

ORANGE COUNTY COURT DIVERSION

NEWSLETTER

SEPTEMBER, 2013

GREETINGS TO OCCD BOARD MEMBERS AND OTHER COMMUNITY STAKEHOLDERS: VT court diversion has experienced considerable change and growth since its initial inception 30 some years ago. What started out as an alternative court program for a few, selected, 1st time offenders, has now grown and evolved into a program whose caseload includes, in addition to criminal and delinquent offenses for 1st and some repeat offenders, clients charged with civil violations of underage drinking; and within the last year, civil violations for possession of marijuana, and driving with a suspended license.

This newsletter is an attempt to bring you up to date with the new legislation concerning the decriminalization of marijuana and driving with a suspended license, and its impact on court diversion. Other news worthy items regarding OCCD are included, including some information board members will find useful in developing contracts and interventions that support effective change in client behavior.

Please take time to read the newsletter. Feel free to call us at 802-685-3172 should you have any questions. Your role as a volunteer, hearing board member for OCCD and/or community stakeholder is greatly valued and appreciated.

Respectively, David Savidge, Exec. Director

DIVERSION DLS PROGRAM: On Jan. 1, 2013, legislation went into effect creating the Diversion DLS (Driving with License Suspended) Program. Individuals who currently have a suspended VT driver's license with 5 or less civil violations of DLS, now have an opportunity to apply through their county court diversion program to have their license reinstated while following a scheduled plan to pay off their fines. Individuals who are serving license suspensions for certain offenses, such as DWI, gross negligent operation, leaving scene of accident with resulting serious injury, etc are not eligible.

Individuals in Orange county who are eligible for the Diversion DLS Program, meet with an OCCD case manager, and develop a plan on how to pay off their fines. The plan may include up to a 30% reduction in fines owed based on income eligibility. Also, the individual may apply to offset their debt up to an additional 20% by doing community service. The plan, payment schedule, and supporting documentation is submitted to the VT Judicial Bureau for review and approval. If approved, VT DMV reinstates the individual's license. The Diversion case manager then monitors the case to ensure that the individual is in compliance with their plan and payment schedule.

DECRIMINALIZATION OF MARIJUANA: On July 1, 2013, legislation went into effect whereby possession of less than one ounce of marijuana is a civil violation as opposed to a criminal offense.

For adults, ages 21 or older, a violation of possessing less than an ounce of marijuana results in a fine of \$200.00 for a 1st offense. The fine increases for subsequent violations up to a maximum of \$500.00.

For juveniles, age 15 and under, possession of marijuana is still treated as a juvenile delinquency, and is processed through Family Court.

For minors, age 16 to 20, possession of less than an ounce of marijuana is processed in the same manner as a civil violation of underage drinking. The minor is "ticketed", and instructed to contact the diversion program in the county where the violation occurred, and complete the diversion Youth Substance Abuse Safety Program (YSASP). The officer sends the ticket for the violation to the diversion program. If the minor completes the diversion YSASP, the ticket is voided. If the minor does not complete the YSASP, the ticket is issued to the minor. The ticket, if adjudicated, results in a \$300.00 fine and loss of the minor's privilege to operate a vehicle in VT for 90 days. A minor with a history of two adjudicated tickets for possessing marijuana may be charged in court by the state's Attorney for a criminal offense.

YSASP: Minors who are now "ticketed" for civil violations of underage drinking and/or possession of marijuana are required to complete the diversion Youth Substance Abuse Safety Program. The YSASP is a phrase coined by the VT legislature. It is essentially the **diversion contract** that the minor is expected to complete for the alcohol and/or marijuana violation. The contract includes the payment of a diversion fee of \$175.00, a mandatory substance abuse screening, and other conditions the diversion program deems appropriate and relevant to the case. Upon completion of the contract, the ticket for the violation is voided. Orange County Court Diversion is the only diversion program that requires the minor to personally appear before the hearing board. The Hearing Board decides on the so-called other conditions that may be required in addition to the fee and mandatory screening. In all other diversion programs, most all of the cases involving civil violations of underage drinking and/or possession of marijuana are not reviewed by a hearing board. In these programs, the minor meets with a diversion case manager and is given a standardized contract to complete for fulfilling the requirements for completing the YSASP.

WORKING WITH VICTIMS: OCCD has an obligation to inform any victim(s) named in a case that the referred offender has agreed to participate in court diversion. When contacting a victim, OCCD tries to solicit the victim's input as to how they were effected by the offender's actions; and what, if anything, they are seeking in regards to the disposition of the case, ie, restitution. The victim's input is usually obtained by the submission of a Victim Impact Statement, and/or conversations the victim may have had with the diversion case manager and the county's Victim Advocate. The victim's input is

shared with the Hearing Board when it meets to review the case and finalize the offender's contract. In an effort to provide victim's a greater opportunity to be heard by people directly involved with how a case is resolved, OCCD is now extending an invitation to victims to personally appear before the Hearing Board. If the victim wishes to address the Board, the victim would be scheduled to address the Board alone when it meets to review the case.

SMART CONTRACTS and RNR PRINCIPLES: For the past couple of years, Diversion directors and case managers have received on-going training in how to work with diversion hearing boards to develop SMART contracts that are based on RNR principles. These acronyms may sound strange to some, but some board members may recall them from the board training sessions with Jon Kidde that were held in Randolph and Bradford two years ago.

When a hearing board deliberates on developing a diversion contract, it is helpful to keep the following model in mind:

S...Specific: is each contract condition a clear and small step that leads to an end goal?

M...Measurable: will everyone easily know when each contract condition is completed?

A...Attainable: is each contract condition realistic and achievable?

R...Relevant: do contract conditions address the harm and root causes?

T...Time-Bound: is there a specific time frame for completing each contract condition?

The following three principles of interventions, when used in deciding specific contract conditions, are known to support effective changes in one's behavior:

RISK Principle: The amount and degree of intervention should match the risk of the individual to re-offend. A client who presents a high risk of re-offending should require a contract with specifically targeted interventions. A client who is low risk of re-offending should require a contract with minimal conditions.

NEED Principle: Contract conditions (interventions) should target the needs of the client that contribute to criminal behavior. Interventions that target needs that are both related to criminal behavior and are changeable have the greatest impact on reducing re-offense.

RESPONSIVE Principle: Contract conditions should be responsive to personal characteristics of the client. In order to ensure the greatest benefit, contract conditions should be matched, or responsive, to the client's interests and abilities.

CLIENT INPUT IN DEVELOPMENT OF CONTRACT: Many diversion programs are now allowing the client to remain in the room, and be actively involved with the board during the phase of the meeting when the diversion contract is developed and finalized. The client is asked for his/her input, encouraged to participate in the conversation about the contract, and hears the reasons supporting conditions in the contract. The Board, however, has the final say in signing off on the contract. Many believe this practice gives the client more "ownership" of the contract, and thus increases the likelihood of the client successfully completing the contract. The VT Assoc. of Court Diversion Programs supports this practice, and has encouraged county diversion programs to implement the practice.

During OCCD hearing board meetings, clients are often asked for their input into what steps need to be taken to take responsibility for their actions, but are usually excused while the board discusses and finalizes the contract. At a few of our meetings, board members have agreed to have the client remain in the room. There is certainly a mixed range of opinion among our board members on this matter. At the end of the case review phase of the meeting and prior to the contract development phase, board members will now be asked how they wish to proceed. If the board feels there is a need to caucus alone, the client will be asked to leave. Otherwise, the client will be given an opportunity to remain in the room.

BOARD OF TRUSTEES: On July 10, the OCCD Board of Trustees met and appointed Jennifer Cummings from Williamstown as a new Trustee member to fill the position vacated by Ellie Streeter. Ellie served as an OCCD Trustee and Hearing Board member for over 20 years, and recently retired from her active involvement with Diversion.

At the same meeting, the Trustees voted to retain its current slate of officers for the 2014 fiscal year: Jim Ludwig, Pres., Sue Perreault, Vice Pres./Treas., and Fred Locke, Sec. Other Trustee members include Nancy Reid and Sandy Johnson. During the coming year, the Trustees will be updating the program's By-Laws, and reviewing their role and responsibilities as the governing board for OCCD.

**Orange County Court Diversion Program
Review Board Members
August 2013**

Phil Boudreau
PO Box 730
Bradford, VT 05033
(h)222-4041

Ginny Burnham
40 Whalen Road
Randolph Center, VT 05061
(h) 728-4826 (w) 831-1215

*Jennifer Cummings
2510 Rood Pond Road
Williamstown, VT 05679
(h) 433-5963 (w) 433-1022

Guy Denechaud
P.O. Box 238
So. Strafford, VT 05070
(h) 765-4298 (w) 765-4684

Rose Duffy
125 Meadow Lane
Bradford, VT 05033
222-3543

Lisa Eastman
1541 Route 302
Wells River, VT 05081
(h) 757-4624
(w) 685-2003

Betty Edson
4 Edgewood Drive
Randolph, VT 05060
(h) 728-4057

Susan Elder
15 Highland Ave.
Chelsea, VT 05038
(h) 685-3146

Rosalind Finn
P.O. Box 218
South Strafford, VT 05070
(h) 765-4500

Walter Fischer
31 South View Road
Newbury, VT 05051
(h) 866-5644

Marie Frohlich
P.O. Box 364
Williamstown, VT 05679
(h) 433-6079 (cell) 249-7551

Stephen Gale
557 Old Schoolhouse Road
S. Ryegate, VT 05069
802-584-3370

*Sanford Johnson
P.O. Box 266
East Barre, VT 05649
(h) 479-9159

Hildegard Jones
P.O. Box 29
Randolph, VT 05060
(h) 728-3011 (w) 828-6855

Paul Kendall
487 Kendall Road
Braintree, VT 05060
(h) 728-3726

Janice Larabee
PO Box 216
Bradford, VT 05033
(h) 222-4480

Mark Lembke
110 Williamstown Road
Chelsea, VT 05038
(h) 685-3074

Joanne Liddell
621 White Hill Road
Washington, VT 05675
(h) 685-3061

*Fred Locke
20 School Street
Randolph, VT 05060
(h) 728-5150

*Jim Ludwig
88 Falls Hill Road
Tunbridge, VT 05077
(h) 889-9422

Abbe Meiling
60 South Pleasant St.
Randolph, VT 05060
(h) 728-6521

Pat Mercier
525 Lavender Road
Brookfield, VT 05036
(h) 276-3106

Robert Nutting
PO Box 353
Bradford, VT 05033
(h) 222-5750 (w) 222-4053

*Sue Perreault
73 Richardson Road
Orange, VT 05641-9660
(h) 479-2570 (w) 454-8336

*Nancy Reid
2095 Hebbard Hill Road
Randolph, VT 05060
(h) 728-2002 (w) 728-9555

Carole Taylor
PO Box 158
266 South Pleasant Street
Bradford, VT 05033
(h)222-4590

Jaclin Wilder
P.O. Box 405
Brookfield, VT 05036
(h) 276-3959

* denotes Trustees

