



SOUTHEAST REGIONAL DUI TREATMENT DOCKET (SERDTD) REFERRAL PROCESS OUTLINE

(rev. MAR 2024)

I. ARREST

DUI 3 or higher OR DUI 2 with BAC of .15 or higher OR third alcohol related offense.

II. PATHS TO REFERRAL

1. Defense Attorney, following a meeting with Client, makes a referral to the SERDTD on the record or files a referral in ODY.

a. **OR**

2. Defense Attorney and Prosecutor make a joint a referral on the record or file a referral in Odyssey.

a. **OR**

3. Prosecutor screens case and sends offer to Defense Attorney for SERDTD program.

III. REFERRAL PROCESS

1. Prosecutor or Defense Council submit a referral in ODY or on the record **for all cases** to be considered in the referral. Follow a bench referral with a referral form uploaded to ODY.

a. Attorneys can begin plea negotiation for sentencing into the SERDTD.

2. The automated referral goes to the program database (DIMS) notifying the Regional Treatment Court Coordinator (Court Coordinator) that there is a new referral.

3. The Court Coordinator notifies all attorneys in all cases that were referred that a referral has been received.

4. The Court Coordinator immediately contacts the defendant to schedule a screening and will request assistance Defendant's attorney if necessary.

IV. SCREENING

The Court Coordinator conducts a screening with the defendant to determine Risk and Need using the MAST and IDA screening tools. High risk/high need participants are the target population for the SERDTD program.

1. At screening:

a. Defendant signs a 42CFR compliant program **Release of Information** (see Appendix A) that is uploaded into the DIMS database. The release permits members of the team to talk about participant progress while in the program.

b. The Court Coordinator completes a program orientation with the SERDTD Participant Handbook.

2. If screened as high risk/high need, the Court Coordinator shall schedule clinical assessment with the provider and notify the attorneys.

3. If not high risk/high need, the Court Coordinator notifies the Defendant's attorney(s) to update their client that they are not clinically eligible, and the referral is denied. If the Defendants' attorney indicates probable underreporting, the participant may be rescreened at the discretion of the Court Coordinator.



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V. CLINICAL ELIGIBILITY

1. A licensed clinician will conduct an assessment to determine clinical eligibility. To be eligible a referral must have a moderate to severe substance use disorder by ASAM (American Society of Addiction Medicine) criteria.
 - a. If not clinically eligible, the Court Coordinator notifies **the attorneys to update their client and the referral denied in Odyssey.**
 - b. If clinically eligibility, the Court Coordinator will notify the attorneys.

VI. SERDTD COURT OBSERVATON

1. The Court Coordinator will send a hearing notice or notify the attorney to have the defendant observe the next SERDTD hearing.

VII. PREPARATION OF CHANGE OF PLEA HEARING

1. Prior to the change of plea hearing, it is the expectation of the SERDTD that the Defense Attorney will meet with their client to discuss their options and choose to participate in treatment docket. If the defendant opts out of the SERDTD, the referral case processing will resume in the criminal docket.
2. The Defense Attorney will confirm their client's willingness to participate in the SERDTD program.
3. The Defense Attorney will review the SERDTD Referral Packet with their client which includes:
 - a. Policies on Jail Sanctions,
 - b. Termination Protocol,
 - c. SERDTD Participant Handbook
 - d. **SERDTD Conditions of Probation,** and
 - e. **SERDTD Participant Contract.**
4. If the defendant decides to participate, they must sign the **SERDTD Conditions of Probation and the SERDTD Participant Contract** and e-filed to Odyssey in preparation for the change of plea. The Contract must be signed by the Defendant, and e-filed into Odyssey.
5. The Court Coordinator will work with **the attorneys to schedule the change of plea.**

VIII. CHANGE OF PLEA HEARING

1. SERDTD Conditions of Probation and the SERDTD Participant Contract are e-filed into Odyssey with the Notice of Plea Agreement.
2. The Judge will conduct the V.R.Cr.P. Rule 11 plea colloquy with the Defendant.
3. Sentencing will be scheduled for the next Friday SERDTD Court Docket.

IX. SENTENCING

1. The Defendant will be sentenced to participate in the SERDTD at the scheduled SERDTD Court Hearing, and all the SERDTD obligations begin.