

**Department of State's Attorneys & Sheriffs  
Bram Kranichfeld, Executive Director**

**PRE-ARRAIGNMENT  
ALTERNATIVE JUSTICE PROGRAMS IN VERMONT  
October 1, 2014**

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This report is made pursuant to Section 4(b) of Act 195 of 2014 which requires the following: "On or before October 1, 2014, and annually thereafter, the Executive Director of the Department of State's Attorneys and Sheriffs shall report to the General Assembly detailing the alternative justice programs that exist in each county together with the protocols for each program, the annual number of persons served by the program, and a plan for how a sequential intercept model can be employed in the county. The report shall be prepared in cooperation with the Director of Court Diversion, a co-chair of the Community Justice Network of Vermont, and State, municipal, and county law enforcement officials."

**A. Qualifications**

This report is limited to institutionalized programs that generally address cases prior to arraignment. These include programs provided by Community Justice Centers ("CJC's") and Community Justice Programs ("CJP's") that address cases referred by law enforcement agencies prior to filing the charge with the State's Attorney and cases referred by State's Attorneys prior to filing the charge in court. These also include the fourteen Diversion Programs, which address cases referred by the State's Attorneys after filing a charge but prior to arraignment. Finally, these include the State's Attorneys' Rapid Intervention Programs, which address cases referred by State's Attorneys prior to filing the charge in Court. This report does not include programs such as the Adult Treatment Courts which do not address cases prior to arraignment. Nor does this report include pre-arraignment resolutions that have not been institutionalized through a program or protocol.

**B. Diversion**

The Vermont Association of Court Diversion Programs (VACDP) is the member association of Vermont's 14 court diversion programs. Its mission is to engage community members in responding to the needs of crime victims, the community, and those who violated the law, holding the latter accountable in a manner that promotes responsible behavior. In addition to Diversion of Family and Criminal Division cases, VACDP members operate the Youth Alcohol Safety Program, for underage individuals who violate Vermont's underage alcohol and marijuana possession, and the Civil DLS Diversion Program. VACDP's member programs vary

in scope and size; some are independent agencies focusing exclusively on Court Diversion and others operate as part of a larger ‘umbrella’ agency. For a list of member agencies, visit [www.vtcourtdiversion.org](http://www.vtcourtdiversion.org). VACDP is a non-profit (501c3) organization designed to promote community-based balanced and restorative justice through effective and creative program services. The association has developed program standards and monitors members’ adherence to those standards.

Vermont statute (3 VSA §163, 164) outlines the Court Diversion protocol. Each state's attorney, in cooperation with the county program, has developed criteria for the types of offenses and offenders eligible for diversion; however, the state's attorney retains final discretion over the referral of each case. Charges referred to Diversion typically include first-time low-level misdemeanors and felonies; individuals who have previous charges or convictions may be referred in some counties. Diversion accepts only persons against whom charges have been filed and the court has found probable cause, but who are not yet adjudicated. Participation in Diversion is voluntary and participants must accept responsibility for their actions. Diversion cases are confidential. Upon successful completion, the state’s attorney dismisses the charge, and two years later, providing the state’s attorney does not object, the Court orders the case to be sealed. If a person fails Diversion, the case is returned to the state’s attorney for prosecution. The number of people served by Diversion in Fiscal Year 2014 (July 1, 2013 – June 30, 2014) is summarized below in Attachment A.

### **C. Community-Based Restorative Justice Programs**

The Community Justice Network of Vermont (“CJNV”) is a non-profit (501(c)(3)) made up of 20 Community Justice Centers and Community Justice Programs statewide. For a list of members agencies, visit <http://cjnvt.org>. Its mission is to broaden and strengthen Vermont’s restorative practices through leadership, advocacy, education, and partnerships. Community Justice Centers (CJCs) and Community Justice Programs (CJPs) are community based and improve community health and public safety by helping people whose lives are disrupted by conflict or crime. They recognize the potential for citizens to live in harmony with their neighbors and to contribute to the civility and well-being of the community. In addition, CJCs/CJPs play a key role in successful offender re-entry to communities, including; intensive support services related to employment, housing, mentoring, social life and restoring the harm caused by their crime. The network is a 501(c)(3) non-profit and focuses on education, outreach, data collection, standards and best practice, communication/information sharing, training, networking and pursues grant funding opportunities on behalf of its members.

Many Community-based restorative justice programs receive cases pre-charge either as a referral from Law Enforcement or from the State’s Attorney’s Office. In those counties where such referrals are made, the following protocols are in place: The State's Attorney in that county has stipulated that pre-charge referrals to community-based restorative justice programs are

appropriate from either their office or from Law Enforcement. Individuals are screened and/or assessed by the Community Justice Center for appropriateness and program eligibility. From there the individual will meet with a restorative justice panel. The victim of their crime is invited to participate in person or via proxy. The panel collaboratively creates a restorative justice contract which typically includes activities such as restitution, apologies, community service, learning opportunities and is tailored to reflect the offender, victim and community.

The pre-charge referral can happen with or without a citation to appear in court at a later date. If individuals do not accept responsibility or successfully complete their contract with the restorative justice panel then at that time their case can be referred back and then charged. When individuals successfully complete the program, the Community Justice Center communicates this to the referring agency or office and then a charge is never brought. The number of people served by programs provided by the CJNV in Fiscal Year 2014 is summarized below in Attachment A.

#### **D. State's Attorney Rapid Intervention Programs**

In September, 2010, Chittenden County State's Attorney T.J. Donovan and other stakeholders developed a pre-arraignment program called the Rapid Intervention Community Court or "RICC" Program. Since then, four other State's Attorneys have adopted or created their own pre-arraignment programs. In general, these programs are voluntary alternative justice programs designed to address the underlying causes of criminal behavior, including substance abuse and mental health issues. Program eligibility for offenders is based upon factors that can include prior criminal history, current charges, history of substance abuse, present or previous mental health history, and in some cases victim and police approval. Key components of these programs include a coordinator that screens cases and applies a scientific screening tool to determine the risks and needs of the prospective participant. Once screened, the participant is put in contact with the appropriate services and their progress is monitored by the coordinator. Generally, if the participant successfully completes the assigned programming, their sentencing outcome is reduced or the case is dismissed. If they fail to successfully complete the programming, their charges are reactivated and they are routed back into the traditional criminal justice system. The State's Attorney has ultimate discretion regarding whether a case is appropriate for one of these programs. RICC or RICC-like programs are currently operational in Chittenden, Lamoille, and Rutland Counties. Windham County is scheduled to begin its own CRAFT program in October of 2014. Addison has a functional RICC program, but has suspended additional intakes until the implementation of Act 195 of 2014.

##### **1. Addison County RICC Program**

The Addison County State's Attorney initiated the Addison County RICC program in November, 2013, utilizing existing staff and protocols from the Chittenden County program. In April, 2014, given limitations on existing resources, additional intakes were suspended pending

implementation of statewide pre-trial services pursuant to Act 195. In that time, the Addison County program completed 10 intakes, three of which were returned to the court for non-compliance.

## 2. Chittenden County RICC Program

The Chittenden Rapid Intervention Community Court (RICC) began operations in September of 2010 as a collective response by the Chittenden County State Attorney, County Law Enforcement and the Burlington Community Justice Center. The mission of the Chittenden RICC is to provide services that address the root cause of the criminal behavior of individuals charged with a criminal offense. The goal of RICC is to screen appropriate cases, conduct a risk/need assessment, and divert the case by linking the individual to the appropriate social service agency. RICC seeks to lower barriers to services and access treatment in an efficient and effective manner. RICC personnel provide support to the individual during the pendency of treatment plan by communicating with the participants and providers and ensuring compliance. Upon successful completion of the proposed agreement by the parties, the Chittenden County State's Attorney's Office "CCSA" will not file the criminal charge. The goal is twofold; enhance public safety by addressing the root cause of criminal behavior thereby preventing future crimes and saving taxpayer money.

The appropriateness of cases referred depends on the nature of the criminal charge. Cases that are automatically ineligible for referral are sex offenses, intimate domestic violence offenses, drug dealing/selling offense, violent offenses, to include but not limited to aggravated assaults, assaults & robbery, burglary, embezzlement and driving offenses. There are no exclusions for age or prior criminal record. Screening for mental health is done to ensure competency to complete the RICC program or whether more intensive services are required. All cases referred are done so at the sole discretion of the CCSA office.

The CCSA considers service providers an equal partner in its effort to make a Chittenden County a safe and vibrant community. In order to lower barriers to access services and maximize treatment options, RICC seeks to bring the "community" into the courthouse by creating embedded services that are comprehensive and immediately accessible. RICC uses the Ohio Risk Assessment System ("ORAS"). The ORAS is a validated risk assessment tool and is used to make informed, evidence-based decisions regarding eligibility and appropriateness of services.

A preliminary study done by the Vermont Center for Justice Research showed that, out of the first 674 participants in the Chittenden RICC program, only 7.4% were reconvicted of a crime after successfully completion of the program. To date RICC has seen more than 1470 clients.

In Fiscal Year 2013 (July 1, 2012 – June 30, 2013), the Chittenden RICC had 363 total intakes and 270 successful closures. Ninety-three cases were returned to the docket for reasons that included non-compliance, voluntary withdrawal, or new criminal charges. In Fiscal Year 2014, the Chittenden RICC had 315 total intakes with 218 successful closures. Sixty-six clients were returned to the Court Docket for non-compliance. Of the remaining intakes, 29 cases remain open, 1 case was dropped by the Court, and 1 case was referred to the Drug Court. The protocols for the Chittenden RICC Program are below as Attachment B.

### 3. Lamoille County RICC Program

In January 2014 the Lamoille County State's Attorney's office, together with the Lamoille Restorative Center, implemented the Lamoille Rapid Intervention for Community Change (RICC). The mission of RICC is to hold repeat offenders of non-violent offenses accountable by addressing the root cause of their criminal behavior. The primary focus of most of these cases will be treatment for substance abuse.

In Fiscal Year 2014, the Lamoille RICC completed 11 risk assessments and 9 intakes. It successfully closed 2 cases, returned 5 cases to the regular court docket, referred 3 cases to Diversion, and has 5 cases pending. The Lamoille County RICC protocols are below as Attachment C.

### 4. Rutland County RCRI Program

The Rutland State's Attorney adopted the Rutland County Rapid Intervention (RCRI) Program in February of 2014. In the eight months it has been operational, it has reviewed 71 potential clients and accepted 21 into the program. Of those, 6 have successfully completed the program, and 9 are presently in the program. Five subjects failed to successfully complete the program. The Rutland County RICC Protocols are below as Attachment D.

### 5. Windham County CRAFT Program

The Windham County State's Attorney has been developing the Community Rapid Assessment for Treatment (CRAFT) Program since February of 2014. This program is scheduled to be initiated in October of 2014. The draft protocols for the Windham County program are below as Attachment E.

## **E. Sequential Intercept Model and Next Steps**

The sequential intercept model provides a framework to organize strategies to link individuals with necessary services at intercept points in the criminal justice system. The

programs described in this report occupy the intercepts prior to arraignment, including the initial contact with police and the initial review by the prosecutor. Vermont's long term goal should be to develop a robust, statewide alternative justice infrastructure, so that at any intercept-point in the system, from initial police contact through post-judgment, the individual has access to the appropriate programming. This will lead to the most efficient and effective outcomes for the criminal justice system. In the interim, however, the short-term goal should be to continue to execute the vision laid out by Act 195: supporting Diversion, the CJNV, and the State's Attorney Rapid Intervention programs, and developing a state-wide network of case-management services and service providers available to prosecutors and to judges. This would allow prosecutors and the courts the option to divert appropriate cases out of the criminal justice system earlier in the process and would ensure better outcomes for our communities.

**ATTACHMENT A**  
**REFERRALS TO DIVERSION AND CJNV PROGRAMS IN FISCAL YEAR 2014**

<b>County</b>	<b>Programs for Law Enforcement Referrals</b>	<b>Programs for SA Pre-charge Referrals</b>	<b>Programs for SA Pre-Arrest Referrals</b>
Addison	none	None	Addison County Court Diversion Youth - 32 Adults - 32
Bennington	none	None	Bennington Center for Restorative Justice (Court Diversion) Youth - 39 Adults - 91
Caledonia	Hardwick CJC Youth -5 Adults -2  St. Johnsbury CJC Youth -7 Adults-7  Lyndonville CJC Youth-0 Adults- 6	Hardwick CJC Youth- 0 Adults -1  St. Johnsbury CJC Youth-0 Adults- 3 Adults -50- Suspended fines Lyndonville CJC Youth-0 Adults-0	Northeast Kingdom Youth Services (Caledonia Court Diversion) Youth - 21 Adults - 88
Chittenden	Burlington CJC Youth-38 Adults- 70  Essex CJC Youth-55 Adults-45  S. Burlington CJC Youth-40 Adults- 53  Williston CJC Youth- 22 Adults – 43  Winooski CJC Youth- 0 Adults- 58	Burlington CJC Youth-0 Adults- 73 (RICC)  Essex CJC Youth-2 Adults-24 (RICC)  S. Burlington CJC Youth- 0 Adults- 31 (RICC)  Williston CJC Youth – 2 Adults- 9  Winooski CJC Youth- 0 Adults- 8 (RICC)	Chittenden County Court Diversion Youth - 31 Adults -211

Essex	none	None	Northeast Kingdom Youth Services (Essex Court Diversion) Youth - 0 Adults - 5
Franklin	none	None	Franklin/Grand Isle Court Diversion Youth - 52 Adults - 76
Grand Isle	none	None	Franklin/Grand Isle Court Diversion Youth - 0 Adults - 1
Lamoille	none	Lamoille Restorative Center Programs Juvenile- 0 Adult- 8 (RIC)	Lamoille Restorative Center Programs Youth - 21 Adults - 67
Orange	Randolph CJC Youth-0 Adult -3	None	Orange County Court Diversion Youth - 20 Adults - 43
Orleans	Newport CJC Youth- 8 Adults- 0	None	Northeast Kingdom Community Action (Orleans Court Diversion) Youth - 18 Adults - 37
Rutland	Rutland CJC Youth-3 Adults- 7	Rutland CJC Youth-0 Adults-5 (RIC)	Rutland County Court Diversion Youth - 26 Adults - 110
Washington	Barre CJC Youth- 0 Adults- 1  Montpelier CJC Youth- 2 Adults- 0	Barre CJC Youth- 1 Adults- 0  Montpelier CJC Youth- 2 Adults- 3	Washington County Court Diversion Youth - 31 Adults – 122  Barre CJC Youth-12 Adults-4  Montpelier CJC Adults- 13



Windham	Brattleboro CJC Youth -5 Adult-4	Brattleboro CJC Youth - 1 Adult - 18	Youth Services (Windham Court Diversion) Youth - 33 Adults - 60
Windsor	Hartford CJC Youth- 0 Adults- 2  Springfield CJC Youth-1 2 Adults-2	Hartford CJC Youth- 2 Adults- 5  Springfield CJC Youth- 0 Adults-0	Valley Court Diversion (Windsor) Youth - 34 Adults - 121

## ATTACHMENT B: CHITTENDEN COUNTY RICC PROTOCOLS

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### STATE OF VERMONT

#### OFFICE OF THE CHITTENDEN COUNTY STATE'S ATTORNEY

##### *Utilizing Public Health Strategies to Enhance Public Safety*

As the elected prosecutor for our State's largest and busiest county, I understand the need for greater collaboration and coordination among criminal justice stakeholders, social service agencies, municipalities and state agencies. With a recidivism rate of over 40%, an increased detainee population and a Department of Corrections' budget that is the second fastest growing budget item in our State, Vermont prosecutors have been encouraged to develop creative, non-traditional solutions in our fight against crime.<sup>1</sup> Emphasis has been placed on cost effective strategies that reduce recidivism. One such strategy is the utilization of evidence-based assessment tools that "use information about individuals' criminogenic risk and behavioral health needs to promote public safety and recovery and prioritize scarce criminal justice and behavioral health resources."<sup>2</sup> As Bureau of Justice Assistance ("BJA") Director Denise O'Donnell said "We must continue to draw on the science of recidivism reduction and what works to address mental health and substance abuse disorders to ensure that the right people get the right integrated interventions at the right times."<sup>3</sup>

By utilizing assessment tools that measure risk, mental health needs and the risk of failure to appear for court, the court, prosecutor and defense attorney can make informed judgments about where a defendant should be placed during the pre-charge and pre-trial phase of a criminal proceeding.<sup>4</sup> For the pre-charge population, this model already exists in Chittenden County, the Rapid Intervention Community Court ("RICC"). With RICC, a community intervention team member screens the case, conducts a risk assessment and then refers to the appropriate

<sup>1</sup> *Vt. DOC Facts and Figures FY2012*. Vt. ranks 29<sup>th</sup> among states in the per capita costs of Corrections. (P. 13).

<sup>2</sup> *Justice Center the Council of State Governments Collaborative Approaches to Public Safety*. (Newsletter detailing march 15, 2013 conference.)

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* Highlighting New York City Model.

community based accountability program in lieu of prosecution. This fall, with funding from Chittenden County's program, both Addison and Franklin County are scheduled to implement their own version of RICC.

For the post-charge, pre-trial detainee population, a community intervention team member can conduct the assessment prior to the arraignment (in holding cell or jail prior to arraignment) and relay the information to the prosecutor, defense attorney and the court.<sup>5</sup> The community intervention team member will also provide the court with the most appropriate community based program in lieu of pre-trial detention.<sup>6</sup> The court may order the defendant, through conditions of release, to follow the results of the assessment. The team member will also act as a compliance officer during the pre-trial phase. This health centered approach will create the de facto pre-trial services division for DOC. It will also lower the detainee population, organize and invest in community based accountability programs and save taxpayer money.

By relying on science, we will enhance information sharing, divert more cases and inform practitioners of best practices rather than rely on arbitrary practices throughout the state. It will also educate criminal justice stakeholders as to some of the factors that influence criminal behavior. Through collaboration and greater communication, we can begin to build consensus that public safety and accountability can be enhanced by addressing the root causes of low level criminal behavior by building and coordinating the treatment infrastructure in our communities. By addressing issues such as poverty, housing, education, employment, addiction, mental illness and insurance coverage, we can begin to build real solutions.<sup>7</sup> Solutions that allow criminal justice stakeholders to utilize their scarce resources to vigorously prosecute those that truly pose a threat to our public safety while assuring efficient access to treatment and services to those that need it. This is 21 century law enforcement at its finest. This is an innovative approach that will save money and enhance public safety,

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<sup>5</sup> While the detainee population has increased, the average detention is less than a week. This leads to the conclusion that this population can be served more effectively in the community. *Vt. COC Facts & Figures FY2012* (p.30, 32).

<sup>6</sup> The community intervention team concept is being utilized in NY with the mentally ill population pursuant to Kendra's Law. It provides intensive monitoring by caseworkers who ensure patients attend therapy and take medication. "Program Compelling Outpatient Treatment for Mental Illness is Working, Study Says." NY Times, July 30, 2013.

<sup>7</sup> 74.6% of women incarcerated in Vt. receive mental health services while 40.7% male inmates do. *Id.* at 150. The Affordable Care Act expanded Medicaid coverage with early intervention and treatment of mental illness and substance abuse now considered essential health benefits. The Sentencing Project "The Affordable Care Act," Susan Phillips, Ph.D 9/20/12.

## I. MISSION STATEMENT

The mission of the Rapid Intervention Community Court, "RICC", is to hold individuals accountable by addressing the root cause of their criminal behavior.

## II. GOALS

The goals of RICC are: 1) enhance public safety by utilizing public health strategies; 2) lower-barriers to services and treatment; 3) tailor services to risk responsibility principles; 4) save taxpayer money.

### PROGRAM DESCRIPTION

A: Eligibility, RICC is designed primarily for the repeat offender;

However, eligibility of other participants is at the discretion of the State's Attorney. Offenses that qualify for referral to RICC are, but not limited to, the following:

- 1) Disorderly Conduct
- 2) Retail Theft (misdemeanor)
- 3) Unlawful Trespass (misdemeanor)
- 4) Possession of Marijuana/Cocaine/Heroin/Narcotics (misdemeanor)
- 5) Larceny (misdemeanor)
- 6) Fraud(s) (at the discretion of the community coordinator)

The citing LEO (Law Enforcement Officer) may direct the accused to contact RICC within 72 hours of the incident. Absent LEO referral, the community coordinator will peruse the relevant law enforcement databases to select eligible participants for possible acceptance.

**B:** Initial intake. All relevant biographical, contact, employment, family and housing information will be gathered. The Ohio Risk Assessment System (ORAS) will be administered to all potential participants. GRAS is an evidence based risk/needs tool utilized by the coordinator(s) to make better informed decisions regarding program acceptance and treatment. The topics include:

- Criminal History
- Education/Employment/Financial
- Family and social support
- Neighborhood problems
- Substance use
- Peer associations
- Criminal attitudes and behavioral problems

**C:** Program Expectations. All participants will be expected to substantially complete all proposed treatment plans within 90 days. Plans are designed to minimize consequences associated with criminal behavior.

**D:** Right to Decline. RICC coordinator and prosecutor reserve the right to decline enrollment in the program for any potential participant.

**E:** Participant Contract: Participants will sign an agreement which clearly states that participation is voluntary; that they agree to follow the recommended treatment plan; that failure to follow the agreed upon plan may result in the case being returned to Court for resumed prosecution.

**F:** Release of Confidential Information: Will be signed by participant so RICC staff may monitor and verify attendance and compliance.

**G:** Community Referrals: Service providers are considered an equal partner in our efforts to provide safe and vibrant communities. Participants may be referred to, but not limited to, the following treatment providers and partners:

- Local Community Justice Centers
- Spectrum Youth Services

- Howard Center
- Turning Point Center
- Mercy Connections
- Lund Family Services
- Vermont Works for Women
- Private substance abuse counselors.

H: Compliance/non-compliance: Compliance checks with agreed upon treatment will take place in 30-60-90 day intervals both with participants and service providers. Substantial compliance at the end of the 90 day contract period will result in the charge not being filed.

Noncompliance with agreed upon treatment will result in case being returned for resumed prosecution. Continued participation should new charge(s) arise will be at the discretion of the prosecutor and the community coordinator.

I: Data collection and reporting: Cases screened by RICC will be documented in the RICC database and will also use the Prosecutor's Frame in the Valcour Records Management System (where available). Failures and successful completions will be tracked by the State Attorney's office. RICC will report on an annual basis to Department of Corrections

J: Outcomes: Data collected from participants will be used in outcome evaluations. The recidivism rate of participants will be the key component of any study conducted.

**ATTACHMENT C: LAMOILLE RICC PROTOCOLS**  
**Lamoille Rapid Intervention for Community Change**

**RICC**

The Lamoille County State’s Attorney’s office, together with the Lamoille County Court Diversion Restorative Justice Programs, announce implementation of a new program, “Rapid Intervention for Community Change”, or “RICC”. The mission of RICC is to hold repeat offenders of non-violent offenses accountable by addressing the root causes of their criminal behavior. The primary focus of most of these cases will be treatment of substance abuse and mental health. Offenses that qualify for referral to RICC include, but not limited to, the following:

Pre and post charge

- Disorderly conduct
- Retail theft (misdemeanor)
- Unlawful trespass (misdemeanor)
- Possess of marijuana/cocaine/heroin/narcotics (misdemeanor)
- Larceny (misdemeanor)
- Fraud(s)
- VOPs

Post charge

- Low-test poly substance DUI

***Post-charge*** participants will be required to attend their arraignment and first status conference as scheduled. *If there is substantial program compliance the State's Attorney will reduce the charge as agreed.*

***Pre-charge*** participants will be cited into court 90 days from the date of referral. *At the end of the of the full 180 day period, if there is substantial compliance the State's Attorney will forgo filing the charge.*

**Referral and Program Acceptance**

The Lamoille County State's Attorney has the discretion to refer to RICC. LCCDRJP has the right to refuse any referral. RICC is a voluntary process, participants may decline the referral or choose to leave the program at any time. All cases will be initially referred for assessment.

- The State's Attorney will send a *notice of intent to refer for assessment* to LCCDRJP.
- When the State's Attorney and LCCDRJP agree that the case will move to the RICC program, and the referral has expressed a willingness to engage in the program, the State's Attorney will send a *notice of intent to refer* to LCCDRJP. The referral form will be signed by the State's Attorney, LCCDRJP, and the participant.

- When the case is accepted into program, LCCDRJP will notify the State's Attorney in writing. When the referral is made post-arraignment, LCCDRJP will also notify the Court in writing.
- The State's Attorney and, when appropriate, the Court, will receive notification in writing when a referral declines to participate or when they are no longer compliant within the program.

### **Communication**

LCCDRJP and Lamoille County State's Attorney

- LCCDRJP will send assessment results, notices of acceptance, return and completion to the Lamoille County State's Attorney.

LCCDRJP and Lamoille County Superior Court

- LCCDRJP will send all notices of return, acceptance and completion to the Lamoille County Superior Court in all post-charge RICC cases.

LCCDRJP, Victims, and Lamoille County Victim's Advocate

- LCCDRJP will review all cases to determine if a victim/victims or the community was harmed. LCCDRJP will contact the Victim's Advocate in cases where there is a victim.
- LCCDRJP will contact victims by phone and in writing. LCCDRJP will offer opportunities for the victim to have a say in how the harm is repaired at whatever level they are comfortable with.
- LCCDRJP will send all notices of completion and return to the Victim's Advocate. When a case is returned, information on what steps the participants took to repair the harm and what is left to complete will be shared with the Victim's Advocate.

### **Assessment**

All relevant biographical, contact, employment, family and housing information will be gathered. The Ohio Risk Assessment System (ORAS) will be administered to all potential participants. Participants age 22 and under may be screened with the Youth Assessment Screening Instrument (YASI) at the discretion of the Coordinator. Both instruments are evidence-based risk/needs tools utilized to make better informed decisions regarding program acceptance, treatment and risk reduction. Screening domains include:

1. Criminal history
2. Education
3. Employment & financial
4. Neighbor or peer problems
5. Substance use
6. Criminal attitudes, mental health and behavioral problems



Collateral Information Gathering: Collateral information is important is essential in ensuring that the person has reported accurately and provides opportunities for other to express their concerns and opinions. The program requests permission and gains signed releases to communicate with victims, medical providers, mental health providers, family members, household members, law enforcement, defense attorneys and other supportive service providers.

***Risk levels of low, low/moderate and moderate are appropriate for RICC.***

### **RICC Participant Agreements**

***RICC participant agreements are designed to:***

1. minimize the consequences associated with criminal behavior;
2. encourage engagement in alcohol/drug treatment;
3. work towards repairing harm done to victims/community; and
4. reduce the potential for re-offense.

Intake and Contract Development: Once the participant is referred they to meet with Coordinator to develop an agreement. Participants review and agree to the following:

- The program is voluntary
- They agree to follow the treatment plan
- Signed releases must remain intact during program participation to remain in compliance with the program
- Failure to follow the plan or a new crime may result in resumed prosecution
- Information shared with the Coordinator and LCCDRJP agency staff and volunteers is confidential and may not be shared with other or be used against the participant in criminal court proceedings.

### ***The first 90-days***

RICC contracts are comprised of referrals to treatment providers to address substance abuse, mental health and other supportive services. Contracts encourage participants to engage in treatment, reduce their criminogenic risk and repair harm, to the degree possible, done to their victim(s).

### **Referrals to Treatment Providers**

- Copley Hospital's Behavioral Health & Wellness Center
- Restorative Panel at LCCDRJP
- Central VT Addictions Medicine
- North Central VT Recovery Center

- Lamoille County Mental Health
- The Howard Center
- Treatment Associates
- State-credentialed alcohol and drug counselors as appropriate

#### Other program supports

- Supportive community referrals
- Assistance in applying for health insurance
- Assistance in obtaining a medical or dental home

***Within the first 90 days, participants must demonstrate substantial engagement in treatment.***

#### ***The final 90-days of the RICC program encourages***

- aftercare and follow up treatment,
- a period of stabilization, and
- working with a restorative panel to repair harm.

**If, following the full 180 days, the participant has substantially complied with the program requirements the charge (or potential charge) is resolved as offered by the State's Attorney as agreed.**

#### **Compliance Monitoring**

- The Coordinator will contact treatment providers at least every other week.
- The Coordinator will support the work of the restorative panel.
- All participants who enter in-patient treatment will meet with the Coordinator upon discharge.
- Continued participation should new charges arise will be at the discretion of the Prosecutor and Coordinator.

#### **Data Collection and Reporting**

RICC participant files will be kept for a period of two years as of completions.

The following data will be maintained on all program participants:

Name, gender, date of assessment, date of intake, charge, post-charge/pre-charge referral, drugs, alcohol, mental health, risk level, no. of inpatient days, referred to, reason for return and date of successful completions.

*All data collected , excluding identifiable information, will be available for use in local and statewide outcome evaluations or studies.*

For more information: Becky Penberthy  
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(802) 888-0657

## **ATTACHMENT D: RUTLAND RCRI PROTOCOLS**

### **(Draft) Rutland County Rapid Intervention**

#### **Policies and Procedures**

##### **Abstract**

The Rutland County Rapid Intervention Program (RCRI) is a voluntary alternative program to the traditional criminal justice process. Research as shown that programs of this nature can have a positive outcome for offenders with alcohol, substance abuse, mental health or co-occurring disorders.

The pre-trial nature of the program is voluntary option which provides alternative criminal case processing for a defendant charged with a minor non-violent misdemeanor crime. Ideally, upon successful completion of the individualized program plan, the pending criminal charge will result in the dismissal or the charge not being filed and discarded.

##### **Program Definition**

Rutland County Rapid Intervention has established criteria to determine which offenders are eligible to participate in the intervention program. The program criteria have been determined to only include repeat criminal offenders who have committed a non-violent misdemeanor crime.

The program completion is based upon offenders substantially completing the individualized program requirements.

Program eligibility for offenders is based upon prior criminal history, current misdemeanor charges, history of substance abuse, present or previous mental health history, and in some cases victim and police approval.

The program does require a supervision component coupled with a compliance aspect. Supervision may be based upon the availability of social and health related services which may include counseling and drug treatment, both outpatient and residential.

The program is human service based and attempts to provide offenders with education and reflection components focused on their criminal actions. Most program clients will be referred to various community resources in an attempt to assist the client with altering criminal behaviors and criminal thought processes.

The program diverts those offenders away from the traditional criminal courts and sentencing guidelines to allow for program staff to uncover and address the root causes of criminal behaviors. Those behaviors and root causes are then addressed theoretically, making it less likely that he or she will reoffend.

### Program Goals

The goal of Rutland County Rapid Intervention is to reduce crime and rates of recidivism by addressing the underlying factors that lead to individualized criminal behavior. Rutland County Rapid Intervention targets those non-violent offenders and aims to help address the underlying factors such as mental illness or substance abuse which may drive criminal behaviors.

Therefore, the program goals look to address those individual offenders who are better served through community programs that address health concerns and accountability through community restitution rather than through criminal sanctions.

Research has shown that most positive outcomes occur when offenders are matched with program providers that understand the offender's risks and needs.

### Program components

RCRI has several program components. The Ohio Risk Assessment System is presently used to screen possible program clients who have met some or most of the criteria of the program. The risk assessment coupled with other factors is used to determine whether offenders are eligible for the program.

The screening allows for the coordinator and program therapist to determine the needs and risks of the individual offender to help change behavioral patterns that contribute to recidivism.

Both supervision and compliance components will apply to all services and treatment of program offenders. The offenders also have a restitution and /or community service portion for accountability purposes. Individual offenders may also have counseling or a recovery coaching component, depending on the needs and risk of the individual offenders in the program.

### Program Framework

The Rutland County Rapid Intervention Program is a short term (approximate 90 day) program geared to address rates of recidivism within Rutland County. The

program through various tools, services and partners look to change the behaviors of individuals that area repeat minor misdemeanor offenders.

The program is modeled after a successful program implemented in Chittenden County. However, it should be noted the program in Rutland County looks to address a different segment of society than those of Chittenden County.

Rutland County will look to impact those offenders who are moderate to high risk needs. It is suspected that as a result of the differing clientele, the rates of recidivism for Rutland County will not match that of Chittenden County.

Intake Process: The pool for possible clients for the Rapid Intervention Program can be obtained through a variety of possible ways.

- Any police officer in Rutland County that has made a Misdemeanor arrest for a repeat offender can suggest to the offender that a program exists that could remove the present charge, upon completion. The arresting officer then can contact the coordinator and alert him/her to the possible candidate for the Intervention Program.
- Any offender that has been cited into court and has an upcoming arraignment date has the ability through their Public Defender to be recommended to the program.
- If on the day of the arraignment, the coordinator speaks to a possible client, the coordinator through the both the Public Defender and the Prosecutor agreement can immediately recite the possible client for approximate 90 days out for a new arraignment. This new citation date provides the coordinator the ability to have the possible client screened, accepted and well on the way to complete the program prior to the new arraignment date, at which time the Rutland County State's Attorney will do away with the criminal case.
- Once the new citation has been issued for the approximate 90 day period, the coordinator will immediately provide the Court Clerk with the original copy of the new citation, at which point the court clerk will remove the subject from the list of arraignments for that day.
- The arraignment is now scheduled for the later date (approximate 90 days) or until the Rapid Intervention Program is completed within the approximate 90 day time frame.
- **In the event subject fails to complete the program the subject will be required to attend the arraignment date in Criminal Court. The arraignment is approximately 90 days from the original arrest citation date. If appropriate the coordinator will make a referral to Kim**

**Owens, the Rutland County Treatment Court Administrator, for the client to be referred to Treatment Court at the arraignment date. The client may not be appropriate for the RCRI but will be part of a continuum of care which will allow for the seamless transition into Rutland County Treatment Court.**

- The Coordinator can also preemptive peruse any forthcoming criminal case headed to the Rutland County State's Attorney and advise the SA the following individual is a candidate for the program. The coordinator will make a copy of the entire criminal case, to keep in the program file so future questioning concerning the criminal charge can be addressed by the coordinator.
- **Any and all preexisting criminal cases that have already been arraigned will not be eligible for the Rutland County Rapid Intervention. There will be no bundling of multiple charges already arraigned and brought in RCRI.** In those situations the court will not continue or delay the judicial process because of Rapid Intervention. These cases will be resolved through the normal functions and process of the judicial process and between the prosecutor's office and defense counsel.

Contact with Perspective Clients: The coordinator is responsible for making initial contact with the perspective clients for Rapid Intervention.

- On the arrest custody sheet for any perspective client there is biographical information as well and present address and phone numbers. Historically, phone numbers have not worked or subjects have refused to answer or return calls.
- It may seem reasonable to try and locate each individual perspective client. However, it should be noted, that many perspective clients live in areas that are less desirable and therefore, any agent of the program should use caution when trying to make face to face contact.

Initial Screening: The initial perusal of the case should take place prior to contact being made with the perspective client.

- The perusal of the case must be a joint effort with the State's Attorney. The initial phase of perusal is the present charge of the subject. The charge must be one of the following charges: **Disorderly Conduct, Retail Theft, Bad Check cases, False Pretense cases, Fraudulent use of a Credit Card, Unlawful Trespass, Unlawful Mischief, misdemeanor**

**possessions charge for Marijuana, Cocaine Heroin, or any other misdemeanor possession charge for narcotics, Petit Larceny.**

- The RCRI program agent should read the affidavit and with consultation with the prosecutor determine if the criminal case has merit.
- The agent should then look closely at the criminal history of the perspective client. The criminal history should have a running tally of charges and convictions for the subject. The initial perusal process is important because there will be times when the arresting officer or other law enforcement personnel may object to the inclusion of one subject or another into the program. Since LEO is an integral part of the program's success it is important the program agent include the arresting officer or his/her supervisor to inquire as to the readiness or ability of the subject to be given a chance at the program.
- Once a determination is made on the perusal the perspective client is then contacted and informed about the program. As with most cases, a face to face meeting will result in greater participation, however, most subjects will want information via the telephone prior to meeting.
- One the meeting is set up. The coordinator or agent will then give the perspective client an ORAS (Ohio Risk Based Assessment System) Self Survey.
- The self survey consists of 26 questions on matters concerning education, employment, residential stability, finances, family and social support, peers, truth, and criminal attitudes. These are general questions, but the input from the perspective client has greater insight and they tend to give truthful answers on self survey.

ORAS Screening Tool: This tool is the primary measuring tool for the assessment of the risk and needs of your perspective client. The tool may take up to 2 hours to complete. It is an interview based tool in which there are seven (7) modules that will be assessed. Those models are 1-Criminal History, 2-Education, Employment, Financial Situation, 3-Family and Social Support, 4-Nieghborhood Problems, 5-Substance Use, 6-Peer Associations, 7-Criminal Attitudes and Behavioral Patterns.

The tool scores are divided up among gender. The scores range for females are from low risk, low/moderate risk, moderate risk and high risk. For males the scores range from low, moderate, high and very high risks.



- The scores are not the end all for the program but are an important element in deciding whether any individual is appropriate for the program. It is also an important factor to decide what issues pose the greatest challenge and problems for the clients. The scores allow for prioritizing levels of needs within the seven modules as well as alerting the agent to the level of supervision that the client may require.
- When conducting the ORAS there are certain responses that may illicit a follow up question. Do not hesitate to delve further into a question that may pose a heightened risk for the client. Based on some of the client's answers, the responses may override the score of the ORAS itself.

Additional Information: In the case packet that the coordinator or agent had copied from the SA, it should contain a variety of information that will be helpful the agent/coordinator.

- The SA disclosure form will contain the arresting officer's information as well as the case number and interested parties involved; specifically it will contain the name and address of the victim, should there be one.
- The Vermont Arrest Custody Report will provide the name, DOB, and address of the offender. It will also provide a telephone number as well as any scars, marks or tattoo used for identification purposes.
- The Citation will be in the packet, although the ideal situation is to have plenty of time to make contact with perspective clients, realistically the agent may not have the time, therefore the agent will be required to attend arraignments for some perspective clients. Knowing this in advance, will allow the agent to meet with the Public Defender or lawyer and the SA prior to arraignment to acknowledge that a perspective client is to be arraigned. **Under no circumstances does the agent make contact with the client at criminal court prior to the client meeting with his or her legal representation before arraignment.**
- The affidavit of probable cause, this will be important to have to verify facts and circumstances of the criminal incident while talking with the client. Clients will and do often minimize responsibilities and accountability. This could be an area of concern for the agent during compliance phase of the program.
- NCIC criminal history, this is very important as it will provide you with a historical aspect to your client. It will provide you with the total amount of charges misdemeanor and felony as well as the convictions. It will also

provide you with the failures of appear in court/conditions of release, as well as the violations of probation and if there is any parole charges.

- The last important piece of information on your client will be family members and or spouses. It is imperative for the client's success that a support network be created. Many times the clients will have no support network and it will be up to the agent to construct a network of support. Fortunately there are several agencies in the Rutland County area that have the ability to provide support and services to help the client maintain compliance and sobriety.

Program Therapist: It should be the practice of all agents to make sure that all incoming clients meet with the program therapist. The therapist can create an overall picture of your client as well as an understanding of the client's needs.

- The Therapist will be available on Tuesdays for therapeutic screening. This screening will differ from the ORAS as the therapist will be looking for issues specifically elated to substance abuse and or mental health. The therapist is the professional voice for any therapeutic needs and requirements of your clients. The therapist will have the ability and contacts to assist the agent in structuring services vital to the client's success within the program.
- The agent should follow the recommendations of the therapist concerning the professional services required for the client. We all should remember the therapist will be addressing those triggers that activate recidivism and actions related to criminal behaviors.
- It is also imperative that the therapist and the agent develop and maintain a close working relationship based upon the needs and risks of the clients. This will require that dialogue between the therapist and the agent be continuous in nature.
- There could be times when the therapist recommends a residential treatment plan for a client. This residential plan will be incorporated and made a part of the contract and obligation of the client. Any client refusing the recommendation of the therapist must discuss the refusal with the therapist and the agent together.
- After the completion of the therapeutic interview by the Therapist a program plan will be set in place and made a part of the contract with the client.

Criminal Accountability: Since all clients are referred to the program pre-charge there must be an aspect of accountability for criminal behaviors. While the goal of the program is to address those underlying factors that create a criminal

behavior every RCRI client must be held accountable for their actions within the community. Rutland County Rapid Intervention program will utilize community justice reparative boards located within the county. RCRI will maintain a working relationship such that all information required of clients by outside boards can be utilized and made a part of the program file. All data collected by assisting community justice reparative boards will be made a part of the RCRI program file. This information will be used for data collection and analysis.

- **Rutland County Rapid Intervention may utilize any and all methods and programs available county wide in an attempt to address accountability for program members.** What follows is a working list of those community justice centers and programs that will be collaborative partners with RCRI. This is a working list and will be subject to periodic updates as programs change and new programs are added.

Rutland United Neighborhoods (RUN) Community Justice Center for the reparative/community justice boards.

- RCRI will facilitate the exchange of paperwork and information to the RUN representatives so that there is a clear understanding of the circumstances for each individual RCRI client.
- All clients capable of meeting with the RUN representative will be required to do so. The RUN representatives will then create an accountability program for each individual client from RCRI. The information gathered by the RUN representatives will be made a part of the RCRI file.
- The RUN representative will conduct an initial intake of each RCRI client prior to the client meeting with the board. This in-take process is consistent with and a normal part of all people utilizing RUN services.
- RCRI clients will meet with RUN representatives on no less than three occasions. The initial intake process, the RUN panel meeting and the exit panel interview.
- All information garnered during this time will be made an apart of the RCRI file and utilized in discussion with the State's Attorney prior to the cancelation of the Clients criminal charge(s).
- Any RCRI client found unable to complete the RUN process will be investigated by the RCRI agent to determine the cause for the failure of the RCRI client. This investigation may consist of the personal interview with the RCRI client as well as discussions with RUN representatives.

Service Rendered Inc. Formerly known as Straight Talk Vermont, is a non-profit organization that works with high risk youth from the ages of 14 through 25 years of age. They are located in many counties within the state and may be utilized by the RCRI as a possible resource.

- Any client from RCRI that is directed to Services Rendered Inc. must be discussed with the client prior to the assignment.
- Services rendered must also provide written documentation of the work Completed and any meeting notes created by the organization for record Purposes and verification by RCRI.

### Rutland County Court Diversion and Restorative Justice Center Inc.

Court Diversion programs offer offenders various programs that emphasis intervention in accountability, restoration, prevention and community safety.

- Court Diversion DLS program, run by RCCD, helps to get those RCRI clients clarity on requirements necessary for the obtaining a valid driver's license. They also will facilitate possible means of completing those requirements.
- Youth Substance Abuse Program, a program for those people aged 16 through 20 found to be in possession or having consumed alcoholic beverages or marijuana.

Nature leadership Center for Restorative Justice: This program will be offered as an option to those RCRI clients that might benefit from a positive approach to reducing conflict and making better decisions, thereby reducing the chance of recidivism. This program will have several keys objectives and outcomes.

- The program looks to teach the skill set will help clients understand and develop methods to assist in managing the daily stresses in life.
- Clients will learn key skills and demonstrate those skills by displaying respect and compassion in life.
- Clients will become effective self leaders to control their own lives.
- Clients will be taught how to respond to and effectively deal with situations for positive outcomes.
- Clients will develop an action plan through service learning to empower their own lives towards wellbeing.

RCRI Contracts All accountability programs will include a contract for RCRI clients. The clients must complete a majority of the contracted obligations in order to complete the RCRI program. The contract will vary depending upon which accountability program the client is a part of.

## ATTACHMENT E: WINDHAM COUNTY CRAFT PROTOCOLS

Revised draft 8/26/14

### Windham County — CRAFT Program

(Community Rapid Assessment for Treatment Program)

Mission: hold repeat offenders of non-violent offenses accountable by addressing the root cause of their behavior — treat substance abuse.

#### Goals:

- 1) Enhance public safety by utilizing public health strategies
- 2) provide rapid access to treatment
- 3) create an individualized response according to risk and needs assessments
- 4) repair harm to victims
- 5) save taxpayer money

#### Program

##### *Eligibility:*

- repeat offender
- non-violent charges
- misdemeanor level:  
disorderly conduct, retail theft, unlawful trespass, possession of drugs, larceny and frauds

##### *Referral sources:*

- law enforcement officers
- compliance monitor
- state's attorney's office
- probation & parole and restorative justice panels (people on probation or on direct referral to reparative board who would have been appropriate for program if it existed sooner)
- all referrals will be reviewed by the state's attorney or designee to determine if probable cause exists

### *Intake:*

- Compliance monitor will collect all relevant biographical, contact, employment, family and housing information.
- compliance monitor will inquire: who else are you already working with?
- Ohio Risk Assessment System or other screening instrument(s) will be administered to participant.
- if appropriate, participant can do YASI
- participant must agree to the program—only voluntary participation.
- participant must agree that s/he is guilty of the charge(s) -?? (if so, what immunity will be given to the participant if s/he fails the program)
- participant receives a new citation from the monitor which ensures future court appearance in case unsuccessful in program.
- Insurance discussion. Compliance monitor to assist the participant in navigating forms/enrollment/etc. for Medicaid and other insurance. Also will explain sliding scale at HCRS if there is no insurance. (Joan Bowman, BMH, does a training)
- complete self-sufficiency matrix
- brief "pre-screen" or other mental health screening assessment — then, can refer to HCRS for full mental health screening if necessary with clinical case mgr., Jenny Wood HCRS

*Program duration:* approximately 120 days

### *Program partners:*

1. Youth Services
2. Restorative Justice
  - Brattleboro community justice
  - Bellows Falls community justice
3. Private treatment providers
4. The Retreat
  - Birches
  - Starting Now
  - Can we encourage "partial program"
5. DOC Compliance monitor
6. WCSO – electronic monitoring
7. HCRS –screenings on IDV day at court/ORAS
8. HCRS for crisis services
9. SVECA for housing assistance & Morningside
10. Medicaid for transportation assistance
11. CHS for education
12. Department of Children & Families
13. Veteran services (Michael Owens, White River Jct.)

### *Treatment plan*

- after risk assessment and intake completed, compliance monitor works with partners to develop a treatment plan for participant (within 10 days of intake)
- Participant meets with compliance monitor and signs a contract — terms are to follow recommended treatment plan.

### *Community Partners Meetings*

- at least for the first six months of the program, monthly meetings with representative community partners
- thereafter, to be determined

### *Results:*

-Successful outcome for the program: completes the contract; criminal charges held for 12 month period after that. If no further criminal activity (in any county?), then no charge will be filed. If there is further criminal charge within the 12 months, then criminal charge will still be filed despite completion of the contract.

- failure to complete the contract: criminal charges filed

### *Outcomes*