

CASS COUNTY
LEECH LAKE BAND OF
OJIBWE
WELLNESS COURT



PROCEDURE MANUAL
NINTH JUDICIAL DISTRICT

April 30, 2009

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Introduction

The Cass County/Leech Lake Band of Ojibwe Wellness Court (DWI Court) is designed to coordinate substance abuse intervention with judicial oversight through enhanced supervision and individual accountability. The need for a Wellness Court in Cass County and on the Leech Lake Reservation has been an evolutionary process. As the number of DWI offenders has increased over the years, those in the court system are exploring various ways to deter and address repeat alcohol offenses and pursue more effective treatment options. As the growth and success of drug court programs nationally has increased, that philosophy has been adapted to the DWI arena as well. The DWI Court is the best vehicle within the criminal justice system for expediting the time between arrest and entry into treatment and for providing consistent and lengthy structure so the offender will benefit from the treatment experience.

Steering Committee

The Steering Committee is comprised of executive level personnel from the below listed agencies to facilitate the process, to expeditiously resolve issues and to provide buy-in at the upper echelon, so that later committees with non-executive level personnel will be comprised of people who are confident that the head of each agency is supportive of the Wellness Court mission. The Steering Committee consists of representatives from the following agencies:

9th Judicial District Court

Leech Lake Band of Ojibwe

- Tribal Court
- Tribal Council Member Representative
- Law Enforcement
- Treatment
- Family Services

Cass County

- County Attorney
- County Board Member Representative
- Sheriff's Department
- County Probation
- Human Services: Adult Services

9th Judicial District Public Defender's Office

Department of Corrections

Planning/Core Team

The planning/core team is a working group of people who carry out the daily tasks involved in planning, implementing and operating the Wellness Court program. The group meets regularly as a team and is comprised of the following representatives:

John P. Smith, 9th Judicial District Court Judge
Korey Wahwassuck, Leech Lake Tribal Court Judge
Christopher Strandlie, County Attorney
Jay Sommer, Public Defender
Amber Ahola, Regional Native Public Defense Corporation
Dawn Palmer, Coordinator
DOC Probation Officer
Cass County Probation
Sabin Rasmus, Leech Lake Police Officer
Tom Burch, Chief Deputy, Cass County Sheriff's Department
Garr Pemberton, Chief of Police – Leech Lake Police Dept.
Matt Hunt, Leech Lake Addiction and Dependency Program
Troy Gilbertson, Evaluator
Shannon Pfeiffer, Victim's Representative

Mission Statement

The mission statement of the Cass County/Leech Lake Band of Ojibwe Wellness Court is to enhance public safety by providing hope and opportunities for appropriate treatment with accountability thereby improving the quality of life within families and in the community.

Goals and Objectives:

Goal 1: Reduce costs associated with chemical use and criminal behavior.

Objective 1: Reduce criminal justice costs associated with gross misdemeanor level participants.

Objective 2: Reduce criminal justice costs associated with felony level participants.

Goal 2: Reduce criminal behavior and recidivism

Objective 1: 70% of participants will graduate from the program within 3 years of their start date.

Objective 2: 70% of participants will have 90 consecutive days of sobriety by the end of their first year in the program.

Objective 3: 90% of participants will not experience a driving impaired violation within one year after graduation.

Goal 3: Enhance public safety

Objective 1: 70% of participants will successfully complete treatment (inpatient, outpatient, aftercare/continuing care) within 9 months of entering the Wellness Court.

Objective 2: 90% of participants who have violations will receive sanctions within one week.

Objective 3: Participants will have lower recidivism rate than non-participants in the historical control group, 1 year after release from the Wellness Court or custody.

Goal 4: Enhance the well-being of participants

Objective 1: As appropriate, participants without a high school diploma will be enrolled and actively pursuing their GED within 8 months of entering the Wellness Court.

Objective 2: As appropriate, participants will further their education by utilizing vocational/avocational services.

Objective 3: 90% of Wellness Court participants will be actively employed or actively enrolled in an education program within 12 months of entering the Wellness Court.

Objective 4: Wellness Court participants will actively go through the process of having their driving privileges reinstated.

Structure/Model

The Wellness Court is a post-sentencing DWI court admitting gross misdemeanor and felony driving impaired offenders.

Referrals – Admission Process for New Violations

Offenders are screened for eligibility at arraignment/Rule 5 hearing (first appearance) by the prosecutors and referred to the Cass County/Leech Lake Wellness Court Agent for further review.

A letter is sent to out-of-custody offenders instructing them to report to the Wellness Court Agent for an initial Wellness Court interview. If offenders are still incarcerated, the Wellness Court Agent will conduct the initial interview at their detaining facility.

The Wellness Court program and handbook is explained fully to prospective candidates by the Wellness Court Agent. Personal data from each offender is documented on Wellness Court investigation forms, residence and work plan are discussed, as well as their ability and desire to participate in drug treatment. Income information including insurance and Medicaid coverage information is reviewed to determine if the offender is able to pay for treatment or if public assistance is needed.

If the offender indicates a willingness to participate in the Wellness Court Program, the Wellness Court Agent notifies the Chemical Assessor so an assessment can be scheduled. The Chemical Assessor provides the Wellness Court with a copy of the completed assessment which includes the diagnosis and recommendations. A packet which includes the offender's Wellness Court investigation and evaluation is prepared by the Wellness

Court Agent and reviewed by the Cass County Attorney for a recommendation to Wellness Court.

If the offender is considered appropriate for Wellness Court, he or she will be sentenced to Wellness Court as a condition of probation and is placed on the next Wellness Court docket. The Wellness Court Agent prepares case packets which are provided to the Wellness Court Coordinator and the Wellness Court Judges. The Wellness Court Judges will use the packet for reference in Court. The Judge introduces the defendant to Wellness Court, and signs appropriate orders and contracts.

Referral – Admission Process for Probation Violations

The assigned probation officer will contact the Wellness Court Agent when one of their probation clients has a target violation and appears to be a good candidate for Wellness Court. The Wellness Court Agent will then screen the offender to determine eligibility. The Wellness Court Agent will then process this referral as a regular referral.

Target Population

The target population for the Wellness Court will be offenders:

- Convicted of any Minnesota Impaired Driving Code--MSA §169A
- Executable probation violations for above-noted offenses

Eligibility Criteria

The guidelines that the Wellness Court uses to identify and enter offenders into the program are as follows:

- Must have a Chemical Dependency Assessment diagnosis of chemically dependent.
- Must be physically and mentally able to actively participate in the program.
- Must be willing to sign a treatment contract to undergo drug treatment which includes regular urine screens, group, individual counseling, or other recommended treatment. Every participant must sign designated releases of confidentiality.
- Must be able to make arrangements to attend treatment at the scheduled time.
- Must be a resident of Cass County. If an individual is already participating in Wellness Court and must move out of the county, they can with the expressed approval of the drug court team.
- Must be an adult.
- Pending offense must be from Cass County.
- Must be willing to actively seek employment and/or enroll in an educational program and fully participate.

- Unless otherwise approved/determined by the Team, a participant is required to begin CSW within 30 days of entering Wellness Court (or within 30 days of completing inpatient treatment).
 - After 30 days – 5 hours CSW daily
 - After 60 days – 8 hours CSW daily
 - After 90 days or longer – 8 hours CSW and weekends in jail
 - After 15 days of losing job – 30 hours CSW per week
 - Disabled – on a case by case basis
 - Retired – 20 hours CSW per week.
- Must be willing to accept sanctions of the Wellness Court Judges which may include incarceration, community services, increased reporting to court and/or probation officer, and increased attendance at community support meetings, such as AA or NA.
- If a client meets all of the above-stated eligibility criteria and the Rule 25 assessment indicates the client is chemically abusive, that person may not be excluded from Wellness Court solely on the basis of that Rule 25 assessment.

Decaying Offenses

If an offender has a crime of violence in their history that is ten years old or older, that person may still be eligible for Wellness Court pending approval by the Cass County Attorney.

Disqualifications

The guidelines that the Wellness Court uses to identify that an offender is ineligible for the program are as follows:

- No predatory offenses and or past convictions for a predatory offense as outlined in MSA §243.166 and MSA §243.167.
- Not be a “violent offender” as defined in 28 C.F.R. 93.3(d) as follows:
 - Violent offender* means a person who either—
 - Is currently charged with or convicted of an offense during the course of which:
 - The person carried, possessed, or used a firearm or other dangerous weapon: or
 - There occurred the use of force against the person of another; or
 - There occurred the death of, or serious bodily injury to, any person; without regard to whether proof of any of the elements described herein is required to convict; or
 - Has previously been convicted of a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

- The offender has a violent criminal history as defined in 28 C.F.R. 93.3(d).

609.185	Murder in the First
609.19	Murder in the Second
609.196	Murder in the Third
609.20	Manslaughter in the First
609.205	Manslaughter in the Second
609.21, subd. 1a(a)	Criminal Vehicular Homicide
609.21, subd. 1a(b)	Criminal Vehicular Operation (Great Bodily Harm)
609.221-609.2231	Assault First – Fourth
609.224	If a felony level assault
609.2243	Felony Domestic Abuse
609.228	Great Bodily Harm caused by distribution of drugs
609.229	Crime committed for the benefit of a gang
609.245	Aggravated Robbery
609.25	Kidnapping
609.2661-609.268	Murder, manslaughter, assault and injury/death of unborn child
609.342-609.3451	Criminal sex, all degrees
609.498	Witness Tampering
609.561	Arson in the First
609.582	Burglary in the First, subd. 1(a)
609.66	Dangerous Weapons (firearms)
a.	Machine guns and short-barreled shotguns
609.668	Explosive or incendiary device without injury to others
609.712	Real and simulated weapons of mass destruction
a.	Crimes committed in furtherance of terrorism
609.713	Terroristic Threats
609.855	Crimes involving transit; shooting at transit vehicle

- The offender declines program participation.
- The offender is a juvenile.
- The offender fails to report for interview, contract signing and/or initial court date.
- The offender shows a lack of desire for change.
- The offender wants to transfer supervision out of Cass County.
- The offender is required to pay a large amount of restitution.
- The offender has a serious mental health and/or medical problems.
- The chemical assessment and/or mental health assessment indicates the offender is not appropriate for Wellness Court.
- The offender is not a resident of Cass County.
- Must not be registered as a gang member or affiliated with a gang.
- Must not be identified by law enforcement as a dealer of drugs.
- Must not be currently supervised by another agency for a felony level violation of law.
- Must not have been an integral part of a drug distribution or manufacturing network.

Phases

Phase 1 (Treatment Phase)

Objective: To enter and successfully complete the chemical assessment recommended treatment programs.

Duration: 3-6 months

Hearings: Participants are required to remain in the courtroom until the conclusion of all Wellness Court hearings.

Requirements:

- Successfully complete treatment and follow recommendations
- submit to random chemical testing (2-4 times a week)
- supervised probation contacts (1-4 times a week)
- attend weekly court hearings for the whole Wellness Court calendar
- obtain at least one sponsor
- obtain employment/enroll in school or perform community work service

Requirements to move to Phase 2:

- 60 days of continuous sobriety
- complete all treatment recommendations
- attend all court appearances
- submit Petition for Phase Change and a Safety/Relapse Prevention form for consideration
- All Wellness Court fees are current

Phase 2 (Transition Phase)

Objective: Utilize recovery skills to maintain sobriety and work the individualized case plan.

Duration: 6 months for gross misdemeanor
12 months for felony

Hearings: Except in exceptional cases and approved by the Team, participants are required to remain in the courtroom until the conclusion of all Wellness Court hearings.

Requirements:

- obtain employment, enroll in school, or perform community work
- make progress towards driver's license reinstatement
- attend community support meetings
- continue to work with sponsor
- attend group sessions
- attend a victim impact panel
- submit to random chemical testing with probation contacts 1-2 times per week
- attend all court appearances for the whole Wellness Court calendar, except in exceptional cases and approved by the team.
 - GM first 3 months—weekly/ second 3 months—biweekly.
 - Felony first 6 months-weekly/ second 6 months-biweekly.

Requirements to move to Phase 3:

- 90 days of continuous sobriety
- make progress on their individualized case plan
- attend all court appearances
- abide by all rules
- submit a Petition for Phase Change and a Safety/Relapse Prevention form for consideration
- All Wellness Court fees are current.

Phase 3 (Living Well Phase)

Objective: To continue abstinence and maintenance of recovery to live a chemical-free lifestyle.

Duration: 6 months for gross misdemeanor
18 months for felony

Hearings: Unless otherwise ordered by the Court, participants are allowed to leave the courtroom after the conclusion of their hearing.

Requirements:

- maintain the established individualized case plan
- submit to random chemical testing
- attend monthly court appearances
- probation contact once a week
- attend community support meetings
- perform a community service project (effective 06-01-08 for newly entered clients)

Requirements to Graduate:

- 180 days of continued sobriety
- attend all court appearances
- pay all fees
- maintenance of individualized case plan
- abide by all rules
- submit a Petition to Graduate and Safety/Relapse Prevention Plan to Wellness Court.

Graduation Criteria

- The client must prepare their written responses to the graduation questionnaire which shows that they understand their personal problems with addiction, criminal behavior, and relapse prevention.
- The client must show continued sobriety—no positive tests for 180 consecutive days prior to graduation.
- The client must be gainfully and consistently employed or in vocational/academic training.
- The client must make all court appearances and treatment appointments.
- The client must reach the goals of their individual case plan.

- The client must have stable living arrangements with clean and sober relationships.
- The client must have a definitive continuing care plan that may include community support meetings, mental health care, outpatient counseling, or group attendance.
- The client must have completed a community service project that was pre-approved by the Wellness Court Team (for clients enrolled after 06-01-08).
- The client must fulfill all court obligations.

Commencement

The clients will be eligible for commencement from the program when they have successfully progressed through all three phases of the program and completed the pre-graduation questionnaire. The Wellness Court Team will determine when the clients are ready for commencement. At commencement, there will be a special ceremony and acknowledgement by the Wellness Court.

Wellness Court Alumni

This optional phase is available to clients who are living a life free from alcohol and other drug use but feel the need for continued support. This support could assist the client to maintain a healthy lifestyle and/or reach established personal goals such as college education, long-term employment, etc. Since this is an optional phase, there are no duration limits.

Incentives

Incentives are responses to compliance, perceived as a positive by the receiver. The Wellness Court Judges will reward participants with incentives for complying with program requirements on the basis of their own discretion and recommendations from the Wellness Court Team. Incentives may include any of the following:

- Verbal recognition/praise
- Applause
- Phase advancement
- Decreased restrictions (fewer drug tests, fewer court appearances, etc.)
- Court appearance priority given according to Phase Level (Phase 3 clients appear first)
- Fish Bowl Draw: Clients will be able to choose an envelope as an incentive if they are working towards graduation and have maintained sobriety for the following number of days: Level A: 30, 60, 90 (\$5 gift card); Level B: 120, 160 (\$10 gift card); and, Level C: 200, 300, 400.... (\$15 gift card). There may be other incentives if the Core Team believes the participants have earned additional incentives.
 - If a participant absconds from supervision, his/her sobriety days shall be reset to zero. If a participant “stalls” before any type of testing, his/her

sobriety days shall continue as usual.

Sanctions

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity. The Wellness Court Judges will impose sanctions on participants on the basis of their own discretion and recommendations from the Wellness Court Team. Sanctions may include any of the following:

- Verbal reprimands and warnings from the judges
- Verbal or written apology to the judges or team members
- Community service/additional educational programs
- More chemical testing, court hearings, and /or support meetings
- Moved back a phase
- Sit in Special Term court session
- Jail

Treatment Procedure

Upon completion of the chemical dependency assessment, the client is given a recommendation for substance abuse treatment by the chemical dependency assessor (a complete assessment file is provided to the Wellness Court Coordinator). The recommendation may include day/night treatment or may be a referral to a different modality, including secure (in jail) treatment, non-secure treatment, inpatient treatment or traditional drug counseling.

Appropriate cases are assigned to a particular program and location, depending on clients' need, financial situation and residence location. The client is informed to report to court the following court date for his/her first Wellness Court appearance. The client will be required to report to court on a regular basis at the instruction of the Wellness Court Judges. Reports from treatment and chemical monitoring will be presented at subsequent court dates. The Judges will place the new Wellness Court client on probation and return the client back to the Cass County Jail (if appropriate) to be released to the treatment provider as soon as possible. If the client is not in custody, a treatment provider will schedule the client's first appointment with his counselor. The client will begin the program the day of his first Wellness Court appearance.

TREATMENT PROVIDERS:

Leech Lake Addiction and Dependency Program

Following the screening process, Wellness Court clients appear in Wellness Court at a time regularly set aside for these reviews. The Wellness Court Team is in attendance which includes representatives of the treatment providers and probation officers. The clients are addressed by the Wellness Court Judge to ascertain that they understand the demands and rigorous schedule that the program will place upon them. They will then

Speak with their treatment provider representative who will give them specific information regarding the time and place of treatment.

Those at liberty leave the court and are expected to report at the designated time to the assigned treatment facility for intake. Those who are incarcerated are returned to jail and will be picked up by the treatment provider and transported to the facilities, where the treatment intake process takes place. They begin treatment immediately (if day treatment clients) or return that evening.

Report forms indicating attendance progress, problems and drug screen results are provided to the court at pre-court staffing. All clients must return to Wellness Court as directed by the Wellness Court Judge.

At the end of the treatment program, the clients have completed the structured treatment program and continue to participate in community support meetings under supervision of the Wellness Court staff.

Community Support Meetings / Sponsors

Each participant is expected to attend community support meetings. Participants can use the following as support group meetings: Alcoholics Anonymous, Alanon, Wellbriety and/or relapse prevention. If a participant wishes to substitute any other meeting he/she can bring it to the Team for approval.

Each participant is expected to obtain at least one sponsor. A participant's sponsor must be the same gender as the participant, must be willing to talk with the Wellness Court, must be a person that will help the participant work on his/her 12 Steps, work out of the Big Book and attend meetings with the participant. Sponsor is also being left open to spiritual /cultural advisor that will support the participant in their recovery.

Verification: Participants must have their journals signed at their support meetings and be able to provide follow-up verification if necessary. The Wellness Court probation agent should also be "spot checking" for verification.

Supervision Procedures

The Wellness Court Agent will be responsible for monitoring the clients' compliance with the following Wellness Court requirements:

- 1) Wellness Court orders;
- 2) Chemical dependency assessment;
- 3) Attendance at counseling and therapy for time set by Wellness Court;
- 4) Completion of Wellness Court contract/case plan;
- 5) The offender will remain chemically free.

Application for Special Event Furlough (form attached):

- Any time a participant plans to leave the supervision area for 24 hours or longer, he/she must first complete an Application for Special Event Furlough which needs to be approved by the Team. Exceptions will be made in emergency situations on a case by case basis.
- If the establishment is a casino, serves alcohol, or is an event in which alcohol is served: Phase One participants cannot attend. Phase Two participants need to complete an Application for Special Event Request Furlough to be approved by the Core Team. Phase Three is left to the discretion of the Wellness Court probation agent.
- If the sale of alcohol is not the establishment's primary business function: Phase One participants cannot attend. Phase Two participants can attend; however, he/she must first contact the Wellness Court probation agent. Phase Three participant may attend.

Drug Testing Procedure

Alcohol and other drug testing is one of the ten key components for a problem-solving court and is essential to program integrity. Test results can act as a deterrent to future alcohol and drug use, identify clients who are maintaining abstinence; identify clients who have relapsed; provide incentive, support and accountability for clients; is adjunct to treatment; and frames sanction decisions. Effective testing is frequent, random (unexpected, unannounced and unanticipated), observed and progressive (linked to phase requirements). The Wellness Court uses different methods to test the clients for chemical use; some of the most common are:

1. Preliminary Breath Test (PBT)
2. Saliva Tests
3. Urine Tests

All Wellness Court clients are informed about testing policies and procedures upon entry into the program and sign an agreement to comply with testing requirements. Therapeutic and/or punitive responses to continued use of alcohol and drugs are determined by the Wellness Court Judges on the basis of their discretion and recommendations from the Wellness Court Team. Random breathalyzers are conducted and can occur during any contact with the Wellness Court Agent, including during field visits, during court sessions and as determined by any other Wellness Court Team member. Clients choosing to enter the Wellness Court program must agree to cease the use of all mood-altering substances that would test positive during a drug test including, but not limited to, narcotics, tranquilizers, sedatives, stimulants, opiates, opiate-based medications. If during the course of participation it becomes necessary for a participant to take prescription medication, prior approval must be sought by the Judges and Wellness Court Team with appropriate medical documentation provided. The use of the medication may be approved on a conditional, time-limited basis based on the

established facts. Any use of doctor monitored prescription drugs is determined on a case-by-case basis by the Judges and Wellness Court Team.

In the event of relapse

Whether by positive testing results or admission of use: the participant's treatment counselor shall be notified. If the participant has either completed treatment, or has not yet began treatment, the chemical dependency assessor shall be notified.

If a participant has a positive PBT, he/she should be re-tested in approximately ten minutes. If the participant still tests positive, he/she shall be taken into custody. If a participant's filed test comes back positive, and the participant admits to use, the participant shall be take into custody. If a participant's field test comes back positive for use, and the participant denies use, the sample shall be sent to the lab for further testing. Any participant taken into custody should remain in the county jail until he/she can appear in Wellness Court.

Case Information Management

All client data will be entered into and maintained in the 9th Judicial District Web-based Drug Court Information System (W-DCIS) and the Court Services Tracking System (CSTS).

Evaluation

An evaluation must be tailored to the political and organizational context of the program to be evaluated. It typically involves assessment of one or more of five program domains: (1) program need; (2) program design; (3) program implementation and service delivery; (4) program impact or outcomes; and (5) program efficiency. An evaluation requires an accurate description of the program performance or characteristics at issue and assessment of them against relevant standards and criteria.

Dr. Troy Gilbertson of Criminal Justice Department at Bemidji State University was on contract with the Wellness Court to conduct a process and outcome evaluation. The purpose of evaluation was to assess the:

1. need for the program
2. design of the program
3. program implementation and service delivery
4. program impact or outcomes
5. program efficiency

Our current funding did not allow for an individual evaluation of our program but rather a statewide evaluation of drug/DWI courts in the State of Minnesota. The Wellness Court will comply with all requests from that state evaluation team.

Monetary Procedures

The Wellness Court Coordinator and Agent will utilize Standard Operating Procedures for collection of cost of supervision and Wellness Court fee payments. All monies will be processed through the Ninth Judicial District Administrator's Office.

Case Reviews

Case reviews will be conducted by the Wellness Court Team on a weekly basis. Cases will again be reviewed by the Wellness Court Team thirty (30) days prior to termination. The Wellness Court Agent will prepare a status report on each Wellness Court client each week for review by the Wellness Court Team. If the Wellness Court Agent is not able to attend a staffing, that Agent will relay information to the Wellness Court Coordinator who will provide status reports to the Wellness Court Team.

Termination / Discharge

The Wellness Court client is expected to complete this program at a minimum of eighteen (18) months if a gross misdemeanor violation or thirty-six (36) months if a felony violation. The Wellness Court client may apply for an early release at fifteen (15) months if a gross misdemeanor violation or thirty (30) months if a felony violation. Upon recommendation of the Wellness Court Team, a felony violation may be released after twenty-four (24) months if the participant has demonstrated exceptional compliance with the program and has otherwise met all requirements for graduation. A felony violator may not make inquiry or apply for early release until thirty (30) months. Release after twenty-four (24) months is at the sole discretion of the Wellness Court Team. All early releases must be approved by the Wellness Court Team with final approval resting with the Wellness Court Judges.

The Wellness Court client shall be terminated from the program should he or she be convicted of a new crime at the felony or gross misdemeanor level if the crime involves possession of or use of alcohol or controlled substances as one of the elements of the charge. Conviction of any other gross misdemeanor or felony level crime may be grounds for termination. Conviction on a new driving while impaired or drug charge at any level by a participant of this program shall result in termination from this program. Conviction of any other level of crime could also be grounds for termination as well. A new criminal charge alone could result in conditional dismissal from the program during any time period from the date of the charge to the final resolution – if no conviction results, the client may be reinstated. “Crime” means any misdemeanor level charge or above. “Conviction” means entry of judgment of guilt or any stay of execution of sentence, stay of imposition of sentence or stay of adjudication of sentence for the purposes of this program.

The Wellness Court client shall be terminated from the program should he or she be on warrant status for a period of 30 days or longer. The participant does not need to be present to be terminated from the program.

The Wellness Court client may be terminated from the program should he or she not apply reasonable efforts to be successful this program. A client should receive at least one warning from the presiding judge as to the item or items to which it is believed reasonable efforts are not being applied.

Each situation referenced above will be staffed by the core team on a case by case basis. If a client is up for termination written notice shall be given to each core team member by the Coordinator as to the specific date that the termination issue will be up for consideration and vote. Notice must be written and may be by e-mail, mail, or personal delivery. If a member cannot be present at the selected staffing, he or she shall be allowed to cast their vote by email. Email votes should be received by the Coordinator no later than 3:00 the day prior to the vote. A majority vote by the members then present at the slated termination staffing could result in a termination recommendation to the presiding Judge(s), who would then be free to adopt it and terminate the client. Any client who is terminated from Wellness Court will be scheduled to appear in front of The Honorable John P. Smith (one of the Wellness Court Judges) in District Court for disposition.

Confidentiality Statement

Any program that specializes, in whole or in part, in providing treatment counseling or assessment and referral services for clients with alcohol or drug problems must comply with the Minnesota State and Federal confidentiality regulations.

The Wellness Court Team must adhere to the Minnesota Government Data Practices Act and other applicable laws and policies relating to their respective departments. The Wellness Court clients must be informed of privacy rights in writing and are required to sign releases upon entering the program and provided a copy. Information that is protected by Federal confidentiality regulations may always be disclosed after the client has signed a proper consent form. Said forms are signed upon admission to Wellness Court and treatment providers to facilitate information sharing.

A proper consent form must be in writing and must include all of the following:

- the name or general description of the program(s) making the disclosure;
- the name or title of the individual or organization that will receive the disclosures;
- the name of the client who is the subject of the disclosure;
- the purpose or need for the disclosure;
- how much and what kind of information will be disclosed;
- a statement that the client may revoke the consent at any time, except to the

- extent that the program has already acted upon it;
- the date, event, or condition upon which the consent expires if not previously revoked;
- the date and signature of the client.