

Sentencing Alternatives/Diversions

Presenters:

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Purposes of Sentencing

- Punishment by assuring imposition of a sentence deserved in relation to the seriousness of the offense
- Fair and consistent treatment of all avoiding unjustified disparity in sentence
- Prevent crime and promote respect for the law
- Promote rehabilitation by encouraging programs that elicit voluntary cooperation and participation
- Selecting a sentence, sentence length, and level of supervision that addresses individual characteristics and reduces potential of future criminal conduct
- Promotes acceptance of responsibility and accountability by offenders and provide restoration and healing for victims and the community while attempting to reduce recidivism and the costs to society by the use of restorative justice practices

*This list is from Colorado Revised Statutes Section 18-1-102.5. While not binding on municipal courts, many municipal judges look to these guiding principles in crafting sentences.



What people think alternative sentencing is:

CS579389



"Look, the prisons are pretty crowded so just apologize nicely and we'll forget the whole thing."

What it really is:



Sentencing Options

Traditional

- Pay a fine
- Serve Jail Time
- Probation
 - Standard conditions
 - Remain law-abiding
 - Monitored sobriety
 - Alcohol/drug treatment
 - Mental health treatment
 - Can impose any condition reasonably related to the purposes of sentencing

Alternative

- Work Release
- Electronic Home Monitoring
- Diversion*
- Deferred Judgment and Sentence
- Programs (can be independent or in conjunction with probation)
 - Homeless Courts
 - Drug Courts
 - Veteran's Courts
 - Restorative Programs
 - Mental Health/Wellness Courts
- Mediation



Fort Collins Municipal Court Alternative Sentencing Programs

- Restorative Traffic Circles
- The Right Track (primarily individuals experiencing homelessness)
- RJCP / RESTORE – restorative justice program
 - Partnerships with Center for Family Outreach for Juvenile Offenders and CSU
- Mediation
- Coming soon!
 - HARP – Healthcare Accountability Restorative Program
 - Municipal Drug Court



Restorative Traffic Circles

- ❖ Increased road fatalities and dangerous driving cases in Fort Collins
 - ❖ Targets young drivers (20 or younger) due to higher level of risky driving behavior and lower level of points
 - ❖ Drivers who either:
 - ❖ Have a 5 point or higher ticket; or
 - ❖ Speed contest
 - ❖ Speed exhibition
 - ❖ Speeding 20+ mph over the limit
 - ❖ Reckless Driving
 - ❖ Have multiple violations while still under 21.
 - ❖ CAO makes offer to defer higher charge – defendant pleads to lower charge (typically 1 or 2 point violation)
- ❑ 3 Part program
 - ❑ Panel
 - ❑ Restorative Circle
 - ❑ Contract
 - ❑ Self
 - ❑ Community
 - ❑ General
 - ❑ Approximately 20-28 hours of effort required
 - ❑ 90%+ completion rate

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RESTORATIVE TRAFFIC CIRCLES

Action Plan for: _____ Date: _____

Case #: _____ DOB: _____ Age: _____

Completion Circle Date: _____ Location: _____

1. Giving back to Community: 8 hours Community Service and Reflection Page (choose 1)

___ Community service (any nonprofit agency or group)

___ My idea: _____

2. Giving back to Self and Family/Support: (choose 1)

___ Counseling – intake and minimum of 3 sessions

___ 4 apology letters (self, parent, other family

___ 4 hours family community service

members, friends, peers)

___ My idea: _____

3. Giving back: (choose 2)

___ Counseling – intake and minimum of 3 sessions

___ Five Simple Insights articles + 600-word paper

___ Three apology letters (victim-if applicable, police, community members and young adults)

___ Support group meetings – min. 4

___ Approved documentary + 750-word paper

___ MADD victim impact panel & essay

___ Five local news articles involving car crashes + 500-word paper

___ 750-word essay on drugs/alcohol

___ Be a guest speaker at an upcoming RTC session

___ Personal journal (minimum of 15 entries)

___ GED Project

___ Educational poster + 100-word essay

___ College Research Project

___ Three Impact Teen Drivers videos + 600-word paper

___ My Idea: _____

Participant Signature _____

Parent Signature _____
(If applicable)

Probation Signature _____

Verification of Completion

City of Fort Collins Municipal Court | PO Box 580, Fort Collins, CO 80522 | 970.416.8003



The Right Track

- Most participants experiencing homelessness
- Sentence is probation (or less commonly a supervised deferred) with a condition of probation as participation in The Right Track
- Participants are only sentenced to this program after speaking with a probation officer and indicating they are willing to participate
- Review hearings once a month



The Right Track

- Goal-setting focus
- Examples of goals:
 - Getting an ID
 - Getting birth certificate
 - Obtaining medical/dental treatment
 - SSDI
 - Substance abuse/alcohol treatment
 - Residential treatment
 - Education
 - Any positive pro-social goal

Note: while housing is often a goal of participants, it is not used as a measurement of success unless they are not taking steps available to them to obtain housing.

3 Phases:

- Phase 1 – goal setting
- Phase 2 – bulk of the work accomplishing the goals
- Phase 3 – aftercare planning and mentoring of newer participants

Incentives given on phase progression and graduation.

Typical length of program = 7-10 months.



RJCP / RESTORE

- “Traditional” restorative programs run by the City for offenders ages 10-22 with a qualifying offense.
- Involves restorative practices such as:
 - Accountability
 - Useful public service / Giving back to community
 - Education
 - Victim impact
- Refers to CSU Student Resolution Center –RJ for CSU students
- Works with Center for Family Outreach on some juvenile cases for:
 - Alcohol/substance abuse treatment and monitored sobriety
 - Juvenile-appropriate useful public service
 - Peer mentoring and leadership opportunities



Mediation

- City-run program
- Typically used for non-violent disputes
 - Neighbor (noise complaints)
 - Barking dog
 - Animal at large
- Requires Victim participation
- Typically a pseudo-diversion (i.e. set a review date that is vacated with a dismissal if mediation is successful)



Planned Programming

HARP – Healthcare Accountability Restorative Program

- ❖ Partnership with UCHealth
- ❖ Behavior in treatment settings for those amenable to restorative practices
- ❖ Education and restoration
- ❖ Accountability
- ❖ Healthcare worker retention and safety at work



Municipal Drug Court

- ❖ State drug courts are overwhelmed and can't serve all offenders who may benefit
- ❖ The “de-felonization” of personal use possession created an opportunity
- ❖ Proven problem-solving court practices and scaling them to the local level
- ❖ Small group, individual interactions and high level supervision for better outcomes
- ❖ Increased overdose deaths and presence of fentanyl in the community
- ❖ Funded in part by the City's share of the opioid settlement funds



Aurora Municipal Court's Alternative Sentencing

- Christie Hoff
- Criminal Prosecution Manager



Agenda

Aurora Armed Forces Treatment Court (AAFTC)
Wellness Court (Mental Health)
Teen Court Program



Aurora Armed Forces Treatment Court (AAFTC)

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Mission Statement

- The mission of the City of Aurora Armed Forces Treatment Court (AAFTC) is to partner with military service members and Veterans of the Armed Forces in a strength-based team approach to enhance public safety through a supervision program that will focus on the treatment of substance abuse mental health and coordinate the specialty services they have earned with their serve. The goal of the Armed Forces Treatment Court will be to help our military service members and Veterans regain their stability and sobriety and live a life of honor, integrity, and distinction as valued law-abiding members of our community.



Key Components of Armed Forces Treatment Court

ARMED FORCES TREATMENT COURTS OPERATE SIMILARLY TO SUBSTANCE ABUSE AND MENTAL HEALTH PROBLEM SOLVING COURTS.

ARMED FORCES TREATMENT COURTS ARE USUALLY HYBRID COURTS, COMBINING DRUG AND MENTAL HEALTH COURTS INTO ONE TREATMENT COURT.

AAFTC OPERATES WITHIN THE GUIDELINES OF THE TEN KEY COMPONENTS OF DRUG / MENTAL HEALTH COURTS, DEVELOPED BY A COMMISSION OF DRUG COURT PRACTITIONERS IN 1995



Ten Key Components

1. Integrate alcohol treatment, and mental health services with justice system case processing
2. Use a non-adversarial approach where prosecution and defense counsel promote public safety while protecting military service member and veteran participants' due process rights
3. Identify eligible participants early and promptly place them on the treatment court docket
4. Provide access to a continuum of alcohol, drug, mental health, and other related treatment and rehabilitation services
5. Monitor abstinence through frequent alcohol and other drug testing
6. Respond to military service member or veteran participants' compliance through a coordinated strategy
7. Maintain essential, ongoing judicial interaction with each military service member or veteran
8. Measure achievement of program goals and gauge program effectiveness through monitoring and ongoing evaluation
9. Continue interdisciplinary education and promote effective treatment court processes, planning, implementation, and operation
10. Forge partnerships among Armed Forces Treatment Court, Veterans Administration, public agencies and community-based organizations, generate local support, and enhance treatment court effectiveness



AAFTC Team Members

Aurora Municipal Court Judge

Aurora Assistant City Attorney

Aurora Municipal Public Defender

Aurora Armed Forces Treatment Court Coordinators

Aurora Municipal Court Probation Officer

Veteran Justice Outreach Specialist

Treatment Providers

Veteran Peer Mentor Coordinator

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Qualifying Participants

AAFTC is limited to defendants who

1. Have served or are currently serving in any branch of the United States Armed Forces
2. Have criminal, non traffic cases at the Aurora Municipal Court
3. Face identifiable substance abuse and / or mental health issues
4. The City Attorney's Office agrees to offer a Supervised Deferred Judgement



Phases

AAFTC is a one year program

– Phase One – Orientation

- Starting Point. The defendant's make initial contact with their probation officer, the AAFTC coordinator and treatment provider and start monitored sobriety

– Phase Two – Engagement

- Making good choices a regular part of the defendant's life. Focus on treatment, a safe place to live and develop a healthy schedule

– Phase Three – Recovery

- Focusing on how to reach out for help when the defendant falls and using that as a learning opportunity to keep going

– Phase Four – Maintenance



Aurora Wellness Court (Mental Health)

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Mission Statement

The City of Aurora, through the Wellness Court, will increase long term public safety, reduce recidivism, and lower the costs of incarceration and hospitalization, by holding defendants in the Municipal Court whose criminal behavior is affected by mental illness accountable and assisting them to achieve long term stability, self-sufficiency, and become law-abiding citizens, by providing them with behavioral health treatment, court supervision and an integrated continuum of care, through services provided by community resources. Utilizing an evidence-based problem-solving court approach, the Wellness Court Team will support each other and will treat both the team members and the court's participants with respect.



10 Essential Elements of Wellness Court

1. Collaboration in the planning and administration of the court by all members of the Judicial Team
2. Comprehensive strategy to target criteria for participant
3. Assessment to identify appropriate community-based supportive services for each participant
4. Clear and specific terms of participation
5. Procedure to ensure that a participant's agreement to participate in the Wellness court is made freely, knowingly and intelligently
6. The treatment team should work with the provider to ensure that evidence-based treatment and supportive services are provided
7. Health and legal information shall be shared in a way that protects confidentiality
8. The judicial team should work collaboratively to assist the participant to achieve treatment goals by regularly reviewing and revising court process
9. The judicial team shall collaboratively monitor participant's adherence to court conditions offering graduated incentives and sanctions, modifying treatment as necessary to promote public safety and the participant's recovery
10. The court shall collect data to analyze impact and performance and to assess modification



Wellness Court Team Members

Aurora Municipal Court Judge

Aurora Assistant City Attorney

Aurora Municipal Public Defender

Wellness Court Coordinators

Aurora Municipal Court Probation Officer

Treatment Providers



Qualifying Participants

1. Have criminal, non traffic cases at the Aurora Municipal Court
2. Competent adults who presents themselves with mental health issues correlated to conduct associated with the pending charge and can be safely treated in the community
3. There current charge does not involve the use of a deadly weapon
4. The current allegations do not involve the defendant causing serious bodily injury to the victim
5. The current charge is not identified as a case involving domestic violence



Phases

Wellness Court is a two-year program

- **Phase One – Medication and Orientation**
 - Develop an overall care plan with the wellness court coordinator and their provider to address medication, treatment, housing, medical, dental, support services, and essential living needs.
- **Phase Two – Treatment Engagement – Desire to Change**
 - Working towards their care plan and overall probation case plan
- **Phase Three – Treatment Engagement – Begin Taking Actions**
 - Learning how to take charge and be pro-active and a self starter in addressing their challenges with honesty and creativity. Using the program and community resources along with reach out for help.
- **Phase Four – Full Action Phase**
 - Showing their selves and the Wellness court team what they have learned and how they can apply it to their everyday life. Taking on more responsibilities.
- **Phase Five – Maintenance and Graduation**
 - Using the skills, they have learned to show they can live as independently as they are able to



City of Aurora Teen Court Program

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What is Teen Court

The Aurora Teen Court program provides an alternative response for the juvenile justice system for first-time, misdemeanor juvenile offenders, in which teens determine the appropriate sanctions for the offender.

The Aurora Teen court program is designed to educate youth about the judicial process

Teen defendants learn the importance of taking responsibility for their own actions as well as how their choices impact those around them

Gives young offenders the opportunity to make amends with their community through their participation and service



How Teen Court Works

Sentencing Hearings

- The defendant appears before a teen jury of their peers
- Student attorneys participate as either prosecutors or defense attorneys
- The defendant is required to testify

Panel Hearings

- The defendant appears before a panel of their peers
- The teen panel asks questions of the defendant
- The defendant is required to testify



Sentencing

- Teen Court Jury or Panel is charged with the responsibility of determining a constructive sentence based on the evidence presented
- Community service is a mandatory component of the Teen Court sentence
- In addition, defendants can be sentenced to participate as a juror, write an essay or apology letter, or take an educational class.
- Defendant are required to complete their sentence within 10 weeks of their hearing date



Teen Court Volunteers

- Any teen who is 13 to 18 can volunteer who is enrolled in school
- Roles include attorney, bailiff, clerk, and jurors
- To become a teen attorney the students are required to attend a 20 hour training



Questions ??

Contact Information:

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City of Lakewood Municipal Court

Sentencing Alternatives

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Unique Programs

- Juvenile Programs:
 - Youth Educational Team Program (YET)
 - Graffiti clean-up
 - Teen Court
- Adult Programs
 - Community Adult Resources and Education (CARE)



Teen Court

➤ <https://youtu.be/p27ytopjFs0>



Vet Court

- Created in 2014
- Goal: better serve unhoused Veterans that were charged with misdemeanor offenses such as trespassing, open container, shoplifting



Building Community Partners



OUR PARTNERS

- Veterans Administration - VJO's
- Warrior Now
- Lakewood Elks Lodge
- Jefferson Center for Mental Health
- Jefferson County Workforce
- Colorado Coalition for the Homeless
- Rocky Mountain Human Services
- Lakewood Police Department
- Lakewood Victim Advocates
- Court Support Jeffco

SUPPORT PROVIDED

Transportation
Housing
Mental Health
Substance Abuse Treatment
Physical Health
Pro-Social Support
Mentors
Food
Employment
Education
Camaraderie

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Structuring the Program

- Develop Criteria
- Outline Expectations
- Set Phases
- Set Short and Long Term Goals
- Offer Incentives
- Graduated Sanctions
- Graduation and After-Plan
- Develop Criteria

COURT DATE: [Click here to enter a date.](#)

DEFENDANT: **DOB:** **Summons Number:**
Disposition:
Date Sentenced: **Term:**
Probation/Diversion Final:
Charge:
Probation Officer:
Military Discharge Status:
VA Eligible: **VA Disability:**
Branch of Service:
Dates of Service:
Current Phase and Date: Phase 1
Case Contact Information:
 Veteran's Phone:
 Veteran's Address

PHASE 1
<i>Orientation and Stabilization</i>
PHASE 2
<i>Treatment Engagement</i>
PHASE 3
<i>Transition to Sustainability</i>

Currently in Program Compliance:
Homeless or at-risk of Homelessness:
Employment Status:
Treatment Update:

PO update and contacts with veteran:

VJO update and upcoming appointments:

Incentive History

Date	Reason	Incentive

Sanction History

Date	Reason	Sanction

SHORT-TERM GOALS

Short Term Goal	Description	Compliance/Date

LONG TERM GOALS

Long Term Goal	Description	Achieved/Date



Lakewood Early Action Program (LEAP)

- Partnership with Jefferson County Schools, Jefferson Center, Lakewood Police Dept., Lakewood Municipal Court
- LEAP caseload is limited to ten juveniles
- Program works to develop client and family competency to decrease criminal and at-risk behavior displayed by the juvenile with the intention to increase public safety
- All participants in LEAP have a mental health diagnoses
- Dedicated probation officer and Judge – meet with each youth and family once a month





Qualifying Criteria Checklist for new referrals

Lakewood

Youths Name: _____ **Age:** _____ **Date:** _____

Summons#: _____ **Offense:** _____

NCJFCJ Risk level of High or Very High with the following identified Risk or Need factors:

NCJFCJ Score: _____

- History of Antisocial Behavior:** Aggression toward people and animals, destruction of property, deceitfulness, theft, and serious rule violations.
- Antisocial Personality Pattern:** Frequently lack empathy and tends to be callous, cynical, and contemptuous of the feelings, rights, and sufferings of others. Youth may exhibit an inflated and arrogant self-appraisal (feel that ordinary work is beneath them or lack a realistic concern about their current problems or their future).
- Antisocial Cognition:** Includes attitudes values, beliefs, rationalizations and a personal identify that are favorable towards crime.
- Antisocial Associates:** Can include both association with delinquent peers and relative isolation from pro-social peers/activities.
- Family Circumstances:** Maintains poor quality of meaningful relationships with parents/guardians as well as can lack nurturance and caring with parents/guardians.
- School:** Low level of performance, attachment and involvement.
- Leisure/Recreation:** Low levels of involvement positive activities as well as lacks anti-delinquent leisure pursuits.
- Substance Abuse:** Use or dependency with drugs or alcohol.

Has a Mental Health Screening / Assessment or evaluation been completed? YES NO

Does the youth have a Mental Health Diagnosis? YES NO If YES, what is the diagnosis? _____

Has the youth been prescribed medication? YES NO If YES, what is the medication, dose and daily intake of the prescribed medication? _____

If medication has been prescribed is the youth complaint in consistently taking medication? YES NO

Has the youth experienced any Suicide/homicidal ideations in past 12 months? YES NO

If YES please describe: _____

Is there any evidence or reports of a history of childhood abuse, neglect and/or trauma? YES NO

If YES please describe: _____

Is there a history of the youth running away from home in the past 12 months? YES NO

If YES please list the number of times: _____

Does the youth have a history of police contacts that have not resulted in charges? YES NO

If YES please describe: _____



Mutually Agreed upon Plan of Treatment/Services/ Recovery for:

Problems/ Goals/ Objectives

1. Behavior

GOAL: will work on listening to others in charge of him, (parents, school staff, etc) when he does not agree with them. will also follow the directions of the adults in charge of him. will not react with behaviors that could physically harm others. will work on thinking before reacting.

- This goal will be checked periodically through check ins with mother and school staff of whatever school that is attending.

2. Family/ Community

GOAL: will work on not arguing with others/family members and treat people with respect even if he disagrees with them.

- This goal will be checked periodically through check ins with family members and people that interacts with frequently.

3. School

GOAL: will attend school as required. will also treat school staff and peers with respect. will listen to school staff.

- This goal will be checked periodically through check ins with school staff and mother.

4. Treatment

GOAL: will attend therapy as recommended by provider. will work on finding coping skills to keep him from harming others when he gets upset.

- This goal will be checked periodically through contact with therapist.

5. Probation

GOAL: will comply with terms and conditions of his Diversion cases. will also not get any new law violations.

- This goal will be checked through criminal history databases and Probation/Court records/reports.

JUVENILE

06/22/2023 8:42 AM



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Lakewood Municipal Community Outreach Court

➤ Mission statement:

“The Lakewood Municipal Community Outreach Court is aimed at bringing the Court out to the community and thereby expanding access to the criminal justice system. The focus is to allow individuals to resolve their cases while providing them with direct and immediate access to community services and resources, with the goal of improving their lives as well as the overall community.”



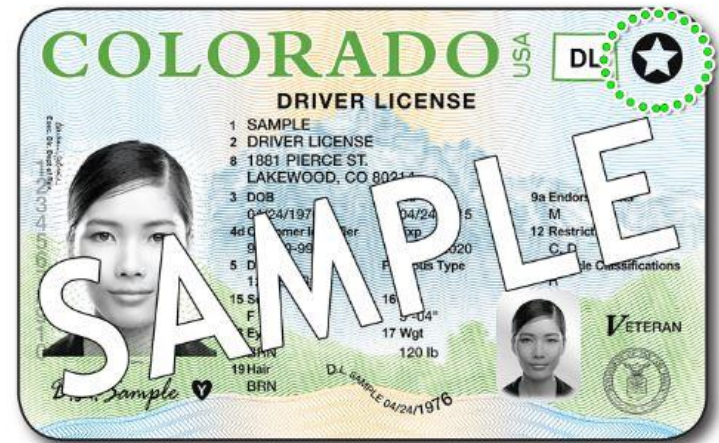
Lakewood Municipal Community Outreach Court

- All services / resources in one place
- First Thursday of every month
- Mountair Church – 1390 Benton Street
- Open to people with open Lakewood Municipal Court cases or those just in need of resources
- Average number of people – 35 and growing each month



Lakewood Municipal Community Outreach Court

- Community resources and services include:
 - Housing information
 - Employment resources
 - Drivers license / ID's
 - Mental Health
 - Substance Misuse
 - Medical Services
 - Laundry truck
 - Access and utilization of government benefits
 - Food / clothing / hygiene packs / blankets / hand warmers / bus passes





Community Outreach Court

Name: _____ DOB: _____

Metro Caring

Food Assistance _____ Voucher for ID _____

Did you find the information at this station helpful?

Very much Somewhat Not so much

Jefferson Center For Mental Health

Completed Intake _____

Did you find the information at this station helpful?

Very much Somewhat Not so much

DMV

Applied for ID or Driver's License _____

Did you find the information at this station helpful?

Very much Somewhat Not so much

Bayaud Enterprises

Resources Provided _____

Did you find the information at this station helpful?

Very much Somewhat Not so much

C3- Community Connection Center

What resources were discussed _____

Did you find the information at this station helpful?

Very much Somewhat Not so much



Lakewood Municipal Community Outreach Court

- Nov. 2, 2023 – 22 people for court (41 cases), 11 people for resources:
- C3 - 14 people (blankets, dog food, hand warmers, hygiene kits, bus pass)
- Ascent Health – 8 people for substance mis-use / mental health intake
- Bayaud – 9 people for employment assistance
- Benefits in Action – 7 people signed up for benefits
- West Metro – 8 people (dog bite, frost bite, medication refill, antibiotics, dental emergency, fracture)
- Jefferson Center Mental Health – 4 people MH intakes
- Laundry Truck – 12 loads of laundry for 5 people
- DMV 2 Go – 8 drivers licenses, 2 ID's
- Metro Caring – 15 ID Vouchers or Birth Certificate Vouchers



Questions??

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