

## **Appendix H ASAP Guide**

The following information on ASAP procedures is a summary to provide an overview of the ASAP process. Please note that this is **NOT A COMPREHENSIVE GUIDE**. For this reason, you should consult the Alaska ASAP Program Manager for training and consultation purposes. This guide will help you gain a basic understanding of how the ASAP process works.

### **A. Client intake**

Client intake begins when a client appears in the ASAP office with a pending or current alcohol/drug related misdemeanor case. In this subsection, ASAP determines whether the client is eligible for our services, gathers background information on the client, reviews case information, and opens an ASAP client file.

An individual is eligible for ASAP services if he or she:

- has a current or pending criminal justice misdemeanor case or
- is self-referred for Division of Motor Vehicles (DMV) license reinstatement purposes.

**Client intake** begins at initial client contact or upon receiving documentation ordering the client to report to ASAP, whichever comes first.

**NOTE:** ASAP will not activate a client file unless the client can be positively identified using date of birth, social security number, or driver's license.

### **How are clients referred to ASAP?**

**1. Judgments** set forth conditions imposed by the court when individuals are sentenced. **ASAP must review judgments in order to:**

- verify that ASAP or alcohol screening has been ordered for the client, and
- identify which ASAP office the court has ordered the individual to contact.

Blood alcohol content (BAC) is often noted on the judgment by the court clerk before the judgment is sent to ASAP. **If the BAC is not recorded on the judgment, it should be obtained from the court file, the prosecutor's office, DMV or other appropriate source.**

A judgment may hold other useful clues. Imposition of jail time, or fines higher than customary for a first offense, may indicate that a client has prior conviction(s) for similar offenses.

**2. Condition of release (COR) or condition of bail (COB)** paperwork from the court, it means that the client has agreed to come to ASAP as part of his or her release from incarceration. This will occur prior to the sentencing of the case or final disposition by the court.

**3. Self referral clients** can start the ASAP process before being ordered to do so by the court. Additionally, an individual may elect to reopen a case that has been closed by the court or prosecutor, due to noncompliance or the expiration of probation. In either case, self referrals usually come to ASAP in order to reinstate their drivers licenses, which have been revoked for a DUI, refusal or other driving related offenses. To process self referrals, ASAP must obtain legal paperwork providing a case number and the BAC, if applicable, at the time of arrest.

**4. Monitoring assignment from another ASAP office**

When a client contacts your office asking to have his/her case transferred from another ASAP or you discover another ASAP office is involved with the client:

- have the client sign the proper standard releases (see client confidentiality, overview section).
- contact the other ASAP office to determine case status, while the client still in your office.

**B. Drinker classification**

The second phase of the client-specific services process is the drinker classification. This occurs after the ASAP file has been opened, and usually at the first client contact or appointment. In this subsection, ASAP gathers information on the client’s prior treatment and substance use history for early identification of problem drinking.

Drinker Classification	Criteria
<b>Problem</b>	<ul style="list-style-type: none"> <li>• BAC is .20 or higher</li> <li>• 2 DUIs /DWIs within the last 5 years</li> <li>• 3 or more DUIs/DWIs in a lifetime</li> <li>• clinical determination of problem drinking within 5 years</li> <li>• client admission of problem drinking</li> </ul>

<b>Pending</b>	<ul style="list-style-type: none"> <li>• client is under 18 years old</li> <li>• client appears intoxicated at ASAP or education appointment</li> <li>• client refused the intoximeter (BAC is refused)</li> <li>• portable alcohol breathalyzer test is .20 or higher, if intoximeter is not available <u>and client did not refuse</u> the intoximeter</li> <li>• violence is involved</li> <li>• the charge is assault, a felony reduction, or any charge with weapon or drug aggravators</li> <li>• client has current involvement with Office of Children’s Services or felony probation</li> <li>• child custody referral</li> <li>• client classified as problem drinker more than 5 years ago</li> <li>• client attended court-ordered alcohol/drug information school (ADIS) within the past 5 years</li> <li>• ASAP has two or more active alcohol/drug related cases for the client</li> <li>• additional information leads you to believe that a further evaluation is necessary <i>(Note: This must be clearly documented)</i></li> </ul>
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**C. Client referral**

Based on the drinker classification, ASAP will refer the client to the appropriate education or treatment requirement. In this subsection, you will also be provided with information on client assignments, agency notification, a brief description on types of education and treatment, and the agency referral agreement.

**Table 1. Assignment/referral types for classifications categories**

<b>Clients receiving this drinker classification...</b>	<b>...should be assigned/referred to this type of program:</b>		
<b>Non-problem drinker</b>	...an <b>alcohol/drug information school</b> (ADIS) approved by DBH or operated by the federal government.		
<b>Pending</b>	<p>...a <b>clinical evaluation</b> to determine whether education or treatment is needed.</p> <p>If the clinical evaluation recommends:</p> <table border="0" data-bbox="560 682 1485 861"> <tr> <td data-bbox="560 682 982 861"><b>“no treatment”</b> ...assigns the client to alcohol/drug education approved by DBH or operated by the federal government.</td> <td data-bbox="982 682 1485 861"><b>“treatment”</b> ...assigns the client to an alcohol or drug treatment program approved by the DBH or operated by the federal government.</td> </tr> </table>	<b>“no treatment”</b> ...assigns the client to alcohol/drug education approved by DBH or operated by the federal government.	<b>“treatment”</b> ...assigns the client to an alcohol or drug treatment program approved by the DBH or operated by the federal government.
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<b>Problem drinker</b>	<p>...a <b>clinical evaluation</b> (TX eval) to determine the most appropriate treatment.</p> <p>...assign the client to an alcohol or drug <b>treatment program</b> recommended by the evaluating agency and certified by the DBH or operated by the federal government.</p>		

**D. Client monitoring**

The client monitoring subsection is where the majority of ASAP’s work is done. It is here where the client’s ASAP requirement is tracked or monitored through completion or non-compliance. You will also find information on creating and processing agency reports, DMV signoffs, reporting noncompliance, completing motions, and court appearance.

**1. Status reports and status requests**

Status reports should be received on a monthly basis, unless the ASAP office has chosen to use the designated reporting date (DRD) system. Agencies can choose to use the notification form (see agency report/comments section) to provide ASAP with a written update on the client’s status. Additionally, they can send a report on their letterhead indicating whether a client is in compliance with the ASAP requirement, as well as any supporting comments/information.

## **2. Agency reports of completion or compliance**

When an agency sends a report documenting that a client has completed, or is in compliance with, his or her requirement, ASAP should determine the client's DMV eligibility and the nature of the compliance (see DMV signoff section for criteria). For completion reports, ASAP should verify that the client has completed any post-evaluation requirements and/or all referrals given by the ASAP office. The case should be closed as "treatment complete," and documented in the computer. **For any compliance or completion reports that are inconsistent with the classification and/or the client referral process, the Alaska ASAP Program Manager or designee should be notified.**

## **3. Agency reports of noncompliance**

When a client fails to follow through with his or her assignment, the agency must send ASAP a report detailing the noncompliance. The report must include an acknowledgment from the reporting agency that a noncompliance affidavit may be filed based on its report, and a bench warrant for the client's arrest may be issued as a result. If the report contains no such acknowledgment, ASAP should send the agency a pre-affidavit letter (see sample at the end of this section).

Once a client has been discharged in noncompliance, it is his or her responsibility to contact the ASAP office to request reassignment. If the client contacts ASAP by the specified date, ASAP should determine whether the client is eligible for reassignment. If eligible, a new referral should be made following the client referral procedures above. However, if the client is not eligible or fails to contact ASAP by the date given, then the ASAP office should file a noncompliance affidavit or close the case (see noncompliance section).

It is extremely important that any reassignments occur through the ASAP office. This will eliminate a client being arrested or having an outstanding bench warrant when he/she is in compliance with ASAP requirements. Additionally, if the client has not been reassigned by the local ASAP office, the new agency will lack current information relevant to the client's education or treatment status.

## **4. DMV Signoff**

Division of Motor Vehicles (DMV) offices statewide require proof of a client's compliance or completion of required alcohol education or treatment programs before the client's drivers license will be reinstated. DMV requirements state:

- **ASAP compliance on the 1st DUI/Refusal offense within 15 year period**

**Limited license** will continue to be defined as the completion of treatment evaluation OR ADIS OR Victims Panel (VP), and be assigned to the next step.

**Regular license** will continue to be defined as the completion of treatment evaluation OR ADIS OR VP, and be assigned to the next step

- **ASAP compliance for multiple DUI/Refusal offenders within 15 year period**

**Limited license** will be defined as the completion of evaluation and **half** of their program requirement.

**Regular license** must complete their program requirements.

## 5. Noncompliance

Clients can be in noncompliance because they failed to contact ASAP after being instructed to do so by a referral source, or follow through with any part of their assignment.

When an affidavit is filed in the manual tracking system, you must document its filing in RED on the back of the tracking cards (TC). Any further documentation is recorded in red until the court reassigns the client to ASAP or vacates the requirement. Even if the client has more than one case with affidavits pending, documentation should continue in red until all cases have been reassigned or vacated by the court.

Once the client is reassigned, the documentation is recorded in black.

When clients are in noncompliance, indicate this on their tracking cards and place in the “affidavit pending” section of the TC system.

**To begin the affidavit procedure whether manual or computerized**, check the referral paperwork (usually a court judgment) to verify that

- ASAP has been ordered, and
- any contact date that has been given by the referral source, ASAP or the education/treatment agency has passed.

**NOTE:** If ASAP was not ordered, the case should be closed.

**If initial review indicates that an affidavit is appropriate**, review the client’s tracking card or the appropriate computer screen to confirm that

- the client has not recently contacted ASAP, or
- other circumstances have not changed noncompliance status.

## 6. Motions

A motion is a document used to request court action. ASAP uses two (2) types of motions: motion to quash and motion to modify. When a client requests an intervention by the court, the client file must be reviewed to determine if there are any outstanding noncompliance affidavits. If an affidavit has been filed, the client should be assisted with a motion to quash.

**Motion to Quash (MTQ)** is warranted when a client is requesting the court to:

- quash any outstanding bench warrant or summons *for failure to satisfy ASAP* and
- reassign the client to ASAP.

**Motion to Modify (MTM)** is used to request actions such as treatment delay, use of a non-state-approved treatment agency, alcoholics anonymous (AA) in lieu of recommended treatment, etc.) The client completes and signs the client portion of the MTM, stating his or her request and the reasons for it. If the request is for a delay in treatment, the court must be given a specific date by which the client will return to treatment.

### E. Court appearance

#### Reasons for court involvement

Depending on the nature of the case, the court may schedule a routine hearing to verify the compliance status of the client. Additionally, the court will become involved in the ASAP process, after a motion to quash or a motion to modify has been filed. The court may elect to schedule a hearing to discuss the motion in detail. If no hearing is set, the court will decide the matter and notify the client, as well as ASAP of its decision. If a hearing is scheduled ASAP attendance may be required.

#### Preparing to give testimony in court

ASAP has a comprehensive picture of a client's criminal and treatment history. For each client, ASAP maintains a file that contains every action regarding the client, beginning with the client intake process. At a court hearing, on the other hand, matters are addressed on a case-by-case basis. Each court file is case specific and does not provide an overall picture of the client. This makes ASAP's input unique and invaluable to the court.

It is important for the ASAP representative to become familiar with a client's file prior to the court appearance. As part of your preparation, you must determine what issue the court will be addressing (e.g., status check, motion to quash, motion to modify, non-ASAP matter).

**Review the file** to note the following information

- Has the client contacted ASAP in a timely matter?
- What is the ASAP requirement?
- Is the client in compliance or complete with the requirement?
- If so, what was its recommendation?
- If the client is in treatment, what is his current treatment status?

If the client's file contains no recent report from his or her treatment agency, be sure to call the agency before the scheduled court hearing and obtain an update on the client's current treatment status.