUI or felony conviction</li> <li>❖ Driving while license suspended/revoked</li> <li>❖ Failure to perform sanctions</li> <li>❖ Noncompliance with treatment or case plan</li> <li>❖ Noncompliance in accountability, honesty, and responsibility</li> <li>❖ Dishonesty</li> </ul>	<ul style="list-style-type: none"> <li>❖ Increased Probation Agent visits/meetings</li> <li>❖ Additional community service/STS hours</li> <li>❖ Essay presented to judge</li> <li>❖ Attendance at orientation, graduation or docket</li> <li>❖ Area/Association restriction</li> <li>❖ Placement on EHM, GPS or SCRAM</li> <li>❖ Saturday work program</li> <li>❖ Sentence to jail 1 to 30 days</li> <li>❖ Delay in phase change or regress to a prior phase</li> </ul>
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**TERMINATION**

It is not a best practice for the Winona County & Wabasha County Treatment Court to terminate participants, as the WWTC caters to high risk and high need offenders. A decision to terminate from WWTC will not be hasty or arbitrary.

**Termination Criteria**

Refer to each county policy for county specific termination criteria.

**Termination Process**

*All Treatment Court participants are subject to the following termination process:*

Any member of the Treatment Court Team may make a request for termination based on program criteria. The Treatment Court Judge will decide if the request contains adequate grounds for termination and if so, the potential termination will be brought up at the next staffing. The Judge will consider input from the team on whether or not to proceed with the termination process.

If the Judge decides to proceed with the termination, the participant in question shall be notified that termination is being considered and the reason(s) given for the request to terminate. The participant will be provided a termination letter with these notifications and the date of an admit/deny hearing, which often takes place immediately following the next scheduled Treatment Court hearing. Before this hearing, the participant is afforded an opportunity to address the Treatment Court Team and the Judge on why he/she should not be terminated from Treatment Court. At this hearing, the participant is then notified by the Judge of the request to terminate and the reasons cited. Conditions of release will then be set by the Judge. If a participant admits the conduct cited for termination, the Judge will make the final decision as to whether to terminate the participant and will issue an order. If a participant denies the conduct cited for termination, a contested termination hearing will be scheduled.

If a participant is in custody during this time, the contested termination hearing must be held within seven business days, unless good cause is shown to continue the hearing. If the participant is not in custody, the hearing must be held within a reasonable timeframe.

If the participant is terminated for any reason other than absconding, the appropriate Probation Department will be notified and a Probation Violation Report will be filed in District Court. If the District Court finds that the participant has violated probation and that the violation was intentional and inexcusable, the Court must still find that the policies favoring probation are outweighed by the need for confinement before a participant's sentence will be executed.

If termination proceedings are commenced against a participant for absconding, the Probation Department will be notified and a probation violation report will be filed in District Court. If the District Court finds that the participant has violated probation and that the violation was intentional and inexcusable, the Court must still find that the policies favoring probation are outweighed by the need for confinement before a participant's sentence will be executed.

### **Participant Rights in Termination Proceedings**

The participant will be provided with notice of the termination request and the reason for the termination request prior to termination proceedings. Upon notification that Termination Proceedings are being commenced, the participant will consult with the WWTC defense attorney or legal counsel to be informed of the process for termination. A participant will have the opportunity to ask questions of the Treatment Court Coordinator and Treatment Court Team members, including the Treatment Court Defense Attorney or another attorney, during the termination process.

### **Voluntary Removal Policy**

A Participant may voluntarily withdraw from WWTC by requesting an executed sentence in District Court.

### **TREATMENT COURT PROJECT**

In the final phase, you must complete a community work service project. This means you must plan an event from start to finish that engages the community. The reason you must complete this project is to give back to the community that you once offended as a positive influence.

Your community service project must follow a few guidelines while you navigate through creating and implementing your project:

#### **A successful project must have the following components:**

- ❖ Must be developed independently from any organization or preexisting offering in the community but you can partner with agencies.
- ❖ Must be a service to the community.
- ❖ Must be team/community oriented.
- ❖ Must be legal and appropriate for all age groups.
- ❖ Must remain inside of all rules of probation.
- ❖ Must include a minimum of 20 participant hours.

#### **A few good ideas for community service projects are:**

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- ❖ Send a care packages to deployed troops, veterans or wounded soldiers in the community.
- ❖ Get a group together for an afternoon of raking, shoveling or other yard work for the elderly.
- ❖ Help fix a run-down playground or plant flowers in the community.
- ❖ Organize a drug awareness campaign with the local school district.
- ❖ Tell your story to the community.
- ❖ Build or make something to donate to the community or nonprofit agency. (bird houses, blankets, picnic tables, book boxes, etc.)
- ❖ Host an event (golf tournament, concert) and donate funds raised to a nonprofit agency.
- ❖ Coordinate roadside pickup or adopt a highway.

## **SOCIAL PARTICIPATION**

Winona County and Wabasha County Treatment Court will be organizing joint social activities to get participants involved in the community and building sober support between counties.

## **EVALUATION AND SUSTAINABILITY**

The Winona and Wabasha Treatment Court Teams will work with the State Court Administrator and will comply with Treatment Court Best Practice Standards to maintain program evaluation. The WWTC will develop a plan to secure resources to sustain Treatment Court in the community. The Treatment Court Teams will work to inform and engage the community about the progress and benefits of the Treatment Court.

## **CONFIDENTIALITY**

Any program that specializes, in whole or in part, in providing treatment counseling, or assessment and referral services for offenders with AOD (Alcohol or Drug) problems must comply with the federal confidentiality regulations ( 42 C.F.S.s2.12(e)).

Two federal laws and a set of regulations guarantee the strict confidentiality of information about persons (including offenders) receiving alcohol and drug abuse assessment and treatment services. The legal citation for these laws and regulations is 42 U.S. C. SS 290dd-3 and ee-3 and 42 C.F.R. Part 2.

These laws and regulations are designed to protect the patient’s privacy rights in order to attract people into treatment. The regulations restrict communications more tightly in many instances than, for example, either the doctor-patient or the attorney-client privilege. Violation of the regulations is punishable by a fine of up to \$500 for a first offense or up to \$5,000 for each subsequent offense.

Federal confidentiality laws and regulations protect information about an offender if the offender has applied for or received any AOD-related services from a program covered under the law. Services applied for or received can include assessment, diagnosis, individual counseling, group counseling, treatment or referral for treatment. The restrictions on disclosure apply to any information that would identify the offender as an alcoholic or other drug abuser, either directly or by implication. The general rule applies from the time the offender makes an appointment. It applies to offenders who are mandated into treatment as well as those who



enter treatment voluntarily. It also applies to former clients or patients. The rule applies whether or not the person making an inquiry already has the information, has other ways of getting the information, has an official status, is authorized by State law, or has a subpoena or search warrant.

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

### **ROLES AND RESPONSIBILITIES OF TEAM MEMBERS**

In addition to the duties summarized below, all Team members will serve on the WWTC, observe other Treatment Courts as able, and attend Treatment Court trainings including the national conference, state conference every other year, and other trainings throughout the year. All Team members, except the evaluator and pharmacist, will review participant progress and attend weekly pre-court staffing to discuss appropriate sanctions and incentives.

#### **Judge(s):**

Supervises participant progress through the Treatment Court continuum, leads the WWTC Team in decision-making, and presides over court proceedings interacting directly and regularly with participants while administering sanctions and incentives.

#### **Coordinator(s):**

Coordinates all aspects of the Treatment Court, including case management and program oversight; ensures appropriate and timely completion of proposed substance abuse court program activities; facilitates case flow and activities of participating agencies; monitors the meeting of goals, objectives, and timelines of each participant; provides monitoring and contractual service quality assurance; manages and writes grants; participates in Team decision-making.

**Prosecutor(s):** Serves as gatekeeper/screener for access to WWTC; oversees the filing of all required legal documents; assures confidentiality requirements are met; participates in Team decision-making.

#### **Defense Counsel:**

Counsels and advocates for participants, ensuring that they understand their rights and responsibilities; advocates for potential participants' access to and continued participation in the Treatment Court; assists in the screening process; assures confidentiality requirements are met; participates in Team decision-making.

#### **Law Enforcement:**

Serve as liaison between Treatment Court and law enforcement officers who are tasked with compliance responsibilities; monitors participant program compliance; performs curfew checks and home searches; participates in Team decision-making.

**Corrections:**

Identifies and screens eligible probation violation cases and refers cases to the Team for admission consideration; provides individual, intensive supervision and a broad range of rehabilitative and case management services within the Treatment Court continuum, pursuant to DOC policies; organizes and presents participant progress/adjustment information; participates in Team decision-making.

**Jail:**

Identifies, screens and refers cases to the Team for admission consideration; acts as a liaison between Treatment Court and the jail; monitors participant program compliance; participates in Team decision-making.

**Chemical Use Evaluations and Substance Abuse Treatment, Rehabilitation, and Mental Health:**

Advocates for treatment services to address substance use disorders and other risk factors for recidivism; makes treatment recommendations to the Court, and as appropriate, identifies and/or provides a continuum of care for participants; refers participants to specific programs based on their clinical suitability, the program's ability to comply with reporting requirements, and the program's capacity to meet any special needs that may exist (e.g., mental or physical health, or language barriers); conducts chemical dependency assessments and mental health evaluations to examine potential or severity of substance use and mental health disorders, and examines other potential risk factors; provides WWTC and participants with the understanding of the elements of addiction, treatment modalities, and realistic outcomes; participates in Team decision-making.

**Community Liaison: (Optional)**

Acts as a liaison between Treatment Court and the various community/business organizations and the general public; has contact and interaction with WWTC participants, members of the community, and businesses to develop resources in response to participant needs; assists in mobilizing resources within the community; actively involved in Team decision-making to assist in meeting the WWTC mission statement.

**Mentor and Participant Advocate: (Optional)**

The mentor will have contact and interaction with Treatment Court participants, members of the community, and businesses to develop resources in response to participant needs; assists in connecting participants with a prosocial network of support; connects participants with sponsors, mentors and recovery programming; actively involved in Team decision-making to assist in meeting the WWTC mission statement.

**Pharmacist Consultant: (Optional)**

Reviews medications and drug screening results of Treatment Court participants, as requested by the Treatment Court Team; researches positive laboratory results and presents findings to Treatment Court coordinator; participates in Team decision-making.

**Program Evaluator: (As needed)**

Responsible for developing reliable and valid methodologies to study the effectiveness of the WWTC, including but not limited to, process, outcome, and cost-benefit evaluations.



## **WINONA COUNTY PROGRAM DETAILS**

### **Overview**

The program is a minimum of 13 months and is divided into four major phases plus an Aftercare Group. This timeframe is an estimate, and the time for any one participant to complete the program may vary based on the needs and progress of the individual participant and as directed by the Treatment Court Team. Movement through phases is based on accomplishment of individual case plan goals and program requirements.

Components for the program include: chemical dependency evaluation and treatment, mental health assessment and treatment, random alcohol and drug testing, regular court appearances, case management meetings and referrals, employment, education, home visits, employment visits, attendance at recovery support group meetings (including NA, AA, CR and SMART recovery), abstinence from substance use, behavioral responses, restitution, and program fees.

### **Oversight**

The Winona County Criminal Justice Coordinating Council (CJCC) oversees the Winona County Treatment Court program. The Coordinator reports monthly to the Winona County Courts Committee, who then relays those monthly reports to the CJCC. The CJCC is comprised of volunteer representatives from the community, county employees, and members of the Treatment Court Team. The CJCC is responsible for providing advice on financial decisions and major policy decisions to ensure the success and sustainability of the Winona County Treatment Court program.

Current members of the Winona County Team include:

- ❖ Nancy L. Buytendorp – District Court Judge
- ❖ Carin Hyter – Treatment Court Coordinator
- ❖ Karin Sonneman – Winona County Attorney
- ❖ Michael Kuehn – Public Defender
- ❖ Rená Patterson – Department of Corrections Supervisor
- ❖ Bill Moe – Department of Corrections, Probation Agent
- ❖ Nicholas Walch – Winona County Sheriff's Department
- ❖ Derek Lanning & Tyler Heiden – Winona Police Department
- ❖ Mary Olson & Joshua Mueller – Chemical Dependency and Mental Health Services
- ❖ Pastor Joe McConkey – Community Liaison
- ❖ Dick Gaffron – Consulting Pharmacist
- ❖ Trish Chandler – Jail Intake Worker

All team positions are currently filled. As a position becomes vacant, an application process will ensue. These positions are at-will and not guaranteed. Participation in the Winona County program is subject to change. Voluntary or involuntary resignation from the Treatment Court Team can be addressed with the Treatment Court Judge as needed.

## **INTAKE ELIGIBILITY CRITERIA**

### **Age & Residency Requirements**

Participation in the Winona County program is available only to Winona County residents who are 18 years of age or older. A resident is someone who has a history of residency in Winona County, intends to remain in Winona County, and does not have an established place of abode in another county.

### **Offense Eligibility**

As a post-adjudication program, an applicant must be adjudicated guilty of a felony-level offense before ultimately entering the Winona County program, although the screening process can, and typically will, commence before such an adjudication is entered. Applicants can be disqualified from the Winona County screening process based on either past criminal history or the current charge(s) the applicant is facing. It is the best practice for the Winona County program not to accept “violent offenders” as defined by 42 U.S.C.A. § 3797u-2.

### **Readmission**

On a case by case basis, and if the Treatment Court program has capacity to do so, the Treatment Court Team may consider readmission of a graduate or a previously terminated participant. The defendant will be required to meet the same intake eligibility criteria as if it were their first time. In addition, a supplemental application will be required where the previous graduate or terminated participant will identify their current situation outlining what circumstances have changed from their previous Treatment Court experience to determine appropriateness for the Treatment Court program.

If a participant was terminated from the Treatment Court program, they are not eligible for re-admittance for one year following the termination order. If the terminated participant was incarcerated after termination proceedings, the one year wait time starts when he/she is released from custody.

*The Treatment Court Judge, with complete and candid input from the Treatment Court Team, retains discretion not to accept a certain level of offender.*

### **Current Charge Qualification Criteria**

Must be either:

- ❖ A new non-violent felony offense, unless otherwise specified herein, or;
- ❖ Violation on felony probation

### **Current Charge Disqualification Criteria**

- ❖ The offense involved the use of a firearm or dangerous weapon
- ❖ The offense caused the death of, or substantial and/or great bodily injury, to any person
- ❖ The offense involved the use of force against the person or another

### **Past Criminal History Disqualification Criteria**

- ❖ One or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with intent to cause death or serious bodily harm

**The following offenses are disqualifying within the past 10 years:**

- ❖ Murder (any degree)
- ❖ Manslaughter
- ❖ Felony criminal sexual conduct
- ❖ Kidnapping
- ❖ Arson
- ❖ Vehicular homicide
- ❖ Great bodily harm caused by distribution of drugs
- ❖ First degree burglary (involving the assault of a person)
- ❖ Possession of child pornography
- ❖ Possession of pornographic work involving minors
- ❖ Aggravated witness tampering

**The following offenses may be disqualifying within the past 10 years:**

- ❖ Felony assault
- ❖ Robbery
- ❖ Felony stalking
- ❖ Felony domestic abuse
- ❖ Felony strangulation
- ❖ Predatory offender registration (resulting from non-juvenile offenses)
- ❖ False imprisonment

**The Treatment Court Judge and Team will review applicants and make an eligibility decision on a case by case basis by considering the following list of non-comprehensive factors:**

- ❖ Length of time since the offense
- ❖ Age of defendant at the time of offense
- ❖ Victim input
- ❖ Officer input
- ❖ Nature of disqualifying offense
- ❖ Significant changes impacting appropriateness for Treatment Court. This may include but is not limited to: changes in attitude, living situation, and recent success on supervised probation.

**Clinical Screening & Eligibility**

**Clinical Evaluations**

After the initial screening form has been submitted to the Treatment Court Coordinator, those applicants initially eligible for Treatment Court (meaning those who meet the age, residency, criminal history, and current offense eligibility requirements) will be contacted by the Treatment Court Coordinator and invited to participate in the clinical screening process.

The clinical screening process consists of a substance abuse disorder evaluation, a mental health assessment/evaluation, and a LS-CMI assessment in order to determine if the applicant is dependent on drugs or

alcohol, has mental health issues that need to be addressed, and the applicant’s criminogenic risk level, all to determine recommended level of care.

Those interested in moving forward through the screening process should arrange for these assessments/evaluations to be completed with the assistance of the Treatment Court Coordinator while also signing releases of information provided by the Treatment Court Coordinator so that the Team can learn about and discuss the results of those evaluations/assessments.

Upon completion of these evaluations/assessments, the assessor will provide the results to the Treatment Court Coordinator, who will then determine clinical eligibility.

**Clinical Eligibility**

Since the Winona County program targets high risk/high needs adult felony offenders in Winona County, an applicant must have an LS-CMI score equal to or greater than 30 and must meet a moderate or severe level of need on the substance abuse disorder evaluation (as defined by the Diagnostic Statistical Manual V) to be eligible for acceptance into Treatment Court.

**Curfew Sanction Grid**

<i>Sanctions for missed curfew when the participant claims he/she was home:</i>	<i>Sanctions for missed curfew when the participant was out in the community:</i>
First violation: 8 hours community work service (completed in 7 days)	First violation: House arrest for 72 hours (allowed to leave for court, work and drug testing only – GPS paid for by participant)
Second violation: 16 hours community work service (completed in 10 days)	Second violation: 24 hours jail, no GPS
Third violation: 24 hours community work service (completed in 14 days)	Third violation: 48 hours jail, no GPS
Fourth violation: House arrest for 72 hours (allowed to leave for court, work and drug testing only – GPS paid for by participant)	Fourth violation: Hold until next Treatment Court

**Termination Criteria**

*A Treatment Court participant MAY be terminated from the Treatment Court program for the following:*

- ❖ A new felony offense charge for an incident occurring while enrolled in Treatment Court.
- ❖ Violent, threatening, continual disrespectful or harassing behavior toward staff, the Treatment Court Team, or fellow Treatment Court participants.
- ❖ Sale or distribution of drugs, alcohol or illegal controlled substances to others, including other Treatment Court participants.
- ❖ Repeated violations of Treatment Court orders, including positive drug tests.

- ❖ Termination or withdrawal from required treatment.
- ❖ Failure to progress in the program – for example, remaining in Phase II for more than twelve months or remaining Phase III for more than eighteen months.
- ❖ Absconding from Treatment Court. Absconding includes but is not limited to falling out of contact with the Treatment Court Coordinator, Probation Agent, and the Treatment Court Team.

***A Treatment Court participant SHALL be terminated from Treatment Court for the following:***

- ❖ Upon being charged with a disqualifying offense while in the program. A disqualifying offense is categorized as follows:
  - The offense involved the use of a firearm or dangerous weapon
  - The offense caused the death of, or substantial and/or great bodily injury, to any person
  - The offense involved the use of force against the person or another
- ❖ Upon being charged with a 1st or 2nd degree controlled substance sales crime.
- ❖ Participant requests an executed sentence.
- ❖ Participant is moving outside of Winona County.
- ❖ Assaulting Treatment Court staff or their criminal justice partners acting on behalf of Treatment Court or assaulting other Treatment Court participants.
- ❖ Other reasons which the Treatment Court Team deems necessary for participant, program or community safety and success.

**Drug Testing Policy**

**Note on Regularly Scheduled UA Testing Time:** The current regularly scheduled Winona County UA testing time is 6:00 a.m. – 9:00 a.m. at the Winona County Law Enforcement Center. This schedule reflects the timeframe that the participant must arrive to test unless he/she has a work accommodation. This schedule is subject to change due to jail availability, and actual testing may occur outside the regularly scheduled timeframe. The participant will be informed in advance if the regularly scheduled testing time changes.

**Impact on Sobriety Date:** A positive or missed test restarts a participant’s sobriety date for the purposes of the Winona County Treatment Court program. A late test will not impact a participant’s sobriety date unless a positive test results.

**WINONA COUNTY PHASE REQUIREMENTS**

**Phase Progression**

The Winona County program lasts a minimum of 13 months and has four structured phases, plus an Aftercare Group. The initial phases involve intensive intervention, gradually transitioning into less intensive intervention as the participant progresses. A participant must successfully complete the current phase before transitioning to the next phase.

**Description of Case Plan Hour Requirements**



Case plan hours may include, but are not limited to: treatment, recovery support groups, pro-social support, mental health appointments, case management, parenting skills programming, cognitive skills programming, budgeting and banking classes, nutrition classes, development of housing, sober living plan, etc. Obtaining a GED or enrolling in continuing education also may be a part of the participant's case plan.

### **Phase I: Stabilization**

- Orientation/overview of Winona County program with Treatment Court Coordinator and Probation Agent
- Attend Winona County court hearings twice per month, or as directed by the Court
- Remain law abiding
- Call the random drug testing phone line every day
- Submit to random drug and alcohol testing (12 times per month minimum)
- Treatment as recommended in chemical dependency evaluation and mental health assessment
- Develop a Relapse Prevention Plan
- Attend three Recovery Support Group meetings per week as required in case plan or as directed by the Court
- Identify a home community support group
- Obtain a sponsor with at least two years of sobriety
- Attend meetings with the Coordinator as directed (including in-home and employment visits on evenings or weekends)
- Create case plan goals and begin working on those goals (at least 40 hours per month on requirements of case plan) and submit hours on a weekly basis to the Coordinator
- Attend meetings with Probation Agent as directed per Department of Corrections (DOC) Supervision Standards (including in-home and employment visits on evenings or weekends)
- Weekly collateral checks by the Coordinator with treatment, employment, counselors, family, school, etc.
- Curfew 9:00pm – 5:30am (or as required by the Court)
- Attend the Aftercare Recovery Group meeting (held monthly)
- Attend CAMO cognitive thinking classes with probation as directed by Probation Agent
- Attend parenting and anger management classes (when available and as needed) as directed by the Coordinator
- Perform 24 hours of Community Work Service, 8 hours completed per month, hours submitted on a monthly basis to the Coordinator
- Find safe/sober housing that is approved by the Team prior to moving into the residence
- Obtain health insurance
- Establish primary care with a medical doctor and follow medication management requirements (if applicable)
- Create a budget (if working or receiving financial assistance)
- Write Letter to Self and submit to the Coordinator
- Regular journaling to the Judge (recommended)

### **Phase Advancement**

- Minimum of 30 consecutive days clean and sober in the Winona County community with no positive or missed tests prior to phasing
- Compliance with sanctions and Court orders, if any
- Compliance with attendance requirements
- Compliance with treatment and mental health recommendations
- Progress with case plan
- Sponsor with at least two years of sobriety obtained
- Relapse Prevention Plan developed
- 24 hours of Community Work Service completed
- Phase II application submitted and Team recommendation that participant is ready to phase and participant explanation for why he/she is ready to phase
- Phase II agreement signed at the next Treatment Court hearing if the participant phases

### **Phase II: Personal Development**

- Attend Winona County court hearings twice per month, or as directed by the Court
- Remain law abiding
- Call the random drug testing phone line every day
- Submit to random drug and alcohol testing (8 times per month minimum)
- Continue treatment as recommended in chemical dependency evaluation and mental health assessment
- Comply with Relapse Prevention Plan
- Attend three Recovery Support Group meetings per week as required in case plan or as directed by the Court
- Work a Recovery Program with sponsor
- Attend meetings with the Coordinator as directed (including in-home and employment visits on evenings or weekends)
- Comply with case plan (at least 40 hours per month on requirements of case plan) and submit hours on a weekly basis to the Coordinator
- Attend meetings with Probation Agent as directed per Department of Corrections (DOC) Supervision Standards (including in-home and employment visits on evenings or weekends)
- Twice monthly collateral checks by the Coordinator with treatment, employment, counselors, family, school, etc.
- Curfew 10:00pm – 5:30am (or as required by the Court)
- Attend the Aftercare Recovery Group meeting (held monthly)
- Attend CAMO cognitive thinking classes with probation as directed by Probation Agent
- Attend parenting and anger management classes (when available and as needed) as directed by the Coordinator
- Perform 24 hours of Community Work Service, 8 hours completed per month, hours submitted on a monthly basis to the Coordinator
- Secure employment and/or set education objectives (if applicable)
- Regular journaling to the Judge (recommended)

### **Phase Advancement**

- Minimum of 60 consecutive days clean and sober in the Winona County community with no positive or missed tests prior to phasing
- Compliance with sanctions and Court orders, if any
- Compliance with attendance requirements
- Compliance with treatment and mental health recommendations
- Progress with case plan
- Working with sponsor on a Recovery Program
- Compliance with Relapse Prevention Plan
- 24 hours of Community Work Service completed
- Phase III application submitted and Team recommendation that participant is ready to phase and participant explanation for why he/she is ready to phase
- Phase III agreement signed at the next Treatment Court hearing if the participant phases

### **Phase III: Prosocial Behaviors**

- Attend Winona County court hearings twice per month, or as directed by the Court
- Remain law abiding
- Call the random drug testing phone line every day
- Submit to random drug and alcohol testing (8 times per month minimum)
- Continue to progress with and/or complete treatment as recommended in chemical dependency evaluation and mental health assessment
- Comply with Relapse Prevention Plan
- Attend three Recovery Support Group meetings per week as required in case plan or as directed by the Court
- Continue working a Recovery Program with sponsor
- Attend meetings with the Coordinator as directed (including in-home and employment visits on evenings or weekends)
- Comply with case plan (at least 40 hours per month on requirements of case plan) and submit hours on a weekly basis to the Coordinator
- Attend meetings with Probation Agent as directed per Department of Corrections (DOC) Supervision Standards (including in-home and employment visits on evenings or weekends)
- Twice monthly collateral checks by the Coordinator with treatment, employment, counselors, family, school, etc.
- Curfew 11:00pm – 5:30am (or as required by the Court)
- Attend the Aftercare Recovery Group meeting (held monthly)
- Attend CAMO cognitive thinking classes with probation as directed by Probation Agent
- Attend parenting and anger management classes (when available and as needed) as directed by the Coordinator
- Perform 24 hours of Community Work Service, 8 hours completed per month, hours submitted on a monthly basis to the Coordinator
- Begin developing Phase IV Community Service Project under direction of Coordinator

- Complete and submit “Phase IV Project Packet”
- Maintain employment and/or education attendance (if applicable)
- Regular journaling to the Judge (recommended)

**Phase Advancement**

- Minimum of 90 consecutive days clean and sober in the Winona County community with no positive or missed tests prior to phasing
- Compliance with sanctions and Court orders, if any
- Compliance with attendance requirements
- Compliance with treatment and mental health recommendations
- Progress with case plan
- Working with sponsor on a Recovery Program
- Compliance with Relapse Prevention Plan
- 24 hours of Community Work Service completed
- “Phase IV Project Packet” submitted and approval of Phase 4 Community Service Project received from Team
- Phase IV application submitted and Team recommendation that participant is ready to phase and participant explanation for why he/she is ready to phase
- Phase IV agreement signed at the next Treatment Court hearing if the participant phases

**Phase IV: Relapse Prevention and Aftercare Preparation**

- Attend Winona County court hearings once per month, or as directed by the Court
- Remain law abiding
- Call the random drug testing phone line every day
- Submit to random drug and alcohol testing (8 times per month minimum)
- Complete treatment as recommended in chemical dependency evaluation and mental health assessment
- Comply with Relapse Prevention Plan
- Attend three Recovery Support Group meetings per week as required in case plan or as directed by the Court
- Continue working a Recovery Program with sponsor
- Attend meetings with the Coordinator as directed (including in-home and employment visits on evenings or weekends)
- Comply with case plan (at least 40 hours per month on requirements of case plan) and submit hours on a weekly basis to the Coordinator
- Attend meetings with Probation Agent as directed per Department of Corrections (DOC) Supervision Standards (including in-home and employment visits on evenings or weekends)
- Monthly collateral checks by the Coordinator with treatment, employment, counselors, family, school, etc.
- No curfew, unless required by the Court\*
- Attend the Aftercare Recovery Group meeting (held monthly)
- Attend CAMO cognitive thinking classes with probation as directed by Probation Agent

- Attend parenting and anger management classes (when available and as needed) as directed by the Coordinator
- Perform 24 hours of Community Work Service (separate from and in addition to the Phase IV Project), 8 hours completed per month, hours submitted on a monthly basis to the Coordinator
- Implement and complete Phase IV Community Service Project developed in Phase III under the direction of Coordinator
- Maintain stable employment and/or education attendance (if applicable)
- Develop a Life Plan with the Coordinator
- Obtain and submit two Letters of Support for commencement from community members
- Meet with Probation Agent prior to commencement to update LS-CMI
- Letter to Self from Phase I returned and write letter of experience/advice to incoming participants
- Regular journaling to the Judge (recommended)

\* Although Phase IV participants are not required to have a curfew (unless directed otherwise by the Court), Phase IV participants need prior approval from the Coordinator and Probation Agent to stay overnight at another residence. If approval is granted, the Phase IV participant will need to notify the Coordinator and Probation Agent of overnight stays before they occur, along with pertinent information regarding location and length of stay.

### **Commencement Requirements**

- Minimum of 180 consecutive days clean and sober in the Winona County community with no positive or missed tests prior to graduating
- Compliance with sanctions and Court orders, if any
- Compliance with attendance requirements
- Compliance with treatment and mental health recommendations
- Completion of case plan
- Working with sponsor on a Recovery Program
- Compliance with Relapse Prevention Plan
- Stable employment (and/or education) and housing in place
- 24 hours of Community Work Service completed
- Phase IV Community Service Project completed to the satisfaction of the Team
- Commencement Application/Life Plan, Exit Survey, and two Letters of Support submitted and Team recommendation that participant is ready to commence and participant explanation for why he/she is ready to commence

### **Treatment Court Aftercare: Recovery Group**

The Treatment Court Recovery Group is under the jurisdiction of the Winona County Treatment Court program and the Department of Corrections. The following are the expectations for participation in the Treatment Court Recovery Group:

- After commencement, participants will move to the Recovery Group as graduates until they are discharged from probation, transferred to another jurisdiction for supervision or as directed by the Corrections Agent.
- Recovery Group graduates act as a support system for current Treatment Court participants and other Recovery Group graduates. Recovery Group facilitators act as a resource for all.
- Recovery Group meetings are held monthly at the Winona Felony Office. They are facilitated by the Corrections Agent and Coordinator. All current Treatment Court participants and graduates must attend these monthly meetings. Participants can receive recovery support group meeting credit for attending.
- Recovery Group graduates will have home visits by the Corrections Agent at least monthly.
- Recovery Group graduates will attend a Treatment Court hearing once every three months so long as they are on probation. This should be scheduled with the Treatment Court Coordinator.
- Recovery Group graduates will attend a minimum of one recovery support meeting per week and provide documentation to the Corrections Agent on a monthly basis.
- Recovery Group graduates are required to continue working with a sponsor. Mentorship and sponsorship of others is voluntary, but strongly encouraged.
- Recovery Group graduates are required to have a relapse prevention plan in place as they transition out of Treatment Court. This relapse prevention plan will be updated every six months.
- Drug and alcohol testing will continue to be a requirement of the Recovery Group. Graduates will be subject to the drug testing requirements of the Corrections Agent. Graduates will continue on the drug testing color wheel and sign updated drug testing paperwork with the Coordinator. Graduates will comply with one drug test per week (at a minimum) for three months after graduation.
- Drug testing and contact with the Corrections Agent and Coordinator will be more frequent if relapse occurs.
- Recovery Group participants are required to consent to a search of their person, vehicle, and/or residence at any time.
- Missing the Recovery Group without an excused absence will need to be made up by attending an office or home visit with the Corrections Agent. Missing the Recovery Group could also trigger an administrative sanction or a formal probation violation at the discretion of the Corrections Agent.

## **WABASHA COUNTY PROGRAM DETAILS**

### **Overview**

The program is a minimum of 18 months and is divided into five phases. This timeframe is an estimate, and the time for any one participant to complete the program may vary based on the needs and progress of the individual participant and as directed by the Treatment Court Team. Advancement through phases is based on accomplishment of individual case plan goals and program requirements. Components for the program include: chemical dependency evaluation and treatment, mental health assessment and treatment, random alcohol and drug testing, regular court appearances, case management meetings and referrals, employment, education, home visits, employment visits, attendance at recovery support group meetings (including NA, AA, CR and SMART recovery), abstinence from substance use, behavioral responses, restitution, and program fees.

### **Oversight**

Members of the Wabasha County Team presently include:

- ❖ Christopher Neisen – District Court Judge
- ❖ Jesse Vold – Treatment Court Coordinator
- ❖ Karrie Kelly – Wabasha County Attorney
- ❖ Mark Jarstad – Defense Attorney
- ❖ Coltin Schmidt or Emily Reich – Department of Corrections, Probation Agent
- ❖ Traci Green – Wabasha County Probation Director
- ❖ Tom Alme – Wabasha County Probation Agent
- ❖ Rodney Bartsh – Wabasha County Sheriff
- ❖ Bill Weist – Lake City Police Department
- ❖ Mary Olson – Chemical Dependency and Mental Health Services
- ❖ Sadie Wallerich & Kirsten Schuth – Wabasha County Social Services
- ❖ Michael Timm, Wabasha County Jail

### **PARTICIPANT ELIGIBILITY CRITERIA**

Wabasha County Treatment Court targets individuals that are high risk and high need. To provide early intervention, it is preferred that candidates be identified as soon as possible after arrest.

- ❖ Age 18 or older at the time of the offense (EJJ Cases on case by case basis)
- ❖ US Citizen or qualified Alien
- ❖ Resident of Wabasha County or in close proximity to Wabasha County The team may consider non-residents based on the following criteria:

1. Proximity of the defendant's residence to the county line.
2. Whether or not the defendant's residence is within a school district located in the county.
3. The nature and quality of the defendant's contacts with the county (e.g., employment, relatives).

- ❖ Finding of substance use disorder, moderate or severe, consistent with most current DSM Criteria
- ❖ Willingness to comply with the Treatment Court criteria
- ❖ Meet criteria for High Risk and High Needs, per the RANT (Risk and Needs Triage) assessment.

### **OFFENSE ELIGIBILITY CRITERIA**

- ❖ Gross misdemeanor or felony level offense.
- ❖ Probation supervision for period of Substance Abuse Court, up to 3 years.

The primary purpose of the Wabasha County Treatment Court Programs is to improve public safety. Current or prior offenses may disqualify candidates from participation if the defendant's current charge or prior record suggests that the defendant cannot be managed safely or effectively in a treatment court. Barring legal prohibitions, defendants charged with drug distribution or those with violent histories are not excluded automatically from participation in the treatment court.

### **DISPOSITIONS**

**The offender will be eligible for a stay of adjudication if he/she:**

1. Has no prior offenses, or a minimum of 3-4 misdemeanor convictions and up to one felony conviction, and
2. The current offense is a non-DWI crime carrying a presumptive stay of imposition on the Minnesota Sentencing Guidelines.

**The offender will be eligible for a stay of imposition or stay of execution if he/she is not eligible for a stay of adjudication, and:**

1. Has some prior felony offenses, and
2. The current offense is a non-DWI crime carrying a presumptive commit to the Commissioner of Corrections under the Minnesota Sentencing Guidelines.

If the offense is a DWI, the offender will receive the sentence mandated by the relevant statute.

### **Termination Criteria**

**A Treatment Court participant MAY be terminated from the program for the following:**

- ❖ A new offense, for an incident occurring, while enrolled in Treatment Court.
- ❖ Violent, assaultive, threatening, continual disrespectful or harassing behavior toward staff, the Treatment Court Team, or fellow Treatment Court participants.
- ❖ Sale or distribution of drugs, alcohol or illegal controlled substances to others, including other Treatment Court participants.
- ❖ Repeated violations of Treatment Court orders, including positive drug tests.
- ❖ Termination or withdrawal from required treatment.



- ❖ Failure to make progress in the program.
- ❖ Absconding from Treatment Court. Absconding includes but is not limited to failing to maintain contact with the Treatment Court Coordinator, Probation Agent, and the Treatment Court Team.
- ❖ Participant requests an executed sentence.
- ❖ Participant is moving outside of Wabasha County.
- ❖ Other reasons which the Treatment Court Team deems necessary for participant, program or community safety and success.

## **PHASES OF WABASHA TREATMENT COURT**

### **Participants in ALL Phases of the program must:**

- ❖ Submit to drug testing, a minimum of twice per week. Failure to provide sample within 30 minutes of testing time, may result in apprehension.
- ❖ Complete the “Weekly Reporting Form” and submit it to the Coordinator prior to Thursday 8 AM each week, or as directed by Team.
- ❖ Remain law abiding.
- ❖ Comply with treatment and mental health recommendations.
- ❖ Attend sober support meetings as directed by the assessment/treatment recommendations or by the Team. Submit sober support verification to Coordinator prior to each scheduled Court Hearing.
- ❖ Obtain and maintain regular contact with a sponsor who has at least two years of sobriety.
- ❖ Weekly contact with the Treatment Court Coordinator, or as directed.
- ❖ Attend meetings with Probation Agent as directed.
- ❖ Obtain or maintain fulltime employment. Supplement with community service hours to meet fulltime standards.
- ❖ Collateral checks by the Coordinator with treatment, employment, counselors, family, school, etc.
- ❖ Maintain safe/sober housing that is approved by the Treatment Team prior to moving into the residence.
- ❖ Obtain health insurance, if applicable.
- ❖ Change people, places and things.

### **PHASE ONE – Acute Stabilization (Minimum 60 days) (minimum 21 days sobriety)**

- ❖ Court Hearings– Attend weekly, or as directed by the Team.
- ❖ Curfew – 9:00 PM – 5:30 AM.
- ❖ Cognitive Skills – Attend weekly or as directed by the Team.
- ❖ Orientation/Overview of WWTC program with Treatment Court Coordinator and Probation Agent
- ❖ Complete a chemical dependency assessment and follow all treatment and mental health recommendations.

- ❖ Explore Recovery Support Group meetings and attend as recommended by the assessment, treatment and/or the Team.
- ❖ Obtain a sponsor with at least two years of sobriety, if appropriate.
- ❖ Create case plan with goals and begin working on those goals.
- ❖ Find safe/sober housing that is approved by the Treatment Team prior to moving into the residence.
- ❖ Establish primary care with a medical doctor and follow medication management requirements (if applicable).
- ❖ Create a budget with assistance of Coordinator or Agent.
- ❖ Write letter to self and submit to the Treatment Court Coordinator.
- ❖ Start changing people, places and things.

**Phase Advancement**

- ❖ Minimum of 21 consecutive days clean and sober in the Wabasha County Community with no positive or missed tests prior to phase change.
- ❖ Compliance with Phase One requirements as outline above.
- ❖ Phase II application submitted and Team recommendation that he/she is ready to phase and participant explanation for why he/she is ready to advance.

**PHASE II: Clinical Stabilization (minimum 120 days) (minimum 45 days sobriety)**

- ❖ Court Hearings– Attend twice per month, or as directed by the Team.
- ❖ Curfew – 10:00 PM – 5:30 AM.
- ❖ Cognitive Skills – Attend weekly or as directed by the Team.
- ❖ Continue treatment as recommended in chemical dependency evaluation and mental health assessment.
- ❖ Create Relapse Prevention Plan.
- ❖ Comply with case plan.

**Phase Advancement**

- ❖ Minimum of 45 consecutive days clean and sober in the Wabasha County Community with no positive or missed tests prior to phase change.
- ❖ Compliance with Phase Two requirements as outline above.
- ❖ Completion of Relapse Prevention Plan.
- ❖ Phase III application submitted and Team recommendation that he/she is ready to phase and participant explanation for why he/she is ready to advance.

**PHASE III: Pro-Social Habilitation (minimum 120 days) (minimum sobriety 90)**

- ❖ Court Hearings– Attend once per month, or as directed by the Team.
- ❖ Curfew – 11:00 PM – 5:30 AM.
- ❖ Cognitive Skills – Attend twice per month or as directed by the Team.
- ❖ Continue to progress with and/or complete treatment as recommended in chemical dependency evaluation and mental health assessment.

- ❖ Comply with Relapse Prevention Plan.

### **Phase Advancement**

- ❖ Minimum of 90-consecutive days clean and sober in the Wabasha County Community with no positive or missed tests prior to phase change.
- ❖ Compliance with Phase Three requirements as outline above.
- ❖ Phase IV application submitted and Team recommendation that he/she is ready to phase and participant explanation for why he/she is ready to advance.

### **PHASE IV: Adaptive Habilitation (Minimum 120 days) (minimum sobriety 90)**

- ❖ Court Hearings– Attend once per month, or as directed by the Team.
- ❖ Curfew – Midnight – 5:30 AM.
- ❖ Cognitive Skills – Attend monthly or as directed by the Team.
- ❖ Begin working on Treatment Court Community Service Project.
- ❖ Comply with Relapse Prevention Plan.

### **Phase Advancement**

- ❖ Minimum of 90 consecutive days clean and sober in the Wabasha County Community with no positive or missed tests prior to phase change.
- ❖ Compliance with Phase Four requirements as outlined above.
- ❖ Progress on Community Service Work Project.
- ❖ Phase V application submitted and Team recommendation that he/she is ready to phase and participant explanation for why he/she is ready to advance.

### **PHASE V: Continuing Care (Minimum 120 days) (minimum sobriety 120)**

- ❖ Court Hearings– Attend once per month, or as directed by the Team.
- ❖ Curfew – None; however, see requirements below.
- ❖ Cognitive Skills – Attend monthly or as directed by the Team.
- ❖ Comply with Relapse Prevention Plan.
- ❖ Complete Treatment Court Community Service Project 60 days prior to graduation.
- ❖ Develop a Life Plan with the Coordinator.
- ❖ Obtain and submit two Letters of Support for your graduation from community members.
- ❖ Meet with Probation Agent prior to graduation to update LS-CMI and transfer probation.
- ❖ Letter to self from Phase 1 returned and write letter of experience/advice to incoming participants.

\*Although Phase V participants are not required to have a curfew (unless directed otherwise by the Court), Phase V participants need prior approval from the Treatment Court Coordinator and Probation Agent to stay overnight at another residence. If approval is granted, the Phase V participant will need to notify the Coordinator and Probation Agent of overnight stays before they occur.

### **Phase Advancement/Graduation**

- ❖ Minimum of 120 consecutive days clean and sober in the Wabasha County Community with no positive or missed tests prior to graduation.
- ❖ Complete Treatment Court Community Service Project, must be completed 60 days prior to graduation. Presentation of the service project during a court session once the participant completes the project.
- ❖ Compliance with Phase Five requirements as outlined above.
- ❖ Graduation application submitted and Team recommendation that he/she is ready to phase and participant explanation for why he/she is ready to phase.

### **GRADUATION**

Upon your successful completion of a treatment program and satisfaction of all other court requirements including continued sobriety, you will graduate from Treatment Court. All fines and fees must be paid prior to graduation unless other arrangements are approved by the team.

Graduation from the program is recognized as a very important event. Your family, friends, and supportive people will be invited to join you at a special ceremony as the team congratulates you for successfully completing all phases of the program and achieving your goal to establish a drug-free life.

### **RELAPSE PHASE**

Within one (1) year of a participant's graduation from Wabasha County Treatment Court, if the participant relapses, incurs new criminal charges, and/or a probation violation report is filed in District Court, the participant MAY be eligible to re-enter Wabasha County Treatment Court's "Relapse Phase."

Graduates will be screened by the Treatment Court Team to determine eligibility for the Relapse Phase. Like Treatment Court, entry into the Relapse Phase is not guaranteed.

***The Treatment Court Judge, after complete and candid discussion with the Treatment Court Team, will determine whether to ADMIT or DENY a graduate entry into the Relapse Phase.***

Once a participant has been accepted into the Relapse Phase, the participant must be re-sentenced and/or his or her probation continued in District Court with the added condition that he/she enter into and successfully complete Wabasha County Treatment Court's Relapse Phase.

Upon entering the Relapse Phase, the participant must complete an updated Chemical Dependency (CD) Evaluation. This evaluation will provide the basis to establish the timeline and requirements of the Participant's individual Relapse Phase. The participant will be required to follow all recommendations of the updated CD Evaluation; including the possibility of residential treatment, additional treatment, and/or mental health or other recommendations.

In the Relapse Phase, the participant is considered a participant in Wabasha County Treatment Court and will

be subject to home visits, curfew checks, random drug and alcohol testing, and the Drug Court Hold Order.

The Relapse Phase is designed to last between six months to a year. This is an estimate, and the time for any one participant to complete the Relapse Phase may vary based on the needs and progress of the individual participant and as directed by the Treatment Court Probation Agent. Upon completion of the Relapse Phase, the participant will receive a Certificate of Completion.

**Relapse Phase Requirements include but are not limited to:**

- ❖ Pay Treatment Court Fee of \$100.
- ❖ Attend Court as directed and be on time (between 1-4 times a month).
- ❖ Complete updated Chemical Dependency Evaluation and follow all recommendations.
- ❖ Submit to rehabilitative, medical or psychological programming as recommended.
- ❖ Curfew 10:00pm (unless otherwise set by Treatment Court Team).
- ❖ Attend Support Group Meetings (AA/NA) as determined to be appropriate.
- ❖ Random drug and alcohol testing.
- ❖ A new Treatment Court Hold Order will be signed upon entry into Relapse Phase.
- ❖ Attend meetings and maintain frequent contact with Probation Agent, as directed.
- ❖ Attend meetings and maintain contact with WCTC Coordinator, as directed.
- ❖ Comply with the directives of the WCTC Judge, Coordinator, Team, CD Providers and Probation.
- ❖ Obtain and/or maintain employment, as appropriate.
- ❖ Maintain safe/sober housing that is approved by the Treatment Team prior to moving into the residence.
- ❖ Inform WCTC Coordinator/Agent of all changes to address, phone number and whereabouts.
- ❖ Remain law abiding and have no further offenses.

**GIFTS POLICY**

The Wabasha County Treatment Court team will present gifts to participants for various milestones reached while in the program.

**SOCIAL PARTICIPATION**

All participants will be required to attend and participate in a minimum of one sober social activity yearly in an effort to get them involved in the community. These include but are not limited to Soberfest, Friends of Drug Court Celebration and/or Recovery is Happening walk.

**TREATMENT COURT FEES**

The total treatment court fee is \$300.00, payable to Court Administration. This must be paid in full prior to graduation. The initial case plan shall address payment of this fee. UA testing fees will be paid to Wabasha County Treatment Court.