

THE STATE OF MINNESOTA'S NINTH JUDICIAL DISTRICT
MEMORANDUM OF UNDERSTANDING
ITASCA COUNTY MENTAL HEALTH COURT

AGREEMENT between Itasca County Health and Human Services, Itasca County District Court, Itasca County Probation, Itasca County Sheriff's Office, Grand Rapids Police Department, Itasca County Attorney's Office, Defense Counsel Karl Sundquist, MN Department of Corrections, Leech Lake Band of Ojibwe Tribal Court, CRT/First Call for Help, Modern Mojo, Lakeview Behavioral Health, Northland Recovery Center, Program Evaluator Maisie Blaine, and the Minnesota Ninth Judicial District Court.

The parties to this Agreement referenced above endorse the mission and goals of the Minnesota Ninth Judicial District Treatment Courts in order to enhance public safety, ensure participant accountability and reduce the overall cost to society. By addressing mental health, criminal thinking, substance use disorders, trauma, and physical health, the participants will realize improved quality of life. The parties recognize that for the goals and mission of the treatment court to be successful, cooperation and collaboration must occur within a network of systems.

The parties to this Agreement understand that participants' health and treatment records are protected as confidential under Federal regulations: Confidentiality of Alcohol and Drug Abuse Patient Records, 42 CFR Part 2 and the HIPPA Privacy Rule, 45 CFR 160, 162, and 164. The parties agree to comply with all confidentiality requirements applicable to their role or agency.

MISSION STATEMENT

The mission of the Itasca County Mental Health Treatment Court is: Our mission is to improve public safety and support stability by connecting individuals facing mental health and addiction challenges to court-supervised treatment. We collaborate with community resources to help participants meet treatment goals, reduce recidivism, and encourage more responsible behavior through greater self-sufficiency and an improved quality of life.

PROGRAM GOALS

The goal of the program is to improve the lives of participants with substance use disorders and mental health conditions in the criminal justice system through the integration of intensive supervision, individualized treatment plans, mental health services, alcohol and drug treatment and testing, and case management services with criminal justice system processing.

The parties (hereinafter "treatment court team" or "team") agree that the program will follow the *10 Key Components of Drug Courts* (applied to mental health court) in which the respective agencies will work cooperatively:

1. Mental health courts integrate mental health assessment, treatment and case management with alcohol and other drug treatment services and justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the mental health court program.
4. Mental health courts provide access to a continuum of treatment and rehabilitations services for both mental and chemical health to address each participant's individual needs.
5. A coordinated strategy governs mental health court's responses to participant compliance.
6. Ongoing judicial interaction with each mental health court participant is essential.
7. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

8. Continuing interdisciplinary education promotes effective mental health court planning, implementation, and operations.
9. Forging partnerships among mental health courts, public agencies, and community-based organizations generates local support and enhances mental health court effectiveness.

COMMON RESPONSIBILITIES AND COMMITMENTS

All parties agree to:

1. Appoint a representative to participate fully as a treatment court team member, for the term of this Agreement, and work as a partner to ensure the success of treatment court participants.
2. Advocate for the program by utilizing their community leadership role to generate interest and develop support for the program.
3. Educate themselves on the impact that substance use, mental illness, homelessness, unemployment, and trauma has on the court system, the lives of the participants, their families, and the community at large.
4. Educate themselves on gender, age, culture, and other biases that may impact a participant's success.
5. Contribute to education of peers, colleagues, other professionals, and community leadership in the efficacy of treatment courts.
6. Advocate for effective incentives, sanctions, and therapeutic responses for program compliance or lack thereof.
7. Contribute to the treatment court's efforts in community education and local resource acquisition.
8. Attend pre-court staff meetings and participate in participant status hearings.
9. Contribute relevant insights, observations, and recommendations based on their professional knowledge, training and experience.
10. Attend trainings to gain up-to-date knowledge about best practices on topics including, but not limited to, treatment courts, substance use and mental health treatment, complementary treatment and social services, behavior modification, community supervision, drug and alcohol testing, team decision making, and constitutional and legal issues in treatment courts.
11. Ensure continuity, if leaving the team, through providing training and education to the replacing team member and orienting and introducing them to the team and participants during the period of transition.
12. Appoint a representative to participate on the treatment court steering committee. The steering committee, comprised of key officials and policymakers, will provide oversight of treatment court policies and operations, including development and review of the treatment court budget, and to communicate regularly with the county board and/or city council.

SHARED DECISION MAKING AND CONFLICT RESOLUTION PROCESS

The treatment court team shares common visions and goals as well as resources, authority, and responsibility for team actions. There is collective ownership of the team's success and challenges. The team will strive for consensus or the "collective agreement" of the group, keeping in mind that a high degree of variation is still possible among team members. Genuine consensus typically requires more focus on developing the relationships among team members so that they work together to achieve agreements. Consensus is not a democratic vote. Team members keep talking and listening until an understanding is reached. Each team member agrees to follow up on team decisions with actions, as needed. If there are instances where a consensus cannot be reached and a decision is required, the judge will make the final decision on the course of action to be taken.

INDIVIDUALIZED AGENCY RESPONSIBILITIES AND COMMITMENTS

District/Court Administration – MN Ninth Judicial District

1. The District/Court Administration identifies potential participants and notifies the treatment court team in accordance with the treatment court's established participant admission criteria.
2. The District/Court Administration provides a neutral venue, establishes and maintains a consistent court calendar, and coordinates court resources in support of the treatment court.
3. The District/Court Administration maintains the electronic court record.
4. The District/Court Administration coordinates on-going training of judicial officers and court staff.
5. The District/Court Administration provides a treatment court judge that provides judicial leadership to the court.
6. The District/Court Administration provides a treatment court coordinator to manage the day to day operations, fundraising, community outreach, and other activities essential to the success of the treatment court and its participants.

Treatment Court Coordinator – MN Judicial Branch

1. The Coordinator will assist in providing general oversight to the treatment court to include meeting attendance, grant reporting, and administration of the budget (to include management of contracts), program support, funding solicitation and community outreach. The responsibilities exist for the term of this Agreement, as funding permits.
2. The Coordinator will facilitate communication between team members and partner agencies.
3. The Coordinator will assist with organizing court, events and meetings, and compiling supporting materials to disseminate to stakeholders and providers of services to maintain collaboration.
4. The Coordinator will review and update the treatment court policies and procedures annually, and work to ensure they are followed during program operations.
5. The Coordinator will ensure all appropriate confidentiality forms are signed and circulated to the appropriate agencies.
6. The Coordinator will provide oversight of the statistical database and evaluation process of the treatment court.
7. The Coordinator will assist in providing or seeking continuing training for the treatment court team and will ensure all new team members receive a treatment court orientation before participating in their first staffing.
8. The Coordinator will be knowledgeable of each team member's roles and how they are incorporated into the treatment court.

Treatment Court Probation Officer – Itasca County Probation and MN Department of Corrections

1. The Probation Officer will be assigned to provide comprehensive case management and field supervision of treatment court participants for the term of this Agreement and to participate as an active member of the treatment court team and steering committee.
2. The Probation Officer will use a validated criminogenic risk/needs assessment tool for an evaluation to be conducted during the referral process to ensure the treatment court is serving the appropriate target population.
3. The Probation Officer will provide coordinated and comprehensive supervision and case management to include telephone contact, office/home/employment visits, as well as random field visits to participants' homes.

4. The Probation Officer will develop effective measures for alcohol and drug testing and supervision compliance reporting that provide the treatment court staffing team with sufficient and timely information to implement sanctions, incentives, and therapeutic interventions.
5. The Probation Officer will monitor/assist the participant in progress toward and compliance with the sentencing order and program requirements.
6. The Probation Officer will participate in pre-court staffings and will provide updates on all active participants and advocate for effective incentives, sanctions, and therapeutic interventions during staffing.
7. The Probation Officer will coordinate the utilization of community-based services such as health and mental health services, victims' services, housing, entitlements, transportation, education, vocational training, and job skills training and placement to provide a strong foundation for participants.
8. The Probation Officer will utilize and deliver cognitive-behavioral interventions to address criminal thinking and increase a readiness for change, as necessary.
9. The Probation Officer will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
10. The Probation Officer will develop a written case plan, and update as needed based on risk and need assessments.
11. The Probation Officer must make decisions to protect public safety.
12. The Probation Officer must inform the court of non-compliance with judicial orders in a timely manner.

Prosecutor – Itasca County Attorney's Office

1. The Prosecutor will assist in identifying defendants charged with specific offenses that meet program eligibility requirements.
2. The Prosecutor may help resolve other pending legal cases that affect participants' legal status or eligibility.
3. The Prosecutor will participate as a team member during pre-court staffings and advocate for effective incentives and sanctions for program compliance or lack thereof.
4. The Prosecutor will participate as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.
5. The Prosecutor will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
6. The Prosecutor agrees that a positive drug test or open court admission of drug possession or use alone will not result in filing additional charges.
7. The Prosecutor will make decisions regarding the participant's continued enrollment in the program based on performance in treatment rather than on legal aspects of the case, barring additional criminal behavior.
8. The Prosecutor must make decisions to protect public safety.
9. The Prosecutor must consider the victims' interest.

Defense Counsel – Karl Sundquist

1. The Defense Attorney will advise the defendant as to the nature and purpose of the treatment court, the rules governing participation, the consequences of abiding or failing to abide by the rules, and how participating or not participating in treatment court will affect his/her interests.
2. The Defense Attorney will participate as a team member, operating in a non-adversarial manner during court, to promote a sense of a unified team presence.
3. The Defense Attorney will review the participant's progress in the program and advocate appropriately for effective incentives and sanctions for program compliance or lack thereof.

4. The Defense Attorney will ensure the constitutional rights of the participant are protected.
5. The Defense Attorney will advocate for the participant's stated interests.
6. The Defense Attorney will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
7. The Defense Attorney will explain to the participant all the rights that the participant will temporarily or permanently relinquish.
8. The Defense Attorney will explain to the participant that because the participant will not be criminally prosecuted solely for admitting to substance or alcohol use in open court, the participant is encouraged to be truthful with the team.
9. The Defense Attorney must demonstrate integrity to the client.
10. The Defense Attorney must protect attorney/client privilege.
11. The Defense Attorney must ensure the client's due process rights are protected.

Community Treatment and/or Mental Health Provider, and Rule 25 Assessor – Modern Mojo, Lakeview Behavioral Health, First Call for Help/CRT, Itasca County Sheriff's Office – Corrections Mental Health, Northland Recovery Center

1. The Treatment Provider will operate in conjunction with the treatment court team for the assessment, treatment recommendations, and placement options of participants in the appropriate level of care to meet their treatment needs.
2. The Treatment Provider will utilize a validated clinical screening and assessment tool to ensure appropriate treatment and placement of participants.
3. The Treatment Provider will advocate for effective incentives, sanctions, and therapeutic adjustments during staffing.
4. The Treatment Provider will provide information to the team on assessment, the basis of alcohol/substance use, the impact of treatment on the participant, and the potential for relapse as appropriate
5. The Treatment Provider will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
6. The Treatment Provider must keep its integrity to the client.
7. The Treatment Provider must have a valid release of information executed before sharing patient information, if necessary.
8. The Treatment Provider must only share information that is pertinent to court requirements (i.e.; attendance, testing results, where client is in treatment, changes in client treatment).

Law Enforcement Officer – Itasca County Sheriff's Office and Grand Rapids Police Department

1. The Law Enforcement Office provides appropriate information and insight from the law enforcement community's perspective regarding treatment court participants
2. The Law Enforcement Office will help to identify potential and eligible treatment court participants.
3. The Law Enforcement Office will advocate for effective incentives and sanctions during staffing.
4. The Law Enforcement Office serves as a liaison between the treatment court team and the community and provides information to the treatment court team on community issues related to behavioral concerns potential stemming from mental health symptoms or alcohol and drug use.
5. The Law Enforcement Office will provide information and support to participants in the community, encouraging them to succeed in the treatment court.
6. The Law Enforcement Office will contribute to the education of peers, colleagues, and the judiciary in the efficacy of treatment court.
7. The Law Enforcement Office may assist with home visits.

8. The Law Enforcement Office must protect public safety.
9. The Law Enforcement Office is sworn to uphold the law and serve their community.

Case Manager – Itasca County Health and Human Services

1. The Case Manager creates formal care plans with participants that describe realistic and measurable goals, including a specific step-by-step, task-oriented plan to meet each goal.
2. The Case Manager continuously assesses and adapts care plans to adjust to the participants' ever-changing needs.
3. The Case Manager links participants to needed resources as identified in the plan providing a single point of contact between the participant and other agencies and services.
4. The Case Manager monitors the linkages to other agencies and services to ensure that the participant is able to access the needed resources without encumbrances, and that the services provided by the resources are perceived as helpful by the participant.
5. The Case Manager advocates for the participant to other agencies to ensure they can access the needed services.

Program Evaluator – Maisie Blaine

1. The Program Evaluator ensures that the information system assists the team in monitoring the progress of participants in the program and enhances the ability of the team to act immediately when there is noncompliance.
2. The Program Evaluator monitors the data collection plans and assists the team in program protocols and procedures to allow the team to react quickly to program deviations and the development of trends.

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

AGREEMENT AMENDMENTS

Any individual agency wishing to amend this Agreement will do so through notifying the steering committee of the issue(s). The steering committee will address the issue(s) for the purpose of amending the Agreement. The issue will be decided by consensus (if possible) or by simply majority, if not. The Agreement will then be amended, and all steering committee members must sign the amended Agreement for the amendment to be effective.

TERMINATION OF AGREEMENT

Individual agencies contemplating termination of their participation in this Agreement shall first notify the steering committee of their concern(s). The steering committee shall attempt to resolve the problem to ensure continuation of the treatment court program. If unable to resolve the problem, the individual agency or department can exercise its right to terminate this Agreement by notifying all other agencies in writing a minimum of sixty (60) days prior to such termination.

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

District Administrator - MN Ninth Judicial District

Date

Itasca County District Court

Date

Coordinator - Minnesota Judicial Branch

Date

Leech Lake Band of Ojibwe Tribal Court

Date

Probation – Itasca County Probation

Date

Probation – MN Department of Corrections

Date

Prosecutor – Itasca County Attorney’s Office

Date

Defense Counsel – Karl Sundquist

Date

Treatment Provider – Modern Mojo

Date

Treatment Provider – Lakeview Behavioral Health

Date

Treatment Provider – First Call for Help/CRT

Date

Treatment Provider – Northland Recovery Center

Date

Law Enforcement – Itasca County Sheriff's Office

Date

Law Enforcement – Grand Rapids Police Department

Date

Case Manager – Itasca County Health and Human Services

Date

Program Evaluator – Maisie Blaine

Date