

DUI INTEGRATED TREATMENT COURT
POLICIES & PROCEDURES MANUAL

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MISSION STATEMENT

The mission of the DUI Integrated Treatment Court (DITC) is to integrate substance abuse treatment, mental health assessments and medication, intensive supervision, and substantial judicial oversight to promote public safety and individual responsibility, to reduce crime, and to improve the quality of life for participants and their families.

GOALS & OBJECTIVES

GOAL 1: To provide early screening, assessment, and court intervention

Objective #1: 80% of referrals will receive probation evaluations within 10 days of plea

Outcomes Measures:

1. Date of plea.
2. Date referred for evaluation.
3. Date received evaluation.
4. Date of rescheduling.

Outcomes:

1. Percentage of eligible participants receiving probation evaluations within 10 days of plea.

Objective #2: 80% of referrals will receive substance abuse assessments within 18 days of plea.

Outcomes Measures:

1. Date of plea.
2. Date referred for assessment.
3. Date received assessment.
4. Date of rescheduling.

Outcomes:

1. Percentage of eligible participants receiving substance abuse assessments within 18 days of plea.

Objective #3: 90% of eligible participants will receive court intervention within 25 days of entry into the DITC.

Outcomes Measures:

1. Date of entry into DITC.
2. Date of first court review.

Outcomes:

1. Percentage of eligible participants receiving court intervention within 25 days of entry into the DITC.

GOAL 2: To provide effective court supervision

Objective #1: 90% of participants who appear in the DITC will receive intensive supervision including regular status reviews, progress tracking, and progressive sanctions and incentives.

Outcomes Measures:

1. Dates of court reviews.
2. Court appearance by DITC client.
3. Sanctions conveyed.
4. Incentives conveyed.
5. Tracking elements used in court reviews.

Outcomes:

1. Percentage of eligible participants receiving intensive supervision.

Objective #2: At least 75% of participants receiving program services will reduce the frequency of alcohol and other illicit drug use as measured by polydrug urinalysis testing.

Outcomes Measures:

1. Dates of UAS and Bas for each DITC client.
2. Outcome of UAs (negative, positive, flushed, masked).
3. Positive UAs by substance.
4. Outcome of BA's.
5. Self reported substance abuse at intake (or prior monitoring results).

Outcomes:

1. Percentage of participants that reduce frequency of alcohol and other illicit drug use as measured by poly drug urinalysis testing.

Objective #3: 60% of participants will complete the program successfully.

Outcomes Measures:

1. Number of probationers accepted into DITC.
2. Number of participants eligible to graduate.

Outcomes:

1. Percentage of participants who graduate.

Objective #4: 100% of the participants who successfully graduate will have a long-term sobriety plan.

Outcomes Measures:

1. Number of DITC participants who establish a long term sobriety plan.
2. Number of participants who graduate.

Outcomes:

1. Percentage of graduates with long term sobriety plans.

GOAL 3: To provide an integrated program of substance abuse treatment and education

Objective #1: 90% of the participants will be placed in Substance Abuse Treatment and Education (SUTE) within 7 days of availability for treatment. [Note Defendants may be in jail awaiting work release bed when sentenced]. [Note if Defendant is out of jail awaiting work release bed, treatment may begin before work release begins].

Outcomes Measures:

1. Date of availability for treatment.
2. Date of placement in substance abuse treatment.

Outcomes:

1. Percentage of participants placed in treatment within 7 days of availability for treatment.

Objective #2: 100% of the participants referred will receive substance abuse treatment as measured by treatment provider verification reports.

Outcomes Measures:

1. Number of participants referred to treatment.
2. Frequency of SUTE services.
3. Type of SUTE services.

Outcomes:

1. Percentage of participants receiving substance abuse treatment.

Objective #3: 75% of the participants with identified mental health needs will receive mental health medication evaluations as measured by treatment provider verification reports.

Outcomes Measures:

1. Number of participants referred to medication evaluations.

2. Number of participants receiving medication evaluations.

Outcomes:

1. Percentage of participants with identified mental health needs that are referred for medication evaluations.

Objective #4: 100% of graduates will participate in SUTE as measured by treatment provider verification reports.

Outcomes Measures:

1. Number of DITC clients who graduate.
2. Frequency of SUTE services for DITC graduates.

Outcomes:

1. Percentage of participants who participate in SUTE.

Goal 4: To provide an integrated program of rehabilitation services

Objective #1: 100% of graduates will have legal means of support and a plan for long-term self-sufficiency.

Outcomes Measures:

1. Number of graduates who have a legal means of support and a plan for long-term self-sufficiency.

Outcomes:

1. Percentage of graduates who have a legal means of support and a plan for long-term self-sufficiency.

Objective #2: 95% of graduates will have sober, safe housing.

Outcomes Measures:

1. Number of graduates who have sober, safe housing.

Outcomes:

1. Percentage of graduates who have sober, safe housing.

GOAL 5: To promote public safety by reducing recidivism

Objective #1: Graduates will be rearrested in Colorado at a reduced rate within one year post graduation.

Outcomes Measures:

1. Numbers of DITC graduates.
2. Number of persons who are rearrested within one year post graduation.

Outcomes:

1. Percentage of persons who are rearrested within one year post graduation compared with group of eligible offenders who do not participate.

Objective #2: Graduates will be rearrested in Colorado at a reduced rate within five years post-graduation.

Outcomes Measures:

1. Number of DITC graduates.
2. Number of persons who are rearrested within five years post graduation.

Outcomes:

1. Percentage of persons who are rearrested within five years post graduation compared with group of eligible offenders who do not participate.

GOAL 6: To demonstrate cost-effectiveness to the taxpayer.

Objective #1: Reduce costs to the taxpayer by reducing jail bed days for participants by 50%.

Outcomes Measures:

1. Number of jail bed days used by participants in the program.

Outcomes:

1. Percentage of jail bed days saved for participants.

STRUCTURE/MODEL

Eligible defendants may enter the DITC at the time of original sentencing, at a hearing on a motion for reconsideration, or at the time a probation complaint is filed.

TARGET POPULATION

The Boulder DITC will target persons whose assessment, as identified by the DITC requires enhanced outpatient treatment and who pose a high risk of criminal and/or drunk driving behavior to the community.

ELIGIBILITY CRITERIA

Below are the guidelines used to identify and screen participants for entry into the DITC:

NOTE: some of these factors are dynamic and if removed, the Defendant may become eligible.

1. Voluntarily agrees to participate in the DITC
2. 18+.
3. 3+ DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) with the most recent DUI/DWAI being within 10 years of the current case; or 2 DUI/DWAI guilty pleas anywhere in the United States (including deferred sentences) if second was .2 or higher and Defendant is before the court on a probation violation.
NOTE: At the discretion of the Judge, those whose last prior offense occurred more than 10 years ago may be considered for participation, depending on program census.
4. Motivated to change.
5. Resident of Boulder County. (Out-of-county Defendants who reside sufficiently close to make treatment, monitoring, and day reporting in Boulder County feasible will be considered on a case-by-case basis.)
6. The conviction currently before the Court is a Boulder County conviction.
7. Meets diagnostic criteria for substance abuse or dependency.
8. Never convicted to vehicular assault or homicide.
9. Not subject to an Immigration and Customs Enforcement Hold.
10. Not suffering from psychopathy so severe that the Treatment Agencies will not accept the Defendant.
11. Not suffering from severe and persistent mental illness.
12. Not subject to holds from other counties.
13. No felony charges pending.
14. No other charges in Boulder County that would prevent participation.
15. No sex offenders currently on probation.
16. No registered sex offenders (who are no longer on probation) who committed their offenses as adults unless a psycho-sexual evaluation is performed. Acceptance will be on a case-by-case basis.
17. Not in possession of an active medical marijuana certificate.

ENTRY PROCESS

Pre-Plea Process

Before meeting with the District Attorney (“DA”), the Public Defender (“PD”) or private defense counsel (“PDC”) may explain to the Defendant that s/he may be eligible for the DITC and special treatment. If the Defendant is not represented or if the Defendant is represented but PDC is not familiar with the DITC, the DA explains the program at the Arraignment and/or at the Pre-Trial Conference (“PTC”). Handbooks will be available in English and Spanish for the DA to give to Defendants. The DA will perform a preliminary screen pursuant to a check list provided

by the court to determine whether the Defendant is preliminarily eligible. In some cases, the PD will already have done the preliminary screen.

The DA may offer “Plea and Probation with DITC if eligible.” The plea offer is not conditioned on the acceptance into the DITC because there will be many people for whom a plea and probation offer is appropriate despite ineligibility for the DITC. In addition, the DITC is voluntary.

If the DA does not wish to offer the DITC and/or a plea with probation, the Defendant may still request evaluation for the DITC at the time of the plea or after conviction by a jury.

Regardless of whether a disposition is reached at the PTC or at some later time, the TMC form will be forwarded to the Division as would normally occur.

If a disposition is reached at the arraignment, the disposition will be set directly with the assigned division. No PTC or CMC need be scheduled.

COURT MAY REVOKE BOND FOR FAILING TO ADHERE TO BOND CONDITIONS.

Plea

At time of plea, the Judge explains the purpose of the DITC and encourages participation, explaining that not everyone will be eligible but that the program has definite benefits. Incentives for joining DITC are treatment at a reduced cost, high-quality treatment, greater likelihood of achieving and maintaining sobriety, greater likelihood of completing probation without a long jail sentence, a shorter probationary period, a team approach to recovery, and financial incentives such as bus passes.

If the Defendant does not already have a handbook, one will be provided at the time of the plea.

If the Defendant expresses an interest in the DITC, Court Judicial Assistant (“CJA”) gives the Defendant his/her Appointment and Sentencing Date Form with the dates of his/her probation evaluation, treatment assessment, and sentencing date written on the form. The Judge encourages the Defendant to get to both of these appointments but explains that if the Defendant is not found eligible for the DITC by the Probation Department, he/she will not be required to go to the treatment assessment. The forms will include maps and directions to Probation, CJS, BCPH, and CFC. The CJAs will call the appropriate agencies to obtain appointment dates or use whatever mechanism (e.g. Outlook or Google calendar) is developed to obtain appointment times.

If a Defendant pleads guilty and wishes consideration of the DITC, the probation appointment may be set in Longmont or Boulder, whichever is more convenient for the Defendant. Louisville and Lafayette residents will be encouraged to use the Longmont probation appointments.

The Judge will inquire whether the Defendant will have any transportation needs regarding the Probation evaluation or the treatment assessment. If the Defendant indicates some concern, the Judge will give him or her the ITC Coordinator’s card.

If the Defendant is in jail at the time of the plea and will probably not be released for sentencing, the Appointment Form will go to Probation, and a PO will meet with the Defendant in jail. ROC and CFC can also go to the jail for assessments. BCPH will not go to the jail; therefore, arrangements must be made for the Defendant to attend an assessment with BCPH either through change of bond or furlough.

Plea in Arraignment Division:

If a Defendant wishes to plead guilty on the Magistrate's arraignment docket with a promise of probation and DITC if eligible, the case will be set for disposition with the assigned division. The Magistrate will not take the disposition. No PTC or CMC will be set.

Plea in District Court:

If a Defendant proposes to plead in District Court to a third or greater DUI/DWAI offense or admits a probation violation on a second DUI/DWAI with a blood alcohol of .2 or above, with or without an accompanying misdemeanor, (but with no felony plea) and the Defendant is not admitted to the AITC, the District Court Judge will send the case to the Boulder DITC. The Defendant, therefore, can receive the same opportunity for joining the DITC as a person entering a plea in County Court. The CJA for the District Court Judge will obtain a date for disposition in the Boulder DITC Division and reset the matter for disposition. The disposition date will be on the DITC Judge's non-DITC disposition docket. Probation violations from these cases will stay in the county court.

NOTE: On occasion, a person appears in Division 13 for a probation violation with a new misdemeanor DUI trailing. In addition, on occasion, a person appears in Division 13 who has previously pled to a DUI or DWAI in a CR case in district court and is before the court on revocation. The Defendant may express an interest in the DITC.

In either of these types of situations, if the Defendant is otherwise eligible, the District Court Judge will send the DUI/DWAI to the DITC Judge for consideration whether the case is a CR or an M case. (This is the same process as occurs when Division 4 or 6 take a plea to a DUI/DWAI with or without other misdemeanors and refer the case to the DITC judge for consideration.)

Pleas Taken at the Jail:

In the event a defendant appears at 2:00's at the jail and would like to plead guilty and be considered for the DITC, the Judge should take the plea and set the case over for a day or two. This will give the Judicial Assistant time to set the appointments with probation and the treatment provider as well as a sentencing date. At the second appearance, the defendant can be given the DITC Appointment Sheet containing the dates. The sentencing would be set on the Judge's regular docket according to the policies and procedures, that is, approximately three weeks later to allow for the probation appointment and the assessment.

COURT MAY REVOKE BOND FOR FAILING TO ADHERE TO BOND CONDITIONS

Evaluation and Assessment Process

“ROC” refers to Restoring Our Community, the Community Justice Services (“CJS”) Enhanced Outpatient Program (“EOP”)

“BCPH” refers to Boulder County Public Health

“CFC” refers to Center For Change

“Treatment Agency” refers to ROC, BCPH, CFC

The process of entry into ROC for English-Speaking Men:

- Plea in Court
- Appointment with Alcohol Probation Week 1
- Intake appointment with ROC on Tuesday Week 2
- Staffing with ROC on Wednesday Week 2
If accepted, begins treatment
- Sentencing Week 3

NOTE: Even if ROC rejects Defendants with ASPD, CFC may choose to assess them for entry into their program. ROC will notify CFC that a Defendant has been rejected and send its assessment to CFC. CFC may request to assess the Defendant.

The process of entry for Spanish-Speaking Men:

- Plea in Court
- Appointment with Alcohol Probation Week 1
- Appointment with Center for Change Week 2
Begins treatment (whether DITC or not)
- Sentencing Week 3

The process of entry into Boulder County Public Health for Women:

- Plea in Court
- Appointment with Alcohol Probation Week 1
- Appointment with BCPH Week 2
- Treatment Assigned Week 3
- Sentencing Week 3

NOTE: Due to resource issues, BCPH cannot evaluate women at the jail. Judges referring a woman in custody for a DITC evaluation can order a transport to BCPH, or a furlough for a few hours so the evaluation can be completed.

Mental health and medication evaluations will be done on a case-by-case basis.

Best efforts will be made to keep to the schedule above. Vacations, illness, and other reasons may cause slight delays. The judge will seek coverage if possible.

Once Probation does its evaluation, if the Defendant does not meet criteria for EOP, the PO tells the Defendant not to go to the treatment appointment; but rather, just to go to the sentencing. The Probation Officer notifies the Treatment Agency that the appointment has been cancelled.

If the Defendant does meet criteria EOP or above (e.g. inpatient or intensive outpatient treatment), the Defendant will be sent on to the Treatment Agency for assessment. The Probation Department will send its evaluation to the Treatment Agency at least 24 hours before the assessment appointment.

If the Defendant is an English-speaking male who does meet criteria for EOP or above, but ROC finds that the Defendant is likely to be too disruptive, not motivated, suffering from anti-social personality disorder beyond what ROC is willing to accept, or otherwise not appropriate for the ROC milieu, ROC will send the Treatment Agency Report for Sentencing to the Probation Department specifically stating the reason for rejection. The Probation Department will send a copy to the Center for Change stating specifically the reason for rejection. The Probation Department will notify the Court, the deputy district attorney, and the defense attorney of the re-referral and the date of the CFC appointment and will later notify the Court whether the defendant has been accepted by ROC. CFC will try to fit a further assessment into its schedule before the sentencing hearing and report to the Court using a Treatment Agency Report for Sentencing. If CFC cannot provide the Defendant with an appointment before the sentencing hearing, the sentencing hearing will be treated as a bond appearance during which the Judge will inform the Defendant that he has been rejected by ROC but has been recommended for a further assessment by CFC. A new sentencing date will be set and an appointment date and time provided to the Defendant while he is in court.

If the Defendant has been sent on to the assessment stage, the Treatment Agency faxes the DITC Treatment Agency Report Form for Sentencing to the Probation Department with eligibility information and recommendations. The Treatment Agency will include the treatment schedule as part of the report if the person is accepted.

The Probation Department files the DITC PSI and the Treatment Agency Report Form for Sentencing with the CJA. The Probation Department shall send both documents incrypted or by fax to the DA and the PD or PDC. The report includes recommendations regarding where treatment and Court Review will occur taking into consideration the Defendant's residence, treatment program, and work location.

The CJA provides the PSI and the Treatment Agency Report to the Sentencing Judge.

Sentencing Hearing

- If the Defendant is determined to require EOP and volunteers to participate in the DITC, the Judge will sentence the Defendant to probation for two years (or a longer period of time if required by statute), with 365 days work release, of which a portion may be suspended at the discretion of the treatment team, and order successful completion of DITC as a condition of probation. The Defendant will be required to begin day reporting immediately after sentencing and remain on day reporting until there is space available to begin the work release sentence. The Judge will welcome the Defendant into the program and give the Defendant his/her day timer. The Judge will ask a few questions related to motivating the Defendant to succeed. The Defendant will be directed to report to the Probation Department to set up an appointment with the DITC Probation Officer and directed to report to his or her Treatment Agency.

Note: Only those Defendants who are willing to accept the Treatment Agency assigned them by the DITC may participate.

- If the Defendant is determined to require EOP and is accepted by DITC, but the Defendant does not volunteer to participate in the DITC, the Judge will sentence the Defendant as appropriate. No special shortening of the work release and day reporting will be available to the Defendant. The Defendant will be responsible for all fees for treatment. Probation will last as long as probation protocols and statutes require. The Defendant will be directed to the Probation Department to set up an appointment with a probation officer. Straight jail time is also available.
- If the Defendant is determined to require EOP but is not eligible for the DITC, the Defendant will be sentenced as appropriate.
- If the Defendant is determined not to require EOP, the Defendant will be sentenced as appropriate; however, if the Defendant is sentenced to a work release/day reporting sentence, it shall be consistent with the DITC work release/day reporting sentence s/he would have received if s/he had required EOP and been eligible for the DITC. The Defendant will be directed to the Probation Department to set up an appointment with a probation officer, unless the Defendant receives a straight time sentence.
- If the Defendant appears to need inpatient treatment and volunteers for the DITC, he or she will be accepted into the program and set for his or her first Court Review. The DITC Team will determine whether to start with inpatient treatment or to start with EOP.

The Sentencing Judge's CJA notifies: Work release deputy sheriff, ITC Coordinator, Treatment Agencies, Probation Officer, DITC DA, DITC PD or PDC of result of hearing by email.

The CJA prepares the Mittimus marking it clearly as DITC.

THE COURT WILL NOT REVOKE A WORK RELEASE SENTENCE WHILE THE DEFENDANT WAITS FOR A BED OUT OF CUSTODY BECAUSE OF THE USE OF DRUGS OR ALCOHOL, HOWEVER, THE JUDGE MAY TAKE THE DEFENDANT INTO CUSTODY TO AWAIT A BED IN WORK RELEASE.

Flow Chart

For the DITC

1. By Monday noon for Longmont docket and by Wednesday noon for Boulder docket, Probation, each Treatment Agency, and any information for the DA or PD or PDC shall be transmitted to the CJA for the appropriate docket using the appropriate forms. (Client Contact Form, DA/PD/PDC Report Form, Probation Form with UA data).
2. CJAs prepare Court Summary for staffing conferences.
3. CJAs send Court Summary forms to Probation, each Treatment Agency, DA, PD, PDC, and ITC Coordinator.
4. Court Staffings: Judge, Probation Officer, Treatment Agencies, [DA], [PD], [PDC], Recorder of Info [CJA].
5. PDC and PD are always welcome at Court Staffings, however, they may not speak at Court Reviews. They should be notified by their clients if they want them present; otherwise the Court will notify PDC and PD in the event that a major sanction will be imposed or the Court is considering having a complaint filed and/or terminating the Defendant from the program.
6. Judge leads Court Staffings, manages the discussion, and makes the final decision regarding incentives and sanctions after listening to all participants.
7. Judge conducts Court Review using Motivational Interviewing Skills and imposes incentives and sanctions.
8. CJA prepares Mittimus for sanctions designating the sentence as a “Contempt Sanction for DITC.”
9. If the Defendant is serving a work release or day reporting sentence at the time of the imposition of the sanction and the DITC Judge wishes to impose a work crew or short straight-time sentence, the Judge will sign an order to that effect, and no mittimus will be prepared. The order will be sent to the work release/day reporting deputy sheriff in charge of the alternative sentence program.
10. Judge provides input to Jail and CMI re disciplinary hearings.
11. Judge provides guidance and input to Probation Officer regarding dealing with Defendants including whether to file a complaint.
12. ITC Coordinator maintains data base.

COURT PHASES & TREATMENT LEVELS

- “Sentencing Status” refers to the sequence of the Defendant’s initial sentence, which includes work release, day reporting, or at home without restriction.
- “Sanction” refers to the punishment response to non-compliance including work release, day reporting, IHD, EHM, work crew, CJS community service, essays, increased monitoring, or any other punishment response.
- “Treatment Levels” refers to the treatment protocol developed by the Treatment Agencies.
- “Court Phases” refers to the five phases through which Defendants must progress in order to graduate from the DITC.

Sentencing Status is not linked to Treatment and Court Phases. Treatment levels and Court Phases will also not be linked.

Treatment Levels

- Treatment Levels for ROC appear in Appendix A. Treatment Phases for BCPH appear in Appendix B. If a participant misses groups, he or she will be required to make them up according to the rules of the Treatment Agency. Failure to attend groups will not result in termination from the DITC unless the Judge determines that termination is required.

Court Phases

Phase 1: Entry & Orientation (Minimum of 3 weeks)

- Attend all scheduled Court appearances
- Attend all group and individual treatment sessions
- Attend all required community support groups
- Complete LSI and ASUS
- Review and sign Terms & Conditions of Probation with Probation Officer
- Obtain safe and sober housing, unless in work release
- Comply with BA’s, UA’s, SCRAM, etc.
- Establish abstinence from alcohol and illegal drugs
- Schedule and/or attend orientation for the Boulder County Jail Work Release Program

Phase 2: Stability (Minimum of 9 weeks)

- Attend all scheduled Court appearances
- Attend all group and individual treatment sessions and actively participate in treatment
- Attend all required community support groups
- Comply with all probation requirements
- Attend work/school/vocational programming
- Begin work toward sober/stable housing
- Comply with BA’s, UA’s, SCRAM, etc.
- Meet with Collections Investigator to establish a court cost payment plan
- Sobriety requirement: Demonstrate a substantial pattern of sobriety as determined by the treatment team

Phase 3: Sober Living Skills (Minimum of 14 weeks)

- Attend all scheduled Court appearances
- Attend all group and individual treatment sessions and actively participate in treatment
- Attend all required community support groups
- Comply with all probation requirements
- Attend work/school/vocational programming
- Comply with BA's, UA's, SCRAM, etc.
- Maintain sober/stable housing
- Begin to pay any court costs and/or restitution, unless the DITC team approves a deferred payment plan
- Sobriety requirement: Demonstrate a substantial pattern of sobriety as determined by the treatment team, and begin to demonstrate regular use of recovery tools acquired in treatment

Phase 4: Relapse Prevention (Minimum of 14 weeks)

- Attend all scheduled Court appearances
- Attend all group and individual treatment sessions and actively participate in treatment
- Attend all required community support groups
- Comply with all probation requirements
- Comply with BA's, UA's, SCRAM, etc.
- Maintain sober/stable housing
- Attend work and/or school
- Begin community service work
- Continue to pay court costs and restitution, unless DITC team approves other arrangements
- Prior to advancement to Phase 5, complete a relapse prevention plan with the treatment provider and submit to the Court
- Sobriety Requirement: Demonstrate a substantial pattern of sobriety as determined by the treatment team, and continue to demonstrate regular use of recovery tools

Phase 5: Recovery Maintenance (Minimum of 12 weeks)

- Attend all scheduled Court appearances
- Attend all group and individual treatment sessions and actively participate in treatment
- Attend all required community support groups
- Maintain sober/stable housing
- Attend work and/or school
- Complete community service work and other special conditions of probation (i.e. MADD panel, Alive at 25, parenting classes, etc.) per case plan
- Financial stability established through work, entitlement payments, etc.
- Comply with all probation requirements
- Compliance with BA's and UA's
- Complete payment of court costs and restitution, if able, or set up financial agreement to do so, as approved by the Court

- Sobriety requirement: Demonstrate a substantial pattern of sobriety as determined by the treatment team, and demonstrate consistent recovery behavior and lifestyle with decreased monitoring and accountability measures

NEW CRIMINAL OFFENSES PROCESS

1. If a DITC participant is detained by the probation officer, the PO will notify the DITC Judge and his CJA who can:
 - a. Direct the PO to file a complaint and put the case on a non-DITC docket ASAP, or
 - b. Decide to dismiss the detainer without directing the PO to file a complaint and direct the Defendant to go to the ARC-Detox facility if he/she is willing to go
 - c. Decide to dismiss the detainer within five days of the detainer being lodged and allow the Defendant to return to his regular schedule.
 - d. The Judge may seek input from team members in making this decision.
2. When a detainer is not filed and if the DITC Judge with advice from the team decides that a probation complaint should be filed, the PO will file a complaint with or without warrant at the direction of the DITC judge. The complaint will return to the DITC Judge's non-DITC docket ASAP.
3. If a DITC participant is arrested on a new offense, he or she will go through the normal process including appearance at 2:00 Intake. The Defendant will be flagged as a DITC participant by the Probation Department.
 - a) If the new offense is a non-DUI misdemeanor, the case will be set for the next appearance in the ordinary course. After court, the Intake Judge and the DITC Judge will decide on an ad hoc basis whether the Intake Judge will keep the case or whether the DITC Judge will take it. If the DITC Judge will be taking it, the matter will be reset with the DITC division.
 - b) If the new offense is a DUI, the case will be set on a non-DITC DUI docket with the DITC Judge. The Intake Judge's CJA will try to get the next date from the DITC division during the Intake session. If she is unable to do so, the case will be set over for one day so that the Intake Division can communicate with the DITC Division.
 - c) If the new offense is a felony, the DITC PO will pick up the new arrest from his daily arrest checks and inform the team. The case will be processed in the ordinary course.

SUSPENSION CRITERIA

1. Participant may be suspended pending resolution of ICE or mental health holds.
2. An arrest or conviction of an offense will cause the suspension of a participant if the participant is incarcerated without benefit of bond, a work release or other sentence that allows the participant to come to court out of custody. If the arrest is for an offense that would cause termination, the participant shall be terminated rather than suspended.
3. Suspension may also occur for other reasons such as prolonged illness or any other reasons, which, in the discretion of the Judge, require suspension.

TERMINATION CRITERIA

NOTE: The Probation Department and the treatment agencies have no authority to terminate participants from probation or treatment without court approval. They may terminate contact with the Defendant if the Defendant is determined to be a safety risk for them.

1. Participant requests termination from DITC.
2. Participant disappears from Probation supervision and fails to contact Probation and request participation in DITC within one month of last contact.
3. Participant moves away from the area in which treatment and court appearances can reasonably be provided.
4. Pending charges may cause suspension or termination in the discretion of the Court. If the Defendant will be incarcerated for a protracted period of time, the Court may choose to terminate or suspend participation.
5. Each case will be considered on its own merits but the Defendant's participation in DITC will be terminated in the event that the Defendant is charged with one of the following offenses:
 - a. Criminal enterprise drug sales
 - b. Alcohol-related vehicular assault or homicide
 - c. Sex offense under C.R.S. 18-1.3-1003(5)(a)
 - d. Contributing to the delinquency of a minor involving sexual factual basis
 - e. Crime involving use of a firearm
 - f. Residential burglary when entry is into the main living space of the occupant and Defendant is not a member of the family of the occupant
 - g. 1st or 2nd degree arson
6. Participant is determined to have a condition that would prevent the participant from participating in or achieving benefits from the DITC's clinical programs.
7. Participant fails to move to and through each of the Treatment Levels within a reasonable period of time.
8. Participant makes threats or engages in acts of violence toward treatment providers while in the program.
9. If a participant fails to complete treatment at one Treatment Agency associated with the DITC, he will not be assigned to another Treatment Agency.

If the Participant is terminated from the DITC, a complaint will be filed with the original sentencing Judge, and the matter processed for the probation violation. The sentence will not

automatically revert to straight time. As provided by statute, the Judge may impose whatever sentence is appropriate considering the usual factors such as number of prior convictions.

Participant may request reentry and may be allowed entry at the discretion of the Court, depending on the reason for termination, resources available, and Defendant's commitment to the program.

WITHDRAWAL CRITERIA

Participant may withdraw from the program at any time.

If the Participant is in violation of the DITC rules, a complaint will be filed with the original sentencing Judge, and the matter processed for the probation violation. The sentence will not automatically revert to straight time. As provided by statute, the Judge may impose whatever sentence is appropriate considering the usual factors such as number of prior convictions.

If the Participant is not in violation of the DITC rules, s/he will be returned to a non-DITC caseload which includes the change of probation officer, discontinuance of court reviews and incentives, and elimination of treatment subsidies. Probation will not be terminated early. No additional work release or day reporting will be added.

GRADUATION CRITERIA

1. Participant completes of all treatment levels and court monitoring phases.
2. Participant completes all terms and conditions of probation that have not been waived or eliminated.
3. The DITC Team is satisfied that:
 - a) Participant has achieved a continuous pattern of sobriety sufficient to merit graduation.
 - b) Participant is receiving or has received necessary medical and dental care.
 - c) Participant has legal means of support and a plan for long-term self-sufficiency.
 - d) Participant has sober and secure housing.
 - e) Participant has sufficient supports available in the community to remain sober and stable.
 - f) Participant has developed a long-term sobriety plan.

- g) Participant has paid all costs not waived by the court in full, or has signed a financial responsibility contract with the Collections Investigator.
- h) Participant has paid all treatment costs in full.

NOTE: Participant may remain on regular probation until all non-waived fees and restitution are paid.

SANCTIONS & INCENTIVES

Incentives will include activity passes, gift cards/certificates, toys, gifts, photographs, bus passes/gas vouchers, applause/court recognition, fish bowl entry, reduced fines and costs, free substance abuse classes, reduction of previous sanction.

Sanctions will include jail, work release, work crew, electronic home monitoring (EHM), day reporting, or community service.

Incentives will be given primarily in Phases 1 through 3 of the program; but incentives may continue throughout the program at the discretion of the Judge in consultation with the treatment team. Incentives such as waived fees, trips, and other non-cost-based incentives typically will continue into Phases 4 and 5.

DRUG SCREENS

Since achieving and maintaining sobriety is one of the main goals of the DITC, participants will be tested frequently for drug and alcohol use. Drug testing is generally done using breathalyzers and urine screens. Other mechanisms used to monitor sobriety may include SCRAM, Antabuse, oral swabs, hair follicle tests, or other procedures approved by the court. *Urine screens will be observed to ensure results are valid.* Participants are responsible for the costs of testing, unless other arrangements have been made with your probation officer or treatment provider.

Positive, missed, altered or refused screens will be considered positive and subject to sanction. Participants are ultimately responsible for ensuring the screens they provide are valid.

NOTE: Urine specimens with creatinine levels below 20 mg/dl or above 400mg/dl will be considered invalid and subject to sanction.

PRESCRIPTION DRUG USE

All participants will be expected to inform their health care providers of their addiction issues so that informed decisions can be made when prescription medications are being considered. In the event that prescription medications are deemed necessary, participants should make every effort to obtain a non-narcotic alternative, if one is available. Participants will be expected to notify

their probation officer within 24 hours of being placed on a prescription medication, or if any changes are made to existing prescriptions. Failure to do so will result in a sanction.

NOTE: In an effort to ensure full disclosure, participants are required to provide their health care provider with the ITC Doctor's Notice when attending medical or dental appointments, provided by the probation officer. This form contains the probation officer's contact information and requires the doctor's signature.

Participants with a history of abusing prescription drugs, or who have been prescribed potentially habit-forming medications, may be subject to additional requirements. These may include:

- Being restricted to one prescribing physician.
- Agreeing to work with your physician to discontinue use of a potentially habit-forming medication.

NOTE: Individuals may not possess a medical marijuana certificate while in the program.

“DESIGNER” DRUG USE

The possession or consumption of any “designer” drugs such as “Spice,” “bath salts,” etc., whether purchased legally or illegally, is strictly prohibited and subject to sanction. Such substances are often sold or marketed under false pretenses and labeled “Not for Human Consumption,” though they are purchased for the purpose of getting a “high.”

SUPERVISION PROTOCOLS

PROBATION SUPERVISION PROTOCOLS

Sentence Status I– Work Release Phase (84-90 days)

| <u>Contact Type</u> | <u>Frequency</u> |
|------------------------|--|
| Office or Field Visits | Twice per month on weeks not in court |
| DITC Status Reviews | Bi-weekly |
| Drug/Alcohol Screens | One poly drug, Random ETGs, and daily BAs, SCRAM set up prior to entering phase II |
| Treatment Monitoring | Weekly |
| Arrest Checks | Daily |
| Home Visit | One visit within two weeks of release to Day Reporting for an orientation with Defendant and other household members |

Sentence Status II- Day Reporting Phase (84-90 days)

| <u>Contact Type</u> | <u>Frequency</u> |
|---------------------|------------------|
|---------------------|------------------|

| | |
|------------------------|---|
| Office or Field Visits | Twice per month on weeks not in court |
| Home Visits | Monthly |
| DITC Status Reviews | Bi-Weekly |
| Alcohol Monitoring | SCRAM-monitored by RMOMS |
| Drug Monitoring | 4 UAs per month randomly or per case plan |
| Treatment Monitoring | Weekly |
| Day Reporting Updates | Weekly |
| Arrest Checks | Daily |

Sentence Status III- Probation Phase (first 90 days)

| <u>Contact Type</u> | <u>Frequency</u> |
|-----------------------|--|
| Office or Field Visit | Twice per month on weeks not in court |
| Home Visits | Monthly |
| DITC Status Review | Bi-weekly |
| Alcohol Monitoring | Random breath testing (8 to 12 times) with ETG UA at request of probation officer |
| Drug Monitoring | Random testing four per month |
| Treatment Monitoring | Weekly |
| Arrest Checks | Daily |

Sentence Status III- Probation Phase (second 90 days)

| <u>Contact Type</u> | <u>Frequency</u> |
|-----------------------|---|
| Office or Field Visit | Once per month or per LSI/Case Plan |
| Home Visits | Twice in the three month period |
| DITC Status Review | Monthly or per case plan |
| Alcohol Monitoring | Random breath testing (8 to 12 times) with Random ETG UA at request of probation officer |
| Drug Monitoring | Random testing three times per month or per case plan |
| Treatment Monitoring | Weekly |
| Arrest Checks | Daily |

PROBATION TRAINING PROTOCOLS:

- Level II Safety Training
- Dispatch Radio Training
- Meth Lab training
- Search & Seizure Training/Polices
- Motivational Interviewing
- LSI/Case Planning DUI Probation/ARC staff to attend

- Relapse Prevention
- Understanding monitoring techniques such as SCRAM, Oral Swabs, UA results
ARC/DUI Probation staff to attend
- Staying current with the “Research in Brief” series posted by SCAO on Evidence-based practices, motivational interviewing, sanctions, and response to violations

EVALUATION DESIGN

Evaluation must be tailored to the political and organizational context of the program to be evaluated. It typically involves assessment of one or more of five program domains: (a) the need for the program, (b) the design of the program, (c) the program implementation and service delivery, (d) the program impact or outcomes, and (e) program efficiency. Evaluation requires an accurate description of the program performance or characteristics at issue and assessment of them against relevant standards and criteria.

MEMORANDA OF UNDERSTANDING

ETHICS & CONFIDENTIALITY

APPENDIX A Treatment Levels ROC Program Only

ROC PHASE DESCRIPTIONS AND REQUIREMENTS

LEVEL I

12 weeks

3 Groups per week (DWC Ed, Relapse Prevention, Community Building)

A minimum of 1 individual session per month

Level II

12 weeks

2 Groups per week (DWC Therapy, Community Building)

A minimum of 1 individual session per month

Level III

12 weeks

1 Group per week (DWC Therapy)

A minimum of 1 individual session per month

Once a week attendance at Peer Driven Sober Support

Level IV

16 weeks with a gradual reduction of therapeutic contact

Weeks 1-7 requirements-

1 Group per week (Matrix Family Education)

Once a week attendance at Peer Sober Support

A minimum of 1 individual session

Weeks 8-16 requirements -

No group attendance

No sober support at CJS attendance

1 individual therapy session every 3 weeks.

The Court or probation may require additional treatment or community support groups such as AA or NA.

APPENDIX B Treatment Level

Women's Program BCPH Level descriptions and requirements

LEVEL I- ASSESSMENT PHASE 12 WEEKS

- * 2 Groups per week DWC Ed plus Women's Recovery Skills
- * A minimum of 1 individual contact per week
- * Community Support groups such as AA or NA as agreed upon by client and DITC Team

Level II- RECOVERY PHASE 12 WEEKS

- * 2 Groups per week- Based on the assessments and treatment considerations in Level I.
- * The client will enter Relapse Prevention, DBT, Seeking Safety, SSIC, Parenting Sober, in accordance with assessed needs.
- * A minimum of 2 individual contacts per month
- * Community Support groups such as AA or NA as agreed upon by client and DITC Team

LEVEL III- RELAPSE PREVENTION PHASE 12-15 WEEKS

- * 2 Group per week –Usually a continuation of the established protocol in Level II
- * A minimum of 1 individual contact per month
- * Community Support groups such as AA or NA as agreed upon by client and DITC Team

LEVEL IV - MAINTENANCE PHASE 12-15 WEEKS

- * 1 Group per week
- * A minimum of 1 individual contact per month
- * Community Support groups such as AA or NA as agreed upon by client and DITC Team