

WINDSOR COUNTY, VERMONT



DUI TREATMENT DOCKET (WCDDTD) FOR REPEAT OFFENSE IMPAIRED DRIVING CASES

POLICY AND PROCEDURES MANUAL

The Windsor County DUI Treatment Docket has received funding from the Governor's Highway Safety Program through a grant from the National Highway Traffic Safety Administration.

I. INTRODUCTION

This Policy and Procedures Manual provides an overview of the Windsor County DUI Treatment Docket (“WCDDT”), a pilot DUI treatment program in Windsor County, Vermont. The WCDDT combines substance abuse intervention, enhanced probation supervision, and regular judicial oversight of repeat offense impaired drivers. The WCDDT is a voluntary, post-conviction accountability program -- the criminal charges will not be dismissed upon successful completion of the program.

II. MISSION STATEMENT

The mission of the WCDDT is to increase public safety and reduce recidivism by providing coordinated, comprehensive, and intensive treatment, supervision, and judicial oversight of high risk DUI offenders.

III. GOALS

The goals of WCDDT are: 1) participant sobriety **and recovery from substance dependence and addiction**; 2) reduction in recidivism rates; and 3) enhanced public safety.

IV. DEFINITIONS

- A. WCDDT Team (“Team”). The WCDDT treatment and policy team consists of the following individuals: presiding judge, docket coordinator, case manager, the state’s attorney, a defense attorney, and probation and parole.
- B. Case Manager. The Case Manager oversees providing treatment and other services to all WCDDT participants.
- C. Docket Coordinator. The Docket Coordinator is responsible for the general administration and ongoing development of WCDDT.
- D. Phases. Phases are the treatment steps through which a WCDDT participant must pass in order to graduate from the program.
- E. Orientation Period. The initial time frame after a referral is made, but before sentencing, when a participant learns about and participates in the program, and the program Team evaluates the eligibility of a participant in the program.
- F. Releases. Forms signed by a participant waiving confidentiality among team members and treatment providers to allow communication about the participant’s treatment and progress in the program.
- G. Incentives. Benefits or rewards given to a participant by the Judge to encourage positive and progressive behavior by the participant.
- H. Treatment Response. A change in the course of treatment that is necessary to address a participant’s behavior. An example of a treatment response is

increased testing or counseling sessions. Treatment responses are not considered a sanction.

- I. Sanctions. Judicially ordered consequences for non-compliant behavior by program participants. Examples include: verbal reprimand by the Judge; spending a day observing court; or writing an essay explaining their non-compliant behavior. Sanctions can include a short term of incarceration.
- J. Participant Contract. The document signed by the WCDDTD participant, with the plea agreement and probation order, that sets forth the expectations for participation in WCDDTD.
- K. Treatment Provider. The clinician providing physical and/or mental health treatment or services to a participant in the program. Treatment providers include the Case Manager, DOC Substance Abuse providers, a participant's primary care and/or other treating physician(s), and counselors.
- L. Legal Eligibility. An initial determination made jointly by the State's Attorney and Defense Counsel finding a participant is eligible based upon the charges pending, age and residence of the participant, and any other information known that is applicable to eligibility criteria. The final eligibility determination is made by the WCDDTD Team.
- M. Clinical Eligibility. A determination based upon clinical screening and assessment made by the Case Manager demonstrating a participant is clinically appropriate to enter the program.
- N. Supervisory Eligibility. A determination made by or through DOC that a participant's housing is appropriate for supervision by DOC while a participant is in the program and a determination by the Team that a participant possesses the necessary skills to be able to adhere to the strict requirements and demands of the program.
- O. ISR Form. The form is an "Intermediate Sanctions Report," and is used by DOC to report on the suitability of a participant's housing.
- P. Sparrow. Sparrow is Windsor County's pre-trial services program for people with either a history of or current issues with substance abuse and/or mental health issues, or veterans. Participation in Sparrow may precede participation in WCDDTD but it is not a prerequisite for WCDDTD participation.
- Q. Continuing Care. A component of reporting and/or services required or available to a graduate of the WCDDTD.
- R. Joint Referral Form. The form signed by the State's Attorney and a person's Defense Attorney recommending the person as a participant for the WCDDTD, which triggers clinical, supervisory and housing assessments needed for determining the person's eligibility.

V. PROGRAM DESCRIPTION

A. Eligibility. WCDDTD is not designed for all DUI offenders. It is geared to repeat offenders, **18** years of age or older and who are at the moderate to severe end of the alcohol use disorder continuum as described in the DSM-V, and who may also demonstrate an addiction to substances in addition to alcohol. Program participants

must have the capacity and desire to address their substance abuse dependence and the necessary skills to be able to adhere to the strict requirements and demands of the program. Health insurance is required.

Legal Eligibility: Offenses that qualify for consideration for WCDDTD are:

- a. DUI Third Offense or greater (or incident);
- b. DUI Second Offense with a BAC at any time of at least **.15**; and
- c. DUI Second Offense with a prior DUI charge that was reduced to a non-DUI conviction (i.e., this is a 3rd alcohol related offense).

Offenses that involve death or serious bodily injury ordinarily will not be eligible for participation in WCDDTD. Participants with unresolved charges or with a history of violent behavior may be precluded from enrollment in the program. Individuals who meet the criteria above and who live in Windsor County or an area supervised by the Hartford or Springfield Probation and Parole Offices may seek to enroll in WCDDTD. Program participation is voluntary.

Clinical Eligibility: Participants must be at the moderate to severe end of the alcohol use disorder continuum as described in the DSM-V, and may also be addicted to substances in addition to alcohol. The Case Manager will use the following screening and assessment tools in Orientation to determine clinical eligibility:

- a. MAST
- b. CAGE

In addition, the Coordinator or Case Manager will conduct the ORAS CSST as a risk/needs screening tool. Persons scoring high/high or moderate/high are eligible for the Program. All other scores are ineligible pending a Team override that identifies specific reasons why the person is an appropriate candidate for the Program.

Supervisory Eligibility: Participants must have their residence approved by the Springfield or Hartford Probation and Parole Office during Orientation. An ISR form is completed by the Probation Officer and his/her Supervising Probation Officer to approve/disapprove a person's housing. Disapproval does not automatically render a referral ineligible; reasonable time will be given for a person to relocate to a residence suitable for supervision.

B. Sentence Structure. WCDDTD is a post-conviction program for offenders placed on probation. The suspended portion of the sentence should have a minimum sentence of at least 15 months and a maximum sentence of at least 24 months. The imposed (split) portion of the sentence must comply with statutory requirements but cannot exceed 90 days. The duration of probation supervision must be at least 2 years.

C. Initial Intake. Upon receipt of the joint referral form, the Case Manager will conduct an intake of the individual referred. This process will involve collecting biographical, contact, employment, family, housing, and transportation information. Additionally, the individual referred will attend an orientation session with a case manager or designee. At the time of orientation, a baseline substance abuse screening will be performed, and a level of care screening will be scheduled.

D. Program Expectations. WCDDT requires abstinence from alcohol and regulated drugs not prescribed by a doctor. The consumption of alcoholic beverages or the use of illegal drugs or other mind-altering substance creating impairment is not tolerated. Any prescription medication taken must be authorized by a medical doctor and reviewed with the treatment provider and case manager. Details of the program's phases and requirements are included in a Participant Handbook, which is provided to the participant prior to entering the orientation phase. A participant is required to acknowledge the program requirements by signing an acknowledgement in the Handbook and the Participant Contract.

E. Right to Decline Enrollment. The WCDDT Team reserves the right to decline eligibility and enrollment to any person, and specifically if the Team believes a person poses a risk to the program, the Team members, or to the public, or if the participant is found to not have the necessary skills to be able to adhere to the requirements of the program.

F. Participant Contract. WCDDT participants will sign a Participant Contract, which includes the Notice of Plea Agreement Form and Probation Order. Satisfying the terms of the Participant Contract will be a condition of probation, a violation of the Participant Contract may result in a Violation of Probation.

G. Court Appearances. Participants in the WCDDT Program appear in court every two weeks or as directed by the Program Team for status conferences with the Judge. These status conferences provide judicial oversight of the program, and help support the participants. Prior to each court appearance the WCDDT Team will meet to discuss the participant's progress in the program and the appropriateness of incentives or sanctions.

H. Incentives. The WCDDT Team shall discuss when participants deserve incentives, which are benefits and rewards. The Judge retains the sole discretion to present an incentive to a participant. Incentives may include:

- Court room praise and applause
- Buttons or memory stones
- Inspirational bracelets
- Certificates of appreciation
- Advancement in phases
- Reduction in court appearances
- Gift cards

I. Sanctions. The WCDDT Team shall discuss the need for sanctions for non-compliant behavior. The Judge retains the sole discretion to decide what sanction should be imposed, if any. Sanctions may include:

- A verbal or written reprimand from the Judge
- Community service hours
- Increased reporting to probation and/or the DUI Treatment Docket Office
- Home confinement
- Curfew
- Electronic monitoring (at participant's expense)
- A demotion in Phase
- Increased court appearances
- A period of incarceration
- Other sanction as deemed appropriate

The filing of a violation of probation complaint for non-compliant behavior will trigger the regular court process consistent with Vermont law and the Rules of Criminal Procedure.

J. Treatment Response. Increased treatment is not a sanction, as treatment is not punitive. A treatment response is used to help a participant.

K. Financial Considerations. Participants in the WCDDT are required to meet their court-ordered financial obligations to include court fines and surcharges and program participation costs. It is the participant's responsibility to meet with the Docket Coordinator to work out payment arrangements. Inability to pay is not an absolute barrier to participation. The Docket Coordinator and Case Manager will work to assist indigent defendants in meeting their financial obligations.

L. Orientation Period. This phase is approximately 30 days, and during this time the Case Manager will determine the level of care required by a participant, and will give the participant time to understand the requirements of the program. At the end of this phase, the WCDDT Team may determine that a participant is not appropriate for the Program and decline enrollment. A participant may also determine that he/she does not wish to participate in the Program, and may opt to decline enrollment. Information gathered from and about the participant during the screening and assessment process prior to entering the WCDDT is confidential and will not be used against the participant in any other court proceeding outside the WCDDT or to initiate any new charges against the participant.

M. Treatment Phases. The WCDDT has four phases with participants progressing through each phase based on their behavior and needs. The WCDDT requires a minimum of eighteen (18) months and a maximum of twenty-four (24) months to complete the program. The duration of each phase is:

- Phase 1: 3 Months
- Phase 2: 9 Months
- Phase 3: 3 Months

- Phase 4: 3 Months

N. Graduation. A WCDTD participant who satisfactorily completes all four phases of the program will be eligible to graduate from WCDTD. Graduation marks an important milestone and accomplishment in the participant's life. Graduation may coincide with a discharge from probation. Graduation ceremonies will occur at court and may include family, friends, employers and the arresting officer.

O. Discharge/Termination. There are several factors which can result in termination from WCDTD, including: unexplained absences; threats against other participants, staff, or Team members; new criminal charges; chronic non-compliance; refusal to complete curriculum/recommended treatment; dishonesty; and/or a negative attitude impacting other participants. This list is not exclusive. A participant is entitled to notice and a hearing prior to termination from the WCDTD.

P. Data Collection and Reporting. WCDTD is a pilot program which will be evaluated, and substantial data will be collected about the program. No personal identifying information about WCDTD participants will be shared in reports generated from that data.

VI. PROGRAM REFERRAL PROCESS

- A. Referrals to the WCDTD will be made jointly by the State's Attorney and Defense Counsel who will provide a signed referral form to the Docket Coordinator identifying the potential participant and his/her charges. The form requests that the Case Manager conduct a clinical screening and assessment of the participant, and requests confirmation that the referred individual's housing is suitable for DOC supervision. The Docket Coordinator will provide all necessary information about the new referral to the WCDTD Team.
- B. WCDTD is post-conviction, and referrals from treatment providers, counselors, therapists, and/or family or friends of the potential participant must be forwarded to the State's Attorney and Defense Counsel. Any referrals brought to any WCDTD Team member (not submitted jointly by the State's Attorney and Defense Counsel), will be forwarded to the State's Attorney and Defense Counsel for consideration and may be jointly referred to the WCDTD.
- C. Once a joint referral form has been submitted, and clinical and supervisory eligibility determined, the referral will be considered by the WCDTD Team at the next team meeting. A referral is not final until it receives unanimous approval from the WCDTD Team.
- D. In order to maintain best practice standards, this referral process should be made as close to the time of arrest as possible, for maximum impact upon on the participant.

VII. CONTINUING CARE COMPONENT

- A. A continuing care component is required of all graduating participants. Continuing care may include monthly check-ins with a case manager, adherence to a maintenance or relapse prevention plan, and/or mentoring new participants in the program.
- B. Continuing care is intended to be a limited component to assist participants as they transition into the community after graduating from the program.

VIII. EVALUATION / EVIDENCE BASED PROGRAM

- A. The Vermont Center for Justice Research (VCJR), in conjunction with the best practices for evaluating DUI Treatment Courts, will conduct an evaluation of the WCDTD. The Evaluation will include a number of components, including:
 - Process Evaluation
 - Outcome Evaluation: In-Program
 - Outcome Evaluation: Post-Program
 - Recidivism Scale
 - Self-Report Telephone Interview
 - Cost Benefit Analysis
- B. The Docket Coordinator is responsible for collecting all data identified in the VCJR *DUI Court Evaluation Proposal*.

IX. THE NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS (NADCP) BEST PRACTICE STANDARDS

- A. The WCDTD will maintain ongoing periodic review and application of the best practice standards as set forth in the National Association of Drug Court Professional's *Adult Drug Court Best Practice Standards*. The evidence-based standards set forth in this NADCP publication establish the practice goals for all treatment courts, and the WCDTD Team recognizes the efficacy of these practice standards and the applicability of these standards to the WCDTD.