

Drug Court Application Process

Please fill out the attached the application. Copies of your application must be forwarded to your attorney AND to the Cass County State's Attorney's Office.

In order for your application to be considered, application must be submitted within **70 days of your first appearance** in Court.

If your application is approved by the State's Attorney's Office, the prosecutor will forward your application to a Drug Court Coordinator for screening.

- If you are incarcerated, a Drug Court Coordinator will visit you at the Cass County Jail.
- If you are not incarcerated, a Drug Court Coordinator will contact you by phone to schedule an in-person interview.
- Following your interview with a Drug Court Coordinator, you will be referred for a Substance Use Disorder (SUD) assessment and given instructions for completing this assessment in a timely manner.

After you've completed the screening interview and SUD assessment, the Drug Court team will staff your application. If you meet entry criteria, you may be approved for Drug Court. Upon Approval/Denial, the prosecutor and defense counsel will be notified, and a notice will be placed in your court file(s).

Program Outline

The East Central Judicial District Drug Court is a court-supervised treatment-oriented program targeting participants whose major problems stem from substance use disorders. Drug Court is a voluntary program, which includes regular court appearances before the Drug Court Judge. Participants must also attend treatment, submit to random drug testing and maintain regular attendance at community engagement activities. Participants may receive assistance in obtaining education, housing, vocational training, and job placement services. The program length, determined by the participant's progress, shall be no less than 12 months. Successful completion and "Commencement" from the drug court program may result in modification of probation conditions, early termination of probation, and/or reduction/dismissal of criminal charges.

ENTRY CRITERIA

Applicants must:

1. Apply within 70 days of their initial appearance.
2. Complete the application and be willing to participate in the program.
3. Score 24 or higher on the Level of Service Inventory-Revised Assessment (LSI-R) and/or score moderate or severe on the Texas Christian University Drug Screen 5.
4. Be facing charges of class A misdemeanor or greater and have a criminal history including prior misdemeanor/felony drug or alcohol offenses or;
5. Be facing felony charges and have a history of substance use.
6. Submit to a Diagnostic assessment and have a substance use disorder diagnosis.
7. Reside in the Fargo/West Fargo metro area.
8. Have agreement of a drug court disposition for unresolved out of State criminal cases.

Applicants must not:

1. Have participated in an adult drug court program within one year of new offense date.
2. Be a registered Sex Offender.

2. Have a pending Federal indictment.
3. Be a violent offender as defined below:

34 U.S.C. § 10613. Violent Offender Definition

(a) In general

Except as provided in subsection (b), in this subchapter, the term “violent offender” means a person who--

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--

(A) the person carried, possessed, or used a firearm or dangerous weapon;

(B) there occurred the death of or serious bodily injury to any person; or

(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Probationers in Non-Compliance:

1. Probationers not in compliance with supervision conditions may be referred to drug court via a Petition to Modify that requires the successful completion of drug court. Applicants must complete an application and follow through with entrance protocol.

2. Applicants facing probation revocation may also be eligible to participate in drug court if they meet Entry Criteria above.

QUESTIONS regarding application to the East Central Judicial District Drug Court can be directed to Drug Court Coordinators:

- Jennifer Hischer jehischer@nd.gov or 701.715.2650
- Lisa Paintner lpaintner@nd.gov or 701.954.8635

**REQUEST FOR ADMISSION INTO THE
EAST CENTRAL JUDICIAL DISTRICT
DRUG COURT PROGRAM**

YOU MUST RESIDE IN THE FARGO/WEST FARGO METRO AREA AND SUBMIT THIS FORM WITHIN 70
DAYS OF YOUR FIRST COURT APPEARANCE TO BE ELIGIBLE FOR THIS PROGRAM.

I, _____, state under penalty of law, that on _____

I was accused of/charged with the following offense(s): _____

Applicants must not:

(a) In general

Except as provided in subsection (b), in this subchapter, the term "violent offender" means a person who--

(1) is charged with or convicted of an offense that is punishable by a term of imprisonment exceeding one year, during the course of which offense or conduct--

(A) the person carried, possessed, or used a firearm or dangerous weapon;

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(C) there occurred the use of force against the person of another, without regard to whether any of the circumstances described in subparagraph (A) or (B) is an element of the offense or conduct of which or for which the person is charged or convicted; or

(2) has 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

Have you ever been charged or convicted of a violent offense as described above? ☐ Yes ☐ No

I need substance use disorder treatment and want to participate in the Drug Court program. I have read the entire contents of this document, understand everything in this document, and am willing to comply with requirements of the Drug Court program if I am admitted into the program.

Name (Signature)

Date

Address

Phone Number

**SEND THIS APPLICATION TO: CASS COUNTY STATE'S ATTORNEY'S OFFICE, 211 9th St. S.
Fargo, ND, 58103. Applications can also be emailed to nettumm@casscountynd.gov or faxed to 701.241.5838.**

**IF YOU ARE REPRESENTED BY COUNSEL, PLEASE ALSO PROVIDE COMPLETED
APPLICATION TO YOUR DEFENSE ATTORNEY.**

DO NOT WRITE BELOW THIS LINE (FOR PROSECUTOR AND COURT CLERKS ONLY)

Form received by State's Attorney on: _____

Referral to the Drug Court Program is: _____ APPROVED _____ DENIED (Check One)

State's/Assistant State's Attorney

Date

File Number(s)

CONSENT FOR DISCLOSURE OF CONFIDENTIAL SUBSTANCE ABUSE
INFORMATION: DRUG COURT REFERRAL
East Central Judicial District Drug Court

I, _____, DOB: _____ hereby consent to
(First and Last name)
communication between Amy Noer, Janna Johnson and Sharehouse-Fargo/Grand
Forks; Southeast Human Service Center; Ridge Treatment and Reentry Center; Judge
Cleveland, Judge Brady and Cass County District Court; Kimberlee Hegvik,
Nicholas Samuelson, Rebecca Altman, Rebecca Jund and the Cass County State's
Attorney's Office; Stormy Vickers, Dan Bertsch and the Cass County Public
Defender's Office; Kristen Kiemele, Mitch Burris, Jennifer Hischer, Lisa Paintner and
the North Dakota Department of Corrections-Division of Field Services, and

Defense Counsel

The purpose of, and need for, this disclosure is to inform the court and all
other named parties of my eligibility and/or acceptability for substance abuse
treatment services and my treatment attendance, prognosis, compliance, and
progress in accordance with the drug court program's monitoring criteria.

Disclosure of this confidential information may be made only as necessary
for, and pertinent to, hearings and/or reports concerning:

List charge(s) and court number(s)

I understand that this consent will remain in effect and cannot be revoked by
me until there has been a formal and effective termination of my involvement with
the drug court program for the above-referenced case, such as the discontinuation of
all court supervision upon my successful completion of the drug court requirements
OR upon sentencing for violating the terms of my drug court involvement.

I understand that any disclosure made is bound by Part 2 of Title 42 of the
Code of Federal Regulations, which governs the confidentiality of substance abuse
patient records and that recipients of this information may redisclose it only in
connection with their official duties.

I also understand that information will be gathered and utilized for
monitoring of the program's operation and protection under Part 2 of Title 42 CFR
applies.

Date

Name

Signature

Signature of Defense Counsel