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New York State-Federal Judicial Council Advisory Committee

Supervised Release and Alternatives to Incarceration

Approved for 1.5 NYS CLE credits in Professional Practice

TIMED AGENDA

1. Fireside chat between The Honorable Richard Berman and Carrie Cohen, to discuss Judge Berman's Supervised Release Report, including the premise of the Report and the implementation. Also to address best practices for the judiciary and the Bar—20 minutes.

2. Panel discussion of Alternatives to Incarceration Programs and Court across the state, in both federal and state courts.

    1. A description of the courts and programs available in each Panelists court/geographic area—30 minutes (5 minutes per panelist)

    2. Damon Clemens and Jay Tenem discussion of their experiences as individuals who have successfully completed an alternatives to incarceration program—10 minutes

    3. Panel discussion moderated by Carrie Cohen to address how lawyers and judges can best utilize the alternatives to incarceration courts, as well as brainstorm on other possible programs—30 minutes

SPEAKERS' BIOGRAPHIES

RICHARD M. BERMAN has been a United States District Judge for the Southern District of New York since November 1998 and a Senior Judge since September 2011. He received a B.S. degree from Cornell University in 1964, a J.D. degree in 1967 from N.Y.U. School of Law, and an M.S.W. degree in May of 1996 from the Fordham University Graduate School of Social Service. He also received a Diploma of Comparative Law in 1968 and a Diploma of International Law in 1970 from the University of Stockholm Faculty of Law, while an American Scandinavian Foundation Fellow.

Judge Berman was an associate at Davis Polk & Wardwell from 1970 to 1974. He served as Executive Assistant to United States Senator Jacob K. Javits from 1974 to 1978. In 1978, he became General Counsel to Warner Cable Corporation (and also to MTV Networks Inc. in 1984). In 1986, Judge Berman became a partner at LeBoeuf, Lamb, Greene & MacRae and managing partner of LeBoeuf Lamb's Los Angeles office from 1989 to 1991. He was appointed as New York State Family Court Judge (Queens County) in 1995. And, he was appointed Federal District Court Judge (SDNY) in November 1998.

While serving as a District Judge, Judge Berman has developed a program of court-involved supervised release. This program is designed to assist (every) person previously sentenced to incarceration by Judge Berman to safely and successfully reintegrate into the community. *See* Richard M. Berman, *Court Involved Supervised Release*, June 10, 2024; *see also* "Judges Urge Colleagues to Take More Active Role in Supervised Release," by Tom McParland, New York Law Journal, Oct. 15, 2021.

Judge Berman received the National Association of Social Workers (NYC) Emerald award for 20 years of leadership as a (licensed) social worker and judge in 2019.

ELLEN NACHTIGALL BIBEN was appointed to the Court of Claims in 2015 and sits as an acting justice of the New York State Supreme Court. Since 2017, Judge Biben has served as the Administrative Judge of New York County Supreme Court, Criminal Term. Judge Biben presides over the New York County Supreme Court Felony Alternatives to Incarceration Court, the first all-purpose felony ATI court in the country, which she opened in 2019. Expanding on the principles of specialized drug and mental health courts, the ATI court has no charge- or need-based eligibility criteria and works in collaboration with stakeholders to create alternatives to incarceration for all types of felony cases, including violent offenses.

DAMON CLEMONS was a participant in the Manhattan Felony Alternative to Incarceration Court from April 2024 until successful completion in October 2025. During his mandate, Mr. Clemens engaged in services for mental health and substance use needs. He also completed a

Certified Peer Recovery Advocate training and obtained supportive housing. When he finished his mandate, he was working with Ready, Willing, & Able; he's now actively applying for peer positions and hoping to support others in their recovery journey.

CARRIE H. COHEN is partner in Morrison Foerster's Investigations + White Collar Defense practice group and leads the firm's State + Local Government Enforcement team. Prior to joining the firm, Carrie served as an Assistant U.S. Attorney in the Southern District of New York (SDNY) where she prosecuted public corruption and securities matters, including obtaining the first trial conviction of former Speaker of the New York State Assembly Sheldon Silver. Carrie also served in the New York State Attorney General's Office as Chief of the Public Integrity Bureau and an Assistant Attorney General in the Civil Rights Bureau where she received the Louis J. Lefkowitz Memorial Award for outstanding service.

MATTHEW DORAN was elected as a County Court Judge in 2016. In this capacity, Judge Doran presides over a wide range of felony criminal cases including property crimes, narcotics, sex offenses, and homicides. Onondaga County encompasses Syracuse, New York, and its surrounding area and has a population of approximately 500,000 people. In 2024, Doran was appointed as the Supervisory Judge for Onondaga County Court. In 2025, he was selected to serve as the Supervisory Judge for all the County Courts in the Fifth Judicial District.

Prior to serving as a judge, Judge Doran worked at the Onondaga County District Attorney's Office from 1998 to 2016. His most recent former position was Bureau Chief of the Homicide Bureau. Along with supervising the operations of the bureau, he personally prosecuted homicide cases and coordinated investigations with many police agencies. Prior to being appointed as the Homicide Bureau Chief, Judge Doran served in several positions including Bureau Chief of the Special Victims' Bureau and Bureau Chief in the DWI and Vehicular Crimes Bureau.

Before joining the District Attorney's Office, Judge Doran served on active duty as a Naval Officer in the United States Navy JAG Corps. His first active-duty assignment included serving as a Claims Attorney, Command Services Attorney, and Trial Counsel in San Diego, CA. Then, he served as the Chief Commissioner at the Navy Marine Corps Court of Criminal Appeals in Washington, DC.

After leaving active duty, Judge Doran continued his service in the Navy Reserve, where he served for approximately 25 years and rose to the rank of Captain (0-6). He retired in 2024 with more than thirty years of total service in the Navy. Judge Doran's duties in the Navy Reserve included Legal Assistance Attorney, Defense Counsel, Staff Judge Advocate, Instructor at the Naval Justice School, Executive Officer at the Office of the Judge Advocate General (OJAG), Military Justice Division (Code 20), and Military Judge in the Navy-Marine Corps Trial

Judiciary. He was recalled to active duty after September 11, 2001 and served at the Navy Marine Corps Processing Site and Naval Submarine Base New London for approximately one year.

Judge Doran previously served as an Adjunct Professor at Columbia College, teaching in the undergraduate Criminal Law Program and Master's in Criminal Justice Program at Hancock Field, New York and at Fort Drum, New York. Additionally, he currently serves as an Adjunct Professor at Syracuse University's Whitman School of Management, teaching Legal Process and Procedure (Business Law).

He received his law degree from Albany Law School, his undergraduate degree from Saint Lawrence University, and he graduated from Westhill High School.

Judge Doran is married to Bénédicte Doran. They have three children, Jack, William and Harrison.

MICHELLE GELERNT is the Attorney-in-Charge of the Federal Defenders of New York's Eastern District office. Michelle joined the Federal Defenders in 2007, first as an Assistant Federal Defender and then as the Deputy Attorney-in-Charge before becoming the Attorney-in-Charge in 2023. Michelle is a member of the EDNY's RAISE Court Executive Team and sits on the EDNY CJA committee.

Prior to joining the Federal Defenders, Michelle was a staff attorney with the Legal Aid Society's Criminal Defense Practice in Manhattan for more than 10 years, where she also served as a Trial Trainer. Throughout her career, Michelle has secured acquittals for clients charged in federal court with Importation of a Controlled Substance, Hobbs Act robbery and firearm possession. During her time at the Legal Aid Society, Michelle won acquittals for clients charged with homicide, robbery, rape, and criminal sale of a controlled substance. She is graduate of the Fordham University School of Law and Franklin and Marshall College.

LISA PEEBLES joined the Northern District of New York Federal Public Defender's Office in August 1999. She was appointed First Assistant Public Defender in 2005 and Interim Federal Public Defender in November 2010. She was officially appointed as the Federal Public Defender for the Northern District of New York in 2013. She is a native of Cleveland, Ohio, and has practiced law in the Syracuse area for the past 26 years. She received her undergraduate degree from Akron University (*summa cum laude*) and her law degree from Syracuse University (*cum laude*).

Lisa worked as a clerk in the United States Attorney's Office in Syracuse while attending law school. Upon being admitted to the Bar, she worked as an assistant public defender from 1993-1994 in the Jefferson County Public Defender's Office. Thereafter, she operated a private practice with emphasis on criminal defense matters. She has tried more than 50 cases to verdict, including both civil and criminal. She has handled numerous appeals in the Second Circuit Court of Appeals. Lisa has dedicated her career to indigent defense work and in 2014 she was awarded the Thurgood Marshall Award for outstanding criminal practitioner by the NYSACDL. In 2021, she co-authored a true-crime book, *Scrapped: Justice and a Teen Informant.*

JAY TENEM has firsthand experience attending numerous Alternatives to Incarceration programs. Now close to eight years sober, he has given presentations on addiction to over 20,000 students across the Long Island and New York City area.

JAMES M. WICKS was appointed on April 26, 2021 as a U.S. Magistrate Judge for the Eastern District of New York. He was formerly a partner in the Commercial Litigation Group of Farrell Fritz, P.C. and was also General Counsel of the firm, having represented clients in a wide variety of corporate and business disputes, as well as law firms and lawyers involving attorney professionalism issues, ethics, grievance and legal malpractice. Judge Wicks is an Adjunct Professor at St. John's School of Law, teaching courses in pretrial advocacy and deposition training.

DEBRA J. YOUNG currently serves as a Rensselaer County Court Judge and Acting Justice of the Supreme Court for the Third Judicial District of New York. She presides over felony-level criminal trials, civil litigation, and various legal proceedings, including TERPOs, tax foreclosures, and local court appeals. Judge Young also currently serves as the Statewide Coordinating Judge for Problem-Solving Courts, where she collaborates with fellow judges and stakeholders to implement policies, improve operations, and ensure compliance with treatment court best practices across New York State. She has a strong commitment to advancing justice, particularly in specialty courts, to develop and enhance programs that support individuals struggling with substance abuse and other challenges. Judge Young earned her Juris Doctor, *cum laude*, from Albany Law School, and a Bachelor of Science in Biology, *cum laude*, from Loyola University.

Redirection and Rehabilitation: Understanding Alternative Courts

Southern District of New York Presents:

R.I.S.E. Court

Re-entry through Intensive Supervision and Employment (RISE)



HYPOTHESIS: Intensive judicial monitoring and collaboration with services/resources can break the "revolving door" cycle of crime by treating root causes rather than punishment

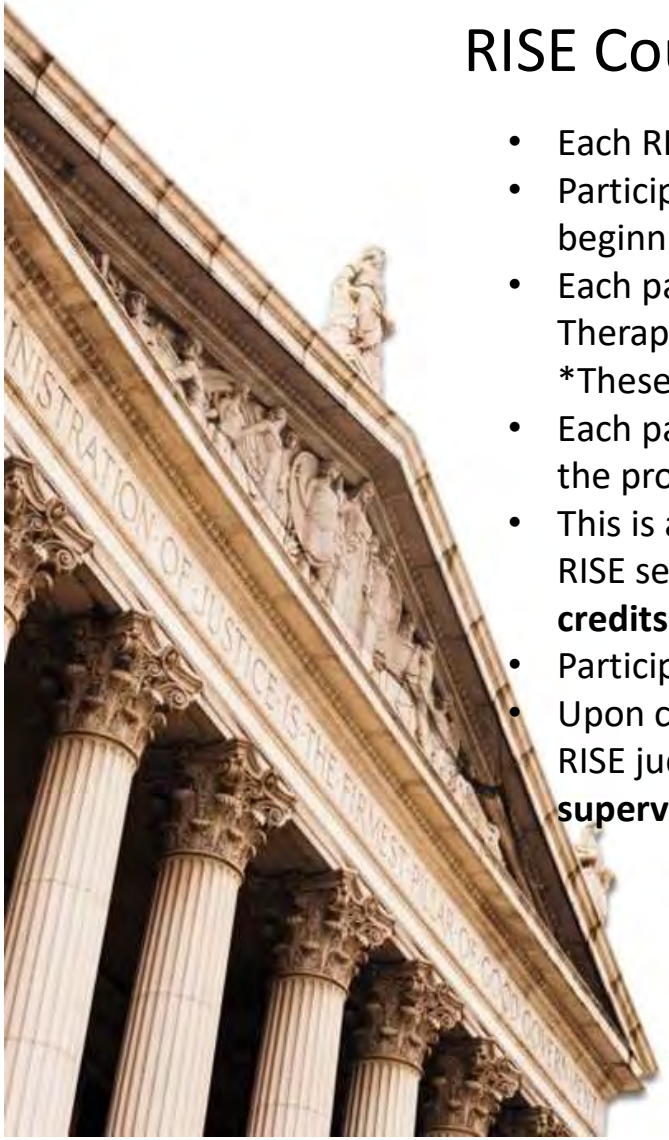
- RISE Courts target supervision goals through employment/education and removing barriers
- RISE Court is a 52-week program, where participants meet twice per month and less often as the program concludes
- RISE Court meetings are goal oriented with targeted interventions
- Focus is on accountability and encouragement rather than imposing sanctions



RISE Court Program Then and Now

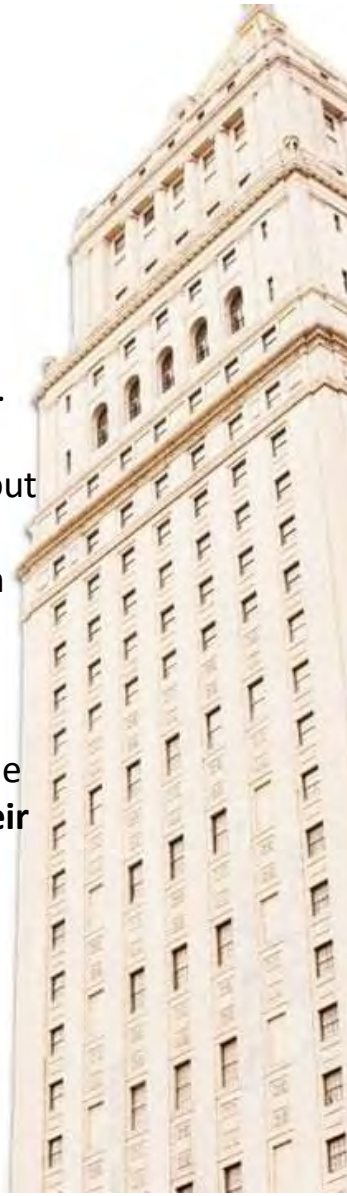
- Reentry Courts began in about 2010 in New York City and Philadelphia
- The late Federal Judge Harold Baer presided over the 1st Reentry Court in the SDNY.
- Inspired by the STAR Court (in Philadelphia), Federal Judge Denise Cote spearheaded a formal RISE Court program in the SDNY in 2019
- Currently, there are: 4 RISE Courts in Manhattan, 1 RISE Court in White Plains; with at least one starting every 4 months.

"Reentry Courts help individuals from prison reentering society build stable and meaningful lives, guided by a unique bond with a federal judge."



RISE Court Program Overview

- Each RISE cohort starts with 15 selected participants
- Participants are expected to identify clear goals to work on from the beginning
- Each participant is required to complete a 12-session Cognitive Behavioral Therapy (CBT) program, ran by an independent mental health professional. *These sessions are confidential*
- Each participant is expected to secure and maintain employment throughout the program. Employment is required for completing RISE.
- This is a credit-based program, where participants earn credits during each RISE session they attend, and credits for other qualifying achievements. **52 credits is needed to complete the program.**
- Participants also attend a financial counseling class
- Upon completion, the participants are eligible for a recommendation by the RISE judge to the sentencing judge for a **1-year (or more) reduction off their supervised release term**



RISE Court Eligibility

- Identified as Intensive or Enhanced on the PCRA (Post Conviction Risk Assessment) supervision level
- Within their 1st year of supervised release
- Have at least 2 years left on their term of supervised release
- Case conference is important during this phase!!! Talk to your peers and fellow officers to determine eligibility!

Remember, this program is voluntary, incentive based, and focused on problem solving, rather than punishment!



Let’s Meet the Players















RISE Court Judge

- A federal judge presides over each RISE Court
- Awards credits/withholds credits
- Sets expectations for the RISE cohort
- Addresses non-compliance, including Grade C violations (Grade A & B violations are addressed with sentencing Judge)

Probation Officer

- Intensively supervises each participant according to mandatory, standard, and special conditions of supervision
- Presents progress reports for every RISE session

The Legal Team

- A law firm is assigned to a RISE Court for the year
- Law firm addressed civil matters that are obstacles to successfully completing the program
- Lawyers from the law firm WILL NOT address criminal matters (current or new)

Cognitive Behavior Therapy (CBT)

- Graduate school therapists provide individualized sessions for each participant
- Therapists provide 1-hour sessions, for a total of 12 sessions
- All sessions are confidential

Federal Defenders/CJA Defense Lawyers

- Provide advice and defense perspective on matters pertaining to participants' barriers and struggles to adhere to conditions of supervised release

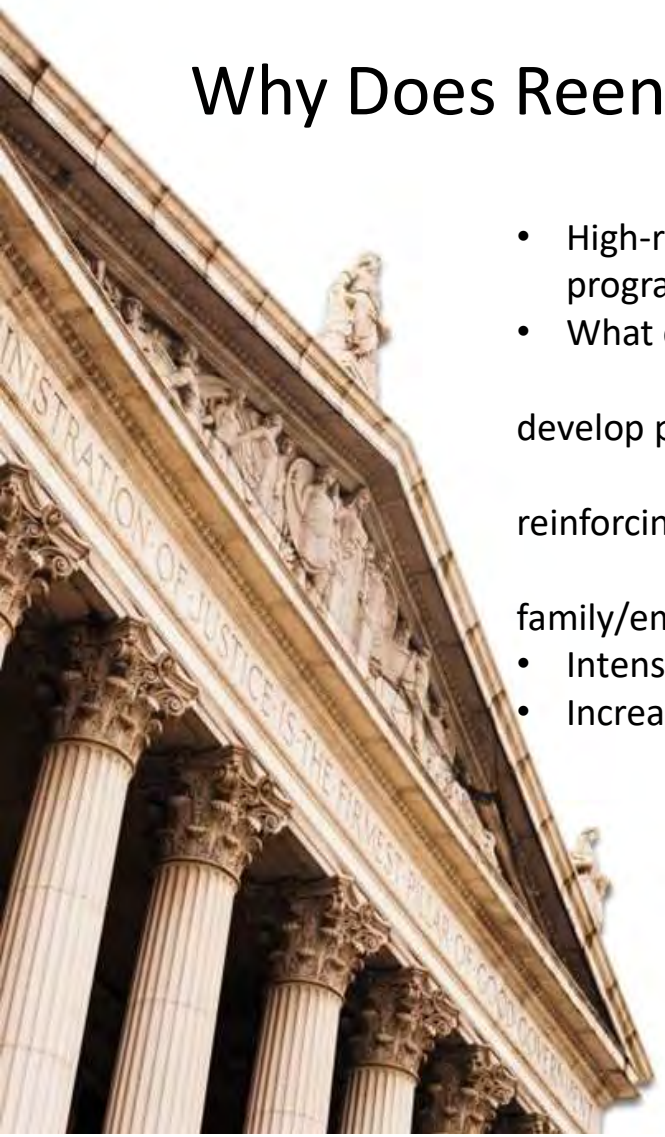
U.S. Attorney's Office

- Provide advice and support to all the players involved in the RISE program

RISE Court Liaison

- Facilitates communication between the CBT team and the RISE team on CBT progress
- Assists with graduation eligibility on a case-by-case basis
- Tracks progress of each participant, including credit assessment
- Coordinates and highlights issues that arise between the various RISE Courts

Why Does Reentry Focus Matter?



- High-risk individuals have greater likelihood of recidivism, so intensive programs like RISE are crucial for them
- What components are needed for an effective program?

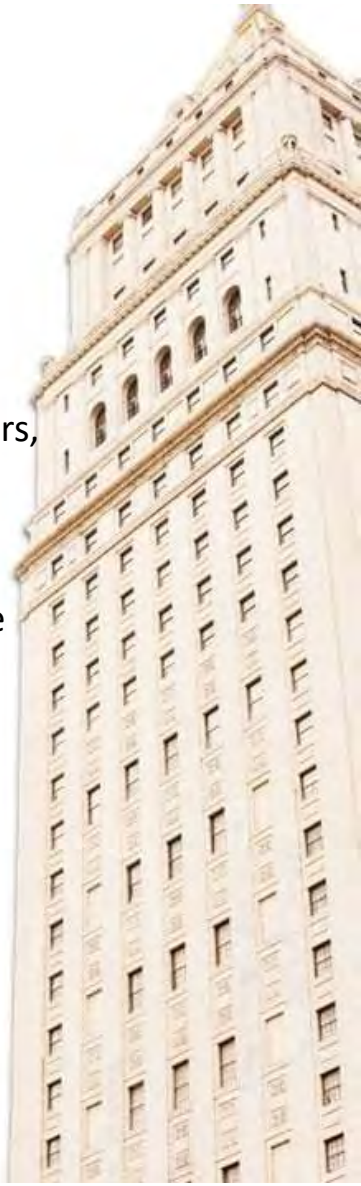
1. Cognitive Behavioral Therapy (CBT): targets maladaptive behaviors, develop problem solving and self-control

2. Behavioral Interventions: Focus on modeling, practice, and reinforcing pro-social behaviors

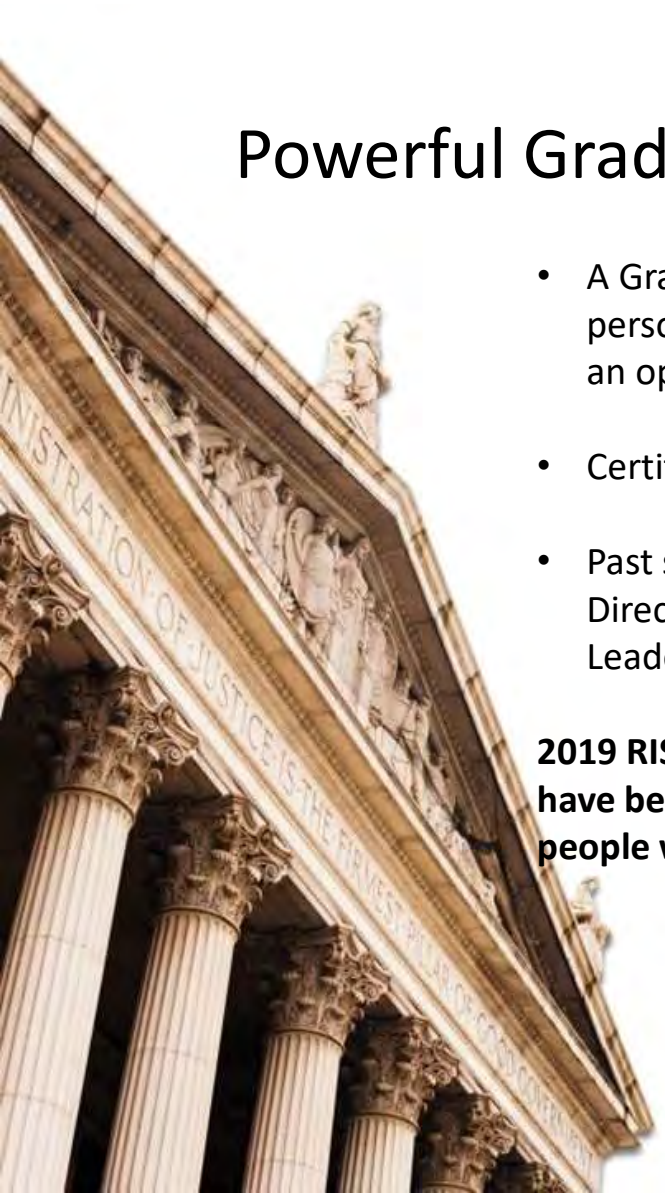
3. Targeted Needs: Addressing criminogenic needs such as unstable family/employment/education/productive free time

- Intensive supervision is important component for this formula
- Increases positive view of court system and probation

INCENTIVE, INCENTIVE, INCENTIVE!



Powerful Graduation Ceremony



- A Graduation ceremony is held every June with family, friends, court personnel, and judges in attendance, along with inspirational speakers and an opportunity for each graduate to present remarks.
- Certificates and plaques presented to each graduate
- Past speakers have included Bryan Stephenson, Founder and Executive Director of the Equal Justice Initiative, and Hakeen Jeffries, Minority House Leader.

2019 RISE Graduate: "I believe the relationships I have formed through RISE have been the greatest benefit, as I now have genuine connections with people who really want to see me succeed."




FOOD BANK
FOR NEW YORK CITY
FOOD BANK
GAP









Southern District of New York Presents:
R.I.S.E. Court

THANK YOU!

INTRODUCTION

- ELLEN BIBEN
- ADMINISTRATIVE JUDGE, NY COUNTY SUPREME COURT, CRIMINAL TERM
- PRESIDING OVER THE MANHATTAN ALL-PURPOSE FELONY ALTERNATIVE TO INCARCERATION PART OPENED IN 2019
- EBIBEN@NYCOURTS.GOV

Problem Solving Courts in New York State

- More than 20 years ago, the New York State Unified Court System began to establish problem-solving courts. Problem-solving courts look to the underlying issues that bring people into the court system, and employ innovative approaches to address those issues. Through intensive judicial monitoring, coordination with outside services, treatment where appropriate, the removal of barriers between courts and increased communication with stakeholders, these courts are able to change the way our system manages cases and responds to individuals, families and communities.
- There are now hundreds of problem-solving courts throughout New York State, and they take different forms depending on the problems they are designed to address. For example, drug and mental health courts focus on treatment and rehabilitation. Veteran's courts leverage resources available to veterans. Community courts combine treatment, community responsibility, accountability, and support to both litigants and victims. Human trafficking courts center around victims and many cases are resolved without criminal charges.

Problem Solving Courts in NY County Supreme Court, Criminal Term

Manhattan Drug Court (MDC) Part 92

MDC, also referred to as judicial diversion, offers eligible defendants the opportunity to earn dismissal of their cases after engaging in long-term, court monitored drug treatment. MDC operates under Article 216 of the Criminal Procedure Law. According to that law, generally speaking, potentially eligible defendants may be evaluated by case management clinical staff. If, after that evaluation, the court finds that a defendant has a history of alcohol or substance use; that the alcohol or substance use was a contributing factor to the defendant's criminal behavior; that participation in diversion could effectively address the alcohol or substance use; and that incarceration may not be necessary for the protection of the public, the court may offer the defendant an opportunity to participate in judicial diversion. Ordinarily, a defendant is required to enter a plea of guilty and sign a contract with the court setting forth the terms of the plea and the defendant's obligations under judicial diversion, which include a treatment mandate and compliance with requirements designed to promote stability in the community. Criminal Procedure Law § 216.00(1) governs which charges make a defendant potentially eligible for judicial diversion, including whether prosecutorial consent is required. The typical defendant in MDC is charged with one or more drug felonies other than class A felonies or non-violent felony property crimes..

New York County Integrated Domestic Violence (IDV) Court

IDV Court is a coordinated effort by the Supreme, Criminal, and Family Courts to address the issues faced by families affected by domestic violence. The IDV court is based upon the concept of one judge presiding over one family's criminal, family, and matrimonial proceedings when those cases involve intimate partner domestic violence. The IDV court promotes court efficiency and informed judicial decision making, while providing "a comprehensive approach to case resolution." The IDV Court endeavors to provide justice to all litigants, ensure victim safety, increase offender accountability through judicial monitoring, and offer a multitude of services to the IDV Court litigants and their families. The IDV Court receives cases from Criminal Court, Family Court, and Supreme Court, Civil Term and is authorized by the Rules of the Chief Judge, dated January 6, 2004, and codified in Part 41 of the Rules of the Chief Judge. The IDV Court Judge has the authority to hear and determine three types of cases: 1) Criminal cases 2) Family Court cases — primarily custody, visitation, and family offense proceedings; and 3) Supreme Court cases - specifically contested matrimonial proceedings.

Manhattan Mental Health Court (MMHC) Part 59M

MMHC is an alternative to incarceration (ATI) problem solving court designed to provide oversight and treatment to eligible participants with mental health diagnoses. The Court uses its authority to encourage and motivate candidates to participate in community treatment. A contracted vendor provides clinical evaluation services to the Court, as well as connections to treatment and social service providers for MMHC participants. That engagement is overseen by the Court and complimented by intensive judicial monitoring. This model ensures that participants have access to the best resources available to facilitate successful engagement in treatment and compliance with Court mandates.

The MMHC addresses public safety concerns by carefully selecting participants and holding them accountable for their actions, while simultaneously linking participants with mental health treatment programs, and other service providers as necessary. Program services include comprehensive evaluations by clinicians, access to appropriate medication as required, and additional resources such as educational and vocational programs, housing assistance, and substance use treatment as an alternative to incarceration.

A candidate must be diagnosed with a condition that meets the criteria for a DSM-5 psychiatric diagnosis. Individuals with brain injury or other neurodevelopmental or neurocognitive diagnoses, drug or alcohol addiction or personality disorders are not eligible for MMHC unless these conditions are secondary to the primary psychiatric diagnosis of mental illness. There is no requirement that a participant have a previous history of mental health diagnosis. Individuals will not be excluded due to an inability to demonstrate a history of treatment service utilization. However, their mental health diagnosis must significantly impact their social adaptive functioning. Determination of such is based on the clinical evaluation conducted during the period of consideration by the Court. MMHC participants must be at least 18 years of age.

Manhattan Veteran's Treatment Court (MVTC) Part 59V

MVTC is an alternative to incarceration (ATI) problem solving court for military veterans who have been arrested in New York County, charged with at least one felony offense, and diagnosed with a substance use or mental health disorder. MVTC's program includes regular appearances before a judge. If a veteran is found eligible for MVTC and the Court approves admission, a case manager will work with the veteran to build a treatment plan. While in treatment, veterans will be closely monitored by the Court.

Veterans found eligible for the Court but not eligible for Veteran's Administration benefits, will be connected, if possible, with community-based services. The goal of the MVTC is to help those who have served our Country. They will receive the assistance they need to achieve and maintain sobriety from drugs and alcohol. Additionally, MVTC helps veterans navigate the various systems that provide services, whether the veteran is eligible for benefits and services by the US Department of Veteran's Affairs.

Manhattan Felony Alternatives to Incarceration (ATI) Part

The ATI Court provides individualized community-based programming and supervision to defendants whose charges and needs do not meet the eligibility criteria required for participation in existing specialized problem-solving courts. ATI partners with an independent not-for-profit agency, the Center for Justice Innovation (CJI), and dedicated clinical staff who conduct independent risk-need assessments, develop rigorous and individualized treatment recommendations, and provide referrals to community-based service providers to address the specific, varied, and complex needs of each participant. By creating a formal structure and dedicating permanent staff, the ATI Court efficiently resolves cases and allows participants to avoid incarceration and make positive contributions to their communities. This all-purpose felony ATI Court is the first of its kind nationwide

RECOGNIZING AND RESPONDING TO THE PROBLEM

- Identifying gaps in existing models
- Limits of existing problem-solving courts (Drug Court and Mental Health/Veteran's Court)
- Independent sources of funding:
  - DANY
  - BJA Justice & Mental Health Collaboration (JMHCP) Grant
  - BJA Comprehensive Opioid, Stimulant, and Substance Use Site-Based Program (COSSUP) Grant

ATI BJA Grants Summary

In 2018, awarded a FY 18 Justice and Mental Health Collaboration Program for $744,350 over three years (1/1/19 to 12/31/21). The grant, which proposed to enhance services for defendants with mental health and co-occurring needs by launching the new all-purpose ATI Court, enabled us to pilot the ATI Court and provided funding for a resource coordinator, a CJI researcher (who built our data collection system and wrote a process evaluation), and the consulting psychiatrist. (Due to pandemic-related extensions on this grant we were able to use it for a longer period.)

In 2023 awarded a Comprehensive Opioid, Stimulant, and Substance Use Site-based Program (COSSUP) grant, which is a 3-year (2023-2026), $1.6 million grant that covers a Resource Coordinator, Senior Social Worker, 2 Peers, and research through MDRC.

2024 BJA JMHCP which provides $550,000 in funding over 3 years: The grant funding is used to enhance the ATI Court's capacity to support the large proportion of Manhattan defendants who have mental health and co-occuring needs by expanding pre-plea assessment capacity.

UCS has committed to ongoing funding.

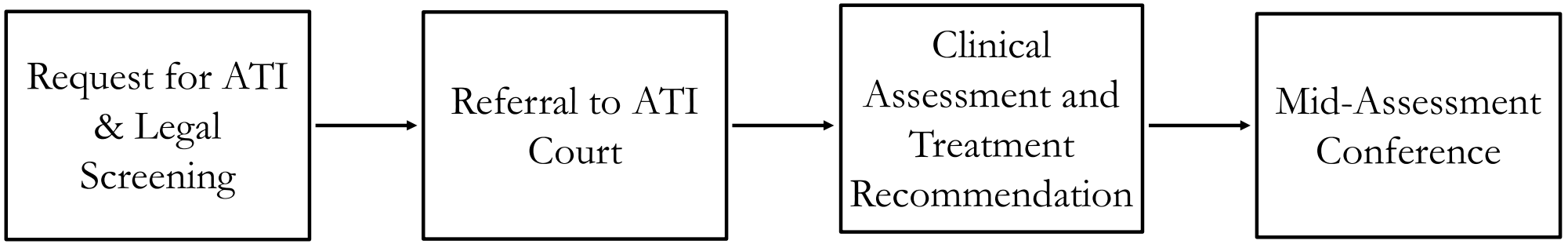
COLLABORATION: ATI COURT PLANNING PROCESS

- New problem-solving court designed after year-long planning process
- Built on successes of existing problem-solving courts
- Collaboration between stakeholders in design, policy, and procedures
- Ongoing collaboration in the part and in regular stakeholder meetings

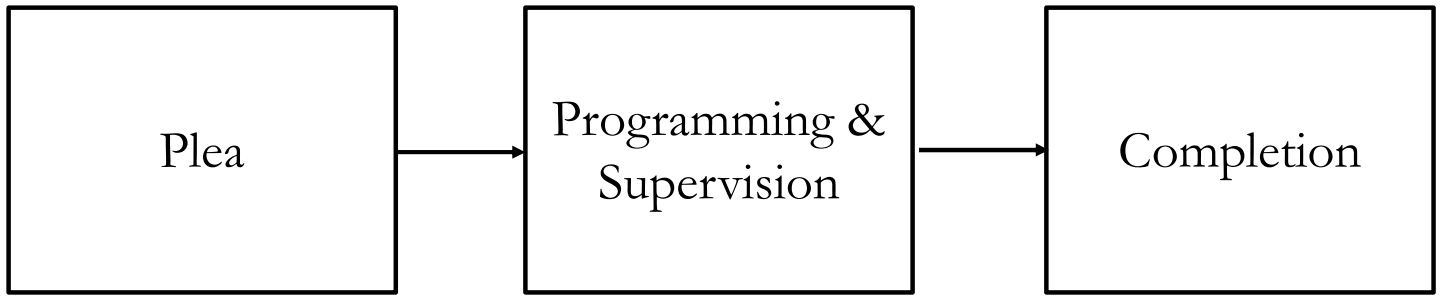
Key Components

- Dedicated judge and clinical staff
- Collaborative approach – Court, prosecution, defense, and clinical team in constant communication
- No charge or need-based eligibility criteria
- Individualized clinical assessments and treatment plans

ATI Court Process



ATI Court Process (cont'd)



Innovations

- Emerging Adult Track
- Gun Track
- Peer Support Services (BJA COSSUP Grant, Beginning 2024)

Case Volume

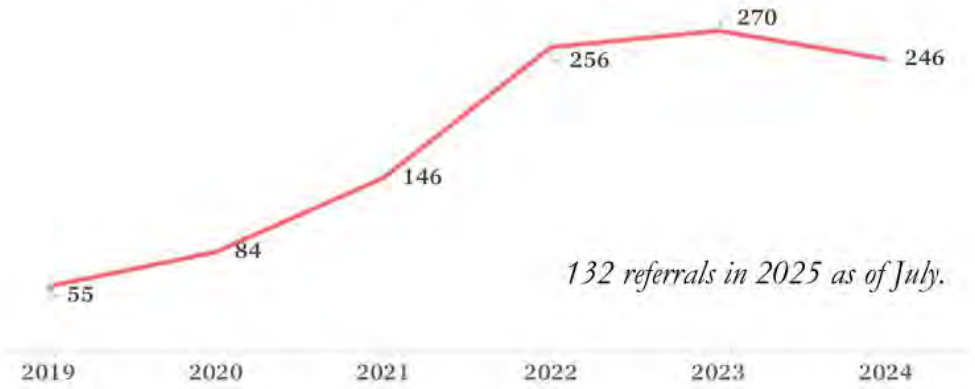
Cases Referred

- All Time: 1189
- 2024: 246

Cases Assessed

- All Time: 1062
- 2024: 214

Cases Referred



Cases Assessed

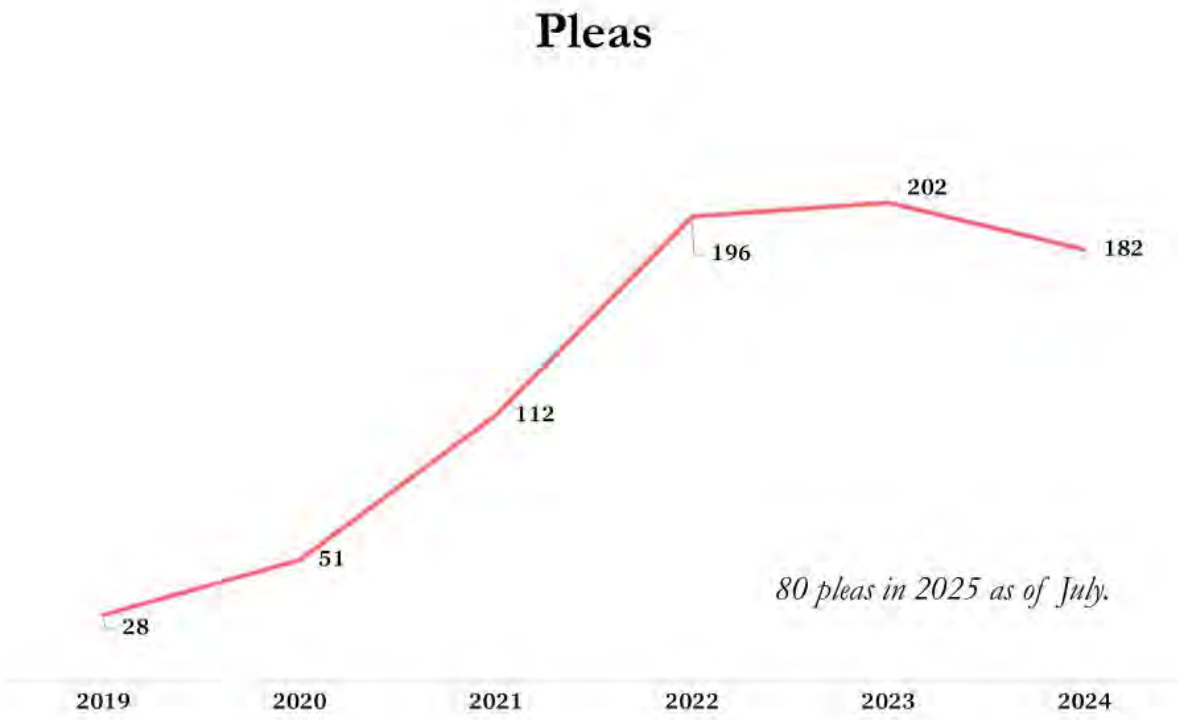


Case Volume

Cases Entered Plea/Programming

- All Time: 851
- 2024: 182

Active Cases: ~450



Charges

Top Three Charges (2024)

- Robbery (23%)
- Criminal Possession of a Weapon (22%)
- Assault (19%)

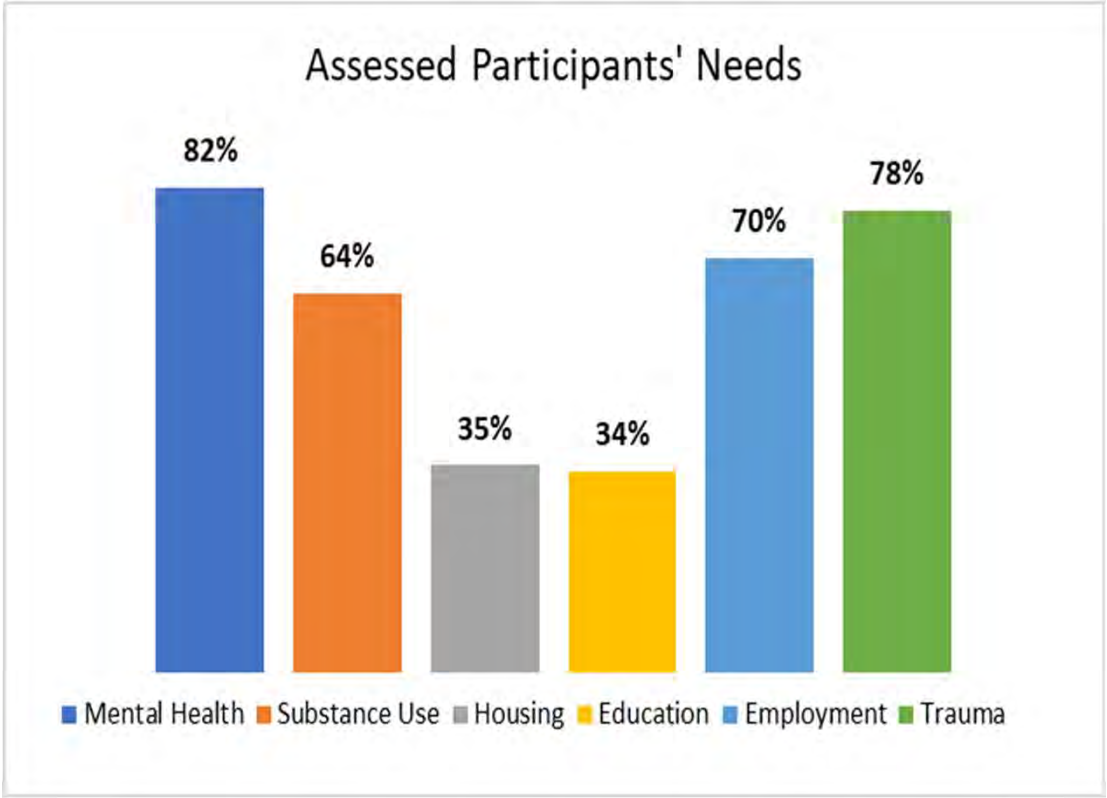
>50% of participants have violent charges

Average participant is facing between 2 and 7 years of incarceration in the absence of ATI Court's intervention

Participant Demographics

Race/Ethnicity	
American Indian/Alaska Native	1%
Asian	2%
Black (hispanic)	7%
Black (non- hispanic)	43%
Hispanic	17%
Middle Eastern/North African	<1%
Multi-Racial	5%
White (Hispanic)	13%
White (non-Hispanic)	10%
Other	3%

Participant Needs



Service Providers

Manhattan

ACI Chemical Dependency Treatment Center
Audubon Primary Care Medicine Clinic
Avenues for Justice
Behavioral Wellness NYC
Beth Israel
CASES
Center for Urban Community Services
Centro Medico Dominicano
Create Inc.
Educational Alliance
Elev8
Exodus
Fountain House
Getting Out Staying Out
Harlem East Life Plan
HASA
Hope Center
Institute for Community Living
Inter-Care
Inwood Community Services
John Jay College Initiative
Judson Health Center
Lower Eastside Service Center
Mary S. Taylor
Mount Sinai Addiction Institute
NADAP
New York Foundling
NY Start
NYU Langone
Odyssey House
Postgraduate Center for Mental Health
Riverstone Memory Center
Safe Horizon
Services for the Underserved
Shiloh Consulting LLC
Single Parent Resource Center
START Highbridge
Striver House
Su Casa
The Door
The LGBTQ Center
Ujima House
Union Settlement
Upper Manhattan Mental Health Center
Urban Resource Institute
West Midtown Medical Group
Women's Prison Association

Queens

Cornerstone
Fortune Society
Hour Children
LGBT Network
Phoenix House
New York Counseling for Change
Reality House
Samaritan Village

Bronx

Acacia Network
Argus Community, Inc
BASICS (Acacia Network)
Brightpoint Health
Community Intervention Services
Damian Family Care Center
FedCap Behavioral Health Services
Franklin House
Harbor House
Highbridge Woodycrest Center
Institute for Family Health
Osborne Association
Ramon Velez Health Center
Urban Youth Alliance
VIP Community Services
Women's Project

Brooklyn

Bridge Back to Life
Catholic Charities
Center for Community Alternatives
Community Healthcare Network
Transgender Family Program
CSEDNY
El Regreso
Genesis Detox of Brooklyn
Housing Works
IDCC
Kingsboro ATC
Providence House
Realization Center
Serendipity I
The HOPE Program
Tri-County Care
Urban Recovery

Staten Island

Camelot
College of Staten Island
Silver Lake Behavioral Health



Problem Solving Courts: An Introduction

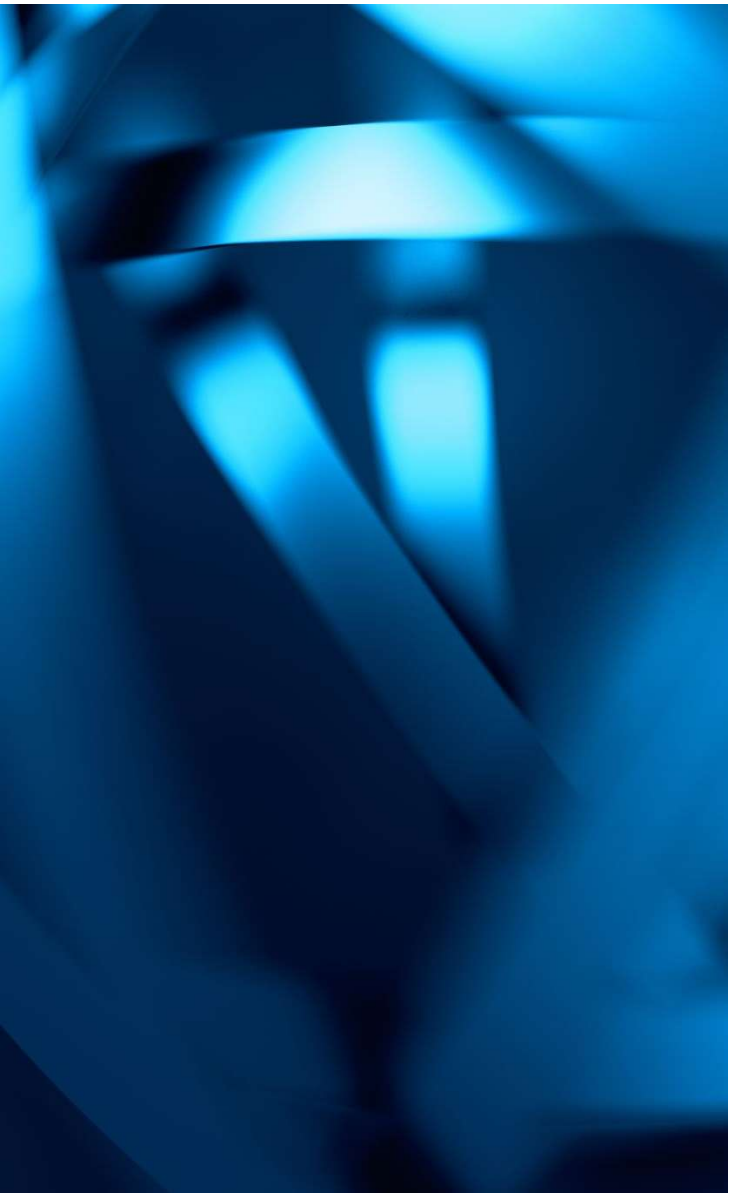


Debra J. Young

Rensselaer County Court Judge

Statewide Coordinating Judge for Problem Solving Courts

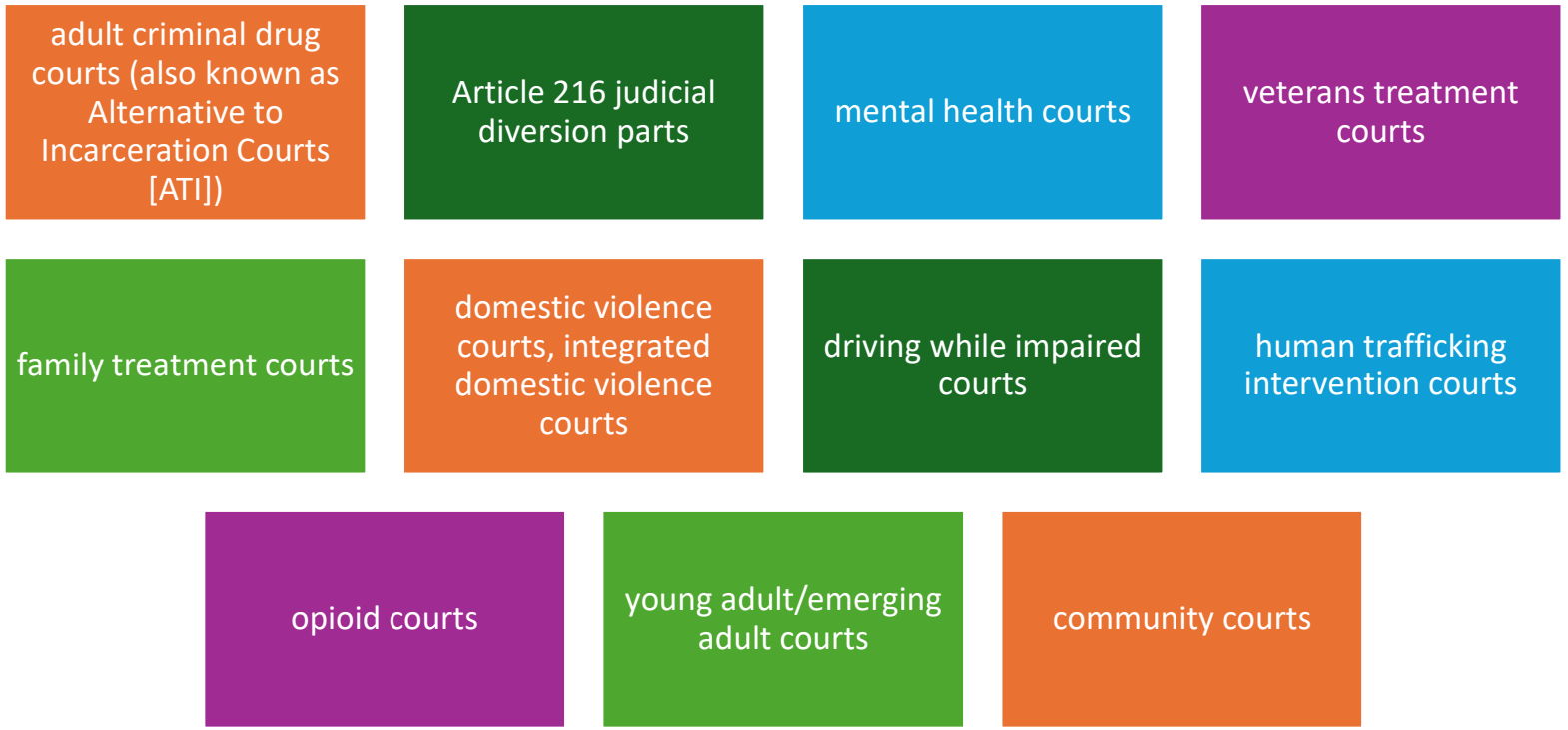
January 2026



Goals and Objectives

Highlight	highlight the similarities and differences among the various types of problem solving courts (PSCs);
Identify	identify common issues which arise for judges in PSCs;
Identify	identify opportunities for courts to share resources; and
Provide	provide guidance to judges who may be involved in planning or implementing they plan and implement new PSCs, join their first PSC team, or take on new roles in different types of PSCs;
Identify and explain	Identify and explain the role of the judge and other PSC team members

TYPES OF PROBLEM SOLVING COURTS IN NYS




Accountability
DV/IDV Courts
DWI Courts
Community Courts
Intervention
• Human Trafficking Intervention Courts
• Emerging Adult Courts
Opioid Courts
Treatment
• Drug Treatment
• Mental Health
• Veterans Treatment
• Family Treatment

Key Characteristics of PSCs

- Enhanced information
- Community engagement
- Collaboration
- Individualized justice
- Accountability
- Measurable outcomes



Therapeutic Jurisprudence

- Foundational basis for treatment courts
- Treatment and accountability = better outcomes

Judicial Diversion Part CPL Article 216

Eligible defendants offered an alternative to incarceration.

Court must find:

1. Defendant has a substance use disorder
2. Disorder contributed to the offense
3. Diversion “could effectively address” SUD
4. Based on a professional evaluation

Who Is Eligible Under Article 216

- charged by indictment or superior court information
- certain felony offenses (classes B, C, D, or E) as defined by specified penal law provisions
- except: individuals are ineligible if they have a recent violent felony conviction, or other disqualifying factors under the statute
  - A defendant is not eligible if they have (within the last 10 years, excluding incarceration):
    - A prior violent felony (PL § 70.02), unless the prosecutor consents
    - A felony for which merit time is unavailable under Corrections Law § 803(1)(d)(ii).
    - A prior Class A felony under certain drug statutes.
    - Are a persistent violent felony offender or second violent felony offender under PL § 70.04 or § 70.08.

Terms of Participation in Judicial Diversion (CPL Article 216)

- Entry into the program requires a **plea**
- Defendant must follow **court-ordered release and treatment conditions**
- Violations may lead to modification of conditions, termination, or sentencing
- Incentives/Responses

Conditions of Participation

Conditions the Defendant Must Agree To

- Agreement must be **on the record or in writing**
- Participation for a specified period in an alcohol or substance use treatment program
  - Program must be based on recommendation of a **qualified health care professional**
- **Periodic court appearances**
- **Periodic urinalysis** or other testing
- Requirement to **refrain from criminal behavior**
- Compliance with **medically prescribed drug treatment** for opioid use, if clinically appropriate

Monitoring Engagement & Compliance

- **Court appearances & drug testing**: Periodic
- **Responses & sanctions** (CPL § 216.05(9)(c)):
  - Graduated and appropriate
  - Protect public safety
  - Support successful completion of treatment

Common Participant Needs

- Substance use disorder (SUD) treatment
- Medication for opioid use disorders (MOUD)
- Health and social service benefits
- Mental health treatment
- Trauma-specific interventions
- Housing support
- Education and vocational services
- Interventions for risk factors, e.g., “criminal thinking”

Successful Completion

Disposition After Successful Completion

Possible outcomes include:

- Defendant may **withdraw the guilty plea**, and:
  - **Dismissal of the indictment**, or
  - **Re-plea to a misdemeanor**
- Court may also require a **period of interim probation** before dismissal or reduction

Criminal Drug Treatment Courts (DTCs) also called Alternative to Incarceration (ATI) Courts

- Different from Article 216 (JDP) courts
- Rely on consent of all parties
- Eligibility: Defendants facing **felony or misdemeanor charges** related to substance use
- Successful completion outcomes:
  - Avoid incarceration
  - Charges may be **dismissed or reduced**
  - Possible **reduction in sentence**

Court Team & Program Management

- **Core DTC team members:**
  - Judge
  - Court coordinator
  - Defense attorney
  - Prosecutor
  - Treatment representative
  - Probation or community supervision officer

Some DTCs also include **law enforcement and jail representatives**

Role of Peer Support

- **Peer mentors, advocates, or specialists** are important in supporting participants
- Typically **not considered part of the core DTC team**

Mental Health Courts (MHCs) Overview

- Aim to improve **public safety, court operations, and participant well-being**
- Link justice-involved individuals with **mental health disorders** to **court-supervised, community-based treatment**
- Provide an **alternative to incarceration**
- Research on MHCs is **less robust than for DTCs**
- Updated 2024 Best Practice Standards now apply to all treatment courts
- MHCs adopt individualized, flexible policies around goals and responses
- Focus on participants' clinical needs rather than rigid phase structures
- Judge, court officers, and team members help manage complex behavioral situations

Target Population / Eligibility – Clinical

- Requires **serious mental health disorder**: e.g., schizophrenia, bipolar, major depression
- Many participants have **co-occurring substance use disorders (SUDs)**
- Admission of additional impairments (TBI, neurodevelopmental disorders, personality disorders) **requires local stakeholder input and collaboration with providers**

Participant Goals & Services

- **Goals:** Psychiatric stability, abstinence (if SUD), avoid new offenses, personal recovery
- **Treatment plans:** Highly individualized, may include:
  - Psychotropic medications (including injectable options)
  - MAT if needed
  - Therapy, trauma interventions, social/health services, housing, education, vocational support
- Service plans address **both clinical and criminal risk factors**

Monitoring Engagement & Compliance

- Goals and progress are **evaluated individually**, based on starting level of functioning
- Abstinence is a goal but **phase advancement may be based on overall progress**
- Responses to problems and progress are **individualized**
- Judges **use more praise and fewer negative responses** than in DTCs

Veterans Treatment Courts (VTCs)

Overview and Key Characteristics

Purpose of Veterans Treatment Courts

- Address challenges veterans face after military service
- Provide structure similar to military culture
- Combine features of drug and mental health courts
- Support rehabilitation through peer mentorship

Target Population & Eligibility

- Status: Current or former members of U.S. armed forces, reserves, or National Guard
- Clinical: Substance use disorder and/or mental health disorder; TBI and PTSD common
- Legal: Case-by-case; many courts accept violent charges
- Veterans in counties without VTC may transfer to counties with VTC

Court Team, Management & Administration

- Core team: judge, coordinator, defense, prosecutor, treatment providers, probation
- Volunteer veteran peer mentors provide support and camaraderie
- Some judges are veterans; others train to understand military culture
- Courtroom culture reflects structure and mission-focused environment

Family Treatment Courts (FTCs)

Overview and Key Concepts

Family Treatment Courts

- Focus on child safety and parental wellness
- Family-centered approach supporting parental capacity
- Promote recovery, stability, and reunification
- Clinical: Substance use disorder; may include mental health disorders
- Legal: Child neglect/abuse cases where substance use is alleged or identified

Trauma-Informed Engagement

- Many parents have significant trauma histories
- Successful interventions emphasize compassion and consistency
- Avoid punitive responses that undermine trust
- Celebrate progress to reduce shame and build confidence

Terms of Participation

- Parents enter participation agreements
- Admission of neglect sometimes required, but discouraged as a barrier
- FTC contracts cannot predetermine outcomes (civil court)
- Most cases close within 12–18 months

Progress and Program Outcomes

- Parents progress through milestones with clear objectives
- Focus on recovery, reunification, safety, and permanency
- Successful completion may lead to suspended judgment or vacated orders

FTC Court Team & Partners

- Judge, court coordinator, attorneys (parent, child, agency)
- Guardian ad litem / CASA
- Child welfare caseworker
- Substance use & mental health providers
- Child/adolescent services
- Public health, education, vocational services
- Recovery/reunification supports, law enforcement, probation

Accountability Courts

Overview and Key Characteristics

Introduction

- Victim safety is paramount
- Focus on preventing harm to identified and potential victims
- Greater emphasis on accountability than treatment courts

Types of Accountability Courts

- Domestic Violence (DV) Courts
- Integrated Domestic Violence (IDV) Courts
  - – One judge handles criminal, family, and matrimonial matters
- Driving While Impaired (DWI) Courts

Defendant/Respondent Accountability

- Engagement in services to change harmful behaviors
- Strict monitoring of compliance with court orders
- Graduated sanctions used to ensure behavior change
- Jail may be imposed when appropriate

Participation & Risk

- Participation typically lasts at least one year
- Allows time to demonstrate accountability and behavior change
- Participants vary in criminogenic risk (likelihood of re-offending)

Intervention Courts

- Human trafficking intervention courts
- Opioid courts
- Young adult (or emerging adult) courts

Common Characteristics

- Participants present a low risk to public safety but often have high criminogenic needs.
- Immediate connections to services
- Harm reduction approach
- Intervention courts are non-punitive, or far less punitive than treatment or accountability courts
- Pre-plea participation is common

Human Trafficking Intervention Courts(HTIC)

- Recognize criminalized survivors of trafficking
- Shift from punishment to intervention
- Ensure trauma-informed judicial practice

Statutory Authority

- NY Criminal Procedure Law §§ 170.15(5), 180.20(4), 230.11, 230.21
- Authorizes transfer to HTICs, including adjacent counties

Eligible Cases

- Prostitution-related offenses (PL § 230.00)
- Unauthorized practice of licensed profession (EL §§ 6512, 6513)
- Prior prostitution-related arrests

Commonly Identified Needs



HOUSING



MEDICAL AND MENTAL HEALTH CARE



SUBSTANCE USE AND TRAUMA SERVICES



IMMIGRATION AND BENEFITS ASSISTANCE

OPIOID INTERVENTION COURT

- “The mission of opioid court is to keep participants alive.”

  - Judge presiding over DTC, MHC and opioid courts

Target population/eligibility/Identification

Clinical: Defendants at high risk of overdose from opioid use, regardless of whether they have been diagnosed with a substance use disorder.

Legal: Determined collaboratively by local stakeholders and/or required by funding sources. Typically handle a broad range of charges not necessarily related to drug use.

1. Identification, referral, and admission to the court
    a. Early identification of opioid use and overdose risk are paramount. Opioid courts seek to complete initial screening, arraignment, bio-psycho-social screening, and transfer to treatment within 24 hours of arrest.

Terms of participation

Participation is pre-plea; participants may be required to waive certain speedy trial rights

Participation is voluntary

Length of participation varies - typically three to six months.

Frequent court appearances until fully stabilized.

Participation is not tied to case disposition to avoid

Participants' goals, critical needs, and services

Common needs and goals for participants include medical stabilization; overdose prevention; SUD and mental health treatment; access to medication for opioid use disorder (MOUD); and engagement in recovery support services.

Treatment services usually have an intense focus on MOUD. Participants often have co- occurring mental health disorders, which are addressed in longer-term treatment.

The opioid court team includes a certified recovery peer advocate.

Emerging/Young Adult Courts

Typically, 18- to 25-year-olds

Legal eligibility varies by locatiom

Terms of participation

a. Participation in the court may be mandatory based on a defendant's age, required as a condition of bail, or voluntary.

b. While service referrals are generally optional, where a defendant's participation is the result of an informed and voluntary plea negotiation, they may be required to engage in treatment when recommended as the result of a clinical assessment.

c. Length of participation is usually short-term but can be longer for those charged with felonies. Typically, three to six months of compliance is required but mandate lengths can be 12 months or more for those charged with felonies. Participation time can be years for emerging adults who struggle to obtain required periods of compliance.

d. Parties may enter a plea agreement prior to program entry or pre-plea entry may be allowed based upon a review of the charges, past criminal history, nature of alleged offense, potential adverse collateral consequences, and any other relevant factors. For emerging adults charged with felonies, a plea is generally required.

Adult Treatment Court Best Practice Standards



Govern all treatment courts



Evidence based/research based



Cover every aspect of treatment courts

Judge's Roles and Responsibilities



Annual training



Legal, ethical and constitutional requirements related to drug court practices



Better outcomes when judges trained on evidence based practices, SUD treatment, mental health treatment and community supervision practices

Role of the Judge

- Leader of the treatment team
- Relationship with the participant
- “Someone in authority cares”
- Consistent figure
- Best when judge volunteers
- Stay for at least 2 years

Information – Staffing

- Who
- Where
- What
- Why
- How
- Status Hearings
- JUDGE IS THE FINAL DECISION MAKER

ETHICS OPINIONS OF INTEREST

- 24-117
- 04-88 and 24-50
- 15-101
- 15-47
- 97-83
- 25-36
- 25-89
- 25-109

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
POLICY AND PROCEDURE FOR THE
INTENSIVE REENTRY COURT PROGRAM

1). Introduction

The primary goal of the Intensive Reentry Court (IRC) program is to identify moderate to high-risk offenders as they transition from prison to supervised release and provide an intensive rehabilitative process aimed to increase the skills needed for the successful reintegration into the community utilizing corrective interventions and reducing the barriers to successful implementation of every day life skills. Not only will the IRC program utilize a wide range of community resources to address the needs of the offender, it will also feature a collaborative effort between the Court, Probation Office, U.S. Attorney's Office, and the Federal Public Defender's Office in attaining program objectives.

2). Identification of Participants

The primary tool that will be used to identify eligible participants is the Post Conviction Risk Assessment (PCRA) instrument. The PCRA is a risk and needs assessment tool, developed by the Administrative Office of the United States Courts and endorsed by the Judicial Conference Committee on Criminal Law, which estimates the overall likelihood that an offender will be revoked from supervision or rearrested. The PCRA assesses factors demonstrated by research to be predictors of recidivism or barriers to recidivism reduction. The offenders are classified into categories based on their risk level. The greater the risk level (the scoring scale is 0 to 13+), the more likely violation behavior will occur. The target population for the IRC program will be offenders who fall in the moderate to high risk categories; a PCRA score of 10 to 13+.

Of note, offenders convicted of sex offenses are excluded from the program. Participation in the program is voluntary, however once admitted into the program, the offender will remain in the program until successful completion, they are expelled, or the Court accepts the application to withdraw from the program.

3). Program Design and Completion:

On a routine basis, the probation officer assigned to the IRC program (Syracuse and Albany) will receive referrals from the Supervising Probation Officers when an offender is released to the core area (Onondaga County and Albany County). The probation officer reviews the case history and meets with the offender to complete the PCRA assessment tool to determine the eligibility criteria. During the assessment interview, the officer will assesses for readiness for change and motivation to participate in the program. Once the offender is determined to be eligible for the program and expresses an interest to participate in the program, he/she is invited to attend the next IRC Court

session.

At the next scheduled IRC Court date, the candidate with the respective paperwork is presented to the IRC team. The IRC core team, made up of the Court, probation officer, and representatives from the U.S. Attorney's Office, and Federal Public Defender's Office reviews the information and meets the offender. If the team agrees the candidate is eligible for the program, the IRC team will make a recommendation to the sentencing District Judge to allow the candidate to participate in the IRC program. If agreement among the parties cannot be reached, the Court will make the final determination of which candidate(s) will be admitted to the program.

During the course of the program, participants attend a monthly hearing before the assigned Judge. The attorney are present at the hearing during which a summary of the participant's progress for the month is presented by the probation officer. If the participant's progress during the month is deemed to be satisfactory , the participant will earn one verbal reward. Progress is deemed to be satisfactory if the participant meets most of the goals established the previous month and has complied with all the conditions of supervision to an acceptable level. (For example, the participate must be employed or actively seek employment; maintain abstinence; attend counseling sessions; and report to the probation officer as directed.)

In order to completed the IRC program, the participant must complete the two phases; phase I and phase II. During phase I, the participant must report to the Court monthly and successfully earn 12 rewards. The rewards do not have to be earned in 12 consecutive months. In addition. the participant must complete a six week cognitive behavioral group which includes basic life skills. The participant is also required to be abstinent from the use of illegal substances and should not be consuming alcohol in excess for at least six months. Furthermore, he/she must be gainfully employed full time for at least six months, unless excused by the court for school, disability or other acceptable reasons. In the event the participant is unable to work, he/she must demonstrate legitimate financial support and an acceptable way to occupy free time with community service or a pro-social activity or peer network. The participant must also be free from any pending criminal charges.

Once phase I is completed, the participant graduates to phase II of the program. Phase II consists of12 months on a regular supervision caseload . He/she is required to report to IRC Court one time per quarter until the completion of the program. During Phase II, the participant must comply with the standard and special conditions of supervision. As in Phase I, in order to complete Phase II of the program, the participant must be abstinent from the use of illegal substances and should not be consuming alcohol in excess for at least six months. Furthermore, the participant must be gainfully employed full time for at least six months, unless excused by the court for school, disability or other acceptable reasons. In the event he/she is unable to work, the participant must demonstrate legitimate financial support and an acceptable way to occupy free time with community service or a pro-social activity or peer network. He/she must be free from any pending criminal charges.

At the completion of the above requirements, the participant will be expected to prepare and present a comprehensive relapse prevention plan to the probation officer and this plan will be shared with the program team prior to being recommended for graduation. The plan should articulate how the participant will avoid, cope, and/or manage high risk situations that could result in the return of the undesirable behaviors such as addiction, gambling and/or criminal conduct.

The information submitted will be presented to the team and each will make an early termination recommendation to the Court. The recommendation can range from one year off the remaining term of supervision to an immediate discharge from supervision. Serious violations that occur during the regular supervision term may cause the participant to forfeit the opportunity for an early termination of supervised release. The final decision will rest with the Court.

4). Orientation of Participants

The probation officer, in prerelease planning, will meet with the identified offender. The offender will be informed of the program and its benefits to his/her reentry. The offender will attend an initial Court appearance at the Intensive Reentry Court Program The program agreement form will be presented to him/her for review of the program expectations along with the possible sanctions and rewards of the program. If the offender agrees to participate in the IRC program, the probation officer will present the candidate to the team for review. Upon the approval of the sentencing Judge, the candidate will be scheduled to attend the following IRC Court date. The candidate will meet with counsel prior to the hearing to review the Intensive Reentry Court Participant Consent Form. The parties will review their respective roles with the offender so there is a clear understanding among all parties of what the offender can expect during participation in the program. All parties will sign an acknowledgment document to be presented to the Court at the time of the hearing. The Court will approve the offender's admission to the program by signing off on the acknowledgment.

5). Roles of IRC program Team Members

Role of Judge

- Participates in the program's selection process.
- Holds Court on a monthly basis at which time all program cases will be reviewed.
- Makes final decisions regarding rewards and sanctions.

Role of Probation Officer

- Provides pertinent information on all potential program participants to the reentry team.
- Provides progress reports to team members on each participant for monthly hearings.
- Encourages attendance of significant others, employers, treatment providers, etc., at monthly hearings.
- Provides sound recommendations to the team to address treatment, employment, education, and other case management needs of the participants.
- Provides recommendations for rewards and sanctions commensurate with the mission of

the program.

Role of Government Counsel

- Participates in the program's selection process.
- Assure proper procedure in Court process.
- Presents evidence to the Court when necessary, and assures proper representation of the people if evidence suggests the offender has violated conditions of supervision.
- Provides recommendations to the Court.

Role of Defense Counsel

- Participates in the program's selection process.
- Assures protection of offender's rights, and provides representation in any revocation or modification hearing.
- Provides recommendations to the Court.

6). Monthly Court Hearing

The monthly Court Hearings for the Syracuse area will be held at the Hanley Federal Building in Syracuse. The monthly Court Hearings for the Albany area will be held at the James T. Foley U.S. Courthouse. The structure of the hearing will proceed as follows:

A. A pre-hearing conference will be held with the reentry team to discuss the agenda for that day's appearances.

B. Orientation of any new participants including introduction of the participant, and formal explanation of the requirements of the program by the Judge.

C. Review of the status of each participant, including remarks by all team members and any guests. Acknowledgment of those making satisfactory progress. Rewards (a successful completion of one month in the program) are entered into the record.

D. Violation hearings to be conducted at the monthly hearing. If violations are found, sanctions will be imposed after team members give recommendations.

E. Closing remarks by the Judge.

7). Violation Reporting

Minor violations will be reported in the IRC monthly report completed by the probation officer and presented at the monthly hearing. These violations may include missed treatment appointments, failure to report to the probation officer, and other technical violations which are not likely to require modification or revocation of supervision in order to sanction. These reports will be tallied as 12As

for statistical purposes.

More serious violations will also be reported in writing by email as soon as practical followed by an IRC monthly report. These include all new law violations and serious technical violations such as positive drug tests or termination from treatment. If summons is recommended, the Court has the option to schedule an extraordinary session or wait until the next IRC court date to conduct the hearing on the violation . If a warrant is recommended, the IRC team will contact the District Judge and inform him/her of the violation. Once the warrant is issued and executed, the participant's case will follow the normal arrest procedure and will appear before the IRC Court Judge. If the IRC Court Judge is not available, the offender will appear before a Magistrate Judge at which time a decision is made whether to release or detain the participant pending the violation hearing. The violation hearing will occur at the next monthly progress hearing or sooner if the Court's calendar allows. While in violation status, the participant's time in the reentry program will be tolled. If the participant is charged with a felony offense, he/she will be immediately suspended from the program pending disposition of the case. Once the case is disposed, the participant may reenter the program.

8). Record Keeping/Reports/Documents

The Court, government attorney, and defense attorney will be provided a copy of the original Presentence Report and Judgment on each participant. The probation officer will keep a running record of the monthly progress hearing outcomes and events. A copy of this record will be made available to all team members upon request.

Introducing NDNY's New Pretrial Diversion Program

PATH (Providing Alternatives That Help)

New Diversion Options: Track 1 and Track 2

In addition to our traditional diversion program where eligible defendants are never charged if they successfully complete pretrial diversion, we now have two additional pretrial diversion program options: Track 1 and Track 2. Both options will require the defendant to sign a binding plea agreement outlining the terms of the diversion program and plead guilty before entering the program. A diversion contract will be appended to the plea agreement listing the standard and special conditions of the program.

When a Track 1 defendant successfully completes the diversion program, he/she will be permitted to withdraw his/her guilty plea and the charges will be dismissed. When a Track 2 defendant successfully completes the diversion program, a non-jail sentence will be imposed by the Court.

The objectives of PATH are to prevent future criminal activity and to promote rehabilitation, while allowing defendants to avoid conviction and/or avoid incarceration.

USAO and USPO Contacts

Tamara Thomson is the PATH Coordinator for the U.S. Attorney's Office and Janna Kulakowski is the PATH Coordinator for the Probation Office.

USAO Approval Process

All requests for PATH, whether from the AUSA, defense counsel, or the probation office, will be reviewed by the U.S. Attorney with recommendations from the AUSA, Team Leader, the USAO PATH Coordinator, the Criminal Chief, and the First Assistant U.S. Attorney. The first step in the process is for the assigned AUSA to draft a memorandum with a recommendation for PATH and for what option (Track 1 or Track 2). The AUSA must review Section 9-22.100 of the Justice Manual, for selection criteria relating to diversion candidates.[1]

[1] Absent approval by the Office of the Deputy Attorney General, any pretrial diversion program created by a U.S. Attorney's Office shall exclude any individual who is:

1. Accused of an offense related to child exploitation or child pornography, or an offense involving sexual abuse or sexual assault;
2. Accused of an offense resulting in serious bodily injury or death;
3. Accused of an offense involving brandishing or use of a firearm or other deadly weapon;
4. A public official or former public official accused of an offense arising out of an alleged violation of a public trust;
5. Accused of an offense related to national security, including terrorism offenses, or foreign affairs; or
6. Accused of an offense in connection with which the individual held a significant managerial role in a large-scale criminal organization or in a violent gang.

Letter to the Probation Office

After the U.S. Attorney approves a defendant for PATH, the AUSA will draft a letter to the Probation Office recommending diversion and requesting a diversion investigation.

Probation Officer Diversion Investigation

The Probation Office will complete the investigation within 90 days. Once completed, the investigation will be sent to the AUSA, the USAO PATH Coordinator, the USPO PATH Coordinator, and defense counsel. The Probation Office will then schedule a meeting with the AUSA, PATH coordinators, and defense counsel to review the investigation, assessment, and recommendation. If the Probation Office recommends diversion, the investigation will include individualized special conditions to address the defendant's criminal thinking/behavior. These special conditions will be discussed, amended if necessary, and finalized during this initial meeting.

Diversion Contract & Plea Agreement

After the initial meeting, the AUSA will provide the PATH diversion contract and the plea agreement to all parties for signature. Once signed, the documents will be sent to the Court and a plea hearing will be requested.

Term of Diversion Supervision

The typical term of diversion will last 12 months. The term may be extended but will not exceed 24 months.

The supervision term will begin when the defendant enters a guilty plea. For defendants who have already been indicted, either the assigned Judge or a District Judge otherwise designated, will accept the guilty plea. For defendants who have not yet been indicted, we are waiting for the Board of Judges to decide whether these cases will be assigned to a specific Judge in Syracuse and Albany or to all District Judges.

For both diversion tracks, the Court will have quarterly status conferences with the defendant during the diversion term. Status conferences will involve the defendant, defense counsel, the probation officer, and the USAO PATH Coordinator and/or AUSA. The purpose of the status conference is to discuss the defendant's progress and compliance. Court appearances may increase depending on the defendant's performance.

Completion of the Program

When a Track 1 defendant successfully completes the program, the AUSA will move to dismiss the case. When a Track 2 defendant successfully completes the program, a non-jail sentence will be imposed by the Court.

If a Track 1 or Track 2 defendant does not successfully complete the program, the AUSA will move to proceed to sentencing and will recommend an appropriate sentence. Removal from the program, whether voluntary or involuntary, will not constitute grounds for withdrawal of the defendant's guilty plea.

RAISE

Reentry Assistance and Initiatives Supporting Everyone

EASTERN DISTRICT OF NEW YORK

Reentry Assistance and Initiatives Supporting Everyone (RAISE)

- RAISE is a special court of the Eastern District of New York dedicated to providing integrated services to justice-involved individuals who are at high-risk of recidivism.
- The Honorable LaShann DeArcy Hall and The Honorable Ramón E. Reyes, Jr. preside over RAISE Court.
- RAISE Court adopts an optimistic and hopeful perspective regardless of an individual's criminal history and recognizes that change is possible.



History

RAISE
Reentry Assistance and Initiatives Supporting Everyone

- November 2023: RAISE Court goes live.
  - RAISE launched with five individuals.
  - Of the original five, three participants have graduated.
- January 2026:
  - RAISE has grown to 12 participants.
- There is currently one RAISE court in Brooklyn.
  - RAISE aims to expand within Brooklyn and to Central Islip.

RAISE Overview

RAISE
Reentry Assistance and Initiatives Supporting Everyone

- Target cohort size is 8-12 participants.
- Participants are incentivized through a point system, with a 70-point graduation threshold. Points are awarded by the presiding Judge.
- The Court and the Executive Board work closely with the participants to provide support in a myriad of ways, including pro-bono legal counsel, financial and digital literacy sessions, and referrals to potential employers.
- Requirements include demonstrated pursuit of employment, cognitive behavioral therapy, bi-weekly session attendance, and writing and sharing individual goals.
- Upon completion, participants have their cases transferred to the presiding RAISE Court Judge, who determines how much to reduce the graduate's term of supervised release.

Network of Support

RAISE
Reentry Assistance and Initiatives Supporting Everyone

Presiding Judges

- Awards and withholds credits
- Leads bi-weekly sessions, sets expectations for participants
- Leads executive team, delegates tasks to be completed on behalf of participants

U.S. Attorney's Office

- Provides advice and support to participants and executive team
- Runs district-wide re-entry simulations to spread awareness of the real-life difficulties faced by those recently incarcerated

Third Parties

- Law firms provide pro-bono counsel on various civil matters
- Cognitive Behavioral Therapists provide individualized sessions for participants (mandatory)
- Employment networks throughout the city provide job referrals, interview preparation, and trade-skill training

Probation Officers

- Supervises participants according to mandatory, standard, and special conditions of supervision
- Presents reports on participants prior to executive team meetings

Federal Defenders

- Provides advice and defense perspective on issues that arise
- Provides resources to participants in need of social services support and ancillary matters like traffic violations and licensure issues

Program Goals

RAISE

Reentry Assistance and Initiatives Supporting Everyone

- Provide intensive support to high-risk, highly motivated individuals to decrease the likelihood of recidivism and successfully returning home.
- Connect these motivated participants with appropriate resources to help them face challenges.

Thank you!



PRETRIAL OPPORTUNITY PROGRAM

UNITED STATES PRETRIAL SERVICES AGENCY
EASTERN DISTRICT OF NEW YORK

(Last Updated August 2014)

I. Introduction

The Pretrial Opportunity Program described here is established for the Pretrial Services Agency in the Eastern District of New York under the direction of the Board of Judges. While drug courts in various forms have been used widely at the state level, and there are admirable and effective post-sentence drug courts in operation in this district and elsewhere in which probation departments partner with judges, there have not been sufficient efforts to make such courts available at the pre-sentence stage of federal cases. In recognition of this, and in the belief that a drug court at any stage in the criminal process can offer potential rewards for society, the community and defendants who struggle with drug or alcohol addiction, this pretrial program was created.

The program is founded on the premise that many substance abusers are arrested for behavior related to their drug or alcohol addictions, and but for those addictions, they may have lived a law-abiding life. Substance abusers also tend to recommit the same or similar offenses, thereby increasing recidivism rates. A pretrial drug court can provide the framework for more intensive supervision, relying heavily on the involvement of the judge in the efforts of the pretrial services officer and treatment provider throughout a defendant's term of pretrial supervision. This collaborative process educates the judge on the personal factors that affect the particular defendant's addiction and simultaneously provides a greater level of enforcement and support from the judge who will eventually sentence the defendant. The success of drug courts at both the state and federal levels has demonstrated that the judge's involvement in the rehabilitative process can greatly influence a defendant's compliance with treatment mandates and may justify a significant reduction in the otherwise appropriate custodial sentence, the imposition of a non-custodial sentence, or even the dismissal of charges.

Tough but compassionate approaches to non-violent drug-addicted felons in drug courts have yielded positive results. *See, e.g.*, Twentieth Annual Report of the Brooklyn District Attorney's Drug Treatment Alternative-To-Prison (February 2011). Such drug courts have not only maintained high treatment retention rates and low recidivism rates, they have also produced enormous cost savings by sentencing defendants who successfully complete the drug court program to non-custodial sentences or by dismissing the charges. By offering effective treatment alternatives and other forms of supervision during the pre-sentence phase, the court gives defendants an opportunity to engage in productive behavior, achieve a drug-free and law-abiding lifestyle, and prove to the court and the community that an otherwise appropriate sentence of imprisonment is unnecessary, in whole or in part. Indeed, this program envisions that the United States Attorney might agree in some cases that the case should be dismissed entirely.

II. Legal Authority

Section 3154 of Title 18, United States Code, gives pretrial services officers the authority to provide for the custody, care, counseling, treatment or other necessary social services to defendants released under pretrial supervision. The objective of support services for defendants on pretrial release is to ensure the safety of the community and to provide defendants with the structure and stability necessary to reasonably assure their appearance in court as required.

Treatment and other support services provide the judge with alternatives to pre-sentence detention for those defendants who require close supervision and behavior monitoring.

III. Program Format

A. *Referrals*

Defendants can be referred for the Pretrial Opportunity Program by any judicial officer, Assistant United States Attorney (AUSA), defense counsel, or pretrial services officer. However, Pretrial Services, in conjunction with the participating judges, will decide whether a defendant meets the criteria for eligibility in the program.

B. *Criteria for Eligibility*

The program is designed primarily for non-violent defendants with a *documented* history of drug or alcohol addiction. A defendant must not pose a danger to the community and must exhibit a willingness to participate in treatment and to comply with the stringent conditions of the program. It is expected that most participants in the program (like most defendants generally) will plead guilty, but that is not required for admission. Other common factors shared by potential participants in program include:

- Prior drug- or alcohol-related arrests/convictions
- Prior participation in drug treatment
- Mental health history
- Victim of rape, incest, molestation or domestic violence
- Lack of support system
- Removal of children and/or prior or pending Administration of Child Services (ACS) cases
- Lack of education; lack of vocational skills; lack of employment

C. *Supervision and Case Management*

The supervision of defendants in the Pretrial Opportunity Program is multi-dimensional. It is more intense and requires the collaboration and flexibility of the court, the pretrial services officer, the treatment provider, and the defendant.

Defendants accepted into the program will meet with the sentencing judge, a participating magistrate judge, and a pretrial services officer on a regular basis or as otherwise directed by the judges. In addition, the defendant will be required to report to the Pretrial Services Agency and treatment provider as directed. The pretrial services officer will maintain frequent contact with the defendant, his or her family members or significant others and treatment providers, and will provide the judges with status reports documenting the defendant's attendance and progress in treatment. The pretrial services officer will also verify on a regular basis the defendant's residence and employment, if applicable, as well as his or her means of financial support.

Criminal record checks will be conducted regularly, and defendants will be tested frequently for illicit drug and alcohol use.

The defendant's conferences with the judges and pretrial services officer will focus on the defendant's progress in drug treatment as well as other factors that may affect compliance with release conditions. The defendant will be expected to freely discuss his or her treatment and all other circumstances related to the rehabilitation of the defendant with the judges. Obstacles to the defendant's ability to accomplish treatment objectives and personal goals will also be addressed. A defendant may request that relatives or friends be present at any conference. The conferences will be recorded, and defense counsel shall attend unless he or she has been excused from appearing by the court. The prosecutor may attend as well, but is not required to.

Violations of any type will be immediately reported to the judges. Provided the violation at issue is admitted or proven, the defendant is subject to the full array of sanctions provided by law. These include more frequent court appearances, geographic or association restrictions, an increase in treatment services, a stricter treatment modality, a decision not to count the month in which the violation occurred as one of the twelve sober months required for program completion, regardless of whether the violation involved substance abuse; a curfew, community service, a weekend jail term or even revocation of release. In addition, the defendant's participation in the program may be terminated. Sanctions are designed to encourage consequential thinking, to prompt the defendant to reflect on his or her behavior and to stay away from people and places that constitute negative influences, and to motivate the defendant to become more involved in the community. The judges will not sanction a defendant in the absence of counsel, who will, along with the defendant, have an opportunity to be heard.

In order to successfully complete the program, a defendant must remain drug and alcohol free for a minimum of twelve months. If a defendant participating in the program tests positive for drugs or alcohol, or fails to report for a scheduled drug test without a viable excuse, the twelve- month period will begin again. Twelve months of consecutive sober participation in the program is necessary, but not sufficient, for successful completion. Where applicable and as appropriate, the defendant must also remain employed, enroll in school or attend vocational training. Even after successful completion, a defendant must continue to attend the regularly scheduled meetings with the judges up until the time you are sentenced. The judges and the Pretrial Services Agency will determine if and when a defendant has successfully completed the program, and will have the authority to terminate an unsuccessful defendant's participation in the program. Neither determination is subject to appellate review.

IV. Communication with the Judges / Status Reports

The pretrial services officer will attend all court appearances and will provide to the judges written or oral status reports documenting a defendant's progress in treatment and compliance with release conditions. Status reports will also be provided to the government and to defense counsel. The pretrial services officer will always be available to discuss a defendant's adjustment to supervision as a member of the Pretrial Opportunity Program at the request of the judges, the government or defense counsel.

V. Data Collection

The pretrial services officer maintains a statistical database for each defendant who participates in the drug court program, which includes the case specifics, demographic data and case outcomes. On an annual basis, a report will be provided to the Chief Judge and the Chief Pretrial Services Officer detailing the progress and accomplishments of the Pretrial Opportunity Program and of its participants.

United States Pretrial Services Agency
Eastern District of New York
Pretrial Opportunity Program - Consent Form

Name:_____ Case Number:_____

You have been selected to participate in the Pretrial Opportunity Program. We believe in your ability to succeed in this program and look forward to working with you in overcoming your drug or alcohol addiction. By signing this form, you agree to participate in this intensive supervision program.

Read this form carefully before you sign it and speak with your attorney if you have any questions. Your sentencing will be deferred during your participation in the program. If you are able to complete the program, you *may*, in the sentencing judge's discretion, be afforded a reduction in sentence. However, the final determination of your sentence, including whether or not any such reduction is appropriate, will not be made until your sentencing proceeding is held. Since post-arrest rehabilitation is only one of many factors to be considered at your sentencing, the successful completion of the program does not *entitle* you to a reduction in sentence.

What you can expect from the U.S. Pretrial Services Agency:

1. You will be thoroughly assessed and a comprehensive treatment plan will be generated to aid you in your rehabilitation process and sobriety. The plan will be discussed during the first meeting and signed by you, your pretrial services officer and a judge. The plan may require your participation in a de-toxification program, a regular or intensive outpatient drug treatment program, or short- or long-term residential drug treatment program.

2. Your pretrial services officer will work with you to identify problems you are facing and to secure necessary referrals and resources.

3. You will receive intense personal supervision from your pretrial services officer.

What you can expect from the sentencing judge:

1. The sentencing judge will offer you individual attention at regularly scheduled meetings. Those meetings may also be attended by a magistrate judge who agrees to participate in the program. The judge or judges at your meeting will discuss your progress and address any concerns you and your pretrial services officer may have, and will expect you to discuss those concerns as well.

2. The judges will encourage you when doing well.

3. The judges will hold you accountable. If a violation the conditions of the program (or of your pretrial release generally) is admitted or proven at a hearing with your attorney present, you may be reprimanded and/or subjected to one or more of the following additional sanctions, among others: more frequent court appearances; increased treatment services; a stricter treatment modality; a decision not to count the month in which the violation occurred as one of the twelve sober months required for program completion, regardless of whether the violation involved substance abuse; restrictions on where you can go and with whom you can associate; a curfew; a community service obligation; a weekend jail term or even the revocation of your release.

4. Your sentencing judge will have the authority to consider all information obtained during the course of your participation in the Pretrial Opportunity Program in determining the appropriate sentence.

What we will expect from you:

1. You must refrain from illicit drug or alcohol use.

2. You must appear on time for your regularly scheduled meetings with the judges. Though you will be expected to be open and honest about your behavior, agreeing to participate in the program does not affect your right to remain silent. You retain the right to remain silent if an answer to the judges' or the officer's questions may tend to incriminate you.

3. You must report to Pretrial Services as directed.

4. You must report for drug testing and treatment as directed.

5. You must comply with all standard conditions of your release.

6. You must provide verification of address and employment and/or income on a regular basis.

7. You must believe in your ability to succeed. We believe in you and if you believe in yourself you will succeed.

Completion of the program requires, at a minimum, twelve consecutive months of participation without any use of drugs or alcohol. Twelve months of sober participation in the program is necessary, but not sufficient, for successful completion. The decision about whether you have successfully completed the program will be made jointly by the judges and Pretrial Services. Even after successful completion, you must continue to attend the regularly scheduled meetings with the judges up until the time you are sentenced.

The judges, Pretrial Services, and your attorneys will make every effort to work with you to ensure that you participate successfully in the program. However, if you violate the terms of the program, you may be terminated from further participation. By signing this agreement, you

waive any right you might otherwise have to appellate review of a decision that you have failed to complete the program or a decision terminating you from the program. In addition, you have the right to withdraw from the program at any time for any reason, provided you notify the supervising officer of your desire to do so.

I have read this form and understand it. I have consulted with counsel before signing it. By signing, I agree to participate in and abide by the rules of the Pretrial Opportunity Program, and that compliance with all of its requirements will be an additional condition of release in my case. I further understand that participation in the program will delay the resolution of my case, and that any such delay is hereby requested by me so I may avail myself of the potential benefits of the program.

Defendant: _____

I agree it is appropriate for my client to participate in the Pretrial Opportunity Program and I have advised my client accordingly. I agree to attend the monthly meetings with the judges unless I have been excused by the court. I understand that participation in the program will delay the resolution of the case; any such delay is hereby requested, and my client and I agree it is warranted in the interest of justice.

Attorney for the Defendant:_____

Participation in the Pretrial Opportunity Program in the Eastern District of New York is hereby approved. The defendant shall appear for all scheduled meetings between the judges, the pretrial services officer, and the defendant in the United States District Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, or 200 Federal Plaza, Central Islip, New York. The judges' staffs will be responsible for scheduling and notifying all parties of any meetings scheduled.

Pretrial Services Officer:_____

SO ORDERED.

Dated:

_____
United States District/Magistrate Judge



SPECIAL OPTIONS SERVICES PROGRAM

UNITED STATES PRETRIAL SERVICES AGENCY
EASTERN DISTRICT OF NEW YORK

February 4, 2013

I. Introduction

The Special Options Services (SOS) Program was established in the Eastern District of New York in January 2000 as an alternative to pretrial detention for juvenile and young adult defendants. The SOS Program is designed primarily for non-violent juvenile and young adult defendants between the ages of 18 and 25. Older defendants may be considered for the Program on a case-by-case basis.

The SOS Program is founded on the premise that many young offenders may go on to lead law-abiding lives when provided with appropriate support and access to opportunities for education, training, and counseling that may have been unavailable to them prior to their arrest. The Program gives the Court the discretion to offer this benefit of supervision and services to certain defendants in cases where pre-trial detention or a jail sentence may not serve the best interests of the defendant or society. The supervision techniques employed by the Program include frequent contact with the defendant to monitor conduct and to provide direction, advice, and counseling; regular communication with family members, treatment providers, and counselors; verification of residence and employment; random drug testing; and frequent criminal record checks.

The Program also recognizes that the collaborative involvement of a Judge (the "Program Judge") in the supervision of youthful offenders may enhance a defendant's support system and greatly encourage compliance with the goals of the Program. Defendants accepted into the Program will attend judicial meetings with the Program Judge and a Pretrial Officer. The meetings are designed to inform the Program Judge about the defendant's progress and about the personal factors that affect the defendant's behavior. As a result, the Program Judge is in a position to provide encouragement and support where appropriate and to hold a participant accountable where warranted.

Judicial meetings will generally be held on a monthly basis, but the Court has the discretion to schedule meetings more or less frequently depending upon the needs of the participant. Defense counsel shall attend and the prosecutor may, but is not required to, attend as well. The Pretrial Officer will submit progress reports to the assigned district judge, the Program Judge, defense counsel, and the government, which will address issues such as attendance, attitude and behavior, drug testing results, and participation and cooperation in all required programs, including the participant's employment. Written reports will be provided to the Probation Department at the time of the preparation of the Presentence Report with copies to the assigned district judge, Assistant U.S. Attorney, and defense attorney prior to sentencing. The Pretrial Officer will always be available to discuss a defendant's adjustment and participation in the SOS Program at the request of the assigned district judge, the U.S. Attorney's Office, or defense counsel.

By providing young defendants with the framework of supervision and services that they need, the Program seeks to help defendants learn from their mistakes, make better choices, engage in productive behavior, and reduce the risk of recidivism. Successful completion of the Program may justify, but does not guarantee, a significant reduction in the otherwise appropriate custodial sentence, or the imposition of a non-custodial sentence. The Program Judge will also be in a

position to offer insights to the assigned district judge with respect to the defendant's accomplishments while participating in the Program.

II. Legal Authority

A. Title 18 U.S.C. §§ 3154 (4), (6) and (7) authorizes Pretrial Officers to operate or contract for the operation of appropriate facilities for the purpose of providing custody, care, counseling, treatment or other necessary social services to released defendants. Pretrial Officers may serve as coordinators for other local agencies which are eligible to serve as custodians, and they may assist defendants in obtaining employment, medical attention, and placement in programs or social services.

B. Title 18 U.S.C. § 3142(c)(B) provides that, in order to reasonably assure the appearance of a defendant as required by the Court, a judicial officer may impose upon a pretrial defendant specific conditions, which may include requiring the defendant to:

- remain in the custody of a designated person;
- seek and maintain employment;
- maintain or commence an education program;
- abide by specific restrictions on personal associations, place of abode or travel;
- avoid contact with alleged victims;
- report on a regular basis to a designated agency;
- comply with a specified curfew;
- refrain from possessing a weapon and from use of alcohol or drugs; and
- undergo available medical, psychological, or psychiatric treatment.

C. Title 18 U.S.C. § 3154 requires Pretrial Officers to inform the Court of all apparent violations of release conditions. The statute does not specify a timeline for notifying the Court of non-compliance, and this process will be determined by the Pretrial Office's internal practices. Instances of non-compliance will be addressed on a case-by-case basis depending on the situation and circumstances of the alleged violation.

III. Program Format

A. Criteria for Eligibility

Factors considered to determine eligibility for the Program include:

- Drug use history and current drug addiction;
- Mental health history;
- Victim of rape, incest, or molestation;

- Loss of parent(s) or guardian;
- Victim of child abuse, abandonment or neglect;
- Incarceration of parent(s);
- Defendant must not pose a danger to the community; and
- Defendant exhibits a willingness to participate in the Program and to abide by the stringent conditions of the Program.

B. Identifying Eligible SOS Participants

1. Pretrial Officers conducting bail investigations should be familiar with the eligibility criteria and should be able to make an initial assessment and recommendation to the Court as to a defendant's eligibility and suitability for the SOS Program.

2. A Judicial Officer, defense attorney, or Assistant U.S. Attorney may recognize a defendant as a potential SOS participant after reviewing the Pretrial Report or based on some other previously unknown or undisclosed information.

3. A defendant may be identified as a potential SOS participant by the Pretrial Officer at the post-release interview with the defendant or family members or at any time during the pretrial supervision process.

4. Although defendants can be referred for the SOS Program by any judicial officer, Assistant United States Attorney (AUSA), defense counsel, or pretrial services officer, Pretrial Services will decide whether a defendant meets the criteria for eligibility in the Program. There is no legal right to participate in the SOS Program, and the failure to be admitted is not a decision that is subject to judicial review.

5. Once a defendant is referred to the Program, the District Judge or Magistrate Judge must include on the bond an Order requiring the defendant's participation in the Program as a special condition of release. Defendants are advised that post-arrest rehabilitation is only one of the many factors considered at sentencing, and the successful completion of the Program does not entitle them to a reduction of sentence.

IV. The Supervision Process

A. The Post-Release Interview

Pretrial Officers will determine the supervision needs of a defendant based on the information detailed in the Pretrial Report and ascertained during the post release interview process.

- During the post release interview, Pretrial Officers will review and expand upon the data in the Pretrial Report as necessary.

- Pretrial Officers will explain the purpose, practices and goals of the SOS Program to the defendant, the defense attorney and any accompanying family members or significant others.
- Pretrial Officers will also discuss with the defendant the release conditions that will be imposed and any other Program restrictions and requirements applicable to the defendant.

B. The Imposition of Release Conditions

Release conditions are always tailored to address the specific needs and goals of individual defendants. The following conditions – many of which are standard conditions of release – aim at promoting stability and providing direction for defendants:

- Report as instructed to the Pretrial Officer;
- Curfew and/or travel restrictions (as deemed appropriate based on conditions and circumstances of the case);
- Mental health counseling and treatment;
- Drug testing, counseling, and treatment;
- Vocational and educational counseling or training;
- Life skills, parenting, or child-rearing classes;
- Anger management or stress management classes or counseling;
- Sex education, sexuality, and relationship counseling; and
- Participation in Judicial Meetings.

Other requirements or additional restrictions may be imposed.

C. Case Management & Monitoring Defendant Compliance

Supervision of the SOS defendant is a dynamic process that requires flexibility by the Pretrial Officer. Case management activities may be tailored to reasonably ensure a defendant's compliance with Program goals and conditions. The Pretrial Officer will engage in intensive monitoring of the defendant's activities and will respond immediately to any violations. Supervision practices may include:

- Frequent personal and telephonic contacts with the defendant to monitor conduct and to provide direction, advice, and counseling;
- Regular contact with family members or significant others;
- Regular contact and communication with treatment providers, counselors, or collateral contacts;
- Verification of residence and employment;

- Random drug testing; and
- Frequent criminal record checks.

A wide variety of community, educational, and vocational resources are used by the Pretrial Officer to manage the caseload and provide services to defendants. These resources are offered through non-profit organizations, governmental agencies and programs, or community and social service agencies such as:

- The New York City Department of Youth & Community Development (employment assistance);
- The Fortune Society;
- The New York Center for Neuropsychology & Forensic Behavioral Science;
- New York State Department of Education, Office of Vocational & Educational Services for Individuals with Disabilities [VESID] (education and vocational training and employment assistance);
- Center for Community Alternatives (health education, parenting skills, life skills counseling, drug counseling and vocational training for juvenile & young adult mothers with substance abuse histories);
- Homeless Rights Project (assistance to homeless defendants with families);
- Urban Justice Center (assistance related to welfare, food stamps, Medicaid and housing eviction); and
- The Hope Program (job readiness and training).

V. Addressing Non-Compliance

A. Guidelines for Managing Non-Compliance

Where a defendant who has enrolled in the SOS Program fails to comply with the conditions of his or her release, the Pretrial Officer will address the defendant's non-compliance as necessary. The Pretrial Officer's methods may include:

1. Interviewing the defendant and other relevant third parties (i.e., family, friends or police) to determine the facts and any possible explanations;
2. Issuing a reprimand if appropriate;
3. Discussing the matter with defense counsel and/or Assistant U.S. Attorney;
4. Conducting NCIC checks or obtaining relevant court documents, if required; and
5. Notifying the Court, with a recommendation as to appropriate action to be taken.

B. Reporting Non-Compliance

Certain incidents of non-compliant behavior, such as failure to appear when ordered to do so, re-arrest or threatening a witness, juror, or court officer, require immediate notification to the Court. Other non-compliant behaviors, such as failure to report or failure to participate in drug or mental health treatment, require intervention by the Pretrial Officer before notifying the Court. The assigned Pretrial Officer can provide recommendations for reporting these types of behavior to the Court.

C. Violation Hearings

The presiding Judge may, in his or her discretion, refer the violation to the Program Judge for hearing. Provided the violation at issue is admitted or proven, the defendant is subject to the full array of sanctions provided by law. These include more frequent court appearances, geographic or association restrictions, an increase in treatment services, a curfew, community service, a weekend jail term, or revocation of release. Hearings will be held on the record, with counsel present, and both counsel and defendant will be afforded an opportunity to be heard.

Substance Abuse Treatment and Re-Entry Program (STAR)

Facilitated by:

Judge Pamela Chen; Judge Robert Levy

SUSPO Kristen Aliperti; USPO Joseph Barlow; USPO Heather Clark

FD Kathryn Wozencroft; FD Ashok Chandran

Purpose

- To provide intensive supervision and support to those who suffer from mental illness and drug or alcohol dependency
- Promote a drug-free and law-abiding life
- To provide therapeutic and community resources to successfully re-integrate back into society
- Develop life skills; including but not limited to workforce development, coping mechanisms for stress management, pro-social development of interpersonal relationships, and problem-solving skills



Eligibility Criteria:

- Post-Conviction status

- Nexus between substance abuse and involvement in the instant offense

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- History of substance abuse and/or mental health issues; however, cases with current addiction and/or mental health-related challenges will be considered

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- Cases with a history of violence will be considered

- Cases with sexual offenses are prohibited

Referral Process:

1. Proposed participant is referred to the STAR Court team.

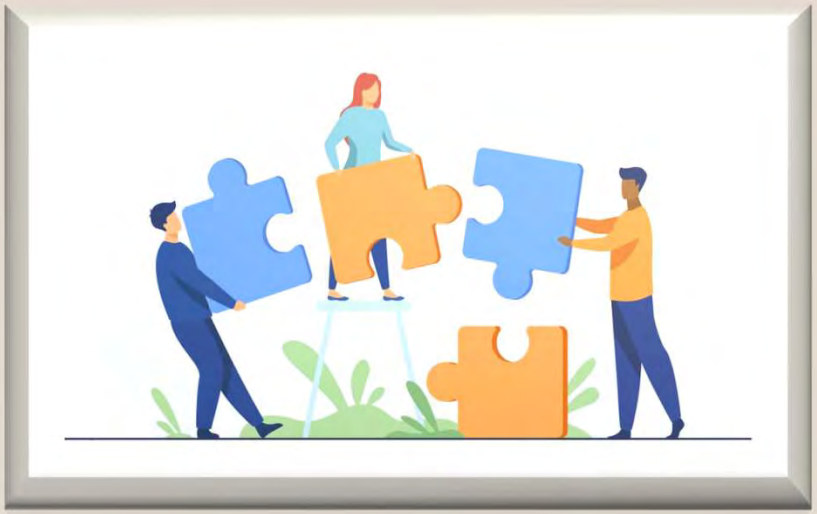
2. One of the probation team members will communicate with the referral source to learn more about the participant. The team will review the Judgment and Commitment Order, presentence report, and other pertinent materials to determine eligibility.

3. A discussion is held with the person under supervision to explain program rules and gauge interest.

4. Person under supervision is then invited to observe the next STAR Court appearance and reaffirm willingness to participate.

5. The participant subsequently executes a copy of the STAR Court consent form, and a memorandum is submitted to the assigned District Court Judge requesting permission to allow the person under supervision to participate in the program. Once approved, the case is transferred to Judge Chen and Judge Levy.

STAR Court Roles



STAR Court Judges

- Presides over each STAR Court appearance
- Sets expectations for STAR Court participants
- Awards/Withholds credits
- Addresses noncompliance

Probation Officers

- Intensively supervises each participant in relation to the conditions of the supervised release/probation term
- Presents progress reports for every STAR Court participant
- Assists participants with securing community resources and access to treatment services
- Addresses noncompliance

Federal Defenders

- Provides advice and perspectives on STAR Court participants barriers and struggles
- Assists the Probation Department with securing community resources
- Ensures participants abide by the conditions of their supervised release/probation term
- Assists the Court and Probation Department with addressing noncompliance and determining alternative options to address these issues



Expectations of Participants

- Open and honest communication
- Maintain sobriety and attend mandated mental health and/or substance abuse treatment
- Obtain/maintain employment, enroll in school, participate in a vocational training program, or be productive in the community
- Abide by the conditions of supervision

Activities



- Monthly STAR Court appearances/ meetings with the active STAR Court team and all participants
- Cognitive Behavioral Exercises
- Guest Speakers
- Graduation Ceremonies

Benefits

- The Court has an opportunity to better understand the participants lives

- Possible early termination from the participants supervised release or probation term

- Education in coping and behavioral modification skills, and how to lead a fulfilling and happy life while clean and sober

- Empowerment and improved self-esteem

- Reduced recidivism



Thank You

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Problem Solving Courts: Strengthen Communities, Save Lives and Reduce Crime

May is National Treatment Court month. In honor of this, Judge Debra Young, the statewide coordinating judge for problem solving courts, discusses the importance of problem solving courts and highlights a real-life example of how they change lives.

By Debra J. Young

Every day in courtrooms across our state, judges see people whose criminal behavior is driven by untreated substance use or mental health challenges. And we all know what happens if those needs go unaddressed: individuals end up cycling in and out of the justice system, putting pressure on law enforcement, our courts, and taxpayers.

That's why Problem Solving Courts matter so much. They're not just another program, they're the most effective justice intervention we've ever had in this country. These courts hold people accountable, but they also connect them with evidence based treatment and consistent judicial supervision. And the impact reaches far beyond lowering crime. Problem Solving Courts save lives. They strengthen families. They help people find stable housing, steady employment, and a future they never thought possible. They also free law enforcement to focus on keeping our communities safe.
May is National Treatment Court Month, which makes it the perfect time to highlight the incredible work these courts are doing across New York. As the Statewide Coordinating Judge for Problem Solving Courts, I have the privilege of visiting court sessions throughout the state. My favorite part of those visits, without question, is attending graduation ceremonies. Last year, during a visit to the Monroe County Veterans Treatment Court, I had the chance to hear a powerful speech from one of the court's graduates, Ricky Heffner.
Here's his story.

During the pandemic I suffered the unexpected back-to-back loss of three of my closest friends. I'd known them for 20 years. Literally, they were the first real friends I'd allowed myself after leaving service.

The first was a crusty Vietnam Vet with multiple debilitating physical injuries, compliments of the War, who nevertheless learned to embrace life and count every day as a blessing. Then there was a Goldstar Dad, who was forever changed by, and

continually struggled with the loss of his son. His wonderful wife followed six months later. I was devasted.

Losing these very special people put me in a very dark place. I applied copious amounts of alcohol just to turn off the noise in my head. I tried to drown my sorrows, as well as, my anger, because COVID prevented me from visiting any of them during their illnesses, attending their funerals or even just saying goodbye in person.

My journey to Vet Court began with my third arrest for DWI on 8 December 2021, my wife's birthday. As I was mulling over exactly what I'd gotten myself into, I concluded that, no doubt, this time, I would be sentenced to time behind bars. Fortunately, God had a different plan for me, and I was given a gift: Veterans Court.

Throughout the program, I was impressed with the multi-faceted level of support in court and the positive attitude of everyone I encountered there. It was nothing like I expected.

At my initial appearance in Vet Court I first heard this preamble from the judge: "This is what I expect from you:"

Rule 1 - Do not lie to me!

Rule 2 - If you mess up, call your court contact withing 24 hours!

Rule 3 - Surrender to the process and do as you are instructed!

Graduating Veterans Court on 1 May 2023, I couldn't have felt more grounded. Yet my journey through Vet Court was never meant to end because I'd graduated. I was so energized and motivated by the program, especially their phenomenal team, that I knew I had to be part of it to help other vets succeed and move on to happy healthy, productive lives, just as I had done. It is a blessing to be part of this wonderful caring group, as much as knowing I now have the ability to help others, I am the luckiest man in the word, and I've barely gotten started!

Ricky's experience is just one of so many stories that show how deeply Problem Solving Courts can change lives. The ripple effects are remarkable, not just in cost savings, but in the way these courts help rebuild communities. We see real progress in education, employment, housing stability, financial wellness, and family reunification. Those aren't just statistics; they're the building blocks of healthier, stronger communities.

Problem Solving Courts are our most effective approach at the intersection of addiction, mental health, and justice involvement. By celebrating our successes and expanding access to Problem Solving Courts, we give more people the chance to rebuild their lives and strengthen the communities they call home.

Each participant's progress creates a small but meaningful ripple, one that reaches their families, their neighbors, and ultimately their wider community. And when those ripples

multiply and move together, they form a wave strong enough to carry hope and progress across our entire state.

Debra J. Young is Statewide Coordinating Judge for Problem Solving Courts, overseeing all of New York State's nearly 350 problem solving courts.

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NYS Problem-Solving Courts

https://ww2.nycourts.gov/COURTS/problem_solving/index.shtml

United States Sentencing Commission
https://www.ussc.gov/education/problem-solving-courts-toolkit

SDNY
RISE: https://www.nysd.uscourts.gov/programs/rise_court
YAOP: https://www.nysd.uscourts.gov/programs/young-adult-opportunity-program

EDNY
POP: https://www.nyept.uscourts.gov/pretrial-opportunity-program
SOS: https://www.nyept.uscourts.gov/special-options-services
STIR: https://www.nyept.uscourts.gov/successful-transition-incarceration-and-re-entry

WDNY: https://www.nywp.uscourts.gov/programs-services

Judge Berman's Court Involved Supervised Release Report

https://nys-fjc.ca2.uscourts.gov/reports/2024/Court-Involved-Supervised-Release-Report-6-10-2024.pdf