Can alternatives to traditional prosecution actually get your neighbor to turn down their music?

Alternatives to Traditional Prosecution: Community-Based Justice Reform Efforts in Saint Paul, MN

Saint Paul City Attorney's Office

September 2021



"Why do we need alternatives to traditional prosecution?"

There are approximately 2 million people in the nation's prisons and jails—that's a 500% increase over the last 40 years.

African-American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely. (U.S. Bureau of Justice Statistics, *Prisoners in 2016*, 8 tbl.6 (Jan. 2018).

Involvement with the criminal justice system creates a cyclical effect that deepens inequality. Those with criminal records are often overlooked by employers, leading to a struggle for financial stability, where those experiencing poverty are more likely to be imprisoned. (Cipriano, A. (2020). *Criminal Justice System Deepens Economic Inequality: Study*.)

Restorative justice goals are to meet the needs of victims and hold offenders accountable in ways that are meaningful and healing for both parties.

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Part I: ETHOS

ETHOS Introduction

WHAT IS ETHOS: ETHOS is a diversion program developed by the Saint Paul City Attorney's Office in partnership with the Dispute Resolution Center that repairs the harm caused by a crime through a community-centered conversation called a "Circle." Participation in ETHOS is voluntary, confidential, and free.

HOW DOES IT WORK: Once a defendant enrolls in ETHOS their case is removed from the traditional court process, and instead of appearing before a judge they participate in community Circle conversation. Although a defendant doesn't have to plead guilty to participate in ETHOS, the Circle conversation requires defendants to discuss their involvement in the offense and its impact on the community, and then develop a plan for them to repair that harm.

If a defendant participates in ETHOS, the charges against them are dismissed, and the Saint Paul City Attorney's Office will also file a motion stipulating to the expungement.

Community Justice Unit (CJU): ETHOS is a program developed by a newly formed unit within the Criminal Division dedicated to eradicating racial and economic disparities in the criminal justice system.

What does ETHOS stand for?



Engaging community



Taking responsibility



Healing



Overcoming obstacles

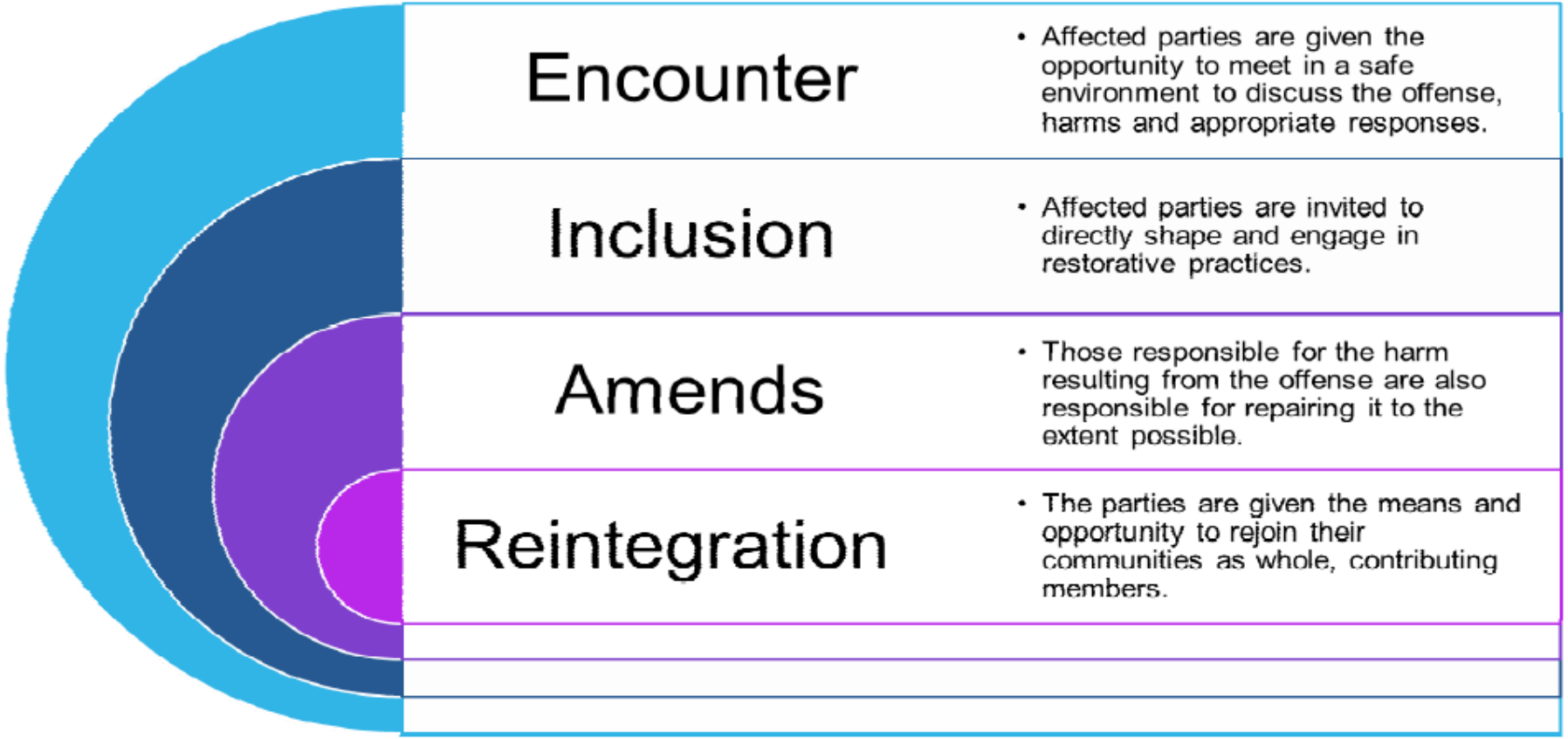


Sustainable solutions

Restorative Justice

- Restorative Justice is a theory of justice that emphasizes repairing the harm caused by criminal behavior.
- Restorative justice views crime as more than breaking the law – it also causes harm to people, relationships, and the community. Justice viewed through this lens contemplates that a just response must address the harms as in addition to the wrongdoing.
- According to the Center for Justice and Reconciliation, the foundational principles of restorative justice are that:
  - (1) Crime causes harm and justice should focus on repairing that harm.
  - (2) The people most affected by the crime should be able to participate in its resolution.
  - (3) The responsibility of the government is to maintain order and of the community to build peace.

Cornerstone Values of Restorative Justice



Two Views of Justice

Retributive Justice

- Crime is a violation of the law and the state.
- Violations create guilt.
- Justice requires the state to determine blame (guilt) and impose pain (punishment).
- ***Central Focus:*** Offenders getting what they deserve.

Restorative Justice

- Crime is a violation of people and relationships.
- Violations create obligations.
- Justice involves victims, Offenders and Community Members in an effort to put things right.
- ***Central Focus:*** Victim needs and Offender responsibilities.

- **What is pre-trial diversion**? Pretrial diversion is an alternative to prosecution which seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and services.
- "**Pretrial diversion**" means the decision of a prosecutor to refer an offender to a diversion program on condition that ***the criminal charges against the offender will be dismissed*** after a specified period of time, or the case will not be charged, if the offender successfully completes the program." Minn. Stat. § 401.065
- Minnesota's Diversion statute acknowledges that diverting a criminal case can occur either before or after charges have been filed.
- **Citation vs. Complaint**:
  - **Complaint**: Assuming probable cause exists, a case referred to a prosecutor's office may be diverted before formal charges are ever filed. Pre-charge diversion can significantly benefit an offender because even records of a dismissed case can result in a potential employer not offering someone a job or a landlord denying someone housing.
  - **Citations**: Many criminal cases are charged by citation. Minn. R. Crim. Pro. 1.04(e). Police may cite a person when they have probable cause that individual committed a criminal offense. In these instances, the criminal case is initiated as soon as the citation is issued so any diversion will necessarily be a post-charge diversion.
  - **Saint Paul Pre-Charge Theft Program**: In St. Paul we established a pilot program for theft citations where each offense is reported to our office before the charges appear in court records.

ETHOS is a Form of Pre-Trial Diversion

ABA GUIDANCE

The ABA has also passed a resolution regarding alternatives to incarceration and conviction. While the qualifications for entry into the diversion programs will vary among jurisdictions, generally the programs should be available when the offender:

- poses no substantial threat to the community;
- is not charged with a predatory crime, a crime involving substantial violence, a crime involving large scale drug trafficking, or a crime of equivalent gravity;
- has no prior criminal history that makes community supervision an inappropriate sanction; and
- is not currently on parole or probation, unless the supervising authority specifically consents.

ABA RECOMMENDATIONS AND GUIDANCE

- The American Bar Association (ABA) has established standards and resolution that should guide us in our decisions in establishing our diversion programs and who is eligible to participate in these programs. ABA Standards for Criminal Justice 14-4.1 states the following:
- Where the interests of justice will be served, the prosecuting attorney and the defense may agree that a prosecution be suspended for a specified period of time, after which time it will be dismissed if the offender has met specified conditions during the suspension period. Such a diversion may be appropriate, for example, where:
- (i) the offender is charged with an offense designated as appropriate for diversion;
- (ii) the offender does not have a prior criminal record that would make diversion inappropriate;
- (iii) the offender poses no threat to the community under the conditions specified in the diversion program; and
- (iv) the needs of the offender and the government can be better met outside the traditional criminal justice process.

ABA RECOMMENDATIONS AND GUIDANCE

- (b) An agreement to diversion should be contained in a writing reflecting all of the conditions agreed upon. As a condition of diversion, an offender may be required, where permissible under law, to waive speedy trial rights and to toll a statute of limitations and may also be required to fulfill other appropriate conditions, for example, to enter a treatment program, to provide community service, to make restitution, and/or to refrain from drug use and criminal activity.
- (c) Diversion programs should be governed by written policies setting forth the Standards for eligibility and the procedures for participation, so that all eligible offenders have an equal opportunity to participate. An offender's eligibility to participate in diversion should not depend on his or her ability to pay restitution or other costs.
- (d) The development of other, alternative forms of noncriminal resolution for appropriate cases should also be encouraged.

Legal Components of ETHOS

(1) Authority

(2) Victim Input and Consent

(3) Confidentiality

(4) Trial Rights and the Right to Counsel

(5) Restitution

(6) Expungement

AUTHORITY

- What is the authority for pre-trial diversion?
- In Minnesota there is a statute authorizing the use of pre-trial diversion.
- Minn. Stat. § 401.065: "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program.
- **Program Components** (Minn. Stat. . § 401.065 subd. 3): A diversion program established under this section may:
  - (1) provide screening services to the court and the prosecuting authorities to help identify likely candidates for pretrial diversion;
  - (2) establish goals for diverted offenders and monitor performance of these goals;
  - (3) perform chemical dependency assessments of diverted offenders where indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;
  - (4) provide individual, group, and family counseling services;
  - (5) oversee the payment of victim restitution by diverted offenders;
  - (6) assist diverted offenders in identifying and contacting appropriate community resources;
  - (7) provide educational services to diverted offenders to enable them to earn a high school diploma or commissioner of education-selected high school equivalency certification; and
  - (8) provide accurate information on how diverted offenders perform in the program to the court, prosecutors, defense attorneys, and probation officers.

VICTIM INPUT & CONSENT

Before referring a case to any diversion program, it is necessary to consult with any victims.

"A prosecutor shall make every reasonable effort to notify and seek input from the victim prior to referring a person into a pretrial diversion program in lieu of prosecution." Minn. Stat. § 611A.031.

Consulting the victim is also a necessary component of the restorative element because prosecutors must understand the impact of the offense and the extent of the harm the defendant caused.

CONFIDENTIALITY

- **General Purpose:** Circle and restorative practice require that the defendant acknowledge the harm they caused. To facilitate a meaningful restorative dialogue, the defendant must be certain they will not be prosecuted for admitting the elements of the instant offense or others that further elucidate why the defendant committed the instant offense.
  - Evidence of other offenses not revealed during the circle may still form the basis of additional charges.
- **Police Reports and the Data Practices Act**
  - The act regulates the collection, creation, dissemination, and access to government data in government entities. Minn. Stat. § 13.01, subd. 3.
  - Police reports related to active cases are protected forms of government data which must remain confidential. Minn. Stat. § 13.82, subd. 7.
  - Duties of confidentiality extend to our partners: "Any nonprofit social service agency which performs services under contract to a government entity, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with a government entity." Minn. Stat. § 13.02, subd. 11.
- **Rules of Evidence**
  - Statements acknowledging criminal culpability are also likely privileged under the prohibition against disclosing Settlement Negotiations.
  - Evidence of conduct or statements made in compromise negotiations is not admissible. Minn. R. Evid. 408.

ETHOS Confidentiality Agreement

ETHOS is designed to address criminal offenses using a restorative circle process. **The content of the ETHOS process is confidential.** This Confidentiality Agreement governs all aspects of the ETHOS process, including, but not limited to, events that pre-date the execution of this Agreement; all communication before, during, and following circle; all phone calls or other electronic or in-person communications; and any documents related to the ETHOS process.

In order to promote honest and candid communication in ETHOS and to facilitate a plan forward to heal the community, the victim, and the ETHOS participant, I agree to abide by this Confidentiality Agreement.

I agree that I will not share any information that I learn during the ETHOS process. I will not make public comments on the merits of a pending matter or my private opinion about this matter. I will not use any information obtained during this matter and conversations about this matter for any personal or professional purposes. I will not disclose any information received during my participation in today's circle to any person or entity, except as specified below.

The content of ETHOS may (1) be disclosed to the St. Paul City Attorney's Office, Dispute Resolution Center, and The Circle of Peace Movement **for any purpose related to this program**; (2) be used for educational, training, or grant reporting purposes, however individual identities or information which would reveal identity shall NOT be disclosed; and (3) be disclosed to other programs or service providers utilized by the ETHOS participant as part of his or her written agreement prepared during circle.

I understand that because ETHOS participants are disclosing sensitive information in reliance upon this privilege of confidentiality, any breach of this Agreement could cause irreparable harm. Thus, I understand that any ETHOS participant may seek an injunction preventing me from disclosing information subject to this Agreement. I further understand that any breach of this Agreement may make me ineligible for future participation in ETHOS.

Should the ETHOS participant fail to complete the terms of his or her written agreement, a criminal case may be filed. However, no information disclosed in the ETHOS process, including the circle, shall be used against the ETHOS participant in a criminal case filed as a result of the following citation/police report which is the subject of this circle:

Report/Citation Number/Date: _____

TRIAL RIGHTS AND THE RIGHT TO COUNSEL

Generally, the right to trial counsel attaches at a defendant's first court appearance. Minn. R. Crim. Pro. 5.01(a)(2).

However, due to congested court calendars, a defendant's first appearance is often set months after the date of offense, and pending charges can have negative collateral consequences for the accused.

If the diversion offer is conveyed to the accused before the first appearance, it should be accompanied by a waiver of trial rights.

In addition, the accused should be extended an offer to consult with an attorney or call the local public defender's office.

Before launching ETHOS, we obtained the consent and cooperation of the Ramsey County Public Defender's Office who agreed to explain the concepts of diversion and the rights associated with being charged with a crime.

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

STATE OF MINNESOTA,
Plaintiff

vs.

_____,
Defendant/Participant

NOTICE AND WAIVER OF RIGHTS

Court File No._____
(leave blank if no court file)

I, the undersigned, understand the crime with which I have been charged / could be charged in the case entitled above, and further understand that I have the following rights:

Rights in Misdemeanor and Gross Misdemeanor Cases:

1. The maximum penalty for a misdemeanor is 90 days imprisonment and/or a $1,000 fine. The maximum penalty for a gross misdemeanor is one year imprisonment and/or a $3,000 fine.
2. The right to a pretrial hearing to contest the admissibility of any confessions or admissions or of any evidence obtained from a search and seizure.
3. The right to the assistance of an attorney at all court proceedings. If unable to hire an attorney, the right to court-appointed counsel.
4. The right to a trial by a jury of six persons in which I am presumed innocent until proven guilty beyond a reasonable doubt and in which all jurors must agree before I can be found guilty.
5. The right to confront and cross-examine witnesses against me.
6. The right to remain silent or to testify on my own behalf.
7. The right to subpoena and present witnesses to testify on my behalf.

I understand that I have the right to be represented by an attorney. (*Check the box that applies)*:

☐ I give up my right to have an attorney represent me at this time.
☐ I have reviewed this Notice and Waiver of Rights with my attorney, _____ _____, who is representing me at this time.

I understand I have an absolute right to a speedy trial in this case as provided in Minn. Stat. § 611.04; Minnesota Constitution, Article I, Section 6; and the 6th Amendment to the United States Bill of Rights. I knowingly and voluntarily give up my right to a speedy trial in order to obtain the benefits and services of the St. Paul City Attorney's Office ETHOS diversion program.

I understand that:

- My case will be continued during my involvement in the ETHOS program.
- I may be returned to Criminal Court for prosecution on the current charges if I am convicted of a subsequent criminal offense while a participant in the ETHOS diversion program or if I fail to fully cooperate with Dispute Resolution Center staff and the terms of the agreement reached in the ETHOS circle.
- My case can be continued with the consent of the prosecuting attorney if my goals have not been successfully met.
- If I am returned to court for any of the reasons stated above, I will not be prejudiced by my participation in the ETHOS diversion program.
- If I cooperate fully with the ETHOS diversion program requirements, including the terms of the agreement reached in the ETHOS circle, the case will be dismissed and the St. Paul City Attorney's Office will stipulate to expungement of the case.

I have read and understand this Notice and Waiver of Rights, I agree to all its terms and conditions, and I acknowledge receipt of a copy of this Waiver.

_____Dated: _____
Signature of defendant/participant

RESTITUTION

- Under the Crime Victims Bill of Rights, every crime victim who incurs loss or harm as the result of a crime has the right to receive restitution. Minn. Stat. § 611A.04 subd. 1.
- This requirement is not absolved by referring a case to a pre-trial diversion program.
- A diversion program established under this section may oversee the payment of victim restitution by diverted offenders. Minn. Stat. § 401.065 subd. 3
- With the approval of the court, the pretrial diversion agreement may provide for any term a court could impose as a condition of probation, including restitution. See Minn. Stat. §§ 611A.04 and 611A.045 as to requiring restitution as part of a sentence.

EXPUNGEMENT

- **Expungement by Prosecutor agreement.** Minn. Stat. § 609A.025
  - (a) If the prosecutor agrees to the sealing of a criminal record, the court shall seal the criminal record … without the filing of a petition unless it determines that the interests of the public and public safety in keeping the record public outweigh the disadvantages to the subject of the record in not sealing it."
- **Grounds for Expungement**: "The petitioner has successfully completed the terms of a diversion program or stay of adjudication and has not been charged with a new crime for at least one year since completion of the diversion program or stay of adjudication." Minn Stat. § 609A.02, subd. 3(2).



Noise Ordinance and Dog Bite Case Examples

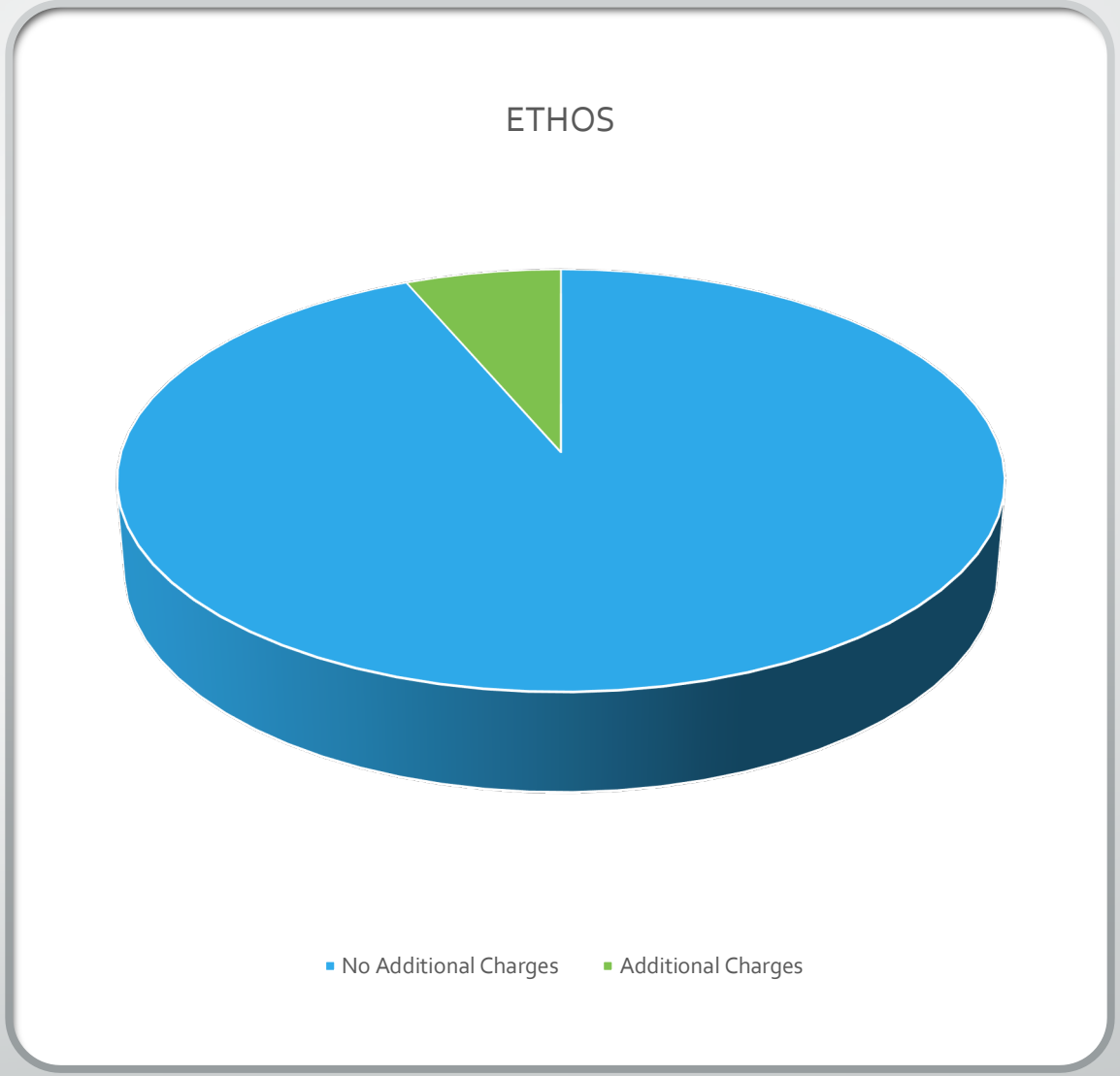
DAY TO DAY OPERATIONS

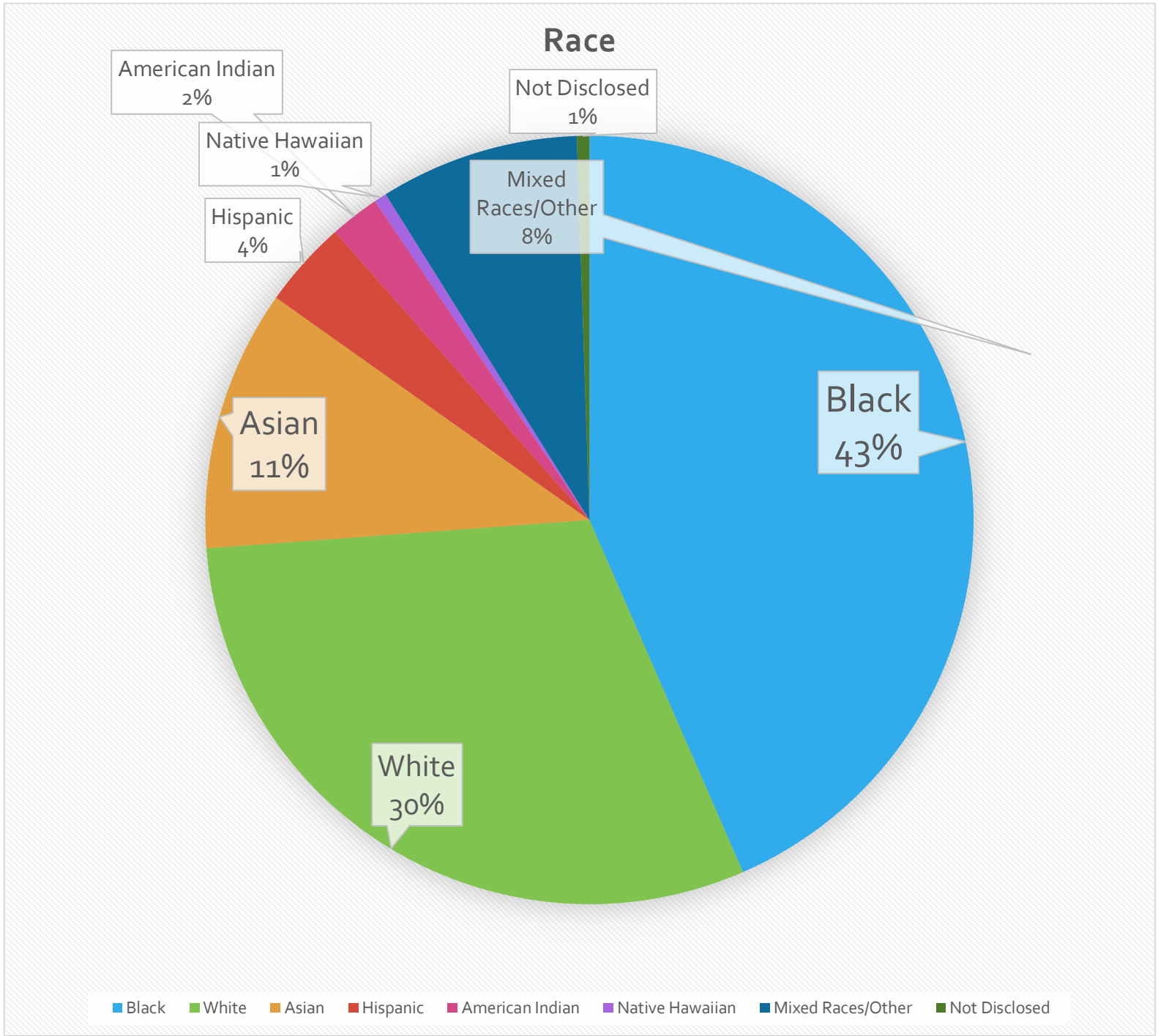
- Case Screening and Guidelines
- Case Referrals
- Circle Composition
- The Agreement
- Expungement
- Volunteer Recruitment
- Volunteer Training
- Compensation

ETHOS DATA

Recidivism

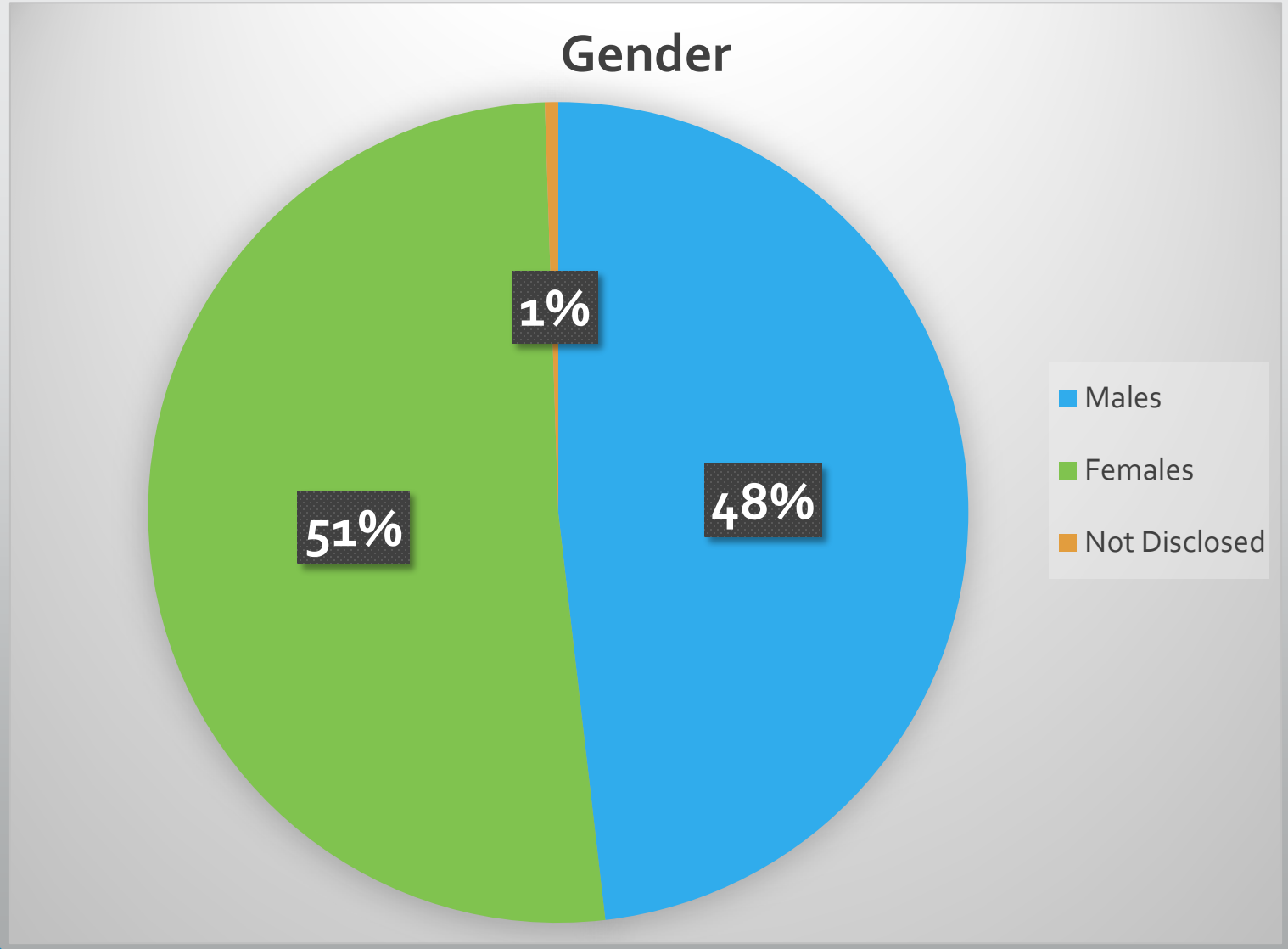
97% success rate…….97% of participants to date remain crime free one-year post ETHOS.



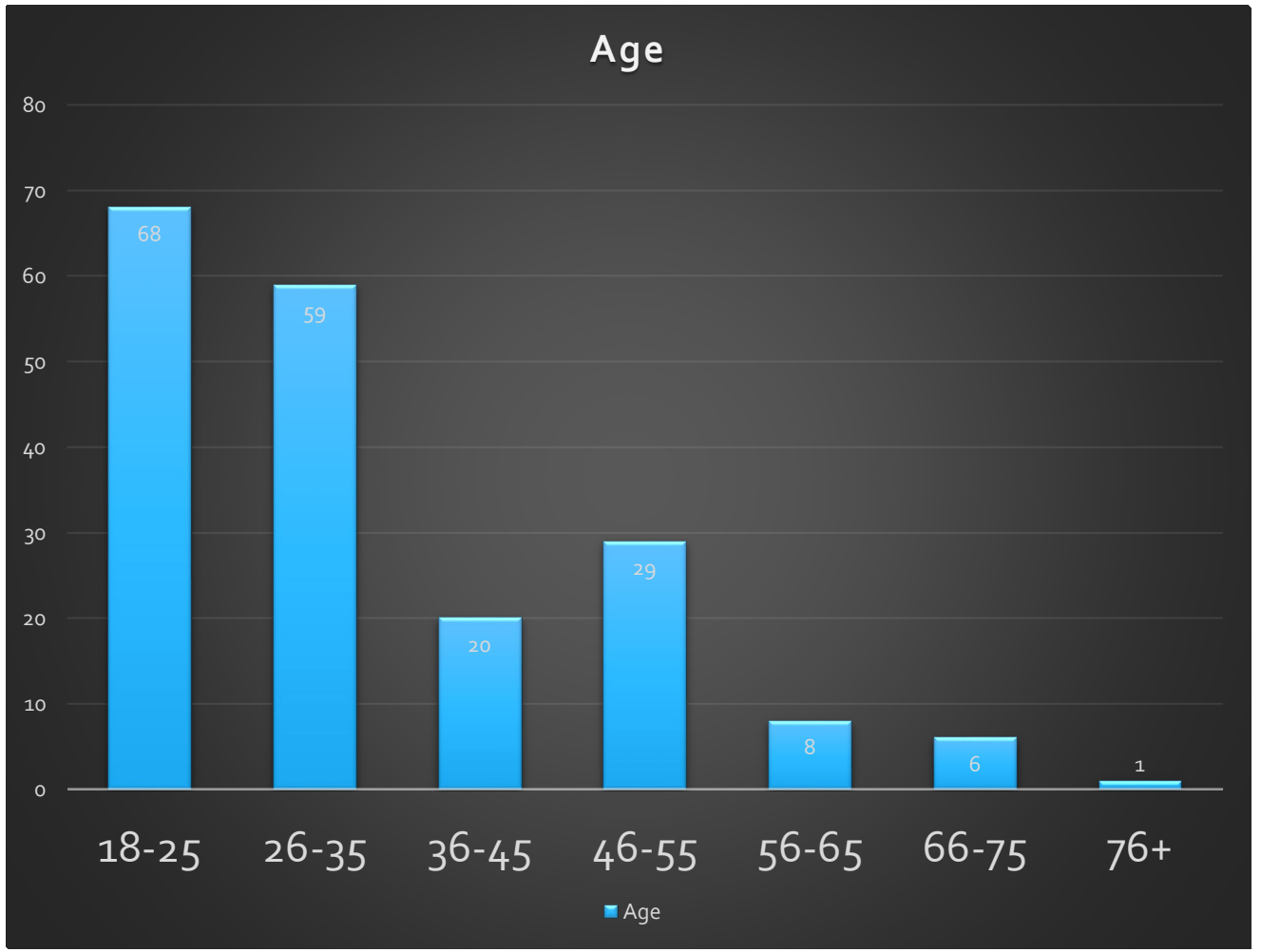


ETHOS Race Demographics

ETHOS Gender Demographics



ETHOS Age Demographics



ETHOS Participant Feedback

"I can't think of any other step or program that is closer to what I believe justice is supposed to be. The circle members were empathetic, honest, real and supportive; no aspect of it felt like punishment or made me feel ashamed or diminished, I sincerely hope Ethos serves as a model for how so-called criminal justice functions in this state and beyond. I am extremely thankful for having been a part of it."

"I am so thankful to everyone in ETHOS. Without this program I would not have been able to get a job and move forward."

"It made me realize that people can be kind toward someone, even like me, after hearing my story."

"This program did a great job of helping me regroup and center myself in this process of regaining the community trust."

"The Circle was about a dog bite, but it turned into an intervention and so much more."

"I thought the Circle was a great healing experience."

Part II: Diversion

Traditional Diversion

What is traditional Diversion?

- The traditional Diversion Program is a voluntary program for individuals involved in the criminal justice system.
- Diversion assists participants in addressing issues that contributed to their offenses in an effort to prevent future criminal behavior while also helping participants avoid the negative consequences of criminal records.
- The program offers diversion opportunity for Misdemeanor and Gross Misdemeanor offenses.
- Possible diversion cases are referred upon agreement by the courts, prosecutors, participants, and participants' attorneys.

Traditional Diversion

How does traditional Diversion work?

- When a prosecutor recommends Diversion, the defendant does not enter a guilty plea.
- He or she is instead ordered to complete a risk/need assessment (LSI:R:V), which will also include recommendations for any additional assessments, treatment, programing, or referrals to social services within a specific period of time.
- Upon compliance with the court ordered conditions, the criminal case is dismissed. Failure to comply with conditions results in prosecution of the case.

Saint Paul's Factors for Determining Eligibility

1. 5-year look-back for number of prior offenses (Does not necessarily exclude the Defendant from consideration)
2. Generally, do not consider cases where conduct involved public safety concerns.
3. Some cases are better considered for ETHOS or Diversion + ETHOS (to be decided by a CJU attorney).
4. The following cases are <u>not</u> considered for Diversion:
    - Most enhanceable offenses
    - Domestic-related offenses
    - DWI's
    - License-related traffic without restitution
    - Most Gun-related offenses

Minneapolis Factors for Determining Eligibility **Restorative Justice Community Action Diversion Program**

- **ELIGIBLE PARTICIPANTS**
- To be eligible to participate the following requirements must be met:
- No felony level convictions
- No assaultive history within the last 10 years
- No more than three criminal convictions in the past five years
- Must be willing and able to meet these participant responsibilities
- Participate in the community conference
- Pay the program fee
- Pay $50 in prosecution costs
- Enter into and complete the conference agreement

Eligible Offenses For Minneapolis Restorative Justice Community Action Diversion Program

- Consuming in Public
- Disorderly house – visit or remain
- Dog Leashing
- Drug Paraphernalia/Injection equipment
- Excess Sound from motor vehicle
- Fare Evasion
- Interfere with traffic (jay walking)
- Liquor in a Park
- Loiter with Open Bottle (no vehicle)
- Noise Violations
- Possession/Sale- small amount of marijuana (no vehicle)
- Public Urination
- Underage Possess Alcohol

Part III: Treatment Courts



History of Treatment Courts

- In 1989, Treatment Courts began in order to accommodate offenders with specific needs and problems, that were not being or could not be adequately addressed through the traditional criminal court system.
- Treatment Courts seek to promote outcomes that benefit not only the offender, but also the victim and society. This innovative criminal justice response aims to deal with offenders' problems, including drug abuse, mental illness, and homelessness.

- Ramsey County Treatment Courts
  - Adult Substance Abuse Court – 2002
  - DWI Court – 2005
  - Mental Health Court – 2005
  - Veterans Treatment Court – 2013

Treatment Courts

Treatment Court Model

Non-Adversarial Team Approach	Level of Supervision	Connection to Social Services and Community Supports	Emphasis on Individualized Treatment Plans and Long-Term Recovery	Rapid Responses to Behavior

Treatment Court Referrals

- There is NO wrong door.

- Screening process includes:
  - Determining Risk and Need Level through validated assessments
  - Completing assessments to determine treatment needs
    - Chemical dependency evaluation and/or diagnostic assessment
  - Information gathering including criminal history and law enforcement input
  - Seeking approval from County or City Attorney
  - Ultimately, defendant's choice – does he/she want to be in treatment court?

Risk/Need Principle

Prognostic Risk Factors	Criminogenic Needs
• Current age < 25 years • Early onset of substance abuse or delinquency • Prior felony convictions • Previous unsuccessful treatment attempts • Diagnosis of antisocial personality disorder • Frequent contacts with antisocial or substance-abusing peers	• Substance dependence or addiction • Mental Illness or Dual Diagnosis • Lack of basic employment or daily living skills • Chronic medical condition

Different Courts for Different Populations

	Adult Substance Abuse Court	DWI Court	Mental Health Court	Veterans Treatment Court
Types of Cases	Felony	Gross Misdemeanor and Felony	Misdemeanor, Gross Misdemeanor and Felony	Misdemeanor, Gross Misdemeanor and Felony
Criteria	In need of chemical dependency treatment and may also need of mental health treatment.	Charged with 3rd DWI or more and in need of chemical dependency treatment	Diagnosed with mental health disorder and may also need chemical dependency treatment.	Veteran (regardless of VA eligibility) in need of chemical dependency treatment and/or mental health treatment.
Levels of Risk/Need Accepted	High Risk	High Risk	High Risk	High and Low Risk

	ORIENTATION / RECEPTION	PHASE 1	PHASE 2	PHASE 3	PHASE 4
MHC	30 days in phase; 14 days sobriety weekly court	90 days in phase; 30 days sobriety bi-weekly court	90 days in phase; 45 days sobriety monthly court	90 days in phase; 60 days sobriety monthly court (FEL) every 6 weeks (GMD/MSD)	90 days in phase; 90 days sobriety monthly court
DWI COURT	45 days in phase; 14 days sobriety weekly court	90 days in phase; 30 days sobriety weekly court	90 days in phase; 45 days sobriety bi-weekly court	90 days in phase; 90 days sobriety monthly court	90 days in phase; 90 days sobriety monthly court
VTC High risk	45 days in phase; 14 days sobriety weekly court	90 days in phase; 30 days sobriety weekly court	90 days in phase; 45 days sobriety bi-weekly court	90 days in phase; 90 days sobriety monthly court	90 days in phase; 90 days sobriety monthly court
VTC Low risk	30 days in phase; 14 days sobriety bi-weekly court	45 days in phase; 30 days sobriety bi-weekly court	60 days in phase; 45 days sobriety monthly court	90 days in phase; 90 days sobriety every other month	90 days in phase; 90 days sobriety every other month
ASAC	45 days in phase; 14 days sobriety weekly court	90 days in phase; 30 days sobriety weekly court	90 days in phase; 45 days sobriety bi-weekly court	90 days in phase; 90 days sobriety monthly court	90 days in phase; 90 days sobriety monthly court

Volunteer Peer Mentors

All participants will be assigned a volunteer veteran mentor. The role of the volunteer mentor is to act as a coach, guide, role model, advocate and a support person as the veteran progresses through the Veterans Treatment Court

Graduation Requirements

To graduate, the participant must have successfully completed all of the program requirements including an aftercare plan; a minimum period of continued sobriety; a high school diploma or GED; employment or enrollment in school; active in a recovery support group; live in a stable, sober residence; and pay all court fines, program fees ($500) and restitution, or have a judgment entered

A Partnership of:

Ramsey County Attorney's Office
St. Paul City Attorney's Office
U.S. Department of Veterans Affairs
Ramsey County Suburban Prosecutors
Ramsey County Community Corrections
Project Remand
Ramsey County Human Services
Second Judicial District
Ramsey County Public Defenders Office
Ramsey County Veterans Services

For more information please visit:

www.RC-VETS.org

Or call 651.266.VETS (8387)

Mission Statement

The mission of the Ramsey County Veterans Treatment Court is to promote public safety through enhanced supervision and individual accountability.

What VTC Accomplishes

The purpose of the program is to assist and support veterans by creating a coordinated response through collaboration with the VA, community-based services, and the criminal justice system.



Goals of Veterans Treatment Court

- Protect public safety
- Protect the lives of veterans and their families
- Reduce criminal recidivism
- Provide treatment and supervision to ensure sobriety and adequate health care
- Improve access to VA benefits and medical care
- Improve access to local resources to ensure adequate housing, employment, education and stability

Ramsey County Veterans Treatment Court



Coordinator: Linda Swathoff

Ramsey County District Court, Room 900

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone 651.266.9254

STATE OF MINNESOTA **DISTRICT COURT**

COUNTY OF RAMSEY **SECOND JUDICIAL DISTRICT**

File No. 62-_____

State of Minnesota,

Plaintiff,

VS

ACKNOWLEDGEMENT OF RIGHTS

_____,

Defendant.

1. I have been told by my attorney and I understand that as a probationer/participant, whenever there are allegations that I have violated the terms of my probation, I have a right to a probation revocation hearing under Rule 27.04 of the Minnesota Rules of Criminal Procedure.

2. I have been told by my attorney and I understand that at the probation revocation hearing the state has the burden of proving by clear and convincing evidence that I have violated the terms of my probation. At that hearing I have the right to confront witnesses, subpoena my witnesses and to testify but I could not be compelled to testify.

3. I have been told by my attorney and I understand that in DWI Court, certain types of program violations punishable by intermediate sanctions will not be formalized in a written notice of the violation. In those cases, there will not be a formal hearing pursuant to Rule 27.04.

4. I have been told by my attorney and I understand that when the recommended punishment for a program violation is custody, I have a right to a written notice of the violation and to have a contested hearing pursuant to Rule 27.04. I understand that I have a right to waive a written notice of the violation and to accept the immediate jail sanction as pronounced by the judge. If I elect to have a contested hearing, I understand that this hearing may take place outside of the presence of other DWI Court participants.

5. I understand that if I choose to leave DWI Court or if I am terminated from DWI Court, my case will no longer be in a treatment court and I will be entitled to a probation revocation hearing pursuant to Rule 27.04. I understand that I can request that a Judge who has not presided over me in DWI Court hear the probation violation and any further proceedings.

6. I have reviewed this document and I understand it. I also understand that by signing this acknowledgement, I am agreeing that the Court may impose intermediate sanctions for non-compliance with conditions of the program. Knowing this, I wish to be accepted into DWI Court.

Dated this ____ day of _____, 20____. _____
Defendant

Dated this ____ day of _____, 20____. _____
Attorney for Defendant

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

State of Minnesota,

_____ Plaintiff,

V.

_____ Defendant

WAIVER OF MEDICAL PRIVILEDGE

My name is _____ My date of birth is _____

My address is _____

1) I have been told by my attorney and I understand that in order to be considered for participation in DWI Court, I must allow my medical and treatment providers to furnish medical information about me to the Ramsey County Court for as long as I am participating in DWI Court.

2) I have been told by my attorney and I understand that the purpose of releasing this medical information is for the Ramsey County Court to determine my eligibility for the program, to determine the proper treatment placements and regiment, and to judge my progress in the programs.

3) I have been told by my attorney and I understand that my medical information may be discussed in the DWI Court where other participants and observers may hear it.

4) I have been told by my attorney and I understand that I may revoke this authorization for the release of medical information at any time through a written notice that my attorney would provide. However, I understand that if I revoke the authorization, I will be discharged from the DWI Court program.

5) I have read this document, or my lawyer has read it to me, and I understand it. By signing this waiver, I am telling the court that I understand the rights I am giving up and that I wish to be accepted into DWI Court.

DATE _____ _____
Defendant

DATE _____ _____
Defendant's Attorney

11-20-07

Ramsey County DWI Court
Participant Contract

File No: _____

Name: _____

I have agreed to participate in the Ramsey County DWI Court and agree to the following conditions:

1) **I agree to attend** all court sessions, office appointments with case manager and be on time; I agree to maintain contact with case manager as directed and sign all necessary releases of information.

2) **I will fully participate** in drug and/or alcohol chemical dependency treatment and/or education as directed by the court. I will comply with all other programming requests (sober housing, cognitive groups), weekly support meetings, pay restitution (if ordered) and all program fees.

3) **I have read and fully understand the participant handbook and I agree to follow all conditions** set forth within the handbook.

4) **I agree to comply** with random home visits by my case manager or other team member and provide drug or breathalyzer tests as directed.

5) **I agree to random drug and breathalyzer testing** as directed by my case manager or other team member. I will report any use of drugs and/or alcohol to my case manager.

6) **I will not engage in behavior** to dilute, substitute or adulterate any urine, breath, oral, blood and/or hair sample I may provide.

7) **I will not possess or consume** any mood-altering chemicals (illegal drugs, synthetic marijuana, alcohol or controlled substances). I must provide medical proof of any medications I am taking and make sure the medication will not result in a "false-positive" drug test.

8) **I will not use** any prescription drug (i.e. muscle relaxer, pain medication as example) or over-the counter medications **without prior verification and approval** from my case manager.

9) **I understand it is my responsibility** to limit and avoid exposure to products that contain ethyl-alcohol, or any other mood-altering chemicals, read product labels and inspect them before I use them, and that use of the products detailed in the participant handbook but not limited to; containing alcohol, other substances, or medications not approved by the DWI Court team, will not be an excuse for a positive or "false-positive" EtG, EtS, or other "false-positive" drug test result.

10) **I agree to keep the court, treatment provider and case manager informed** of my current contact information (address and telephone number(s) to include work, cell and pager) and that changes in contact information will not occur without the knowledge and consent of my case manager.

11) **If on ignition interlock**, I understand I will need to report to drug testing within 24 hours of a lockout and contact my case manager immediately. I also understand if I have a test failure I must report it to my case manger immediately.

12) **I must obtain permission** from the court or my case manager prior to traveling outside the state of Minnesota.

13) **I understand that I am to remain law-abiding** in all respects, obeying state, federal and local ordinances. I must report any contact with law enforcement, whether or not I receive a ticket or are arrested. This also applies if I am with other people who are stopped. When in doubt, I will communicate with my case manager.

14) **I understand that any breach** of this contract will result in a review of my case to determine my continued participation in DWI Court or the imposition of court ordered sanctions including incarceration or termination.

Reviewed with my attorney: _____, signed: _____

_____

Participant Date

As ordered by the Honorable_____, Judge of the District Court on this _____ day of _____,20_____.

_____

District Court Judge

Revised 10-30-17



"The greatness of a community is most accurately measured by the compassionate actions of its members." – Coretta Scott King

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