

NEW CASTLE COUNTY COURT OF COMMON PLEAS DUI TREATMENT COURT PROGRAM

AUTHORITY

Senate Bill #260 amending Title 21, was passed by the 147th General Assembly in June of 2014. The bill was signed by the Governor on July 31, 2014 and the amendments became effective August 15, 2014, granting the Court of Common Pleas authority to implement a Driving Under the Influence Treatment Program. (21 Del. C. §4177(d)(2))

MISSION OF THE DUI TREATMENT COURT

The mission of the DUI Treatment Court Program is to enhance community and highway safety by holding individuals with alcohol and substance abuse issues accountable by requiring evidence-based treatment.

ORGANIZATIONAL STRUCTURE

The Treatment Court Program convened its first organizational meeting on June 10, 2014 which created a Planning Team. The Planning team attended the National Center for DWI Courts & National Highway Traffic Safety Administration training in Athens, Georgia on October 21-24, 2014. The trip was funded with a grant from the Delaware Office of Highway Safety. The first session of the DUI Court was held on December 19, 2014, during which four (4) individuals were admitted into the program. DUI Court sessions are held the 1st and 3rd Fridays of each month in New Castle County for entry; status sessions are held each Friday at 2:00 p.m. The Court is funded by a grant from BJA through the Delaware Criminal Justice Council.

STEERING COMMITTEE

The Steering Committee shall be composed of executive level personnel from each agency which has authority or provides services to individuals who may be sentenced under the Program. The role is to facilitate the process, expeditiously resolve issues, provide input and guidance on matters pertaining to the program, and coordinate information.

WHAT IS THE PURPOSE AND FUNCTION OF A STEERING COMMITTEE?

By way of analogy, the Steering Committee acts as a Board of Directors with respect to the Planning Team, which acts like officers of a corporation. Its purpose should include oversight of the planning process by expeditiously resolving policy issues regarding the planned DWI Court.

A Steering Committee should provide buy-in for DWI Court concepts by the upper echelon of policy makers and stakeholders (e.g., elected prosecutor, presiding judge, chief public defender, etc.). In this manner, the actual planning committee, which may be comprised of non-executive level personnel, will be confident that the head of each participating agency has made DWI Court a priority and has delegated to them the authority to make decisions necessary to implement the planned DWI Court. The committee should have the clear purpose of supporting the DWI Court planning effort. It should meet on a regularly scheduled basis and have a procedure for communicating with or exercising supervision over the planning team.

OPERATIONS COMMITTEE

This team's responsibility is to assist in the daily tasks of planning and operating the DUI Court. It consists of the Judge, DUI Court Manager; Deputy Court Administrator, Prosecutor, Defense Counsel, Treatment Providers, Probation Officer, Evaluator, and Court Clerk.

This team meets each Friday prior to the Status Calendar.

CASE MANAGEMENT

A. Entry Calendar

First and Third Fridays of each month at 10:00 a.m.

B. Status Calendar

Each Friday at 2:00 p.m. unless otherwise required.

GOALS OF THE DUI TREATMENT COURT

- To enhance the safety of the community.
- To reduce recidivism rates.
- To provide treatment to individuals in need.
- To provide a more efficient and cost-effective process in resolving DUI matters.
- To develop best criminal justice and treatment practices for DUI offenders.
- To provide close supervision and more meaningful consequences to DUI defendants.

INCENTIVES

- Suspension of Level V sentence.
- Petition for conditional license 30 days after entry into program.
- Petition for full reinstatement of license at completion of program.
- Transportation vouchers.

ENTRY REQUIREMENTS

- The participant must be a first offender with a high BAC level or a second offender.
 - The participant must waive his/her constitutional trial rights and plead guilty to the DUI offense.
 - The DUI must not have resulted in severe bodily injury or death.
- *The existence of a prior drug distribution conviction may render the participant ineligible.

GRADUATION CRITERIA

- Submit 14 random consecutive weekly negative urine screens and attend at least 12 weeks consecutive treatment sessions.
- Develop an aftercare plan with the Treatment Provider that is approved by the Court.
- Remain arrest, alcohol and drug free for 90 consecutive days.
- Complete a minimum of 60 hours community service during the program.
- Pay all fees and costs associated with the program including any restitution that is ordered.

Court of Common Pleas DUI Treatment Court Organizational Structure

I. Court – Judge

Authority: 21 Del. C. 4177(d)(2) . . . The sentencing court may suspend the minimum sentence set forth in this subsection upon the condition that the Offender shall successfully complete the Court of Common Pleas Driving Under the Influence Treatment Program.

II. Steering Committee

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IV. **Case Management**

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B. **Status Calendar**

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Steering Committee Members

Alex Smalls – Chief Judge – Court of Common Pleas
Sheldon Rennie – Judge – Court of Common Pleas
Alan Davis, Chief Magistrate, or designee – Justice of the Peace Court
Richard Gebelein – Judiciary JOL
Stephanie Fitzgerald – Court Administrator – Court of Common Pleas
Brenda Wise – DUI Court Coordinator - Court of Common Pleas
Bonnie Stark – Probation and Parole
John Sebastian – Probation and Parole
Gerald Spadaccini – Office of the Public Defender
Sean Lugg – Department of Justice
Lisa Shaw – Office of Highway Safety
Andrew Rubin – Newark Police Department
Michael Wysock – Delaware State Police
Marc Richman – TASC/DSAMH
Denise Bowers – TASC/DSAMH
Lynn Fahey – Brandywine Counseling
Domenica Personti – Brandywine Counseling
Kami Beers – Division of Motor Vehicles
Patricia Blevins or designee – Senator
Valarie Tickle – Criminal Justice Council (CJC)
Robin Freeman – Administrative Office of the Courts (AOC)
Tamara Burton – Court of Common Pleas