



Case Studies from the Judicial-Probation Outreach Project

March 2009 to March 2011



The Judicial Probation Outreach Project is a program of the Pacific Institute for Research and Evaluation and is supported by Grant No. 2007-AH-FX-K003 awarded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). OJJDP is a component of the Office of Justice Programs. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

RHODE ISLAND FAMILY COURT IMPLEMENTS ALCOHOL CALENDAR



Chief Judge
Jeremiah S. Jeremiah

Tragedy has a way of advancing public policy agendas rapidly and in 2007 the Town of Barrington, Rhode Island experienced their second tragedy in as many years when 17 year old Jon Converse died and three others were injured in a crash in which the underage driver was charged with driving under the influence.

This heartbreaking death was the last straw for Judge Jeremiah S. Jeremiah Jr., Chief Judge of the Rhode Island Family Court. In light of this tragedy and other high profile incidents involving juveniles and alcohol abuse, Judge Jeremiah used the power of the Court to bring about a diverse approach to the complex problems related to underage alcohol use in Rhode Island. With a full appreciation of the power of the bench, Judge Jeremiah convened local and state partners to construct a statewide response to the increasing incidents of high-risk behaviors. The result would be the development of an alcohol calendar with which the Court could employ a state-wide/system-wide response to the problem. .

Judge Jeremiah's plan to address the mounting problems needed a strong evaluation component at intake and the introduction of a high level of prevention, intervention strategies and resources to concentrate on the problem of juvenile alcohol abuse. While Rhode Island operates a unified court system there was no centralized process in place for law enforcement to address criteria for alcohol referrals and no system that could verify if a juvenile had been arrested in another judicial district.

Judge Jeremiah established a centralized process and record system that allows police across the state to check on the offender's history and determine whether the juvenile is a candidate for diversion or should be processed in a more traditional fashion. The approach blended the need for centralized records while still allowing local communities to retain discretion for referrals to the alcohol calendar

During the assessment phase, the court took an inventory of local substance abuse providers and cataloged what type of specialized treatment would be available to juvenile on the alcohol calendar. It was important for specialized providers that would be part of the program to be aware of the reporting requirements used by the Court. The Court took advantage of the expertise found at Rhode Island's Brown University and formed a partnership with the Brown University Center for Alcohol and Addiction Studies. This partnership has expanded the opportunity for alcohol intervention beyond the offending juvenile alone to include the family of the juvenile and their home environment producing a more comprehensive result.

As with many specialty court strategies Chief Jeremiah made participation in the alcohol calendar program voluntary and the youth must adhere to a list of conditions imposed as part of participation in the program including alcohol screens to ensure compliance with the program conditions. Supervision of the conditions is by trained court personnel rather than probation services. Rhode Island's unified court system has allowed the alcohol calendar to function in

such a way as to allow the juvenile to efficiently move within the system to receive evaluations, counseling, specialized treatment and supervision under the direction of a single court.

Juveniles who participate in the 3-month long alcohol calendar program are expected to complete all three of the specialized programs that make up the courts case management program. These programs include the Reducing Youthful Dangerous Driving Program (RYDD), the Teen Alcohol Prevention Program (TAPP) and participants have the option to involve themselves in the Special Community Out-Reach Education (SCORE) run by the Rhode Island Department of Corrections, which provides a reflective overview of how certain actions can lead to incarceration.

Judge Jeremiah's vision has become reality in Rhode Island as he continues to engage the public on the topic of underage alcohol abuse and power of the Family Court as a catalyst for change. For more information on the Rhode Island Family Court's Alcohol Calendar Project, please contact Aidan Moore, PIRE/OJJDP Judicial Project Program Director at 603-369-1766 or at amoore@pire.org.

Special thanks to now retired Judge Jeremiah S. Jeremiah Jr. and Mr. Kevin P. Richard, Director of Juvenile Services/Specialty Courts for the Rhode Island Family Court in the preparation of this overview.

Please visit our project website to read more about this case and to listen to the companion program materials. http://www.udetc.org/audioconf_judicialpast.asp



Clackamas County Juvenile Department's Use of Diversion Programs and Specialty Courts to Effectively Address Underage Drinking Offenses in Oregon

Like many communities, underage drinking in Clackamas County, Oregon, had often been viewed as a harmless “rite of passage.” Law enforcement tended to pour out alcohol that was found in possession of underage youths. Those youths who were cited for more egregious alcohol-related offenses, other than “mere” possession and consumption, were processed in a regular circuit court setting. Criminal Justice System (CJS) professionals soon realized that underage drinking behaviors were quickly changing, alcohol-related crimes by youth were on the rise, and a “one-size-fits-all” court approach to address this multifaceted issue was not effective.

In 1995, a new program for Minor in Possession (MIP) of Alcohol was developed by the Clackamas County Juvenile Department to more effectively address first-time MIP violations through diversion and/or specialty court approaches.¹ The philosophy of the program is to ensure that youth are held accountable for their actions, that their treatment needs are assessed, and that their risk to the community is addressed.

The approach is intended to provide a balanced, consistent, and commonsense method for dealing with the youth and his/her referral. This is accomplished by requiring standards of treatment and consequences for all referral levels. These standards are equally applied to all cases that indicate sufficient grounds to proceed in court.

The following is an overview of how various youth alcohol-related offenses are handled by the Clackamas County Juvenile Department to more effectively address the offense and reduce recidivism rates.

1) ***First-time MIP offenders*** are referred to a Clackamas County Juvenile Department Diversion Specialist who reviews the case, conducts an alcohol-risk assessment, determines whether the youth may be eligible for diversion, and informs the youth and family of potential consequences for the youth's behavior. The youth is then provided with an opportunity to decide whether he/she wants to participate in a Diversion Panel or wants to contest the MIP charge.

a. If eligible for diversion, a Diversion Panel reviews the case (within a month of the referral) and a Formal Accountability Agreement (FAA) is established with the youth and family. Once in the program, conditions of the FAA include, at a 2 minimum, a drug-and-alcohol evaluation, participation in a Driving Under the Influence of Intoxicants (DUII) Victim's Panel (required by all youth aged 13 years and older); an abstinence clause requiring the youth to remain “clean and sober” while participating in the program; weekly contact with a Diversion Specialist for at least 8 weeks; submission to random urinalysis upon request; community service; and at the discretion of the Diversion Specialist, the youth's attendance at education classes and parent sessions that outline parental rights and responsibilities and possible liabilities for their child's use of chemicals.

The diversion program also provides youth and parents/guardians with information about what to expect should another alcohol-related violation occur.

b. If a Diversion Panel is unavailable, the youth is referred to a Juvenile Department Counselor where a formal accountability agreement is offered and a chemical dependency assessment is administered. If the youth does not accept the offer, then the case could be taken to court.

2) **Second-time MIP offenders** appear in MIP Court where their case is heard by a MIP judge. Sanctions may range from a suspended /restricted driver's license and right to apply for a license for up to one year, to a chemical dependency assessment, random urinalysis testing (UA), assessment talk classes (education), community service work, formal probation, and frequent check-ins with the Juvenile Department. According to Judge Warren Oster, "the biggest deterrent for youth[s] is the potential of losing their driver's license or ability to get a license for up to a year."

3) **Repeat MIP offenders (i.e., more than two violations)**, are referred to a Juvenile Court where the youth can receive increased sanctions that could include a fine. The MIP Diversion Specialist provides the court with a brief summary about each youth, which may also include recommendations to the court.

4) **Youth Impaired-Driving** cases are now handled by the Juvenile Court and, in most instances, are referred to a DUII Diversion Program that was launched in 2005. Court conditions of release include supervision by an assigned Juvenile Counselor, urinalysis testing, treatment services specifically designed for adolescents, participation in a DUII Impact Panel (otherwise known as a Victim's Impact Panel), active family involvement, and numerous resources to support successful completion of the program. If a youth is not diversion eligible or the youth has his/her diversion revoked, then he/she is placed on formal probation. If a youth successfully completes the diversion program, the petition is dismissed, but the DUII stays on his/her juvenile record for 10 years from the date the file is closed. This allows the Juvenile Department to track youth recidivism post-diversion. If a youth gets another DUII within 10 years, he/she will not be eligible for diversion again until 10 years later. Early evaluation findings show 3 to 5 percent recidivism rates for new youth DUIIs.

5) **Drug Court Program** involvement does not necessarily mean that the youth has had a previous substance abuse offense, but it is a program for youth with substance abuse issues and a history of delinquency. The drug court is housed within the Clackamas County Juvenile Department and is a collaborative community effort to reduce criminal recidivism, reduce or eliminate substance abuse, increase the clients' success in obtaining their personal goals, and increase the ability of the family to be effective problem solvers.

Youth who have entered the drug court program report their primary drug of choice as being marijuana (65%), alcohol (13%), meth (12%), cocaine (3%), opiates (2%), and heroin (1%). The most common drugs of abuse by youth in drug court are alcohol and marijuana, however; the percentage of youth who report having used or abused alcohol, or both, prior to drug court is 95 to 100 percent. In addition, youth in the program often abuse alcohol even though it is not their

drug of choice because it is harder to detect in urinalysis testing than marijuana. According to Jay Arzadon, Juvenile Drug Court Coordinator, “a young person does not begin his/her career as a substance abuser by starting with meth use. It starts with alcohol, much more so than marijuana or inhalants.”

The unique diversion and specialty court options available in Clackamas County for youthful alcohol offenders is not only tailored to address the various levels of alcohol-related violations from less serious to more serious offenses, but also provides important assessment and treatment services to address potential substance abuse issues *early* in the substance abuse continuum. Ultimately, the diversion and specialty court options contribute to healthier and safer community environments through reduced recidivism rates. In the last year alone, MIP referrals were down 12 percent, and DUII referrals were down 30 percent.

For more information about the Clackamas County Juvenile Department Diversion Programs and Specialty Court approaches to addressing underage drinking-related cases, visit their Web site at www.clackamas.us/juvenile or contact Judge Warren Oster at 503-655-8342 extension 7127, or via email at WarrenOs@co.clackamas.or.us.

Special thanks to Judge Warren Oster, Allison Butterfield, and other members of the Clackamas County Juvenile Department in the preparation of this overview.

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Engagement of the Criminal Justice System: The Zero Adult Provider Project Focusing on Social Providers

Minnesota's Enforcing Underage Drinking Laws (EUDL) program has a strong focus on reducing underage access to alcohol and creating environmental change. Since EUDL began, Minnesota has funded work to increase compliance checks, provided responsible beverage service training and promoted youth and coalition involvement in underage drinking prevention. Minnesota's challenge was identifying successful strategies to reduce social access to alcohol such as youth getting alcohol at parties or from other non-licensed providers. In 2003, Minnesota's EUDL program decided to expand its support of the Zero Adult Providers (ZAP) model that had begun in 1999 as a local effort in St. Paul. They now provide mini-grants and technical assistance to counties across the state to implement this program. To date, 17 of 87 counties have undertaken ZAP with an average 253 percent increase in illegal provider arrests in the first year of the project.

What is ZAP? "It Starts Before the Door Knock"

ZAP started as a partnership among the St. Paul Police Department, City Attorney and the Ramsey County District Court, including probation services. Sgt Jim Ramstad explains how ZAP improved law enforcement tactics in responding to underage drinking parties. "In most communities, responding to a party starts with a door knock. In St. Paul we'd knock on the door and tell them to turn down the music and stopping bothering neighbors." Under ZAP we changed our mindset", Ramstad continues. "Once we agreed that an underage drinking party is a crime scene, every officer knew exactly how to handle it." Eventually city leaders in St. Paul began to connect the dots between underage drinking parties and the myriad of problems that can result from what sometimes is viewed as "just a nuisance."

When implementing ZAP, officers surveil a party scene to determine how many officers are needed. They call in additional on-duty and off-duty officers as needed. Only once they have enough people to control the scene do they approach. Officers also know that finding the source of alcohol is the priority. They gather evidence, interview people at the party, identify suspects and go through the routine investigative steps of handling a crime scene. They have overcome the misperception among many officers that identifying providers is nearly impossible.

Enforcement is More Than Cops

Another critical aspect of ZAP is the involvement of prosecutors, judges and probation. "Many communities feel stuck. Until everyone is in the same room, it's easy to point the finger elsewhere and say 'If only judges would...' 'If only probation would...'" We get everyone on board from the start," said Sheila Nesbitt, ZAP community organizer at the Minnesota Institute of Public Health, who works with communities across the state.

Judges play an important role by sending the message that they'll take illegal provider cases seriously. Judges have also changed the standard sanctions against underage consumption to provide chemical use pre-assessments. Chisago County has found over six years of ZAP nearly

one-third of underage consumers need further assessment or treatment. The late Judge Douglas Swenson often stated that identifying and helping youth who need chemical dependency services is one of the main successes of ZAP.

Judge Donna Dixon of Roseau County is known for insisting that youth appearing in her courtroom divulge the source of their alcohol. If they refuse, she will hold them in contempt of court. Word spread like wildfire and now youth more frequently and easily provide information on their source. Experience has shown that when judges take underage drinking and provision of alcohol seriously, it changes expectations and behaviors in communities very quickly. Court Services and probation have also been strong partners in several ZAP communities. In most communities they are responsible for administering the chemical use pre-assessments and supervising community service and other conditions of probation. They also have the best insight about what sanctions are effective with providers and underage drinkers. In some communities courts have worked with youthful clients to give law enforcement information about upcoming parties, which, in turn, counts toward their community service hours.

ZAP in action

In August 2006, law enforcement officers in Freeborn County, MN, responded to a report of a possible burglary. A neighbor had been asked to watch a home while the family was out of town. Late on a Friday night, he saw several men climb a fence and enter the property. Law enforcement approached the home. They saw movement at a window. Officers entered the house with weapons drawn prepared for a burglary in progress. What they found instead were four 20-year-olds having an underage drinking party.

“Those kids had no idea how serious the situation was. Anytime we approach a scene with guns drawn, the stakes are pretty high,” said the late Lt. Phil Bartusek of the Albert Lea Police Department. “Not to mention the inherent danger of the party itself, the risks to themselves and the property were significant.”

The youth were cited for underage drinking. Because of ZAP, the story didn't end there. Law enforcement was prepared to investigate the source of alcohol. Prosecutors and judges had also made illegal provider cases a priority for the court system. In the first year of their project, Freeborn County achieved a 500 percent increase in charges against the illegal providers of alcohol.

When Albert Lea officers found those four underage youth drinking, they began an investigation into the source of the alcohol. At first, the youth wouldn't provide any information. Freeborn County officers kept at it. They questioned the youth individually. They reminded the men of the seriousness of a fourth-degree burglary charge. One by one they each provided detailed information about the 22-year old that purchased the alcohol for them. The next day, the alleged provider was interviewed at the police station. He gave a full confession and was charged with a gross misdemeanor for providing alcohol to a minor.

Because of the partnership with prosecutors, officers know what is needed to form a solid case. They also know that judges will take this provider case seriously. If found guilty, the provider will likely serve 30 days in jail with an additional 180 to 360 day suspended sentence. He will

pay a fine close to \$1000 and will be on probation for one to two years.

ZAP projects participate in evaluation to provide useful information that will likely lead to future project improvements. Evaluation findings may be viewed in the ZAP Project Highlights document that may be found on the Minnesota Institute of Public Health website.

For more information

More information on ZAP, including downloadable materials, is available on the Minnesota Institute of Public Health website at <http://www.miph.org/projects/eudl/zap> or contact Sheila Nesbitt at snesbitt@miph.org or 800-782-1878 x128.

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**Community Assessment Team (CAT)
San Diego County (California)**



How do courts and diversion/probation programs work with youth and young adults charged with underage drinking offenses? Are the interventions assigned by the court and/or diversion or probation worker appropriate for tackling this often multi-faceted problem?

Courts, diversion, and probation programs across the nation employ different strategies in working with youth and young adults charged with underage drinking and related offenses. However, no matter the diversity in strategies used, almost all practitioners agree that effective interventions begin with good assessment practices. Reliable and validated assessment practices support effective case management of the underage drinker, regardless of the charged offense. Accurate assessments of the offender's alcohol use, risk level, and need for services provide objective information that can be used to target interventions and allow for better resource allocation in difficult economic times. In addition, by targeting identified needs with the right resources, courts and diversion/probation programs have the potential to redirect a youth from a negative path onto a positive life path. The Community Assessment Team (CAT) in San Diego, California offers an example of how screening and assessment practices have been implemented within a diversion program to better target interventions to young offenders and their families.

The Community Assessment Team (CAT) is a multi-agency intervention and prevention program encompassing the greater San Diego County area. CAT is designed for families with age appropriate youth (between 5 and 18 years old) who are either at risk of entering or at risk of progressing into the juvenile justice system. The process focuses on the unique strengths and needs of individual youths and teaches families how to access and receive services in the community in a timely fashion. The CAT program is composed of teams that include family support workers (case managers), alcohol and drug specialists, parent educators, therapists, probation officers, teachers, and other professionals linked to services in San Diego County. The teams provide assessments, prevention and intervention counseling, and referral services to at-risk youth and their families.

The CAT program receives referrals from various sources including probation, the courts, law enforcement, schools, community-based agencies and self-referrals. Youth referred on formal charges/citations are most commonly charged with status or misdemeanor offenses such as curfew violations, truancy, petty theft, possession of a controlled substance, vandalism, battery, and prostitution. Although the program does not get many youth referred solely for underage drinking offenses (e.g., minor in possession of alcohol, underage consumption of alcohol), it is not uncommon to discover that youth referred for other offenses were under the influence of alcohol or drugs at the time of the offense.

When a referral is received, a risk and needs assessment is conducted on the youth and his/her family using the San Diego County Probation Department's Risk and Resiliency Checkup instrument. In addition, the youth and family are screened for alcohol and other drug problems, and a substance abuse assessment is conducted by an Alcohol and Other Drug Specialist. The

information gleaned from the assessment process is then used to determine the most appropriate level and type of services needed, and to design a case plan with the ultimate goal of assisting the youth and family to address the factors that led to the offense/issue that brought them into the CAT program.

The San Diego County Probation Department contracts with five community-based organizations that provide services to five regions within the county (North Inland, North Coastal, South, Central, and East). The services available through these organizations are capable of addressing most of the identified needs of the youth and families that are referred to the program. Through the use of good assessment strategies, youth and families receive referrals for interventions and services based on their individually identified needs rather than solely on the type of offense or behavior initiating the referral.

For more information on the Community Assessment Teams used in San Diego County, contact Secorra Getty via email at Secorra.Getty@sdcounty.ca.gov.

Additional Resources

If you are looking for information on various assessment tools (e.g., recidivism risk, substance abuse, etc.), the Council of State Governments Reentry Policy Council has developed a website that provides an overview of various assessment instruments and includes information and links for additional information.

You can access this resource at the following link:

<http://tools.reentrypolicy.org/assessments/chart>

For more information on the San Diego Risk and Resiliency Checkup Instrument, contact Secorra Getty via email at Secorra.Getty@sdcounty.ca.gov.

To read an evaluation on the CAT program, go to

http://www.sandag.org/uploads/publicationid/publicationid_1406_8965.pdf.

The review of the program begins on page 13 .

Acknowledgements

A special thanks to the American Probation and Parole Association (APPA) team for authoring this case study; and special thanks to retired Judge Linda Chezem for her review and feedback contributions.

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Utah's Strategy to Address Underage Drinking

The Utah Juvenile Court receives more than 43,000 referrals each year, with alcohol-related offenses the second most frequently referred to the court. Most of these referrals (90%) are for alcohol possession and consumption. Before implementation of Utah's risk assessment and case management process, youths were handled in a myriad of ways. For example, many received a citation requiring the payment of a fine, some were ordered to perform community service work, and others were put on probation. The consequences for each youth were determined by a subjective analysis of his or her prior history (if any), a Sentencing Guidelines matrix, and the probation officer's best professional appraisal.

Today, each youth referred to Utah's Juvenile Court has an actuarial prescreen risk and needs assessment completed by a probation officer. If the youth scores moderate or high risk, the Protective and Risk Assessment tool is administered. The assessment contains 91 questions and identifies the youth's level of risk, level of need, and protective factors across 10 domains. Nearly half (48%) of the youths referred for alcohol-related offenses are low risk; however, 31 percent are moderate risk and 21 percent are high risk. Based on the assessment results, the probation officer now has a much better idea of what recommendations to make to the court if the case is petitioned. The officer also has some discretion to handle the case non judicially for first-time offenders who commit minor offenses. A nonjudicial agreement often involves the payment of a fee and can include performing community service hours, attending an alcohol education program, or going to counseling.

In 2008, 42 percent of the alcohol referrals were handled through nonjudicial agreements. Youth who see a judge can receive multiple dispositions. A small percentage of youth (8.5%) are given probation; however, most receive a fine and community service hours. Some are ordered into an alcohol education class, and almost 20 percent receive a driver's license sanction, either suspending or delaying their license. New legislation, effective July 1, 2009, extends the suspension period for an alcohol related offense from 90 days to 1 year for a first alcohol possession or consumption offense. For a first driving-under-the-influence (DUI) offense, youths now lose their licenses until age 21. Although these sanctions are severe, they communicate a community standard that drinking and driving in Utah is not acceptable, especially for underage youth.

Is Utah's strategy working? Alcohol-related referrals are at their lowest point in the last 7 years. Although this downward trend is reflected across all referral types, the 20 percent decline from 2007 to 2008 in alcohol-related referrals is a significant drop that cannot be explained by the overall trend. Further analysis of the data is needed, but the overall picture indicates that Utah's comprehensive strategy is making a difference.

Submitted by Susan Burke, Assistant Juvenile Court Administrator, Utah Administrative Office of the Court.

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Reno Judges Pilot Alternative Sentencing Options to Address College Drinking:

University of Nevada Reno (UNR) students report that involvement with the local judiciary system is often less of a concern in comparison to the university student conduct system, and is punitive as to behavioral changes and inconsistent in the penalties assigned each individual. To address this disparity, Reno Municipal Court Judges and Justice Court Judges met with UNR representatives to discuss court practices involving local college students and to establish informal agreements to pilot alternative sentencing options for first-time and repeat alcohol-related offenses committed by college students. The change in court practices was launched in fall 2009 and is being evaluated locally to determine effectiveness of the court-appointed programs and their impact on reducing alcohol-related crimes and recidivism rates of this young population.

College Drinking: A Community Problem

Most college administrators deal with a variety of problems related to the availability of alcoholic beverages and consumption of alcoholic beverages by students younger than 21. UNR is no exception. Of the approximately 16,000 full-time students at UNR, an average of 42 percent is under the age of 21.

UNR lies within blocks from Reno's downtown business district, which includes the majority of casinos and other adult entertainment venues in the city. This proximity creates challenges in restricting student access to alcohol and in changing the social norm that encourages alcohol use within the community, as most vendors operate 24-hours a day with no cut-off time for alcohol service. The campus property borders two neighborhoods: the "Old Northwest" and the "Northeast." A significant proportion of university students reside in apartments, Greek (fraternity and sorority) housing, rental homes, and private residences located within these two neighborhoods. On-campus housing is limited to 1,700 students per school year.

One of the challenges for university administrators is enforcing alcohol laws and sanctions for students whose drinking behavior spills over into the surrounding communities where college authorities and university police have limited jurisdiction. Current university student conduct policies are written only for those behaviors occurring on-campus or at university-sponsored events.

According to the 2006 CORE Alcohol and Drug Survey, which is administered every other year at UNR:

- 75.6 percent of UNR undergraduate students (18 to 24 years of age) reported 30-day use of alcohol;
- 69.9 percent of UNR underage students (through age 20) reported 30-day use of alcohol;
- 36.0 percent of UNR students reported driving under the influence (DUI) of alcohol (but only 1.7 percent were arrested);
- 12 percent of UNR students reported having been in trouble with police or other college authorities;
- 46.3 percent of UNR students reported binge drank (5+ drinks in a single sitting) within 2 weeks of the survey; and
- 70 percent of UNR students who identified themselves as fraternity/sorority members reported binge drinking in the last 2 weeks.

Law enforcement data collected from the Nevada Department of Transportation and the Washoe County Sheriff's Office during this same reporting period indicated the following:

- | | |
|---|-----------------------------------|
| ▪ 70 alcohol-related crashes – ages 16-20 | ▪ 124 DUI arrests – ages 16 to 20 |
| ▪ 79 alcohol-related crashes – ages 21-24 | ▪ 212 DUI arrests – ages 21-24 |

Washoe County had the highest proportion of alcohol-related deaths compared to the State as a whole.

In addition, judges and local public attorneys from Nevada over the past 8 years have expressed

frustration in dealing with alcohol-related cases for the 18- to 20-year-old population statewide. This age group is responsible for a significant number of minor in possession/consumption cases, as well as providing alcohol for youth under the age of 18.

Reno Rolls the DICCCE

In 2008, the “Developing Initiatives with Community Coalitions, Campuses, and Enforcement (DICCCE)” coalition was established to build upon the successful partnership to address underage drinking that was already in existence among the three local law enforcement agencies—Washoe County Sheriff’s Office, Reno Police Department, and University Police Services; the UNR Student Conduct Office; and the Join Together Northern Nevada (JTNN) coalition. The three goals of DICCCE are to (1) change the social norms that encourage or support underage student drinking behaviors; (2) reduce the availability of alcohol to underage students on and off campus through enforcement; and (3) enhance existing alcohol laws, policies, and practices addressing underage student drinking behaviors. These environmental management practices are supported with funds from the Nevada Department of Human Resources, Juvenile Justice Program Division, under a 2008 grant award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for the Enforcing Underage Drinking Laws (EUDL) Discretionary Program: University/College Initiative. The goal of this 3-year effort is to reduce the availability of alcoholic beverages to and consumption of alcoholic beverages by university/college students younger than age 21.

In addition to underage drinking law enforcement practices, policy development, and education/awareness building to prevent underage drinking, DICCCE works closely with law enforcement, legal representatives, campus officials, students, community leaders, concerned citizens, and others to identify gaps in services/programs to effectively address alcohol-related offenses committed by underage students. A significant part of the campus adjudication process is to ask students “what happened in court.” Information gathered suggests that few students received the same cumulative penalties. For example, community service hours ranged from 10 to 110 hours and fines ranged from \$0 to \$200. Additionally, feedback from those students assigned to the court-facilitated behavior

modification workshop was negative. It is surmised that the behavior modification education penalty (Victim Impact Class) may not be effective with this population, as they cannot connect the relevance of this impaired driving sanction to their minor in possession (MIP)/minor in consumption (MIC) offense. This anecdotal information supports the Join Together Northern Nevada's (JTNN) 2007 Comprehensive Community Prevention Plan (CCPP) analyses that a "gap in services" exists in programs targeted for youth who are involved in the local criminal justice or probation systems or even those youth in lesser trouble.

Reno Judges Pilot B.A.S.I.C.S. and OnTRAC Programs

In fall 2009, the city attorney opened the door for representatives of the UNR Student Conduct Office to engage Justice Court and Municipal Court Judges in discussions about the dangers of underage drinking, alcohol-related violations/incidence data of underage students on/off campus, and developmentally appropriate and coordinated community and campus-based adjudication practices for alcohol-related offenses by college students. As a result, the Reno judges agreed to immediately pilot uniform and consistent sentencing practices for first time and repeat student offenders to rectify disparities between adjudication of on-campus and off-campus violations of alcohol laws and policies.

The new sentencing options to be piloted for 1 year are intended to enhance current court mandates. They include mandated individual interventions, such as the *Brief Alcohol Screening Intervention for College Students (B.A.S.I.C.S.)* program as a diversion option for first-time student alcohol-related offenses and/or the *OnTRAC (Treatment, Responsibility, and Accountability on Campus) Program* as a mandated sanction for repeat student alcohol-related offenses. Although these intervention programs have been used on college campuses to address alcohol-related violations committed in on-campus settings, this may be the first time they have been used and evaluated in community court settings. The following is an overview of the two programs.

B.A.S.I.C.S. is a preventive intervention program for college students 18 to 24 years old who drink alcohol heavily and have experienced alcohol-related problems. *B.A.S.I.C.S.* is comprised of a

two-session alcohol assessment and education program that prompts students to change their drinking patterns and reduce alcohol-related harm to themselves and others. The first session assesses the student's alcohol-consumption patterns, history and related issues, and assigns homework relevant to the session's topic. The second session provides personalized feedback based on assessments and the homework assignment and focuses on ways the student might reduce future health, social, and legal risks. According to research conducted by the University of Washington, it appears that brief individual preventive interventions for high-risk college drinkers can achieve long-term benefits, even in the context of maturational trends. Those who received *B.A.S.I.C.S.* reported fewer consequences and more rapid change. Following is a summary of national results:

- Students had significantly greater reductions in negative consequences that persisted over a 4-year period than their control group counterparts.
- Individual change analyses suggest that for those receiving the brief intervention, dependence symptoms are more likely to decrease and less likely to increase.
- Control group participants reported slight increases in drinking frequency over time, particularly at the 3-year follow-up when many students had reached 21 years of age, while drinking frequency declined minimally over the 4-year period among *B.A.S.I.C.S.* students.
- Post-intervention students often commented that they responded differently to friends because of participation (Dimeff, 1999).

UNR piloted the *B.A.S.I.C.S.* intervention in 2008 and has since instituted the program into sanctioning practices for on campus alcohol violations. The results from UNR's pilot follow:

- 260 students were referred to the campus program between fall 2008 and spring 2009.
- 250 students completed the program.
- UNR retained 78.8 percent of the students who participated in the program.
- Recidivism was 5.7 percent.

OnTRAC applies the principles and components of the drug court model to the college environment. It holds substance-abusing students (i.e., those at a dependency level) to a high level of accountability while providing individualized treatment and compliance monitoring. It operates within the confines of existing resources without interrupting a student's educational process, and unites campus leaders, judicial affairs personnel, treatment providers, and health professionals with their governmental, judicial, and treatment counterparts in the surrounding community. This program has not been formally evaluated, was piloted at UNR in 2005, and is now a standard sanctioning option for repeat alcohol-related offenses on campus. For more information about the intervention program in general, visit <http://www.judges.org/backontrac/> or copy and paste the link to your Internet browser. The following are UNR program results between 2005 and 2009:

- 35 students were referred to the program.
- 51 percent of students completed the program.
- Recidivism was 11.4 percent.

Judge Kenneth R. Howard's response to the pilot sentencing practice is positive. He states, "I am very appreciative of the fact that there is now an additional sentencing alternative available for University of Nevada students who have been adjudicated for alcohol-related offenses. It is unfortunate that there is ready availability of alcohol for young and underage drinkers in our community. Reno is an active city, which is open 24/7. Many of the university students that run afoul of the criminal justice system are binge drinkers and/or those with surprisingly high blood alcohol levels. I believe that this youth population can benefit greatly from the services provided by the UNR Office of Student Conduct. I have referred several students to this office for sentence completion of either the *B.A.S.I.C.S.*, *ACT*, or *OnTRAC* Program. It is my hope and belief that these individuals will be provided substance abuse education, intervention and treatment, which will afford them life-long guidance."

Adjudication Practices Mirrored for On-Campus and Off-Campus Alcohol Offenses

At UNR, the current student code of conduct only allows for interventions of alcohol-related incidents that occur on campus property. The new sentencing pilot with local judges helps create a unified approach to adjudication of on-campus and off-campus alcohol-related violations and is managed by the court's Alternative Sentencing Unit. According to Judge James Van Winkle, "The problem of underage drinking is a huge one, especially within the University community. Prior to the inception of the *B.A.S.I.C.S.* and *OnTRAC* programs, we did not have the appropriate tools to deal with the underage, university student abuser of alcohol. These programs now give us the appropriate tools."

Through evaluation, UNR will determine whether reduced recidivism rates are achieved, and whether these sentencing options affect alcohol-related offenses committed by students in off-campus environments.

For more information

For more information, contact Carol Millie, EUDL Discretionary Local Site Coordinator/UNR Code of Conduct Officer, at 775-784-4388 or cmillie@unr.edu, or Matthew Fisk, Court Administrator, at 775-334-2290.

Please visit our project website to read more about this case and to listen to the companion program materials. http://www.udetc.org/audioconf_judicialpast.asp

Vermont's Teen Alcohol Safety Program



The mission of Vermont's Court Diversion Program is to engage community members in responding to the needs of crime victims and the community, while holding those who violate the law accountable in a way that promotes responsible behavior. Youth who violate Vermont's alcohol laws are referred by law enforcement to the Teen Alcohol Safety Program (TASP) as an alternative to a civil violation ticket.

The Vermont legislature established TASP in response to a series of alcohol-related teen traffic fatalities and the startling statistic of the State having one of the highest alcohol-related traffic fatality rates in the country. Eleven years later, that rate has dropped significantly. The success in reducing youth drinking and driving is due to the diverse and collaborative effort of counselors in Vermont schools' Student Assistance Program, community coalitions, law enforcement, and early intervention (an important feature of TASP). TASP holds youth accountable for violating Vermont's underage drinking laws, educates youth about the consequences and risks of future use, and identifies youths who might need treatment because of substance abuse problems.

The Vermont law directs law enforcement to provide a notice of civil violation to youth aged 16-20 who violate the State's possession/consumption laws. The notice directs the individual to contact the county Court Diversion Program, which runs TASP. The youth has the option of participating in TASP, contesting the ticket, or accepting a \$300 fine and 90-day suspension of his/her driver's license.

TASP participants pay a fee (\$175), meet with a licensed substance abuse counselor for a screening or assessment (and must follow the recommendations of the counselor), and may participate in an educational program and perform community service. Some variation exists among county programs; for example, education may be individualized, Web-based, or in a group setting. In one county, all TASP participants meet with a board of local volunteers to develop their contracts. All programs, however, follow statewide standards developed by the Vermont's Association of Court Diversion Programs. If an individual fails to complete the contract, the ticket is sent to the Vermont Judicial Bureau, which levies the fine and informs the Department of Motor Vehicles, which suspends the driver's license of the offender.

In most counties, the State's attorney (county prosecutor) has directed law enforcement to issue a civil violation for a second infraction; subsequent violations are a criminal charge. A youth charged under the criminal statute is typically referred by the State's attorney to the criminal Court Diversion Program. Youth under age 16 who receive a citation for possession/consumption of alcohol are often referred to Court Diversion by Family Court. Criminal Court Diversion contracts are more rigorous than TASP and include referral to a licensed substance abuse counselor. Successful Court Diversion participation leads to a

dismissal of the criminal or delinquency charge. These repeated opportunities for someone to participate in a voluntary diversion program recognize that one intervention may not lead to the desired behavior change, especially for youth who have an established alcohol problem.

Vermont's Court Diversion program was established 30 years ago to divert youth out of the court system and, within 2 years, was expanded to include adult offenders. When the Vermont legislature created the civil TASP, the Court Diversion Program was a natural home. Vermont Court Diversion follows a restorative justice approach; the program's mission is to engage community members in responding to the needs of crime victims and the community, while holding those who violated the law accountable in a way that promotes responsible behavior. County Court Diversion/TASP agencies are active members of local START Teams (Stop Teen Alcohol Risk Team), which use EUDL funds to increase enforcement efforts, and of local substance abuse prevention coalitions.

Each year, approximately 3,000 youth participate in TASP, and 80 percent of them complete the program successfully. (About 10 percent opt for a ticket, and two larger municipalities issue local ordinances for underage drinking violations.) TASP staff report a wide variation in youth's behavior and previous experience with alcohol. Following screening or assessment, approximately 15 percent of participants are referred to treatment.

Vermont's population of approximately 625,000 people ranks 49th in the country; approximately 175,000 of Vermont residents are younger than age 21. The State is also home to more than 20 colleges. The Vermont Department of Health reports Vermont is higher than the national average on all alcohol consumption indicators for 18- to 20-year-olds and 4th highest in the Nation on the rate of adult heavy drinking. Although 40 percent of students in grades 8 to 12 report never having consumed alcohol, one in five report binge drinking within the past month (2009 Youth Risk Behavior Survey). Researchers do caution that we should not draw too many conclusions about the alcohol-fatality rate given Vermont's small population. One multiple fatality crash could change Vermont's ranking dramatically.

These data point to the challenges of reducing underage drinking within a broader culture that condones and supports heavy drinking by adults – a challenge not unique to Vermont! Although we know that Vermont's TASP is informed by research on what works in the fields of youth justice and substance abuse, no formal evaluation has assessed the effectiveness of TASP in changing the behavior of individual youth.

For more information: <http://www.atg.state.vt.us/issues/tasp-database.php>

Please visit our project website to read more about this case and to listen to the companion program materials. http://www.udetc.org/audioconf_judicialpast.asp



Underage Drinking: Intervention Principles and Practice Guidelines for Community Corrections

Great progress has been made in reducing underage drinking and its many serious and sometimes tragic consequences. Community supervision professionals, particularly probation and diversion workers, can play an important role in maintaining and advancing this progress.

With funding and support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the American Probation and Parole Association (APPA) has collaborated with the Pacific Institute for Research and Evaluation (PIRE) to develop a publication titled *Underage Drinking: Intervention Principles and Practice Guidelines for Community Corrections*, which will be released to the field in late 2010 or early 2011.

This document, developed from evidence-based practices, is designed to assist community corrections professionals in developing and implementing practices that will allow them to respond more effectively to underage drinking offenders once they are placed on diversion or probation.

The document is divided into five sections. The first four sections discuss the problem of underage drinking and provide a foundation and context for the practice guidelines. The last section outlines 10 guidelines that direct the practices of community supervision professionals—whether these professionals work in diversion, probation, or some other aspect of community corrections with underage drinking offenders.

The following is a more detailed overview of the document sections:

- Section One: Overview of the effects and consequences of underage drinking on individuals and communities.
- Section Two: Legal issues related to supervising underage drinking offenders.
- Section Three: Key assumptions that propel the need to examine, develop, or refine policies, procedures, and practices for addressing underage drinking more effectively.
- Section Four: How community corrections personnel should address underage drinking, and a high-level review of the evidence-based practices literature related to community corrections (which serves as a basis for the practice guidelines).
- Section Five: Guidelines that direct the practices of community supervision professionals.

This resource is one of the first to provide this type of instruction to community corrections professionals on how to work with this specific population of young people. Once the publication is released to the field, APPA will publish the document online at www.appa.org and www.udetc.org.

In addition, APPA has developed a 1-day training program based on this publication that is being pilot tested. The training will be delivered in up to four interested jurisdictions in the coming year.

To learn more about the guidelines publication and/or the new training opportunity available through APPA, please contact Tracy Mullins at 859-244-8215 or via email at tmullins@csg.org.

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Multnomah County Juvenile Court Procedures to Effectively Address Underage Drinking Offenses in Oregon



From November 2007 until September 2009, the Multnomah County Circuit Court and Department of Community Justice, Juvenile Services Division dually operated a program to address underage drinking offenses. The program was referred to as the Minors in Possession (MIP)/Less than an Ounce (LTO) docket. The docket rotated through four referees and was heard twice monthly with a cap of 15 youth per docket. Prior to implementing the program a review of MIP referral data revealed roughly 10% of those youth cited for MIP in any given year were referred for a second or subsequent MIP.

The following is an overview of how various you alcohol-related offenses were handled by Multnomah County to more effectively address the offense and reduce recidivism rates:

- 1) ***First-time MIP/LTO offenders*** received a Warning/Resource Letter as a sanction without a Legal Sufficiency Review.
- 2) ***Repeat MIP/LTO offenders*** were petitioned in court. Only legally sufficient allegations were considered when determining whether the referral was a repeat offense. Both Probation and Parole youth went through the same diversion hearing process as any other youth. Youth who were placed far from Portland or at Hillcrest or MacLaren appeared via telephone.
 - a. ***Juvenile Court Counselors (JCCs)*** were assigned to the MIP/LTO docket. Through this process, the JCCs provided case management and oversight of the MIP/LTO court docket, including: reviewing for Probable Cause, filing petitions, scheduling trials and court reviews, notifying attorneys, serving summonses, assisting families in the A/D referral process, tracking treatment progress, and obtaining assessment/treatment verification for court proceedings.
 - b. ***Youth denies allegation and requests a trial.*** During the trial, they could represent themselves or hire a private attorney as MIP/LTO allegations do not qualify for a Court appointed attorney.
 - c. ***Youth admits to the petition and agrees to delay any formal action for 120 days while completing assessment and treatment (diversion).*** During this process, the Court would schedule two further proceedings hearings within approximately 60 days and 120 days of the initial appearance, with the same referee, during the scheduled MIP docket time. The JCCs provided the families/youth with treatment options after the initial court proceeding. The purpose of the 60 day hearing was to ascertain the youth's treatment progress. At the 120 day mark, the youth's petition would be dismissed if s/he complied with all treatment conditions and successfully completed treatment. If the youth did not succeed in treatment, the

youth's petition – previously admitted to - would be adjudicated, and the youth's driving privileges suspended. Or, if the youth was enrolled in treatment and needed more time to complete, the Court would schedule a further proceeding hearing on a future MIP docket.

- d. ***Youth admits to the petition but does not want to participate in diversion and agrees to have driving privileges suspended.*** If it was the youth's first order denying driving privileges, DMV suspends the driver's license for one year, or until the person so suspended reaches 17 years of age, whichever is longer [809.280(7) (a)]. If it was the youth's second or subsequent order denying driving privileges, DMV suspends for one year or until the person reaches 18 years of age, whichever is longer [809.280(7) (b)]. If the youth's driving privileges were denied, DMV suspends the driver's license for six months [809.280(10)].
- e. ***If youth failed to appear (FTA)*** at the first MIP/LTO docket and was properly summoned, the youth would be defaulted and the petition adjudicated. If youth failed to appear at a further proceeding – 60 day review hearing, the Court will set over the matter to the 120day review hearing. If the youth failed to appear at the second further proceedings, 120 day review hearing, the Court would adjudicate the petition. Fines were assessed at the discretion of the referee, and according to ORS 475.864(3), 471.430(4), and 153.018(2) (b).
- f. The adjudication model implemented in 2007-09 was successful in the sense that youth referred for a second or subsequent MIP were ultimately referred for a substance abuse assessment and treatment as necessary. Loss of driving privileges resulted for those youth who failed to complete recommended treatment. No follow-up evaluation of youth participating in the program has transpired to determine whether those youth adjudicated for a second or subsequent MIP had more, less or the same number of subsequent referrals as youth with a single referral. If these results proved positive then replication would be recommended elsewhere.

Table 1 provides data from the MIP/LTO docket. As you will read, over half of youth on the docket participated in diversion, with over half of those youth successfully completing the diversion program. Most notably, the recidivism rate of MIP/LTO youth offenders was 7.5 percent during the allotted period.

Table 1: MIP/LTO Data	
Reporting Period 11/2007 – 06/2009	
Total of Number of youth served	173
Number of youth participated in Diversion Program ¹	98 (57%)
Number of youth Not in Diversion Program ²	75 (43%)
Number of youth Successfully Completed Diversion	55 (56%)
Number of youth Failed Diversion	43 (44%)
Number of MIP recidivism (youth receives another MIP/LTO while in Diversion)	7.5%

3. ***The end of the initiative.*** This initiative ended in 2009 due to funding reductions at the county level. When conceived and implemented in 2007, the program was cobbled together by re-prioritizing existing resources; no new funding streams were available. Following funding reductions and re-prioritization of resources the program model reverted to the former standard of issuing Warning/Resource letters to all youth issued citations for MIP/LTO. There's been no evaluation of recidivism rates with those youth participating in the MIP adjudication program. Such an evaluation is possible as all data required are readily available; given limited evaluation resources this evaluation has not been undertaken.

For additional information contact David Koch (503) 988-4171 or david.m.koch@multco.us

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¹ A youth may have more than 1 referral/petition.

² Youth who refused Diversion, FTAs, Trials, and Other Reasons