

## RUTLAND COUNTY TREATMENT COURT

### REFERRALS: PATHS TO ENTRY (rev. 9.2011)

1. Referrals to the Rutland County Treatment Court (RCTC) may be made by any interested party in the criminal justice system. Advance indication of support for/no objection to referral by Defense Counsel, Corrections and the State will greatly expedite process. Referrals made by 10AM Tuesday will be considered by the RCTC Team on Tuesday at 1PM. Defense counsel, Corrections and the State are requested to be present for discussion of referral at that time.
2. Participation in RCTC may be available to those high criminogenic risk/high clinical needs (high risk/high needs) defendants in the criminal justice system whose criminal offenses are strongly tied to their addiction and possibly mental health condition OR where there is strong showing that the crimes committed arise from their addiction and possibly mental health condition.
3. Ineligible offenses, absent negotiated agreement with the state, include: 1) Listed offenses as defined by 13 V.S.A. Section 5301(7); 2) Sale, trafficking and drug conspiracy offenses; 3) Offenses involving possession/ sale of firearms; 4) DUI offenses; 5) Unresolved matters in another county or jurisdiction.
4. Individuals determined to be clinically eligible and not otherwise legally ineligible may be considered by the RCTC Team for participation in the three- week RCTC Orientation Period upon satisfaction of any admission PATH conditions. At the end of the Orientation Period the RCTC Team may offer admission into Phase I of the RCTC upon satisfaction of any admission PATH conditions. Final authority to offer admission into the RCTC rests with the RCTC Judge, after consultation with the RCTC Team.
5. Prior to entry into Phase I all participants and their counsel must sign a Participant Contract AND a Waiver of Right to Speedy Trial.
6. SIX Paths for entry into RCTC:  
  
PATH A: High Risk/High Needs AND No/Lower level Criminal Justice History; (Pre-Plea: Restitution Order prior to Phase II):
  - a) No criminal justice involvement
  - b) Prior diversion
  - c) 10 or less prior misdemeanors with fines OR work crew
  - d) 10 or less prior misdemeanors with suspended probation
  - e) Prior misdemeanors with split sentences/sentences to serve <180 cumulative days
  - f) Two or less prior VOPs
  - g) Two or less prior unsatisfactory discharges from probation.
  - h) No prior felony and two or less pending non-listed felonies (Not Burglary)

- i) No prior felony and five or less pending Forgery/UFI charges

PATH B: High Risk/High Needs AND Mid-Level Criminal Justice History/VOP/Prior Felony Conviction(s); (POST-PLEA: VOP admission prior to PHASE I; Restitution Order prior to PHASE II; COP prior to earlier of: Phase III OR 180 days in program):

- a) VOP pending
- b) VOP pending/on probation and new charges
- c) Pending Burglary
- d) Pending Possession Regulated Drugs
- e) 3 or more prior VOP's
- f) 3 or more prior Unsatisfactory Discharges from Probation>3
- g) Prior misdemeanor split sentences/sentences to serve >6 and <12 cumulative months
- h) 3 or less prior felonies
- i) More than two non-listed pending felonies
- j) More than five pending Forgery/UFI charges

PATH C: High Risk/High Needs AND Significant Criminal Justice History; (POST –PLEA: If incarcerated, COP and Restitution Order prior to Orientation Period; If on bail/conditions, COP and Restitution Order prior to the earlier of Phase II or 120 days in program):

- a) Prior split sentences/sentences to serve >12 cumulative months
- b) More than 3 prior felonies
- c) Prior ISAP sentence
- d) Prior Discovery sentence

PATH D: High Risk/High Needs AND Disqualifying Offenses; (POST-PLEA: If incarcerated, negotiated agreement/COP and Restitution Order prior to Orientation Period; If on bail/conditions, negotiated agreement/COP prior to the earlier of Phase II or 120 days in program).

- a) Pending Listed Offenses OR disqualifying offenses
- b) Prior conviction for listed offense

PATH E: High Risk/High Needs AND Furlough/Parole Status PLUS New charges; (POST-PLEA: Negotiated agreement/COP and Restitution Order prior to Orientation Period. Advance approval of DOC caseworker for furlough status; Advance approval of DOC caseworker/no objection by Parole Board for parole status):

- a) Dual-status participant; Collaboration with/close supervision by DOC

(rev 8.31.11)