

VERMONT SUPERIOR COURT

Brian J. Grearson
Chief Superior Judge

VERMONT SUPREME COURT
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Office of the Chief Superior Judge
MEMORANDUM

TO: Chair, Joint Justice Oversight Committee
FROM: Brian J. Grearson, Chief Superior Judge
DATE: September 30, 2020
RE: Rutland Treatment Docket Update

Pursuant to Sec. E.204 of the 2019 Big Bill, so-called, a Task Force consisting of Attorney General T.J. Donovan, Defender General Matthew Valerio, Executive Director of the State's Attorneys and Sheriff's Association John Campbell, Judge John Pacht, Judge Cortland Corsones, State Drug Court Coordinator Kim Owens, and Chief Superior Judge Brian Grearson met to review the status of the Rutland Treatment Docket. A subsequent meeting included Rutland State's Attorney Rose Kennedy and Rutland Public Defender Mary Kay Lanthier. In addition, Chief Superior Judge Grearson also communicated with Joe Kraus, Director of Project Vision, for input regarding community support for the Rutland Treatment Docket.

Members of the Task Force and the representative from Project Vision, recognize the importance of the Rutland Treatment Docket to the community and the need to support its continuation. A brief history of the docket is important to understand its present status. Almost from its inception in 2004, former Judge Frank McCaffrey presided over the court until his passing in October 2018, when Superior Judge Cortland Corsones was assigned to the court. Judge Corsones, like Judge McCaffrey before him, was not assigned to the Criminal Division while presiding over the treatment docket. With the change in the Superior Judge rotation schedule in September of this year, Judge John Pacht has been assigned to the Rutland Criminal Division two days a week which includes the assignment to the Treatment Docket. Judge Pacht brings to this assignment extensive experience and training with treatment courts. He previously presided over the Washington Treatment Docket for two years and is also currently assigned to the Chittenden Adult Treatment Docket as well as the Mental Health Treatment Docket. His assignment to both the Rutland Treatment Docket and to the Criminal Division will allow him to better identify cases that are eligible and appropriate for referral to the Treatment Docket which is important to the revitalization of this docket.

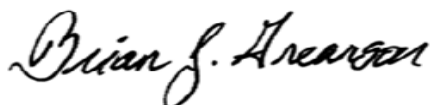
The members of the Task Force recognize one of the obstacles to expanding the number of participants appears to be the question of eligibility, both from a clinical stand point as well as a consideration of criminogenic factors. To that end the Vermont Judiciary has asked the Center for Court Innovation (CCI) to

assist in this effort by facilitating the documentation of policies and procedures in alignment with the NADCP best practice standards. The Vermont Judiciary and (CCI) are partners on two initiatives to support the Rutland Adult Treatment Docket (RCTC) program. The first is to facilitate agreement of eligibility and other policies between the States Attorney (SA) and Public Defender Office Supervisor (PDOS) for the RCTC program. The second is to provide training in team building and role responsibilities. Both Attorney Lanthier and State's Attorney Kennedy have agreed to work with the Center for Court Innovation consistent with the foregoing initiatives.

Since the legislation calling for the creation of the Task Force came into effect the Rutland Treatment Docket had been able to maintain a consistent average of 16 participants per month until recently. That reduction resulted from a combination of those terminated due to lack of success, and more importantly, through the graduation of successful participants. In addition, the participants in the Rutland Treatment Docket, like those in treatment dockets statewide, and the general population suffering from Opioid Use Disorder, have been impacted by the Covid pandemic. This impact is evidenced by a significant increase in overdose deaths in the general population and an increase in use by treatment court participants since the onset of the pandemic. In the case of treatment court participants the increased use can be attributed, in part, to decreased personal contact by substance abuse providers and because of the increase in remote court hearings, the lack of personal contact with the treatment court teams. Finally, the pandemic has had an impact not only on current participants in the Rutland Treatment Docket, but also on the referral of potential new participants. Other factors reducing the incentive to participate in an intensive treatment program may be the increased backlog of criminal cases and the temporary suspension of jury trials due to the pandemic. With the belief that the Covid pandemic will continue to have a disproportionate impact on this population, we would encourage the legislature to refrain from taking any action to further diminish the efficacy of the treatment docket and allow the Task Force to continue its efforts to increase the level of participation in the Rutland Treatment Docket.

The Task Force believes that the combination of the work of the treatment team through the term of the CCI grant, the consistency provided by the assigned judge over that same time frame, and a return to full hearing schedules, together will provide the elements necessary to increase the number of participants in the Rutland Treatment Docket to levels comparable with other treatment dockets in Vermont.

Respectfully submitted,



Brian J. Grearson

Chief Superior Judge

