

YOLO COUNTY ADDICTION INTERVENTION COURT (AIC)

Guidelines

Purpose

This is a court-based treatment and monitoring system for up to 30 adult offenders whose offense was committed in large part to identified substance abuse or addiction. The program will combine the services and support of multiple county agencies with the court process. It will be referred to as Addiction Intervention Court (AIC).

Goals and Objectives

1. Accurately assess both the level of need and risk of recidivism for each participant to address and aid participants with reintegrating into society and overcoming substance abuse or addiction.
2. Increase and ensure participation in an appropriate recovery program.
3. Provide intensive supervision to participants in order to reduce arrests during their involvement in AIC, and after completion of the program.

Program Outline

Yolo County's AIC will have a number of discrete elements based on best practice models identified by the National Association of Drug Court Professionals and other California drug court models. These best practices include collaboration between all AIC group members with a focus on accurate assessment and treatment to reduce criminogenic factors and needs under intensive supervision and consistent review. Below is the general outline for the program.

1. Structure of AIC Team:

Team members include:

- Designated AIC Judge
- Designated AIC Deputy District Attorneys
- Designated AIC Deputy Public Defenders and/or Conflict Attorneys
- Designated AIC Probation Officers/Program Coordinator

- Designated AIC Clinician and Behavioral Health Case Manager under the auspices of Yolo County Health and Human Services Agency (HHSa)

The responsibilities of Team members are as follows:

Team Member	Responsibilities
AIC Judge	Presides over staffing and court proceedings and monitors appropriate application of rewards and sanctions
AIC Deputy District Attorneys	Work with Team members to develop recommendations for the Court
AIC Deputy Public Defenders, Yolo County Conflict Attorneys, and any designated criminal defense attorneys	Represent and advise clients, and work with Team members to develop recommendations for the Court
AIC Probation Officer/Program Coordinator	<p>Assesses referrals for eligibility and suitability</p> <p>Connects participants with appropriate treatment; monitors participants' progress and reports to AIC Team</p> <p>Schedules pre-court conferences; documents and inputs tracking data</p> <p>Develops monitoring recommendations for rewards and sanctions</p> <p>Tracks and inputs performance outcomes for participants</p>
HHSa Clinician	<p>Conducts co-occurring disorder assessments on all referrals and makes recommendations regarding suitability for AIC, as well as level of co-occurring care</p> <p>Completes assessment process in coordination with AIC Probation Officer</p>

The AIC Team will meet for a pre-court conference, and for court, on a bi-monthly basis. Though not a member of the Team unless all Team members agree, any attorney representing a client in AIC, and any community-based treatment provider with a client in AIC, may attend pre-court conferences and Team meetings.

If a participant is taken into custody on a warrant, the case will be heard on the next-scheduled Tuesday at 3:00 p.m., whether or not that is a regularly-scheduled AIC hearing date. The probation officer will advise the Team members of the participant's custody status and the requested hearing date. Attorneys for the defendant and an AIC Deputy District Attorney will attempt to be present in court.

To the greatest degree possible, participating partners agree to share decision-making responsibility and authority for all decisions regarding treatment of individual AIC participants.

2. Target Population:

The target population for this proposal will be individuals who are determined by the Addiction Intervention Court Team as meeting the following criteria:

- The defendant is a Yolo County resident.
- The defendant has been convicted of one or more felonies. Misdemeanants may be considered for participation based upon available AIC capacity and agreement of each participating partner. At all times, participation priority will be given to higher risk/need participants.
- The defendant has been placed on probation, sentenced to county prison, or found in violation of probation/mandatory supervision.
- The primary motivating factor in the defendant's criminal activity is substance abuse.
- The defendant expresses the willingness and ability to give informed and voluntary consent to participate in AIC related services and activities. This includes agreeing to all of the terms and conditions outlined in the AIC contract, which contains a release of information.
- The defendant desires to be in AIC because he or she wants the help and support of the AIC Team, not because he or she has any expectation of leniency.
- The defendant is willing to enter an *Arbuckle* waiver.
- The defendant is deemed to be a suitable candidate for AIC by unanimous agreement of the AIC Team.
- Participation in AIC is also dependent upon the following logistical factors:

- A suitable treatment plan must be realistic and achievable during the time remaining on supervision
- There are available funding and/or resources to provide appropriate treatment and supervision
- There is available AIC program capacity

Deferred Entry of Judgment and Other Legal Considerations

Both pre and post-plea defendants may be assessed for participation in AIC. The minimum requirement for acceptance is that participants have resolved their case(s) and can be released on Supervised Own Recognizance (SOR). In some cases, the DA's Office and the defense attorney can agree to a Deferred Entry of Judgment (DEJ) case disposition. The DEJ agreement is separate from the AIC contract.

In DEJ cases, the defense attorney, DA and Court must agree to the DEJ prior to the participant's entry into AIC. The same AIC eligibility criteria for a post-conviction defendant will be applied to a DEJ defendant. The DA will evaluate the facts of the current offense(s), the defendant's criminal history and any other relevant factors when making the determination that a DEJ resolution is appropriate. Emphasis will be placed on defendants who do not have any prior felony convictions. The home court judge must accept the DEJ plea agreement and the AIC judge must agree to accept a AIC participant on a DEJ basis.

Defendants must be willing to enter an Arbuckle waiver, which means they waive their right to have their sentence imposed by the same judge who took the plea/and or verdict. Their case will be transferred to the AIC Judge who will then have jurisdiction and may modify the participant's SOR, if warranted. The team will have input into any such modification, with the goal being a consensus. All defendants that are accepted into AIC will sign a AIC contract. Once accepted into AIC, DEJ defendants are supervised by the AIC Probation Officer under the Terms and Conditions of SOR, generally mirroring the requirements of formal probation.

If the defendant subsequently fails to successfully complete AIC, the DEJ will be entered by the AIC Judge prior to returning the defendant's case(s) to the home court for sentencing.

3. Treatment Services:

Treatment services potentially available for defendants in AIC, as determined to be appropriate on an individually assessed basis, include:

- Residential Treatment
- Aftercare
- Outpatient Treatment
- Intensive Outpatient
- Medically Assisted Treatment

- Transitional Housing
- Job Skill Training
- Day Reporting Center
- Counseling/Therapy Services

To the extent feasible, participants will be given choices and options as to what services will be incorporated into their plans.

Each participant will be required to complete 4 phases to graduate successfully from AIC. These phases are as follows:

- Phase I: Engagement
- Phase II: Transition
- Phase III: Sustainability
- Phase IV: Maintenance

For additional details on phases, see the Attachment: *AIC Phase Guidelines*. Phase guidelines are generalized guidelines. The AIC Team retains discretion to modify phase guidelines based on a participant's individually assessed needs.

4. Rewards and Sanctions:

The court will use an array of graduated rewards and sanctions to respond to compliance or noncompliance with the AIC rules. When feasible, rewards will be favored over sanctions.

Rewards may include, but are not limited to, gift cards, reduced reporting to the Probation Officer and the AIC Team, reduction of fines and fees, and letters of recommendation for employment or education. Rewards also may include a shortened probationary period and/or the dismissal of charges upon successful completion of AIC and probation, but these are in the sole discretion of the AIC Team, and participants should have no expectation that either of these will occur.

Sanctions may include, but are not limited to, community service, treatment revision, increase in reporting, flash incarceration, remands into custody, and termination from AIC, based on the participant's individual circumstances.

The initial and immediate sanction for a violation will be determined by the Probation Officer, who has the authority to determine whether a participant who commits a probation violation should be arrested on the violation when consensus of the Team cannot be obtained due to time constraints. Long-term sanctions will be determined by the AIC Team. In addition to a primary community safety consideration, the AIC Program Coordinator and the entire Team will consider such factors as the likely impact on the individual defendant's treatment compliance and the seriousness of the charges

or violation of supervision conditions in deciding whether to use jail as a sanction.

In addition, the District Attorney's Office and the Probation Department retain discretion to file a violation of probation (VOP) declaration based on an alleged VOP, including a VOP based on a positive drug test. Any VOP filed against a defendant, either while he or she is a participant in AIC or based on conduct occurring while he or she was a participant in AIC may be heard and decided by the AIC judge or, at the discretion of the AIC team, returned to the criminal court.

If an alleged violation is based solely on a positive drug test: (1) the Court will hold the alleged VOP in abeyance unless the Court, with input from the Team, decides otherwise; (2) the alleged VOP may be considered as a reason for termination from AIC; and (3) if the defendant successfully completes the requirements of AIC, any pending VOP may be resolved with no penalty or a reduced penalty.

If a participant commits a new law offense, the matter and its resolution will typically be heard in the criminal court, independent of AIC. AIC may hear new law offenses with the agreement of the District Attorney, Defense Counsel, and the AIC judge.

If the participant fails to engage, or commits a new violation or law offense, any member of the AIC team may bring him/her up for discussion regarding termination from the program. After discussion, if one or more team members still believe termination is appropriate the client shall be removed from the program and returned to criminal court for disposition.

5. Continuity of Care:

Services provided to defendants while in the AIC program will be the existing community resources, which will enable a smooth transition from AIC supervision to reintegration into the community. By connecting participants with community resources during the program, participants and graduates will have built relationships which allow them an opportunity for greater success without re-entering the criminal justice system.

6. Supervision:

Once a treatment plan has been determined by the Team, the Program Coordinator will be responsible for connecting defendants to services and monitoring their progress, according to each defendant's terms and conditions of supervision. The Program Coordinator will provide bi-weekly progress reports to the Team, which will decide on an individual basis how frequently defendants must report to court. Intensity of Probation supervision will vary individually depending on each defendant's charges and progress.

7. Performance Measurements:

The AIC Team will develop a plan to measure the effectiveness of the program. Minimally, the following data will be collected:

1. Positive achievements outside of criminal justice (family reunification, employment, housing, etc).
2. Number of arrests in the participant group prior to, during, and after involvement in AIC.
3. Number of jail bed days in the participant group prior to, during, and after involvement in AIC.
4. Number of treatment days provided to each participant.
5. Length of time in AIC beyond 18 months (average length of time to graduate).
6. Number of participants who successfully completed AIC and did not have a new law violation within one year of graduation.
7. Number of participants who successfully completed AIC who successfully terminated probation.