

Alternatives to Incarceration in the Eastern District of New York

The Pretrial Opportunity Program
and
The Special Options Services Program



Third Report to the Board of Judges
United States District Court
Eastern District of New York
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I. Introduction

The United States District Court for the Eastern District of New York has instituted three programs that are designed to provide alternatives to incarceration for certain criminal defendants who are prosecuted in this district. One is the Brooklyn Pretrial Opportunity Program (“POP”), which is a drug court. POP was created in January 2012 under the direction of the Board of Judges. The second is the Brooklyn Special Options Services (“SOS”) Program, which provides intensive supervision for certain youthful offenders. Although the SOS Program was created by the Honorable Jack B. Weinstein in 2000, a major structural change was implemented in 2013 – two judges began regular meetings with the participants in the program. The third program, operated out of our Long Island courthouse, is a combined POP and SOS Program, providing intensive supervision for individuals with drug addictions and for youthful offenders. All three programs, POP, SOS, and the Long Island program, provide presentence supervision with direct, regular judicial involvement.

This is the third report to the Board of Judges about these programs. It was prepared by the judges, Pretrial Services Officers and Probation Officers involved in the POP, SOS, and Long Island programs, with the assistance of the judges and Probation Officers involved in our two STAR courts, which are reentry drug courts. Those judges and officers are identified in Sections Two and Six of this report.

The last report was issued in August 2015 (the “2015 Report”). Since that time, there have been significant developments and changes not only in our programs, but in the development of additional alternative to incarceration (“ATI”) programs in districts across the

federal system. Thus, the report is intended to serve several purposes. First, the Court continues to receive many inquiries about these programs. Judges, Pretrial Services and Probation Officers, and defense attorneys from around the country inquire about our programs and many have visited with us to observe our programs in action, to learn from our experience, and to consult with us in establishing their own ATI programs. As you may recall, Department of Justice



From left: Chief Pretrial Services Officer Roberto Cordeiro, Chief Judge Dora L. Irizarry, and Chief Probation Officer Eileen Kelly

officials, including then Attorney General Eric Holder on October 30, 2014, and Deputy Attorney General Sally Yates on September 11, 2014, attended sessions of our programs. We hope this updated report will be a helpful resource for all those who may be interested in these innovative and effective programs.

Second, while many states have operated similar programs with proven success for many years, and while the number of such programs in the federal system continues to grow with new ones each year, such programs are still relatively new in the federal system. Communication among the districts that have established them (and other districts that will do so in the future) is essential to determining which practices are most effective in judge-involved supervision programs. Data collection remains critical to an objective, long-term analysis of whether these programs that seem to offer better, more cost-effective ways of handling certain defendants are in fact better and more cost-effective. As the programs approach their fifth and sixth anniversaries, we now have more experience and more data by which to measure our progress.

This report therefore updates the data with respect to our programs. It includes the characteristics of the participants, the nature of the charges against them and violations they have committed, the types of services available to them, and an estimate of the cost savings achieved by the programs.

Third, apart from the data, the real people who have been affected by our programs and taken full advantage of the opportunity to turn their lives around have compelling stories. Their stories are inspiring, and so some of them are set forth here.

Fourth, this report provides an update on the ATI programs in other districts in the federal system. Since the 2015 Report, the number of such programs has nearly doubled.

Judges and Pretrial Officers in each of the districts provided information for this report, and we are grateful for their assistance. Some have shared with us estimated cost savings based on their experiences, and we have set forth that information as well. The overall reaction that we received in talking to these ATI program judges was enthusiasm about their programs and a firm belief that the programs are beneficial.

Fifth, although the principal focus of this report is on *presentence* programs – POP and SOS – those programs are closely related in spirit, purpose and effort to our Court’s STAR (Supervision to Aid Re-entry) Courts, which are reentry drug courts. Indeed, the program judges and staff of the POP and SOS programs work closely with their counterparts in our STAR Courts. Section Six of this report briefly describes our STAR Courts, and Section Seven describes the joint efforts we have made to educate ourselves so our presentence and reentry courts can be as effective as possible.

Our programs would not be successful without the assistance of others in the community. Section VIII of the report provides a description of some of the organizations that serve and support the program participants in obtaining housing, treatment, and other matters collateral to their criminal case.

Finally, the report sets forth some conclusions regarding these programs and describes some future initiatives that we are planning. Specifically, we want to encourage such programs and to take steps to inform other federal courts around the country about them. We recognize the need to gather data about them not only with an eye toward evaluating and improving them, but to demonstrate their effectiveness through statistical results, not just through anecdotal evidence.

II. The Alternative to Incarceration Programs in the Eastern District of New York

A. *The Brooklyn Pretrial Opportunity Program*

The Pretrial Opportunity Program (“POP”) was established under the direction of the Board of Judges in January 2012. The program description and consent form are set forth in the Appendix. POP was inspired by sentencing reforms in the states, which have turned to drug courts to help cope with the rising tide of substance-abusing offenders in their criminal justice systems over the last few decades. The use of drug courts to divert such defendants from prison has produced positive results in the states. They have enhanced the efficacy of treatment and lowered recidivism rates. Drug courts have also produced cost savings, in part because defendants who successfully complete drug court programs are diverted from prison. Indeed, in many places defendants are diverted from the criminal justice system entirely because the charges against them are dismissed upon successful completion of the drug court program.

Another source of inspiration for POP was the large number of reentry drug courts in the federal system. Our late colleague in this district, Chief Judge Charles P. Sifton, created the first federal reentry drug court in 2002. Participation in these reentry courts, which now operate throughout much of the federal system, occurs post-sentence, after a defendant has served his or her prison term or has been sentenced to probation. The benefit offered to a defendant participating in a reentry drug court (apart from the rehabilitative program itself) is early termination of the supervised release term. The direct cost savings to the system accrue from the shortened length of supervision and any reduction in recidivism rates among the participants. Though this report focuses principally on the Court’s presentence ATI programs, our reentry

courts today – known as STAR (Supervision to Aid Re-entry) Courts – are discussed further in Section Six.

We concluded that if the drug court model produces benefits in the reentry context, it has the potential to produce far greater benefits in the *presentence* phase. The incentive to the participants at that stage is much stronger: they can avoid (or at least shorten) a prison term, and perhaps avoid a conviction altogether. And the cost savings are potentially much greater because expensive prison terms may be avoided or significantly shortened. Participants instead return to their families and communities with the ability to contribute to both, and with their addictions under control.

POP, like other drug courts, is founded on the premise that many substance abusers are arrested for behavior that is grounded in their drug or alcohol addictions and, but for those addictions, they might lead law-abiding lives. POP provides a framework for more intensive supervision of these defendants, combining judicial involvement with the efforts of Pretrial Services Officers and treatment providers throughout a defendant's term of pretrial supervision. Drug courts have demonstrated that judicial involvement in the rehabilitative process can greatly influence a defendant's success in treatment.

In addition to their more frequent sessions with their drug counselors and Pretrial Services Officers, all of the participants meet monthly with the judges and Pretrial Services Officers assigned to the program. In our Brooklyn courthouse, they meet with District Judge Raymond J. Dearie, who fills the position originally held by former District Judge John Gleeson, Magistrate Judge Steven M. Gold, Pretrial Services Officer Laura Fahmy-Tranchina, and Probation Officer Robert Anton (through September 2017) or Eric Macolino (from September

2017 forward). An attorney from the Court's Federal Defender Services Office attends as well. The assigned Assistant United States Attorneys are encouraged, but not required, to attend. Finally, Avrom Robin, an attorney with a substance abuse history, attends and provides participants with insights and inspiration based upon his own experience.

Monthly progress reports prepared by Pretrial Services and Probation are circulated to the program judges, and the assigned AUSA and Federal Defender, before the meeting. At the meeting, each participant's progress and problems during the preceding month and goals for the upcoming month are discussed. The participants support and strengthen each other in these meetings, and the hands-on involvement of the judges is an important additional source of support and motivation.

Although most participants have entered pleas of guilty by the time they enter the program, a guilty plea is not a prerequisite to participation. All participants do agree, however, to adjourn all further proceedings (that is, trial and/or sentencing) for at least a year while they



The Brooklyn POP Team: (from left) District Judge Raymond J. Dearie, Assistant Federal Defender Mia Eisner-Grynberg, Avrom Robin, Esq., Pretrial Services Officer Laura Fahmy-Tranchina, Magistrate Judge Steven M. Gold, and former District Judge John Gleeson

participate in the program. All such adjournments have occurred with the consent of the United States Attorney's Office, which fully supports all three of our ATI programs. Indeed, these programs have achieved a level of success that is beyond our expectations when we first sought support of them. In order to complete the

POP program successfully, participants must remain drug-free and participate in the monthly

meetings for at least twelve consecutive months. In addition, the participants are required to obtain a high school equivalency certificate if they do not already have one, and they are expected to seek and obtain appropriate employment as well. Finally, the participants must comply with all of the conditions of their in-patient or out-patient drug treatment programs.

POP participants in our Brooklyn courthouse have their cases reassigned to Judges Dearie and Gold. Studies of drug courts in the states have shown that there is value in having drug court participants meet monthly with the same judges who will ultimately decide their cases. Judge Gold presides over any proceedings that follow violations. The sanctions he imposes vary widely, ranging from, for example, admonitions at the monthly meetings, to more stringent treatment conditions, to setting back the projected date of graduation from the program, to periods of custody.

When a participant's rehabilitative program is nearing successful completion and the sentencing date approaches, defense counsel negotiate with the government. Consistent with Rule 11(c)(1) of the Federal Rules of Criminal Procedure, these negotiations occur only between defense counsel and the government. The program



The Central Islip SOS/POP Team: (from left) Pretrial Services Officer Joseph Elie, District Judge Joanna Seybert, and Magistrate Judge Gary Brown

description explicitly contemplates the possibility that the rehabilitation of the participating defendant might be sufficiently extraordinary that outright dismissal of the charges on the motion of the United States Attorney would be appropriate. The government has agreed to such

dismissals in six cases thus far. Eight defendants who successfully completed the program but whose charges were not dismissed were sentenced to probation and avoided a sentence of incarceration. Of those, two participants had their felony charges reduced to misdemeanors. In the other cases, the benefit to the participants (apart from the significant benefits that flow from successful drug treatment, education and employment opportunities) has been the consideration of POP participation in determining whether (and, if so, for how long) the participant will be sentenced to prison.

As the initial POP participants neared their successful completion of the program, the judges and Pretrial Services Officer involved in the program became concerned about the lack of continuity in supervision after these participants were sentenced. This district has separate Pretrial Services and Probation Departments, and the concern was that the handoff of an intensively-supervised POP program graduate to an unknown Probation Officer might disrupt the rehabilitation of the participant.

In response to that concern, the Probation Department, in consultation with Pretrial Services, created a post-sentence supervision program for POP program graduates we call REAP. It provides post-sentence supervision that is coordinated with the POP program. Though not all post-sentence POP participants are required to attend the monthly meetings, some are, and all are welcome. In all events, POP participants get to know their post-sentence supervising Probation Officer long before they are sentenced, and the transition to supervision by that officer is seamless. Probation Officer Robert Anton was assigned to the post-conviction supervision of POP participants until his retirement in September 2017, when his position was filled by Probation Officer Eric Macolino.

B. The Brooklyn Special Options Services Program

The Special Options Services Program (“SOS”) was the brainchild of Judge Jack B. Weinstein. Established initially in January of 2000, under the supervision of Pretrial Services Officers, the SOS Program was founded on the belief that instead of pretrial detention, many youthful offenders might benefit from more intensive supervision and access to education, job training, and counseling. For many years, the SOS Program operated solely under the auspices of the Pretrial Service Office. In 2013, the Board of Judges approved a modification of the SOS Program to include the participation of two judicial officers, District Judge Joan M. Azrack and Magistrate Judge Cheryl L. Pollak.

SOS targets primarily non-violent juvenile and young adult defendants between the ages of 18 and 25, who may benefit from the structure and direction provided by intensive supervision. Recent research into the science behind human brain development has demonstrated that the frontal lobe of many adolescent brains, particularly in teen and young adult males,



The SOS Team: (from left) Assistant Federal Defender James Darrow, Pretrial Services Officer Amina Adossa-Ali, Assistant Federal Defender Mildred M. Whalen, District Judge Joan M. Azrack, Magistrate Judge Cheryl Pollak, and Probation Officer Yara Suarez

is still maturing so that reasoning and judgment may not be fully developed until well in the early to mid-twenties.¹ This lack of maturity and judgment, and an underdeveloped sense of responsibility, often makes these young adults more vulnerable or susceptible to negative

¹ Steinberg, Laurence, *Less Guilty By Reason of Adolescence: Developmental Immaturity, Diminished Responsibility and the Juvenile Justice System*, Am. Psychol., December 2003, at 1009.

influences and causes them to act impulsively without fully appreciating the consequences of their behavior. Although this scientific evidence does not excuse their criminal conduct, it provides some insight into why rehabilitation for this age group may in some cases be more effective than prison. With guidance and structure, there is the hope that these defendants under the age of 25 will mature and become productive adults.

Participants in the SOS Program are evaluated and recommended for the program by the assigned Pretrial Services Officer, but referrals may come from a judicial officer, a defense attorney or the United States Attorney's Office. The decision to accept a defendant into the Program is solely at the discretion of Pretrial Services, subject to the approval of the presiding judge. Factors that are considered in determining eligibility include drug use history, mental health history, loss of parent or guardian, parental incarceration, victim of child abuse or neglect, and a determination that they have the potential to live law-abiding lives if offered structure and opportunities for education, job training and counseling that may have been unavailable to them prior to their arrest. The SOS Program is voluntary but defendants who are accepted into the SOS program are directed to participate in the program's intensive supervision as a condition of pretrial release. Release conditions are determined on an individualized basis depending on the needs of the participant and may include curfew and travel restrictions, drug testing and treatment, mental health counseling, vocational and educational training, sex education and relationship counseling and anger management. Recently, a number of SOS participants have attended 12 weeks of Cognitive Behavioral Therapy classes, with various incentives to encourage completion. All participants must report to and work closely with the Pretrial Services Officer who monitors their conduct, verifies their residence and employment, assists

them in developing individualized programs and goals, and communicates regularly with family members, treatment providers and counselors.

In addition to their weekly reporting requirements, SOS participants attend monthly in-court meetings with the Program Judges, at which each participant's progress and conduct during the preceding month are discussed with the judges and in the presence of the other participants. The judicial involvement is designed to enhance participants' support systems and to provide additional encouragement not just to comply with the conditions of the program, but to effect real change in their lives. Due to the large number of participants in the SOS Program – up to 30 to 35 at a time – the participants are divided into two groups which meet monthly in two sessions, allowing the participants of each group an opportunity to provide additional support for one another.

Pretrial Services Officer Amina Adossa-Ali supervises all of the pretrial SOS participants in the Program and provides monthly progress reports to the Program Judges. SOS participants who are sentenced to a term of probation may also be ordered to continue post-conviction participation in the SOS Program under the supervision of the Probation Department. Probation Officer Yara Suarez is assigned to the SOS Program to supervise the probationary participants. In attendance at each in-court meeting, in addition to the Program Judges, Officers Suarez and Adossa-Ali, is an attorney from the Federal Defender Services Office, who is knowledgeable about each participant in their group and provides encouragement and advice to participants when necessary. The assigned Assistant United States Attorneys and assigned counsel are encouraged, but not required, to attend the meetings and are provided with the monthly progress reports for their particular participant.

Although initially the cases of defendants assigned to the SOS Program remained with their original presiding judge, recently the vast majority of participants have had their cases reassigned to the Program Judges for all purposes. The Program Judges, because of their monthly meetings and familiarity with the defendant's progress, are in the best position to determine appropriate sanctions for non-compliance and whether a participant has proven successful in the SOS Program. There is no specified time limit for completion of the program, although most defendants enter pleas of guilty, with sentencing deferred until a determination is made that they are ready to graduate.

Unlike some ATI programs, there is no agreed-upon disposition with the United States Attorney's Office prior to the plea. Instead, like the POP Program, the participant's counsel submits a letter to the assigned AUSA upon completion of the SOS Program, describing the achievements and progress of the participant, and then discusses with the prosecutor the ultimate disposition of the case. The Pretrial Services Officer provides the monthly reports and a factual overview of the defendant's participation in the Program. In the last five years, the government has agreed to enter into deferred prosecution agreements with 14 successful Brooklyn SOS participants, many of whom have gone on to college or productive employment.

By providing these young defendants with a support system and a framework of supervision and services that they need, the SOS Program seeks to help the defendants learn from their mistakes, make better choices, engage in productive behavior, reduce the risk of recidivism, and, with the cooperation of the prosecutor, remove the life-long stigma that attaches to a felony conviction.

The SOS Program description is set forth in the Appendix.

C. The Long Island Program

Due to the differing needs of the population served by the Long Island Division, the Central Islip Courthouse offers a hybrid POP/SOS program adapted to candidates meeting either the POP or SOS guidelines. In the Long Island program, participants meet monthly in our Central Islip Courthouse with Senior District Judge Joanna Seybert, Magistrate Judge Gary Brown, and Pretrial Services Officer Joseph Elie. The program follows the same general procedures as the POP and SOS programs in Brooklyn, and the judicial officers involved frequently exchange ideas and share approaches to help refine the program and improve success rates. Most, though not all, POP/SOS participants in our Central Islip Courthouse have had their cases reassigned to Judge Seybert for sentencing. When the case is assigned to a judge other than Judge Seybert, Officer Elie prepares a report to the sentencing judge about the defendant's participation in POP/SOS.

Judge Brown has been assigned as the magistrate judge to all of the Long Island POP/SOS cases, and presides over any proceedings that follow violations of bail conditions or expectations of the program. Like his counterparts in Brooklyn, in consultation with Judge Seybert, Judge Brown has imposed a range of sanctions to help remediate violations, including admonitions, increased monitoring or treatment, extending the term of program participation and incarceration.

As in the Brooklyn programs, upon successful completion, participants' counsel may enter into negotiations with the United States Attorney's Office over the ultimate disposition of the case. In recent months, the government has agreed to diversion/dismissal of charges against two defendants due in whole or in part to their successful participation in the POP/SOS program.

III. The Data

There are currently 25 alternative to incarceration (“ATI”) court programs operating across twenty-four federal districts. Nearly two thirds of these programs are set up as drug courts while the remaining programs specialize on youth and high risk defendants, and those with veteran status. With the exception of a few programs, the majority started in the past five years and accept a relatively small number of defendants. As of July 2017, the combined total of active pretrial participants in Brooklyn and Central Islip is 36. On average, these programs monitor approximately 3 to 4 percent of the overall population released on pretrial supervision. Thus far, the POP and SOS programs have graduated 43 participants, and presumably there are more than a few hundred successful graduations from other programs in our system.

This section offers a descriptive summary of the population who participated in the Pretrial Opportunity Program since January 2012, and the Special Options Services Program since March 2013. As of July 30, 2017, a total of 95 participants were accepted into the programs (48 SOS and 24 POP in Brooklyn, and 23 SOS/POP in Central Islip). Information noted in these data tables includes demographics, level of education, drug and mental health history, pretrial risk assessment, and criminal record. A dispositional summary of program departures breaks down successful terminations as well as the types of failures, including re-arrest and technical violations. The cost analysis is limited to measuring the median range of prison time defendants would face under sentencing guidelines.

A. Demographic Characteristics and Educational levels

The majority of all SOS Program participants are young minority men. However, of those accepted into POP, 68 percent are White non-Hispanic. Female participants constitute nearly 30 percent of those accepted into POP and SOS. Overall, Black and Hispanics make up

68 percent of the program population and the remaining third are non-Hispanic Whites. The race and ethnic composition of the ATI programs is similar to the pretrial population in the Eastern District of New York where Blacks and Hispanics account for 67 percent². Overall, 43 percent of participants enter the ATI programs with less than a twelfth grade education or equivalency certificate. However, 85 percent of POP participants compared to 37 percent of SOS participants possess an equivalency certificate or a higher level of education. The overwhelming majority of the programs' participants (85.2%) are single or cohabitating. Eighty-nine percent of POP participants are 26 years or older compared to 91 percent of SOS participants who are between the ages of 18 and 26 years.

² Pretrial Services Statistical Profile (*for 4-1-2016 to 3-31-2017*). The Administrative Office of United States Courts, Probation and Pretrial Services Office.

Table 1 Demographic Characteristics of SOS and POP Participants						
	SOS (Since March 2013)		POP (Since January 2012)		Totals	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Number of Program Participants	57	60.0%	38	40.0%	95	100.0%
Gender						
Male	42	44.2%	25	26.3%	95	100.0%
Female	15	15.8%	13	13.7%		
Race/Ethnicity						
Black of African American	23	24.2%	4	4.2%	95	100.0%
Hispanic	30	31.6%	7	7.4%		
Middle Eastern	0	0	1	1.1%		
White, Non-Hispanic	4	4.2%	26	27.4%		
Age						
18 - 25	52	54.7%	7	7.4%	95	100.0%
26 - 40	5	5.3%	21	22.1%		
41 - 55	0	0	7	7.4%		
56 +	0	0	3	3.2%		
Marital Status						
Cohabiting	20	21.1%	8	8.4%	95	100.0%
Divorced	0	0	5	5.3%		
Married	0	0	9	9.5%		
Single	37	38.9%	16	16.8%		
Education (highest level attained at start of the program)						
Less Than High School Equivalency	36	37.9%	5	5.3%	95	100.0%
High School Equivalency	2	2.1%	3	3.2%		
High School Diploma	13	13.7%	17	17.9%		
Vocational	0	0	1	1.1%		
Some College	6	6.7%	10	10.5%		
College Graduate	0	0	2	2.1%		

B. Substance Abuse and Mental Health History

Table Two describes the participants' treatment history related to substance abuse and mental health conditions as well as their reported primary drug of choice. Fifty-five percent of the POP population identified their drugs of choice as heroin and prescription opiates, followed

by cocaine (26%), alcohol (10%), and cannabinoids (9%). The majority (92%) of the POP group has a history of attending drug treatment, including detoxification (16%), outpatient (37%), and inpatient interventions (39%). In contrast, only 14 percent of the SOS participants have a history of attending substance related treatment. When asked about their preference, SOS participants report alcohol (37%) and cannabinoids (54%) to be their primary drugs of choice. Interestingly, for both groups, most participants (83%) report no family drug use.

With regard to mental health services, 38 percent of all program participants attend treatment and nearly 16 percent are diagnosed with a co-occurring disorder. Of those individuals attending treatment, five participants (or 5.3%) are prescribed psychotropic medication.

Table 2 Mental Health and Substance Abuse History						
	SOS (since March 2013)		POP (since January 2012)		TOTALS	
	N	%	N	%	N	%
Number of Program Participants	57	60.0%	38	40.0%	95	100.0%
Primary Drug of Choice						
Alcohol	21	22.1%	4	4.2%	95	100.0%
Cannabinoids	31	32.6%	3	3.2%		
Cocaine	0	0	10	10.5%		
Heroin	0	0	12	12.6%		
Prescription Opiates	0	0	9	9.5%		
No History of Drug Use	5	5.3%	0	0		
Drug Treatment						
Detox Inpatient	1	1.1%	6	6.3%	95	100.0%
Inpatient	3	3.2%	15	15.8%		
Outpatient	4	4.2%	14	14.7%		
Not Applicable	49	51.6%	3	3.2%		
Mental Health Factors						
Co-occurring Disorders	5	5.3%	10	10.5%	95	100.0%
Mental Health Services (only)	18	18.9%	3	3.2%		
Not Applicable	34	35.8%	25	26.3%		
Psychotropic Medications						
Yes	2	2.1%	3	3.2%	95	100.0%
No	55	57.9%	35	36.8%		
Other Family Factors						
Current Drug Use in Family	3	3.2%	3	3.2%	95	100.0%
Family Drug History	5	5.3%	4	4.2%		
Not Applicable	49	51.6%	31	32.6%		

C. Charges, Criminal History, and Risk Assessment

The following Table illustrates the program participants' type of current charge, criminal background histories, and pretrial risk assessment categories. The most common offenses are drug related (86.3%), followed by charges under the Hobbs Act (7.4%), and fraud (6.3%). The majority of all participants do not possess a criminal record, only 13.7% have felony convictions, and 24.2% were convicted of a misdemeanor.

The Pretrial Services Risk Assessment (“PTRA”) tool³ shows that nearly 31 percent of all participants are high-risk (categories 4 and 5), 42 percent are medium-risk (category 3), and the remainder fall into low-risk (categories 1 and 2).

³ The PTRA is an actuarial risk assessment instrument that predicts the risk of failure to appear, new criminal arrests, and technical violations of defendants while on pretrial release. The PTRA’s final score assessment falls into one of five categories of risk (1 being lowest). There are several factors that influence the final score: felony convictions; pending felonies or misdemeanors; prior failures to appear; seriousness of current charge; employment; substance abuse; age; citizenship; education level; and home ownership. There are other data factors related to a defendant’s foreign ties and alcohol problems that are collected but not scored.

Table 3 Prior Criminal History, Offense Charged, and Pretrial Risk Assessment										
	SOS Brooklyn (since March 2013)			POP Brooklyn (since January 2012)			POP/SOS Central Islip (since December 2012)		Totals	
	N	%		N	%		N	%	N	%
Number of Program Participants	49	51.6%		24	25.3%		22	23.2%	95	100.0%
Felonies										
Arrests	4	4.2%		4	4.2%		1	1.1%	9	9.5%
Convictions	6	6.3%		6	6.3%		1	1.1%	13	13.7%
Not Applicable	39	41.1%		14	14.7%		20	21.1%	73	76.8%
Misdemeanors										
Arrests	5	5.3%		3	3.2%		5	5.3%	13	13.7%
Convictions	7	7.4%		9	9.5%		7	7.4%	23	24.2%
Not Applicable	37	38.9%		12	12.6%		10	10.5%	59	62.1%
Offense Charged										
Drugs	44	46.3%		21	22.1%		17	17.9%	82	86.3%
Fraud	2	2.1%		1	1.1%		3	3.2%	6	6.3%
Violence (Hobbs Act Robbery)	3	3.2%		2	2.1%		2	2.1%	7	7.4%
Pretrial Risk Assessment										
Category 1	5	5.3%		2	2.1%		3	3.2%	10	10.5%
Category 2	6	6.3%		5	5.3%		5	5.3%	16	16.8%
Category 3	19	20.0%		10	10.5%		11	11.6%	40	42.1%
Category 4	14	14.7%		7	7.4%		3	3.2%	24	25.3%
Category 5	5	5.3%		0	0.0%		0	0.0%	5	5.3%

D. Program Termination

The ATI programs in Brooklyn and Central Islip have generated 62 departures out of 95 participants. Of the 22 successful SOS program terminations, 14 defendants were granted deferred prosecution agreements, one defendant had his charges dismissed, while four participants were sentenced to a term of non-incarceration, and three received a reduced prison term. The POP program graduated 21 participants, seven were issued deferred prosecution agreements, and 14 were sentenced to a term of non-incarceration. The overall success rate for

the ATI programs in New York Eastern is 70 percent. When broken down by program, SOS's success rate is 63 percent and POP's is 78 percent.

Those who graduate from the POP program achieved more than one year of consecutive sobriety time. Sobriety time is measured by the successive number of days that a participant tested negative for illicit substances and maintained abstinence. In order to be considered for graduation, SOS participants must at least obtain a GED, as well as maintain employment and stable housing. Unlike POP, the length of supervision under the SOS program is not pre-determined and may last several years before participants can demonstrate significant personal growth and independence in their lives.

Table 4 Successful & Unsuccessful Program Termination																
	Brooklyn							Central Islip							Totals	
	SOS		POP		SOS/POP Location Total		SOS		POP		SOS/POP Location Total					
	N	%	N	%	N	%	N	%	N	%	N	%	N	%		
Number of Program Participants	48	50.5%	24	25.3%	72	75.8%		9	9.5%	14	14.7%	23	24.2%		95	100.0%
Total Number of Terminations	32	51.6%	18	29%	50	80.6%		3	4.8%	9	14.5%	12	19.3%		62	100.0%
Successful Termination	21	48.8%	14	32.5%	35	81.3%		1	2.3%	7	16.2%	8	18.6%		43	100.0%
Deferred Prosecution/Dismissed	14	66.6%	6	42.9%				1	100.0%	1	14.3%					
Term of Non-Incarceration	4	19%	8	57.1%				0	0.0%	6	85.7%					
Reduced Term of Incarceration	3	14.2%	0	0.0%				0	0.0%	0	0.0%					
Unsuccessful Termination	11	40.7%	4	22.2%	15	78.9%		2	10.5%	2	10.5%	4	21.1%		19	100.0%
Re-Arrests(s)	3	27.3%	1	25.0%				1	50.0%	1	50.0%					
Technical Violations	6	54.5%	3	75.0%				1	50.0%	0	0.0%					
Other	2	18.2%	0	0.0%				0	0.0%	1	50.0%					

E. Cost Savings

As noted on Table Five, the estimated cost savings analysis accounts for a total of 43 successful participant departures. The calculation is based on the median sentencing guideline range each defendant is likely to face on the present offense minus the actual cost of prison time served⁴. In order to accurately account for the rising cost of incarceration, the Administrative Office of the U.S. Courts' annual memorandum⁵ on the cost of incarceration is applied to the year of disposition.

The total savings equates to more than \$5.8 million or an estimated 2,179 prison months.

⁴ This calculation does not consider "good time" credit. After a defendant's first year of imprisonment, the Bureau of Prisons may award 54 days of good time per year. *See* 18 U.S.C. § 3624(b). The Bureau of Prison's annual estimated cost of incarceration is applied to year of disposition.

⁵ Administrative Office of the U.S. Courts, Cost of Community Supervision, Detention and Incarceration (Memoranda from 2014 to 2017).

Table 5
Case Disposition and Cost Savings of Participants Who Successfully Completed the POP and SOS Programs
(updated July 2017)

Participant	Disposition						Median Sentence Guideline Range (#Months)	Imprisonment Cost if Recommended Sentence Imposed	Actual Prison Cost **	Cost Savings	Offense Type
	Prison (#Months)	TSR (#Months)	Probation (# Months)	Pretrial Diversion	Dismissed	Acquitted					
SOS Cases											
R.O.D.	-	-	60	-	-	-	27	\$65,132.91	\$0	\$65,132.91	DRUGS
L.C.	-	-	-	YES	-	-	52	\$150,696.00	\$0	\$150,696.00	DRUGS
J.J.C.	12	36	-	-	-	-	27	\$68,904.00	\$30,624.00	\$38,280.00	DRUGS
J.C.	-	-	36	-	-	-	41	\$118,818.00	\$0	\$118,818.00	DRUGS
E.C.	-	-	-	YES	-	-	34	\$86,768.00	\$0	\$86,768.00	DRUGS
D.C.	-	-	-	YES	-	-	34	\$98,532.00	\$0	\$98,532.00	DRUGS
T.A.D.	-	-	-	YES	-	-	78	\$226,044.00	\$0	\$226,044.00	DRUGS
J.D.	-	-	-	-	YES	-	87	\$252,126.00	\$0	\$252,126.00	DRUGS
C.E.	-	-	-	YES	-	-	87	\$252,126.00	\$0	\$252,126.00	DRUGS
R.G.	-	-	-	YES	-	-	87	\$252,126.00	\$0	\$252,126.00	DRUGS
I.H.	30	24	-	-	-	-	60	\$146,458.20	\$73,229.10	\$73,229.10	DRUGS
R.H.	-	-	-	YES	-	-	46	\$117,392.00	\$0	\$117,392.00	DRUGS
R.I.	-	-	-	YES	-	-	42	\$121,716.00	\$0	\$121,716.00	DRUGS
J.L.	-	-	-	YES	-	-	51	\$147,798.00	\$0	\$147,798.00	DRUGS
A.P.	-	-	36	-	-	-	27	\$65,132.91	\$0	\$65,132.91	DRUGS
E.V.	-	-	-	YES	-	-	46	\$133,308.00	\$0	\$133,308.00	DRUGS
A.T.	-	-	-	YES	-	-	87	\$252,126.00	\$0	\$252,126.00	DRUGS
S.T.	30	36	-	-	-	-	60	\$173,880.00	\$86,940.00	\$86,940.00	DRUGS
R.V.	-	-	48	-	-	-	78	\$188,161.74	\$0	\$181,161.74	DRUGS
W.C.	-	-	-	YES	-	-	98	\$284,004.00	\$0	\$284,004.00	DRUGS
A.J.D.	-	-	-	YES	-	-	78	\$226,044.00	\$0	\$226,044.00	DRUGS
K.T.	-	-	-	YES	-	-	27	\$78,246.00	\$0	\$78,246.00	Robbery
POP Cases											
P.C.	-	-	36	-	-	-	42	\$101,317.86	\$0	\$101,317.86	DRUGS
W.B.	-	-	36	-	-	-	51	\$124,489.47	\$0	\$124,489.47	DRUGS
M.C.	5	36	-	-	-	-	33	\$84,216.00	\$12,760.00	\$71,456.00	DRUGS
T.C.	1	36	-	-	-	-	33	\$84,216.00	\$2,552.00	\$81,664.00	DRUGS
S.D.	-	-	-	YES	-	-	41	\$118,818.00	\$0	\$118,818.00	DRUGS
E.G.	-	-	-	YES	-	-	11	\$31,878.00	\$0	\$31,878.00	DRUGS
G.J.	-	-	-	YES	-	-	34	\$86,768.00	\$0	\$86,768.00	DRUGS
C.J.	2	-	36	-	-	-	46	\$117,392.00	\$5,104.00	\$112,288.00	DRUGS
E.L.	-	-	-	YES	-	-	42	\$101,317.86	\$0	\$101,317.86	DRUGS
D.M.	1	24	-	-	-	-	121	\$308,792.00	\$2,552.00	\$306,240.00	DRUGS
C.M.	-	-	-	YES	-	-	87	\$252,126.00	\$0	\$252,126.00	DRUGS
I.M.	-	-	24	-	-	-	3	\$7,236.99	\$0	\$7,236.99	DRUGS
S.P.	-	-	60	-	-	-	37	\$89,256.21	\$0	\$89,256.21	DRUGS
R.P.	-	-	-	YES	-	-	97	\$236,774.09	\$0	\$236,774.09	DRUGS
V.P.	-	-	36	-	-	-	78	\$226,044.00	\$0	\$226,044.00	DRUGS
G.P.	-	-	-	YES	-	-	41	\$104,632.00	\$0	\$104,632.00	DRUGS
P.P.	1	36	-	-	-	-	52	\$132,704.00	\$2,552.00	\$130,152.00	DRUGS
A.S.	2	36	-	-	-	-	24	\$57,895.92	\$4,824.66	\$53,071.26	DRUGS
P.S.	-	-	48	-	-	-	13	\$37,674.00	\$0	\$37,674.00	DRUGS
T.T.	1	12	-	-	-	-	27	\$68,904.00	\$2,552.00	\$66,352.00	DRUGS
E.W.	-	-	36	-	-	-	97	\$236,774.09	\$0	\$236,774.09	DRUGS
Total								\$6,114,766.25	\$223,689.76	\$5,891,076.49	

IV. Profiles of Selected Participants

In our first and second reports, we included profiles of several POP and SOS participants. As we noted then, we strive to base and evaluate our programs on the best available practices and on data, not on anecdotes. We also recognize, though, that our success stories are inspirational reminders of how significant these programs can be to the individuals participating in them. Below are updates on some of the participants we wrote about in our prior reports as well as profiles of some of our newer participants.

A. Brooklyn Pretrial Opportunity Program

1. Updates on Participants Profiled in Our Original April 2014 Report

As predicted in our original report, where her story is described in detail, the charges against E.L. were dismissed upon her successful completion of her term of deferred prosecution. E.L., now 34 years old, has been sober and law-abiding since August of 2011. E.L. has been gainfully employed by the M.T.A. as a bus driver since January of 2016, and has submitted an application for promotion to a supervisory position. E.L. continues to support her disabled husband and their three children. Although she is under no obligation to do so, E.L. frequently attends our monthly meetings and provides encouragement, verbally and by example, to our newer participants.

I.M. has not been under supervision for some time. He continues to hold a responsible position at a major bank. Although he is no longer subject to testing, our understanding is that he has remained drug-free since 2011. I.M. has remarried and purchased a home, and he and his new wife have recently become parents.

A.S. has been law-abiding and sober since January 2011. He and his wife purchased a home in 2016, where they are raising their two minor children. A.S. is employed, full time, as a supervisor for the New York City Department of Parks and Recreation, where he has worked since 2014.

As indicated in our original report, W.B. was permitted to plead guilty to a misdemeanor in exchange for dismissal of the felony charge on which he was arrested. W.B. was sentenced to three years of probation with continued participation in the program as a special condition. W.B. remains on methadone maintenance and certain prescription medications, but he has substantially reduced his regular methadone dose and is otherwise sober and drug-free. He continues to participate in mental health treatment and remains productively self-employed as a painter.

R.P. has been law-abiding and drug-free as since February 2013. R.P. continues to reside with her boyfriend, who works full time while R.P. cares for the couple's two minor children. At the time of our original report, R.P. was awaiting a decision by the United States Attorney about how her case would be resolved. The government agreed to dismiss the charges against R.P. entirely, and R.P. completed successfully completed eighteen months of pretrial diversion in April of 2016. R.P. plans to return to work once her children are of school age.

2. Updates on Participants Profiled in Our August 2015 Report

The profiles of current participants discussed in our 2015 Report are again set forth below, with updated information included.

a. S.D.

S.D. was arrested on July 2, 2013. She was 33 years old, 34 weeks pregnant, and the mother of a seven-year-old daughter at the time of her arrest. S.D. was also addicted to opiates, using five bags of heroin intravenously and ten oxycodone pills orally on a daily basis. S.D. acknowledged seven years of addiction, and her parents refused to serve as sureties for her unless she agreed to enter an in-patient drug treatment program.

After approximately six weeks in custody, S.D. was released to a residential drug treatment program. She was discharged from the program three months later for drug use and for engaging in sexual relations at the facility. S.D. lost custody of her newborn after giving birth.

Rather than seek an order remanding S.D., Pretrial Services arranged for her transfer to a different residential treatment program. Her attitude improved. S.D.'s newborn was permitted to spend weekends with her at the residential program. After a period of sobriety and compliance with program rules, S.D. was invited to join POP on January 30, 2014.

S.D. adapted well to her new residential treatment placement and undertook efforts to regain custody of her daughters. She was released from residential treatment in September 2014 after finding full-time employment as a sales representative. S.D. moved in with her parents at that time, and obtained legal custody of her older daughter, and joint custody (with the birth father) of her younger child.

S.D. lost her job in November of 2014, apparently because she was missing too much work to attend court proceedings. She quickly found other work at a restaurant, although that position too was short-lived due to lack of business.

After an extended period of methadone use, S.D. weaned herself off the drug. S.D. has remained sober since her relapse in November of 2013.

As indicated above, S.D. had her ups and downs during her participation in POP. Although she relapsed and violated program rules at her first inpatient program, she thrived at her second. She quickly found employment, but she lost jobs twice. While her attitude was excellent when she first joined POP, she went through a period where she seemed discouraged and disengaged.

It did not take long, though, for S.D. to get on track. S.D. has been drug-free since November 2013. She was recently married to her long-time boyfriend, who runs his own successful business. They live together in a suburban home, where they are raising S.D.'s older daughter and, subject to a joint custody agreement, have S.D.'s younger daughter with them much of the time as well. S.D. began a business of her own, and it too seems to be quite successful.

S.D. was offered a deferred prosecution agreement in early 2016 and is expected to successfully complete her eighteen-month term of supervision soon.

We have learned from S.D. the importance of a measured response to relapses and other negative behaviors. While more severe sanctions may ultimately be required, we have seen several participants succeed if given a stern warning, a deferral of their eligibility to graduate, and a second chance, particularly when reassigned to a new treatment facility.

b. C.J.

C.J. was arrested on September 4, 2013 and charged with distributing oxycodone. At that time, she was 27 years old. Despite growing up in a middle-class home with supportive parents, C.J. had been abusing heroin and prescription pain medications for a decade. She had been through multiple detoxification and treatment programs but failed to remain drug-free.

After almost three months of pretrial detention, C.J. was released to a residential treatment program. One month later, on December 9, 2013, C.J. joined POP. She quickly relapsed, however, testing positive for heroin in January 2014. C.J. was permitted to continue her in-patient treatment. Moreover, when she participated in our monthly meetings, C.J. seemed disengaged and unable to muster a positive attitude. In September 2014, C.J. was discharged from the treatment program to which she was originally assigned for violating its rules.

Pretrial Services Officer Fahmy-Tranchina continued to work with C.J. Arrangements were made for her to continue her residential treatment at another facility, and she thrived there. The change in C.J.'s attitude was readily apparent at the monthly POP meetings, where she became much more vocal, sincere about her struggles, and encouraging of the other program participants. In January of 2015, with a year of sobriety behind her, C.J. secured full-time employment as an office manager.

C.J. entered a plea of guilty to a Class C felony and was sentenced to time served and three years of supervised release. C.J. recently graduated from REAP and is compliant with all of her supervised release conditions. She has remained drug-free and productively employed. C.J. resides with her mother, but is quickly developing the financial security to rent her own apartment.

c. V.P.

V.P. was arrested on September 13, 2013 and charged with distributing Methyline. V.P., a veteran, was 25 years old when he was arrested. He had been abusing alcohol and marijuana since his teenage years, and pain medication and cocaine for about two years.

V.P. was released on bail and directed to participate in outpatient drug treatment. While in treatment, however, he abused alcohol and opiates. V.P. admitted himself to a residential drug treatment program, committed himself to recovery, and completed residential treatment in May of 2014.

V.P. joined POP in November of 2014, and has remained consistently drug-free and thrived. He is an upbeat, supportive participant at our monthly meetings. Although he endured a frustrating period of unemployment, he remained persistent and has obtained a position as a peer counselor for a non-governmental agency providing assistance to veterans, among others, in need of housing, mental health treatment and other social services. He attends community college while working full-time.

V.P. entered a plea of guilty to one of the felony charges pending against him. He was recently sentenced to a period of probation and participates in the REAP portion of our program.

3. Profile of POP's Newest Participant

d. R. M.

R.M. is our newest participant, having joined POP in July 2017. R.M. is 47 years old, and has been abusing crack cocaine and marijuana for nearly 30 years. She has been a victim of

domestic violence. Although she has tried outpatient drug treatment before, she has not been successful.

With the help of intensive outpatient drug and mental health counseling, and motivated by the incentives attendant to a pending criminal case, R.M. has been sober for almost four months, and her treatment providers are optimistic she will be able to remain drug free.

R.M. is unemployed and financially dependent upon her mother. Now that she has a few months of sobriety to her credit, she hopes to find employment soon.

4. Profile of an Unsuccessful POP Participant

e. A. L.

Not every story has a satisfying ending. A.L. was arrested in 2014 and had an extensive history of heroin and cocaine abuse. Although he comes from a supportive family, A.L. has been unable to find the strength to overcome his addiction.

A.L. relapsed repeatedly during the few months after he joined POP. However, after sanctions—including two periods of remand—were imposed, he seemed to making substantial progress. A.L. achieved approximately fourteen months of sobriety and full-time employment, but he then relapsed again. Although he was warned after relapsing that additional positive drug tests would result in revocation of pre-trial release, A.L. continued to test positive for cocaine on multiple occasions. Accordingly, the Court revoked bail and remanded A.L. in May 2017. In August of 2017, A.L. was sentenced to six months of imprisonment and three years of supervised release. Participation in REAP was imposed as a special condition of supervised release. We are

looking forward, with cautious optimism, to working with A.L. when he completes the custodial portion of his sentence and rejoins us as a REAP participant.

B. Brooklyn Special Options Services

1. Update on Participants Profiled in Our Original April 2014 Report

In the original report, we profiled three SOS Program participants who had received sentences of probation as a consequence of their success in the SOS Program. All three defendants, A.P., R.V., and R.D., successfully completed their terms of Probation, with A.P. and R.V. graduating from the SOS Program, and R.D. graduating from the Court's STAR Program in 2014.

2. SOS Graduates and Recipients of Deferred Prosecution or Dismissal

Since the August 2015 Report, there have been 13 SOS Program participants who have either received deferred prosecutions from the government or, in one instance, an outright dismissal of the charges.

a. J.L.

J.L., who was featured in both the original report and the 2015 Report, was arrested on June 11, 2012, at JFK Airport at the age of 18, and charged with importing cocaine. Although an intelligent young woman, with much promise, J.L. initially struggled in the SOS Program, in large measure due to her previously unsupervised and unstructured living situation, her lack of self-confidence, negative peer influences, and an unhealthy relationship with her co-defendant boyfriend. In the early days of the Program, J.L. tested positive for drug use and was referred for mental health treatment to deal with her issues of low self-esteem. In June 2013, she obtained a

job at PetSmart, where she completed the company's dog grooming training program, and where she has worked consistently ever since. At the same time, she attended LaGuardia Community College and obtained an Associate's Degree in Liberal Arts in June 2017. She recently moved into her own apartment with another SOS participant and has become more interested in improving her health and her living conditions. She has also been instrumental in providing help and guidance to others in the Program. Based on her success in the SOS Program, the government offered J.L. a deferred prosecution and she graduated on July 25, 2017, after 5 years in the SOS Program.

b. L.C.

L.C. was 19 years old and estranged from her parents at the time of her arrest on June 5, 2012. Like J.L., L.C. also struggled initially in the Program. Released into her cousin's home, L.C. struggled with issues of punctuality and attendance, violated curfew, and created tension in the home due to L.C.'s immaturity. She was referred to mental health counseling upon entry into the SOS Program.

Although L.C. had obtained her high school diploma in the Dominican Republic, it took months and the help of attorneys to procure a sufficient translation of her records, but she eventually was able to apply for college. In January 2014, she was accepted at Hudson Community College in New Jersey, where she attended classes. Although L.C. tried for months to find work without success, she ultimately obtained employment in November 2013 at a shoe store, after participating in the HOPE Program. She advanced to the position of store manager, opened up a bank account, and began to contribute to the household expenses while attending college. In June 2016, she received an Associate's Degree in Psychology and graduated with

Honors. Due to her excellent progress in the SOS Program, L.C. was offered a deferred prosecution which she completed in July 2016, with all charges being dismissed.

L.C. is an example of someone who entered the SOS Program facing numerous problems, stemming largely from her lack of maturity and focus. Through SOS, she has gained skills, experience, and therapy that have allowed her to mature into a productive, hard-working citizen with goals for the future.

c. R.I.

R.I. was 22 years old at the time of his arrest on August 13, 2012 and charged with conspiracy to distribute and possess with intent to distribute cocaine. In December 2013, he appeared before the district judge for sentencing after entering a guilty plea, but the judge referred him to the SOS Program and offered him the opportunity to earn a reduced sentence. Although R.I. experienced a bit of a rough start in the Program, claiming he had a learning disability and reacting with a negative attitude to suggestions made by Pretrial, he quickly came to realize the value of the Program and the guidance offered.

At the time of his placement into the SOS Program, R.I. had been employed at H&M, where he was promoted to a managerial position in 2014, due in large measure to his excellent work, and he was assigned as a manager of a particularly problematic store. In June 2016, he was terminated for not securely closing the final lock on the store safe. Even though no money was missing, this error was grounds for termination. Undeterred, he found another job almost immediately as the assistant manager at Jimmy Jazz and S&D department stores.

Although bright, R.I. expressed little interest in school, but on the advice of the Pretrial Officer, R.I. successfully completed three online managerial courses, achieving certificates in each. R.I. also reduced his outstanding credit card debts, paying off each liability, one at a time. He opened his own bank account, began saving money to move out into his own apartment, obtained a credit card, and was able to help his family by contributing part of his earnings.

In October 2016, R.I. graduated from SOS and, based on his participation in the Program, the government moved to vacate the plea and dismiss the indictment. Although R.I.'s initial reaction to the Program was somewhat resistant, he came to recognize the benefits offered by the Program and made amazing progress. His enthusiasm and commitment to his job and education demonstrates not only an increase in maturity and in his confidence in himself, but also reflects the wisdom of the district court's decision to place him in the Program in the first place. He has made tremendous strides in becoming a responsible, law-abiding citizen and he has real dreams for his future.

d. A.T.

A.T. was also featured in the August 2015 Report. Arrested on March 13, 2012 and charged with conspiracy to distribute heroin, A.T. was 22 years old and had dropped out of school at the age of 17 to work as an unlicensed barber. In June 2012, he was placed in the SOS Program. While he was generally compliant with the Program conditions from the outset, he was seriously lacking in self-confidence and had very low expectations for his own abilities.

At Pretrial's suggestion, A.T. reluctantly enrolled in GED classes, and studied for the exam while working. After learning that he had passed the GED exam in August 2013, A.T. enrolled at Technical Career Institute (TCI) in January 2014 and began studying in the HVAC

program while continuing to work on a part-time basis. In December 2015, A.T. graduated with an Associate's Degree in Occupational Studies, Heating, Ventilation, Air Conditioning, and Refrigeration Technology.

Although at the time of arrest, A.T.'s main motivation was to earn money by working at his uncle's barbershop, he was encouraged to attend the HOPE Program's 12-week intensive job readiness training, where he became interested in exploring other career options and obtained an internship. In September 2014, the HOPE Program offered A.T. a position as Facilities Coordinator and by January 2015, he was asked to serve as a Program ambassador for HOPE.

In 2016, the government offered A.T. a deferred prosecution and he successfully graduated on July 25, 2017. Since then, he has welcomed a new baby girl into the world and continues on the path he has set for himself to be an excellent father and provider for his family. Unlike many of the SOS participants, A.T. has been consistently compliant with curfew, and has had no violations since the start of his participation in the Program. Through his actions, he has demonstrated that his criminal activity was an aberration. To this day, A.T. continues to move forward to achieving his goals, and he has learned to work through adversity and yet remain motivated.

e. T.D.

On November 21, 2014, T.D., who was 19 at the time, was arrested at JFK Airport, and charged with importing cocaine into the United States. From her very first day in the SOS Program, T.D. has been a success story. She never tested positive for drugs, had no curfew violations, and had no issues of noncompliance. She was single minded in her determination to

accept what the Program had to offer and she worked doggedly to achieve her educational aspirations and employment goals.

Although T.D. wished to pursue her college education, she felt it was important to first obtain employment so that she could contribute toward the household expenses and not be a financial burden. By February 2015, she had completed the HOPE Program's job readiness training and then completed an internship in a cafeteria at Columbia University. By March 2015, after obtaining her food handler's license, T.D. began working between 35 and 50 hours per week at Checkers. She received a promotion to shift manager, and by February 2016, T.D. was not only working full-time at Checkers, but she was also working part-time at 67 Burger, and attending college at night.

Despite her need to become financially independent and her efforts at obtaining a job, T.D. never abandoned her dream of going to college. By June 2015, she had completed applications to CUNY, City Tech, Brooklyn College, and LaGuardia Community College. When informed that her high school diploma from Guyana was not sufficient, T.D. immediately applied to Kingsborough College. Other barriers delayed her admission and requests for financial aid, but finally, in January 2016, T.D. was accepted into Medgar Evers College, where she decided to pursue a nursing degree. While attending college and working 20 plus hours per week at Checkers, T.D. also took a three-week home health aide course which she completed in May 2016. Despite this grueling schedule, she maintained her characteristically optimistic attitude and even though exhausted, told Pretrial that she was confident that she could handle the schedule.

In May 2016, the government offered T.D. a deferred prosecution, which she successfully completed and graduated from SOS.

In the May 2016 report, the Pretrial Services Officer provided a succinct summary of T.D. and her achievements to date:

[T.D.] has proven that she is not afraid of hard work. For the past three weeks she has juggled the evening classes at Medgar Evers college, an eight hour home health aide class five times a week, and a job. She has not complained about being overwhelmed or tired, and is appreciative that she has been given the opportunity to grow and mature. She related that being able to balance work and school has made her more confident that she can be successful in the nursing field.

It is hard to imagine how T.D. could have possibly done better or achieved more in the time that she has been in the SOS Program. There have never been any issues of noncompliance and she has shown an incredible amount of initiative and self-motivation, not to mention the willingness to work extremely hard to achieve the positive educational and occupational goals that she has set for herself.

f. C.E.

C.E. was arrested in October 2013 at the age of 20 and charged with importation of cocaine. Born in the Dominican Republic, C.E. was eventually released on a bond, but there was a great deal of tension in the family because his step-mother was not happy with C.E.'s attitude and laziness at home. Initially, there were a series of curfew violations and a reluctance to accept the requirements of the SOS Program, but by January 2014, things started to improve. The Downtown Brooklyn Access GED program reported that C.E.'s attendance and punctuality had improved, but problems developed in March 2014, when his math grades began to suffer, coinciding with problems at home. He moved into his grandmother's apartment and by April,

his attendance had improved, and his math grade improved as well. Finally, in May 2014, he secured a temporary green card and was referred to the HOPE Program for job readiness training. In November 2014, he obtained a job at Modell's and enrolled in TASC classes.

Given his low test scores, he was referred for cognitive testing and then referred to ACCES-VR. In August 2015, he secured a job at Ruth's Chris Steakhouse and by April 2016, he was approved for vocational training, where he enrolled in janitorial training. He attended full-time vocational training while also working at Ruth's Chris until December 2016, when he was terminated from his job. This turned out to be a good thing because C.E. could focus on school and graduate a month early, completing Building Maintenance training in February 2017. A few weeks later, he obtained a job as a driver at FedEx. When that job recently ended because his employer lost the FedEx contract, C.E. immediately began looking for a new job and is currently waiting to hear if he will be hired by UPS.

In February 2017, he was approved for a deferred prosecution, which if completed successfully will end and he will graduate from SOS in February 2018.

Although C.E. struggled with the requirements of the Program, he has shown himself to be capable of honest hard work and, despite some cognitive impairment, has successfully completed his training, has set up a bank account and is working toward financial independence. Despite living with his family, C.E. has received little or no familial support, relying on his connections with SOS to keep him motivated. Even so, he now contributes to the expenses of the household.

g. R.G.

Arrested on April 25, 2013, R.G., a 23-year old United States citizen, was charged with conspiring to distribute and possession with intent to distribute cocaine. Prior to his arrest, R.G.

had graduated from high school and entered military service in the United States Marine Corps in 2010, receiving a medical discharge in 2011. Upon his discharge, he experienced financial difficulties, which led him to become involved with a local narcotics dealer, ultimately leading to his arrest.

Four days after his arrest, R.G. scheduled an orientation at Technical Career Institute (“TCI”) and by May 9, 2013, he had begun classes. From the beginning, he was clearly focused, highly motivated, and determined to do well in school. In October 2013, he passed the New York City Oil Burner test, and later the Citywide Sprinkler System exam. In February 2014, R.G. was accepted by TCI to participate in their Cooperative Education Program as an intern, and throughout the spring months, R.G. continued to excel in school, taking seven classes. He also received his certification from the Department of Environment Protection’s Bureau of Environmental Compliance and his NYC Fire Guard Certification.

In July 2014, R.G. obtained a part-time job at McDonald’s while attending summer classes. When R.G.’s mother was laid off, R.G. secured a job at Duane Reade. In May 2015, R.G. was accepted into Brooklyn College as a student for the fall semester. While attending Brooklyn College as a full-time student, R.G. continued to work at Duane Reade, in addition to studying and attending classes. Unfortunately, as the classes became more difficult, R.G. began to struggle with his course work and at the end of the spring semester, he was placed on academic probation. He applied to Kingsborough College and was accepted as a transfer student in March of 2017.

In June 2016, he was offered a deferred prosecution which terminated successfully in his graduation from the SOS Program on July 25, 2017.

From the moment R.G. was placed in SOS, he fully embraced the opportunities offered to him, and worked extremely hard to turn his life around. R.G.'s SOS reports are uniformly positive; there were never any curfew violations, and his drug tests have always been negative.

h. R.H.

R.H., a resident of Brooklyn, was arrested in July 2013 in Portland, Maine, at the age of 18 and charged with possession with intent to distribute cocaine base. In March 2014, the government agreed to offer R.H. a deferred prosecution, with one of the conditions being that he participate in the SOS Program in the E.D.N.Y. At the time of arrest, R.H. had only completed the 9th grade, and had been unemployed since June 2012 after being fired from McDonald's for lateness.

In the spring of 2014, he was referred to the HOPE Program's Grocery Works training. It became clear that he needed assistance in reading comprehension, struggled with problem solving and adhering to deadlines. Initially, he appeared to lack motivation and had difficulty remembering appointments, instructions, and directions. He was referred for cognitive testing and therapy.

In February 2015, he was accepted into ACCES-VR's vocational training program and expressed an interest in janitorial work. He completed the training program in May 2015 and immediately thereafter R.H. obtained work as a janitor at Hudson River. In May 2015, he also became a father. On September 20, 2015, he graduated from the SOS Program, after receiving a deferred prosecution. Despite his cognitive and educational limits, R.H. matured in the SOS Program from a soft-spoken, painfully shy young man into a confident, hard-working and dedicated father.

i. E.C.

E.C. was 20 years old when he was arrested for importing cocaine on February 14, 2011. He dropped out of school in the 10th grade where he participated in Special Education classes due to a learning disability. Although he was referred by Pretrial to several GED programs between March 2011 and September 2012, he was unable to complete the programs due to issues with HRA. In December 2012, he finally obtained his GED and enrolled in Bronx Community College. During this time, E.C. was named the representative payee for his mother's Social Security benefits and he not only became responsible for paying the family's bills but also was appointed guardian for his younger brother. In October 2012, E.C. completed job training at the HOPE program. In March 2013, E.C. obtained a job as a parking attendant, where he worked until October 2014, when he obtained a job at a BP Gas station. Not only he did attend college as a full-time student, achieving excellent grades, but he also worked full time at the gas station, while managing the family household, caring for his brother and dealing with his mother's and grandmother's health problems.

In May 2015, E.C. was offered a deferred prosecution, which he successfully completed in September 2016, resulting in a dismissal of the charges and his graduation from SOS in September 2016.

Despite the many stresses and obstacles faced by this young man, he completed 5 and ½ years of supervision without a single violation. As his confidence grew with the support of the Program, he was able to accomplish all of the goals he set for himself and what he accomplished was truly extraordinary.

j. D.C.

On June 20, 2013, D.C. was arrested and charged with importing heroin into the United States from the Dominican Republic where he had been living with his father since the age of nine. Released into the SOS Program, D.C. went to live with his mother and stepfather, who were struggling financially. He attempted to enroll in the School of Audio Recording and Music Business but needed his high school diploma which the school in the D.R. would not release due to unpaid tuition. He enrolled in GED classes to prepare for the GED exam while continuing to search for work. In January 2014, D.C. attended the HOPE Program's Retail and Beyond training program and obtained a job with Macy's working part time. In August, having resolved the issues with his diploma, D.C. enrolled in the Institute for Audio Research, graduating in June of 2015. In November, 2014, D.C. obtained a new job at BJ's Wholesale and then in April 2015, he obtained a new job at McDonald's which was more flexible with his school schedule. In September 2015, with the help of SOS participant E.C., D.C. obtained a job at a BP gas station, working more than 50 hours per week. By November 2015, D.C. was working at Ruth's Chris Steakhouse, making financial contributions to his family. Also, in November 2015, he learned that he was the father of a 5-month old baby boy, and made arrangements to secure an apartment with the baby's mother.

Although he continued to work at Ruth's Chris, was given a new position as server's assistant, and asked to train as a waiter, financial issues forced the couple to send the baby to the Dominican Republic for several months and they lost their apartment. Although he and his girlfriend separated briefly, they continued to work to save money and by January 2017, they had moved into a new apartment with the baby. Despite his family's financial issues and difficult childhood following his parents' divorce, D.C. has succeeded in distancing himself from his

criminal activity and taken advantage of all that the SOS Program offered. In March 2016, D.C. was offered a deferred prosecution and he graduated from the SOS Program on September 19, 2017.

k. E.V.

E.V. was 23 years old when he was arrested in 2011 and charged with distribution of crack cocaine. At the time, he was the father of three children, between the ages of three and six years old. He had several aliases, had sold drugs since his early teens but had never worked in a legal job, and had no job skills. Released into the SOS Program, he was referred to the APEX Technical School and enrolled in their refrigeration, air conditioning, appliance and controls program. Although he completed the APEX program, he needed assistance in interviewing skills due to his extreme shyness and lack of self esteem. He enrolled in the HOPE Program job readiness training, completed the Grocery Works training program, and was referred for mental health counseling.

In 2013, he obtained a porter's position at Schmackary's and by July he had obtained his food preparation license. Things were going well until he was fired for lateness in January 2014, but he remained motivated and was re-hired at Schmackary's in October 2014. During this time, he took driving lessons and obtained his license in April 2015, a requirement for working in the HVAC field. He also worked with the Financial Empowerment Center to create a budget, pay off his credit debt, and obtain visitation rights with his children.

In February 2016, he was laid off from Schmackary's due to a negative inspection of the store. He subsequently obtained work in the construction field and continues to work in that field as a flagger to this day. He was offered a deferred prosecution in February 2016, and he successfully graduated from SOS on September 25, 2017.

I. W.C.

On May 17, 2012, W.C., who was 25 at the time, surrendered to the FBI, and entered a plea to charges of conspiracy to distribute cocaine base and unlawful use of a firearm. Even though firearms charges would ordinarily have precluded participation in the SOS Program, the AUSA felt that W.C. was essentially a good kid who had been hanging out with the wrong crowd. At the time of arrest, W.C. was unemployed and had dropped out of school in the 11th grade. He had a history of alcohol, marijuana, and cocaine use, and tested positive for marijuana in December 2012. He also suffered from anxiety and other disorders and was prescribed medication and weekly therapy, but initially had issues taking the prescribed medication.

On June 18, 2012, W.C. began job readiness training with the HOPE program and by September he secured full-time employment, but quit the job in December to pursue a part-time position which ultimately failed to provide the hours he expected. On February 25, 2013, W.C. began GED classes at the College of Staten Island, and by April 2013, he obtained a maintenance position with Baruch College. By August 2013, he became a union member and obtained full medical coverage and his curfew was removed. After that, W.C. was committed to his studies, appeared for all GED classes, HOPE program meetings, and therapy sessions, and began to help his mother with household bills.

In April 2014, he was able to move into a room in a private house in Brooklyn despite the problems that had occurred because his father had used his identity to open accounts without W.C.'s permission. However, in May 2014, W.C., stressed by the prospect of a layoff, lapsed and tested positive for marijuana. When the job ultimately announced the layoff on July 10, 2014, W.C. returned to the HOPE Program and began working at the Barclays Center on a periodic basis.

In the fall of 2014, W.C. testified at trial and he was revealed in the newspapers as a “cooperator” in the case. He began attending AA meetings to help him with the stress and to maintain sobriety. Unfortunately, due to his difficulties obtaining work, late 2014 into 2015 was a difficult time for W.C. and he tested positive for drug use in February 2015. In March 2015, W.C. secured a job as a porter at the Schmackary Bakery, but he again tested positive for marijuana. After he was fired in June 2015, he obtained two positions, ultimately deciding to work at Pet Smart while working part-time for a caterer.

W.C. experienced problems with his living arrangement, and he subsequently moved into the home of another SOS participant. He received a promotion at Pet Smart and completed a course to become a licensed food preparer. His relationship with his SOS girlfriend had a positive effect on his motivation levels and he was referred to ACCES-VR for vocational training. By August 2016, W.C. received an offer to work as a “cheese monger” at Eataly, a job that he loves and continues to hold to this day. He opened a credit card to improve his credit score and has had no more substance abuse issues. Recently, he and his girlfriend moved into their own apartment.

W.C.’s progress over the past several years has been dramatic. He has developed a passion for cooking, participates in many catering and food events, and has been exploring creative ideas for making jewelry, aromatic hair and body oils, and other products. He has obtained a job that he loves, is in a steady relationship, and has saved money. On June 28, 2017, he was offered a deferred prosecution.

m. K.T.

K.T. was arrested on February 19, 2015 at the age of 23 and charged with two other individuals with a conspiracy to commit robbery while brandishing a firearm, in violation of 18

U.S.C. §§ 1951 and 924(c). Born in Brooklyn and a life-long resident of New York, K.T. was initially released on bond, and later, in May, given a three-month trial period in the SOS Program. She was referred to mental health therapy to deal with a number of underlying issues, including a history of trauma related to abuse.

In August 2015, K.T. took the GED exam and while she passed all of the subjects, she did not pass the essay portion of the exam. Pregnant at the time of arrest, K.T. had a difficult relationship with the father of her child, and although encouraged by Pretrial to wait until her baby was born, K.T. was insistent on finding work because she did not want to be totally dependent on her mother and stepfather. She had a series of jobs, one of which jeopardized her pregnancy. By the time she received her doctor's clearance, the position was no longer available.

In January 2016, K.T. gave birth to her daughter. While adjusting to being a new mother, she enrolled in a 12-week parenting class. Beginning in April 2016, she also began attending classes focused on preparing her to take the GED writing exam, and in May 2016, K.T. began attending Workforce 1. By June 2016, she had obtained a position as a cashier at Whole Foods. In December 2016, K.T. obtained her GED and enrolled as a freshman at Medgar Evers College, beginning in the fall of 2017, studying for a Business degree.

Despite the added responsibilities of becoming a mother and the need to complete her education and support herself and the baby, K.T. has remained drug free and shown great resilience in tackling these challenges. Another example of the type of young woman that the SOS Program is designed to help, K.T. has not only demonstrated an understanding of her criminal activity as being an error in judgment, but she has taken every advantage of the

guidance and opportunities offered to her in this Program and she has given back with advice and counseling to the other young women in the Program. In the summer of 2017, K.T. was offered a deferred prosecution.

n. A.D.

A.D., a life-long resident of the Bronx, was arrested on September 19, 2014 and charged with importing heroin into the United States from the Dominican Republic. At the time of her arrest, A.D. was 24 years old and had two children. She had only completed the 9th grade and suffered from documented learning disabilities due to the ingestion of lead as a child. She also suffered from depression due in part to her weight issues and had been receiving disability benefits. She was released into the SOS Program, referred for mental health treatment, and referred to Gibson Dunn for legal assistance in resisting impending eviction proceedings due to the failure of HRA to pay her landlord.

Although she expressed an interest in attending TASC classes toward her diploma, she was referred for vocational training, and was accepted into a culinary arts program in June 2015. By January 2016, she had completed the in-class training and secured a temporary job as a prep chef with Housing Works. Her mood improved, and she developed an interest in improving her health, making diet and lifestyle changes. Upon completing her training and internship, A.D. began looking for employment and taking classes to obtain her food handler's license so that she could open her own food service business. She obtained several jobs, first at an IHOP, and later at an adult day care center, where she enjoyed working with the clients, but was let go when it was learned that she was facing criminal charges. Undaunted, she continued to study for her

food handler's license which she received in the fall of 2016, and she also continued to look for work while helping her brother out on his own food truck.

A devoted mother to her two children, A.D. has been consistently compliant with the rules of the SOS Program; there have been no positive drug tests, no curfew violations, and she has taken advantage of every opportunity offered to her by the Program. Although she started the Program with a lack of self-esteem and little confidence in her own abilities, she has shown that she is capable of hard work and dedication and has demonstrated such remarkable progress in the Program that she was recently offered a deferred prosecution.

3. Unsuccessful SOS Participants

Not all of the SOS participants have been as successful in the Program. A.D., E.H., and L.D.C. were all featured in the August 2015 Report and each was subsequently released from the Program and sentenced to a term of incarceration.

a. A.D., who showed so much promise, had been admitted to college and was maintaining full-time employment when the stresses and responsibilities of both became too much for him to handle. His grades suffered and he lost his job due to poor attendance; he found himself without a place to live and his life descended into chaos, causing him to drop out from school, violate curfew and begin using drugs. He was sentenced to a period of 6 months incarceration and was recently released to continue in the SOS Program on supervised release.

b. E.H. also was attending college and working full time at AT&T when he lost focus and began experiencing a series of compliance issues: curfew violations, failure to report,

and lack of honesty with his Pretrial Officer about his whereabouts and activities. He was sentenced to a term of imprisonment and was released on supervised release in September 2016.

c. L.D.C., who was discussed in the August 2015 Report, also was unable to handle the responsibilities of caring for her children, attending college and working. After she violated curfew by staying out all night and then lied to the Pretrial Officer as to where she had been, she was sentenced to time served and released on Probation where she continued to experience problems with compliance.

d. J.L. was 24 at the time of his arrest in November 2015, charged with importation of 1.7 kilos of cocaine. Prior to his arrest, he had played basketball in college and had dreams of playing professionally until he suffered some injuries on the court. Although he started out strong in the SOS Program, he became frustrated with his inability to find work, lost motivation, became depressed and withdrawn, and turned to drug use. He experienced issues of punctuality and attendance at his internship, and continued to test positive for drugs. He was arrested for driving without a license and possessing marijuana, and was remanded in July 2016 for a short period of incarceration. After he was released and given a second chance, he obtained a job and seemed to be on the right track until November 2016, when he violated curfew, left his house on numerous occasions when not permitted, failed to appear for drug treatment, failed to report for his office visit, and failed to attend SOS court – a requirement of the Program. He was terminated from the SOS Program and is awaiting sentencing.

4. Profiles of Current Participants

Since the last report, there have been a number of SOS participants who have experienced significant achievements in the Program and whose progress merits mention.

a. A.M.

A.M. is another young woman who left home at the age of 14, working as an exotic dancer to support herself. She was arrested in April 2016 and charged with importation of narcotics. At the time of her arrest, she was three months pregnant, did not know the identity of the father, and was isolated and unsupported by her family. She was accepted in the Diaspora Community Services program that houses and provides support for pregnant women. There she took classes in motherhood and general parenting. She also began TASC classes in preparation to obtain her diploma. By September 2016, she had passed the TASC exam and received her diploma. A.M. is an extremely talented artist and was asked to prepare an art show at Diaspora, where she sold all of her pieces. The baby was born in November 2016, and since then A.M. has been making great strides in securing employment, completing a Food Works training Program in May 2017. Although she is still a work in progress, A.M. is a delight to supervise; she has had no curfew or drug issues and she is becoming a responsible mother and citizen through the SOS Program.

b. R.F.

On February 14, 2016, R.F. was arrested at JFK International Airport and charged with importation of heroin. Born in Trinidad and Tobago, R.F. had relocated to the United States as a young child and was 21 years old at the time of his arrest. He was released into the SOS Program and almost immediately began taking steps to complete his high school education by taking TASC classes, and obtain employment. Although initially, R.F. had issues with punctuality, often arriving at school late, his attendance improved after a curfew was imposed. Although he was unsuccessful in his first attempt to pass the TASC exam, he did obtain a job as a dishwasher, and immediately opened a bank account. By October 2016, R.F. had enrolled in

culinary classes at Co-op Tech but was laid off from his job as a dishwasher. He immediately got a job at a Checker's restaurant, where he no longer was limited to washing dishes but began performing duties such as preparing food and kitchen clean-up.

In January 2017, R.F. learned that he had passed the TASC exam and would be issued a diploma. Unfortunately, his job at Checkers terminated when the business was padlocked by the City Marshals and R.F. was once again in search of employment. He continued to attend culinary classes and because his compliance with the SOS Program requirements had been exemplary, he had his location monitoring removed in late January. On June 19, 2017, R.F. received an "Overcoming Obstacles Award" from the Far Rockaways Pathways to Graduation Program, and was hired as a line cook at an Applebee's restaurant. Since his initial drug test upon entry into the Program, R.F. has had no positive drug tests and no curfew violations. His lawyer has indicated an intention to make an application with the U.S. Attorney's Office for consideration.

c. D.D.

D.D. is a lifelong resident of one of the housing projects in Brooklyn. At the time of his arrest on Hobbs Act Robbery and Firearms charges, D.D. was 23 years old. D.D. was receiving disability benefits stemming from learning disabilities, but upon his release into the SOS Program, D.D. expressed an interest in vocational training. He completed job readiness training at the HOPE Program, and was placed in a paid internship at the Leo House Hotel, where he learned basic plumbing and other maintenance and repair skills. He used his internship paycheck to open a bank account and is waiting for admission into an ACCES-VR vocational training program.

In June 2017, D.D. received the HOPE program's Certificate of Achievement representing his successful completion of his internship, his success at securing employment, and his success in maintaining 90 days of continuous employment. There was a fire in the laundry room of the Hotel where he was working and D.D. assisted the fire safety coordinator in safely evacuating the guests and securing the building. Impressed with his efforts, the fire safety coordinator recommended that D.D. be sent for fire guard certification, and since then he has been getting a lot of overtime.

D.D. is a devoted father to his ten month old son and girlfriend and D.D. has been saving money with a goal to move the family into their own home. Since entering the Program, there have been no violations and D.D. has reflected on how his life has changed since his release on supervision. He recently went to his first Yankee game and told the Pretrial Officer that he never imagined himself wearing a uniform, going to work every day, opening a bank account or even going to a baseball game. He continues to make strides every month to achieving his goals in SOS.

C. Long Island Program

a. J.D.

Arrested in July 2016, J.D. represented a very minor participant in a cocaine smuggling operation – in sum and substance, he received several packages for other members of the conspiracy, without knowing the precise content of the parcels, in exchange for personal-use quantities of marijuana. J.D., a college student only a semester away from completing his degree, had a problem with marijuana use. He was admitted into the Long Island program as an SOS participant. His youth, strong family support, complete lack of criminal record and remediable psychological and drug issues made J.D., in some senses, the perfect “scared

straight” candidate. During his tenure with the program, he managed to re-discover a sense of purpose, conclude his college studies, engage in psychological treatment for anxiety and curtail his marijuana habit. He applied and was accepted into the BOCES Athletic Coaches’ Training Program. In part due to his outstanding success in the program, the U.S. Attorney’s Office dismissed all charges against him on February 3, 2017.

b. E.G.

In March 2015, E.G., a single mother with three children, including a pregnant daughter, was indicted for misallocation of insurance funds she received as a result of Hurricane Sandy. Afflicted with agoraphobia, anxiety, depression and alcoholism (she was intoxicated at the time of her arrest), and physically and emotionally abused by her former husband, E.G. entered the program as a POP participant. During her time in the program, E.G. received treatment for alcohol and mental health issues, remained sober, maintained regular employment and successfully dealt with a variety of personal issues. She graduated from the program in February 2016, successfully completing a year. In May 2017, the U.S. Attorney’s Office permitted her to withdraw her guilty plea and enter a six-month diversion program.

c. D.P.

Indicted as part of a planned but unexecuted robbery conspiracy, D.P., then 25 years of age, entered the POP program in March 2015. Having been orphaned at a young age together with six siblings, D.P., a high school dropout, had endured long periods of homelessness and poverty. During most of his time in the program, he resided in a homeless shelter, along with his girlfriend and his two young children. He had some issues with substance abuse. Notwithstanding the educational and economic deprivation in his life, D.P. had no prior criminal record as well as a sympathetic, polite and gracious manner. Though Pretrial Services struggled

mightily to provide him with opportunities, instability in his life, including the inability to secure a stable home, reliable employment, as well as several personal crises, rendered D.P. unable or unwilling to take advantage of the opportunities presented. In the end, he made little progress and eventually began to violate his bail conditions. After repeated violations, including violating curfew and testing positive for illegal substances, he was removed from the program around March 2017. This unfortunate outcome again demonstrated the importance of stable employment, family support and education in allowing candidates to succeed.

V. Alternative to Incarceration Programs in Other Districts

Our programs are hardly alone. As set forth below, numerous other districts have presentence ATI and other similar programs. We describe these various initiatives below, with thanks to the various courts for providing us with the information.

At the time of the August 2015 Report, there were 15 pre-sentence ATI and similar programs in other districts around the country. Since the August 2015 Report, 8 other districts have established ATI programs; one program in the Southern District of Ohio was terminated for lack of participants, but a Veterans Court was instituted in Dayton, Ohio, leaving a total of 25 programs nationwide, including the SOS, POP, and Long Island programs in the Eastern District of New York.

A. District of Arizona – Veterans Program

The Arizona Veterans Program (AVP) commenced July 2013, under the vision of Senior District Judge, The Honorable Roslyn Silver. The program includes the collaboration of the United States Attorney's Office, Criminal Justice Panel Attorneys, Federal Public Defenders' Office, the Veterans Administration (VA), volunteer mentors, and the U.S. Pretrial and Probation Offices. This partnership between agencies provides veteran participants with the support system necessary to accomplish program requirements, streamlines the process of establishing services, and provides the first step towards meaningful lifestyle changes.

U.S. Probation participants are required to be on post-conviction supervision and not a high risk to reoffend. Additional criteria include the following: voluntary participation in the program, reside within 100 miles of the Tucson or the Phoenix Courthouse, general to honorable

discharge from the military, eligible for VA benefits, at least 12 months remaining on post-conviction supervision, and no violent, sexual, or weapons-related offenses.

U.S. Pretrial Services adds pre-adjudicated defendants facing petty and misdemeanor charges. Recently, the AVP team expanded the pretrial component of the program to accept felony-level cases through the means of deferred sentences. Deferred sentences provide participants with the opportunity to prove to the Court, the AVP team, and the community that they have established a healthy sustainable lifestyle.

Although the extensive program requirements can be challenging for participants, successful outcomes are rewarded with significantly reduced or dismissed charges upon completing 36 months of pretrial supervision. The Pretrial and Probation Officers who work with veterans receive specialized training in identifying and effectively managing supervision obstacles specific to veterans such as traumatic brain injuries, post-traumatic stress disorder, and mental health and substance abuse issues. Participants also receive a mentor, treatment services through the VA, and a network of support from the AVP team which meets with the participants monthly.

Overall, Probation has a 60% completion rate and Pretrial diversion, specifically citation level offenses, has a 58% successful completion rate. Presently, there are no completion statistics for Pretrial Felony level deferred sentences as the participants have not yet approached graduation. Currently, Probation has six participants in the AVP and Pretrial has five participants, four of which are Felony level deferred sentences.

The District of Arizona is proud to offer a comprehensive program that specifically addresses the unique challenges many veterans face upon returning home after serving our country.

B. Central District of California – Conviction and Sentence Alternatives Program

On June 25, 2012, the Central District of California instituted its presentence diversion Conviction and Sentence Alternatives Program (“CASA”). The CASA Program is jointly administered by the Court, Pretrial Services, the United States Attorney’s Office and the Federal Defender’s Office. Some participants who successfully complete the Program are diverted from the criminal justice system entirely through the dismissal of their charges, while others are diverted from prison through probationary sentences (agreed upon under Federal Rule of Criminal Procedure 11(c)(1)(C)).

CASA has two tracks. Track One includes defendants with minimal criminal histories charged with relatively minor crimes. Although Track One is not limited to youthful offenders, the participants resemble the Eastern District of New York’s SOS participants. Upon successful completion of the CASA Program, Track One participants have their charges dismissed.

Track Two resembles the Eastern District of New York’s POP Program in that it includes defendants whose criminal conduct appears to be motivated primarily by substance abuse and who may be diverted from further criminal activity by treatment under court supervision. Track Two defendants may have serious criminal histories. Track Two participants who successfully complete the CASA Program obtain an agreed-upon sentence of probation.

Since the CASA Program began in June 2012, there have been 221 defendants selected to participate. Of those 73% were in Track One and 27% were in Track Two. To date, 137 have

successfully graduated – 101 from Track One and 36 from Track Two. Of the remainder, 18 were terminated as unsuccessful; the rest continue to participate in the Program. This represents an 88% graduation rate.

In terms of cost savings, the CASA Program estimates that, assuming just one year of incarceration would have been imposed for each CASA graduate (an extremely conservative estimate), the cost savings to the taxpayers is approximately \$3.9 million.

C. Eastern District of California – The Better Choices Court

The Better Choices Court (“BCC”) was established in the Eastern District of California in 2010. The BCC Program selects high-risk defendants who are considered less likely to comply with traditional supervision. These defendants include youthful defendants, defendants with lengthy criminal histories and/or histories of poor adjustment to supervision, and defendants with addiction problems. The Court, Pretrial Services, the Federal Defender’s Office, and the United States Attorney’s Office all cooperate in the BCC Program which has as its primary goal addressing behavior and rehabilitation through intensive supervision and program meetings, including monthly meetings with an assigned magistrate judge.

In the Sacramento Division, there have been more than 45 defendants who have participated since the inception of the Program. At least 26 of them have graduated. Approximately 9 defendants were terminated unsuccessfully; the remainder had their cases dismissed prior to graduation or were sentenced.

D. Northern District of California – Conviction Alternatives Program

The Northern District of California has adopted the Conviction Alternatives Program (“CAP”), a conviction and sentencing alternative program that is designed to serve defendants

who pose a higher rate of recidivism due to factors such as youth, substance abuse, prior attempts at treatment or prior felony convictions. CAP uses a collaborative approach with reentry teams of judges, prosecutors, defense attorneys, pretrial services officers and treatment providers. Different reentry courts may be established to address different areas of concern, such as defendants with documented substance abuse issues, or high risk supervisees as identified by Pretrial Services.

Pretrial services assesses individuals for participation in the program and provides intense supervision with progress reports to the team members on a monthly basis. The judges administer the program with the assistance of the other team members. CAP is intended to be a one-year program, with an extension up to 18 months where necessary for a participant to complete the program. CAP consists of four phases: Early Recovery, Understanding and Taking Responsibility, Healthy Decision Making, and Relapse Prevention Planning, with each lasting a minimum of three months. Defendants faced with removal by immigration or who are charged with child exploitation offenses or offenses involving violence or threat of violence, or more than a minor role in large scale fraud or drug conspiracies, are generally excluded from participation.

CAP is a post-conviction program and not a diversion program in the traditional sense. The program aims at reducing recidivism for higher risk and higher need individuals, who are likely to continue their criminal behavior without targeted programming. The program also seeks to conserve public resources by reducing the need for incarceration which far exceeds the costs of community supervision.

Once a defendant is determined to be eligible for CAP, they are required to sign an agreement to participate, including an agreement to seek employment or education and to accept

imposition of a curfew or home or community confinement. To graduate, the participant must complete a total of 52 weeks of satisfactory performance at which time the participant is given credit toward a reduced period of supervised release. Unlike some diversion programs, CAP does not guarantee an outcome, although the United States Attorney may include specific incentives in the defendant's plea agreement.

E. Southern District of California – Alternative to Prison Sentence Diversion Program

In November 2010, the Southern District of California established the Alternative to Prison Sentence Diversion Program (“APS”) that focuses on individuals charged with alien smuggling and drug smuggling offenses. The Program is currently administered by five Magistrate Judges, and consists of 12 months of intensive supervision. The United States Attorney's Office is responsible for selecting participants for the Program and the participants are required to accept responsibility for their actions. If a participant successfully completes the Program, the participant's guilty plea is never entered. There are no age limitations to the Program although the majority of APS participants fall within the age range of 18 to 30 years old.

APS is one of the largest diversion programs in the country. From its inception in 2010 to 2016, there have been 643 participants, with 476 successful graduates and 52 who were terminated for noncompliance. This represents a success rate of 90%. The estimated rate of recidivism is 3.2% and the Program is estimated to have saved more than \$10.4 million in costs of incarceration.

F. District of Connecticut – The Support Program

Since 2009, the District of Connecticut has operated the Support Program, a post-release reentry drug court. In early 2013, it began to admit presentence defendants to the Program. Participants who graduate from the Support Program receive either up to one year off of their term of supervision or favorable consideration at sentencing.

Since presentence defendants have been included in the Support Program, there have been 55 pretrial participants, who have received either a diversion, time served, or probation. The cost savings from this Program is estimated to be approximately \$1,975,400.

G. Central District of Illinois - Pretrial Alternatives to Detention Initiative

The Central District of Illinois has been operating the Pretrial Alternatives to Detention Initiative (“PADI”) since November 2002, with over 145 participants. Of that number, 121 have successfully completed the Program and 12 are currently active.

Participants for PADI are referred by the United States Attorney’s Office and evaluated by a substance abuse treatment provider and Pretrial Services. Upon the joint recommendation of the treatment provider and Pretrial Services, the United States Attorney decides if the defendant should be allowed into the Program.

Since its inception, the program has had several success stories. One graduate of the program was featured on the local Public Broadcasting Station (PBS) during a show that discussed the prevalence of methamphetamine in Tazewell County, Illinois. Our very first PADI graduate has gone on to complete her second college degree and is now a licensed substance abuse counselor. Another graduate helped solve a local murder case at great personal risk and has been drug free, employed, and paying taxes for several years now. Another successful

graduate of the program was facing 10 years to life imprisonment and became employed at a local Subway restaurant. The owners of this Subway were so impressed by her work ethic and positive attitude they made her a general manager of eleven Subway stores they own in the Peoria, Illinois area. This defendant in turn has hired other PADI graduates to work at Subway. Another successful graduate of the program became employed at a local restaurant, One World Café', in Peoria, Illinois and also advanced to manager status and in turn has hired other participants of the program. It is also worth noting that many of the PADI graduates maintain their sobriety with the assistance of the local recovering community and the Peoria County Drug Court and PADI court extensive alumni network.

Of the 121 participants who completed the program, 41 have received sentences of diversion, which included a diversion supervision term (served after completion of the PADI program) of at least 12 months, 76 have received sentences of time served with a term of supervised release to follow, and 5 cases have been dismissed entirely with no type of supervision to follow.

Each of the 121 defendants faced a custodial sentence if processed through the criminal justice system outside of the PADI program. Of the defendants who received sentences of time served with a term of supervised release, 24 were eligible for the Safety Valve provision under the U.S. Sentencing Guidelines and 63 cases had statutory mandatory minimum sentences ranging from 5 to 20 years imprisonment. Of those 76 defendants who received felony convictions and were sentenced by a U.S. District Judge, the average guideline range was 80 to 93 months. If each of these defendants had been sentenced to the middle of this guideline range (87 months) at a cost of \$2,552 per month (Administrative Office of U.S. Courts, June 2015), the cost of imprisonment would have been \$16,873,824. Instead, the total cost of treatment for these

76 individuals was \$1,080,387. Thus, the costs savings to the government in these cases alone was \$15,793,437. The financial savings to the government from this program are astonishing; however, these results do not compare to the changes that have been realized in these defendants' lives. The cost savings do not include those 41 defendants who completed the program and were placed on Diversion Supervision and avoided imprisonment. These 41 defendants received a 12-24 month diversion supervision term after graduating from the program. The monthly costs of pretrial supervision (\$273 a month) for these 41 defendants (a 12 month term for each defendant) totals \$134,316 (492 months x \$273). If a twelve month custody term had been imposed for each of these defendants, the total imprisonment costs would have been \$1,255,584 (\$2552 X 492 months). Thus, an additional costs savings to the Government of \$1,121,268 (\$1,255,584 - \$134,316) was realized.

H. Northern District of Illinois – Sentencing Options that Achieve Results

In October 2016, the Northern District of Illinois, after much research, including a visit to the Eastern District of New York POP and SOS Programs, created the Sentencing Options that Achieve Results (“SOAR”) Program. The SOAR Program is committed to providing an alternative to incarceration through a “creative blend of treatment, sanction alternatives, and incentives” to address adverse behavior. The SOAR Program is a collaborative effort involving the Court, Pretrial Services, the United States Attorney’s Office, and the Federal Defender’s Office.

Although the Program is voluntary, participants must agree to abide by the SOAR Program contract and enter a guilty plea pursuant to a plea agreement. Participants remain in the Program for between 18 and 24 months during which time they attend regularly scheduled SOAR court proceedings and engage in a variety of programs designed to address the causes of

their criminal conduct. Participants with substance abuse problems engage in treatment to address those issues, but drug addiction is not a required prerequisite for participation. Others are encouraged to obtain their GEDs or obtain employment. One current participant is working toward her RN degree.

The Program does not have an age restriction but generally participants are under the age of 30. Individuals charged with crimes involving the exploitation of children or violent crimes are not considered for SOAR, although the Program recently accepted their first participant charged with bank robbery.

Pretrial Services makes the initial referral, although referrals to the Program may also be made by judges, defendants' attorneys, and the United States Attorney's Office, but Pretrial is responsible for the ultimate decision to accept a defendant into the Program. Once a participant is accepted into the Program and has executed the SOAR Program contract, the SOAR Program Judges will notify the presiding judge and request reassignment of the case to the SOAR Program. If agreed to, the case will be reassigned to the Program judges for all purposes.

There is at least one district court judge and one magistrate judge assigned to the SOAR Program Court. Participants who are noncompliant with the terms of the Program will receive sanctions progressing in severity. The SOAR Program Assistant United States Attorney and the Federal Defender Staff Attorney attend the twice-monthly court meetings along with the Pretrial Service Officer and the Program Judges. Participants who are determined to have successfully completed the SOAR Program will be eligible to receive a sentence of probation, a misdemeanor plea or, with the agreement of the United States Attorney and the Court, dismissal of the charges.

Although the Program has been in existence for less than a year, the participants are doing well. Of the original 10 accepted in the Program, only one has dropped out due to a gun possession charge; the other nine are expected to graduate in May 2018. Recently, four new participants have joined the Program.

I. District of Massachusetts - The Repair Invest Succeed Emerge Program

The Repair Invest Succeed Emerge (“RISE”) Program was created by the District of Massachusetts and its Probation Office in consultation with the United States Attorney’s Office, Federal Defender’s Office, members of the Criminal Justice Act panel and treatment providers. All of them supported the adoption of RISE and thus in July 2015, the Program was approved by the court as a three-year pilot project.

Defendants are considered for the program if they are on pretrial release and have either (a) a serious history of substance abuse or addiction that substantially contributed to the commission of the charged offense; or (b) a history that reflects significant deficiencies in family support, education, employment, decision-making, or pro-social peer networks as a result of which the defendant would benefit from a structured program under the close supervision of Probation. The Program includes a tailored combination of full-time productive activity (school, employment, or community service), cognitive behavioral therapy to address criminal thinking, development of new social or peer networks, and the dissolution of other barriers to a sober, employed, law abiding life (e.g., obtaining health insurance, procuring a driver’s license, paying child support, working on financial literacy, improving parenting skills, etc.). Defendants may not participate in the Program if anything in their history or the pending charges makes the defendant ineligible for RISE or any appropriate programming. The RISE Committee, consisting of representatives of the Court, Probation, the United States Attorney’s Office, and the

Federal Defenders, makes a non-binding recommendation to the assigned District Judge. To date, no one has been recommended or accepted over the objection of the United States Attorney's Office. No defendant may participate without the approval of the District Judge.

The RISE Program establishes higher expectations for a defendant's conduct, requires cognitive behavioral and restorative justice programming, may require participation in treatment, and delays the defendant's sentencing to permit participation. The Program aims to promote productive behavior, rehabilitation, and increased acceptance of responsibility for the offenses of conviction as well as their consequences. It seeks to manage wisely taxpayer funds and enhance public safety, including by reducing recidivism.

Restorative Justice programming has been an important component of RISE, including a required, informational component as well as optional, individualized restorative justice work. The participants are required to complete the restorative justice programming consisting of an informational session and a two-day workshop. A majority of the 25 participants accepted into the Program have not only completed this requirement, but have also proceeded to participate in voluntary work consisting of reading and writing assignments and/or an individualized restorative justice meeting. These meetings have involved community members either directly or indirectly impacted by crime and/or substance abuse, surrogate offense victims, and/or the participants' families.

The RISE Program has been in place since August 2015. Since then, there have been 55 applicants, of whom 25 have been accepted into the Program. The offense types include drug offenses (importation, distribution, conspiracy to distribute etc.); conspiracy/dealing firearms without a license; firearm possession; assault; and tampering with consumer products. Of the 25

accepted into the Program, 11 have been sentenced; two were terminated for violating the release conditions, and one was terminated because, even though they were compliant with the release conditions, they were unable to meet the Program requirements. 11 are currently still participating in RISE. The majority of individuals sentenced to date have received time served or probationary sentences. Defendants who successfully complete the program are entitled to no specific or guaranteed benefit other than that the Court will consider all aspects of the defendant's participation at sentencing. Thus far, successful completion has been considered favorably at sentencing. With only one exception, all participants have been compliant under supervision, post-sentencing.

J. Eastern District of Missouri – The Sentencing Alternatives Improving Lives Program

The Eastern District of Missouri's Sentencing Alternatives Improving Lives ("SAIL") program began in March 2015. Patterned after the CASA program in the Central District of California, SAIL is a post-plea, pre-sentence diversion program, administered collaboratively by the court, Pretrial Services, the United States Attorney's Office and the Federal Public Defender's Office. The program aims to divert defendants who are otherwise likely to serve prison sentences from serving any time in prison.

Participation in the program is voluntary and must be approved by the judge presiding over the defendant's case. The Pretrial Services Office and the United States Attorney's Office also must agree to the participation. Referrals may come from any source. Participation is not limited to those with particular offenses, issues, or criminal histories, although some categories of offenses are excluded, such as immigration and sex offenses. Rather, the team attempts to identify those individuals who have issues that the team believes contributed to the defendants' involvement in the criminal justice system, and which can be addressed by intensive supervision.

SAIL has two tracks. Upon successful completion, Track One defendants have their charges dismissed; Track Two defendants receive probation or supervised release. Most participants will be in Track One. Those terminated from the program are sentenced by the SAIL district judge pursuant to the terms of the plea agreement. A participant in SAIL enters a guilty plea that requires participation in the program and specifies the benefit to be received upon successful completion. Each participant is subject to intensive supervision that includes regular court appearances before the SAIL Program Team, as well as participation in programs designed to address the causes of the defendant's criminal conduct (substance abuse and/or mental health treatment programs, employment/education services, etc.). Program participation is in three phases, and lasts for 12 to 18 months. Currently, there are eight participants, and new participants are under review.

To date, 19 defendants have been admitted to the SAIL Program. Four defendants are currently participating in the program and four other defendants are going through the process to see if they are eligible for the program. As of July 1, 2017, nine defendants have successfully completed the program and six have been unsuccessfully terminated from SAIL. The cost of savings to the Bureau of Prisons for the nine successful participants is \$955,737.

K. District of New Hampshire – The LASER Program

On April 9, 2010, the District of New Hampshire authorized the creation of the LASER Program, a rehabilitative program for defendants whose qualifying crimes and criminal histories are attributable to drug abuse or addiction. The LASER Program requires participants to adopt a “law-abiding, sober, employed, and responsible lifestyle” (“LASER”), and it involves a collaborative effort by the Court, the United States Attorney's Office, the U.S. Probation and Pretrial Services Office and the criminal defense bar.

Participants are required to complete a minimum of 12 months in a four-phase program. Each phase of the program establishes specific goals with a number of distinct, achievable expectations consistent with each stage of recovery. Participants gain an understanding of the process of addiction, learn to recognize triggers and patterns of use and abuse, and appreciate the impact of their addictions on themselves, their families and their communities. They also accept responsibility for their conduct and acquire the tools necessary to achieve a sober, law-abiding, and employed lifestyle. As a condition of graduation from LASER, participants are required to develop a community-based sober support network and a comprehensive relapse prevention plan.

While graduates of the LASER Program cannot normally expect dismissal of their criminal charges, they may be eligible to receive (1) a downward departure or variance from the applicable Guidelines range based on post-conviction rehabilitation; (2) a reduction of the charge to a lesser offense, at the United States Attorney's Office's discretion; or (3) a reduction in the term of supervised release.

Since its inception, 42 defendants have participated in the LASER Program, with 27 participants being pretrial and the remaining 15 being on post-conviction supervision. Of the 27 defendants who have participated in the pretrial program, 17 have successfully graduated (63%), 9 have been terminated (33%), and 1 is actively participating.

The LASER Program pretrial graduates were facing Guidelines ranges (measured from the low end of the applicable Guideline range) of between 8 and 70 months in prison, with an average of 29 months. The Court estimates that as a result of the LASER Program, there has been cost savings associated with the graduates of \$1,303,185.

L. District of New Jersey – The Pretrial Opportunity Court

Modeled after the EDNY's POP program, the District of New Jersey's Pretrial Opportunity Program (POP) is a post-plea, presentence alternative to incarceration program which began in May 2015. Participants in the program have documented histories of severe addiction which have contributed to their involvement in the criminal justice system. In order to be considered for POP, they must have demonstrated a significant commitment to sobriety and the recovery process. Intensive supervision techniques, coupled with effective treatment alternatives and support services provide participants with the opportunity to make significant lifestyle changes. Further guidance and accountability are provided via regular meetings with team members, including U.S. District Court Judges, Assistant U.S. Attorneys, Federal Public Defenders, Pretrial Services Officers and Probation Officers. Participants work toward short and long-term goals in order to maintain a drug-free, law abiding lifestyle and to effectuate life altering and life-saving change.

As of June 30, 2017, there have been 18 defendants accepted into the program; 7 females and 11 males have been accepted. Charges for 16 of these defendants involve drug offenses, while the remaining 2 cases involve financial offenses. The average participant age is 34. While most participants reported the use of multiple illicit substances, opiates were the primary drug of choice for approximately 61% of participants. Eighty-three percent (83%) of participants have PTRAs scores indicating moderate to high risk.

Of the total participants accepted, 12 are current participants pending sentencing, 3 have been sentenced to five-year probation terms and another was given a five year deferred prosecution. These participants continue to participate in the POP program as mentors. The

final two participants did not complete the program due to their inability to meet program demands.

In looking at those defendants whose cases have been disposed of upon completion of the POP pretrial phase, the average guideline sentence without POP is 59 to 73 months with three years of supervised release. Based on information provided by the Administrative Office of the United States Courts, even if these defendants were sentenced at the low end of the range, this represents an average cost savings of \$149,568 per defendant.

M. Southern District of New York – The Young Adult Opportunity Program

On July 1, 2015, the Southern District of New York implemented the Young Adult Opportunity Program, a pilot program providing for intensive pretrial supervision of non-violent young adults. The Program is intended to benefit young adults between the ages of 18 to 25, with consideration given to defendants over 25 years of age on a case by case basis. The Program involves intensive supervision by Pretrial Services, with regular interaction with the two supervising Program Judges. The participants may be recommended by any judge, by Pretrial, by defense counsel or the United States Attorney's Office, with participants being selected by the Program Judges subject to the consent of the presiding judge. Upon approval, the participant's case is transferred to the Program's district judge for all purposes.

The Program is designed to provide structure and access to counseling, employment and treatment services. Candidates for the Program must agree to sign an agreement setting forth the obligations of the Program and agree to a transfer of their case to the Program judge. Participants are expected to complete the Program within 12 to 18 months and those who are

successful in the Program may receive a shorter sentence, a reduction or deferral of the charges filed against them or possibly dismissal of the charges altogether.

Since the start of the program, thirteen defendants have been selected to participate and currently there are eight defendants. Of the five former participants, four successfully completed the program (each has had his/her charges dismissed) and one was unsuccessfully terminated. As of August 2017, Pretrial Services is in the process of reviewing several applications for YAOP participation. Based on the outcomes of the four graduates of the program, it is estimated that this ATI program has saved \$282,500 in incarceration expenses.

N. Southern District of Ohio – Special Options Addressing Rehabilitation Program

As reported in the August 2015 Report, the Southern District of Ohio established the Special Options Addressing Rehabilitation Program (“SOAR”) in 2012 as an alternative to incarceration program aimed at youthful, non-violent adults. The SOAR Program was terminated due to a lack of participants.

The United States District Court for the Southern District of Ohio, Western Division, began a Veterans’ Court in 2015. The mission of the program is to “focus on, facilitate, and encourage treatment of mental health and/or substance abuse issues that may underlie criminal conduct in lieu of prosecuting, convicting and/or incarcerating those Veterans eligible for the Veterans Justice Outreach Program through the United States Department of Veteran’s Affairs (VA) and who pose a risk of reoffending in the absence of consistent treatment.” The Honorable Michael J. Newman, United States Magistrate Judge, presides over the Veterans’ Court. Court is convened one day a month. Eligible veterans who choose to participate must successfully

complete a term to be determined by the Court (not to exceed six months). Following the Court's determination of successful completion of the Veterans' Court term, the Court, upon motion of the Assistant United States Attorney, will generally dismiss the underlying criminal charge. The United States Attorney's office, the Federal Public Defender, the Veterans Justice Outreach Coordinator, and the United States Pretrial Services Office are all members of the team assisting the Court in the administration of Veterans' Court. Since inception, we have had 54 veterans go through the program. Twenty-seven (27) successfully completed the requirements and graduated; 23 are currently in the program; and 4 were unsuccessful and referred for prosecution.

O. District of Oregon – The Court Assisted Pretrial Supervision Program

In 2011, the District of Oregon established the Court Assisted Pretrial Supervision Program ("CAPS") which provides for a special condition of pretrial release for certain high-risk defendants. All participants are required to participate in regularly scheduled meetings with the program judge, a Pretrial Services Officer, Defense Counsel, and the Assistant U.S. Attorney. Meetings with the judges occur at least twice a month. Substance abuse and mental health case workers are utilized in conjunction with CAPS as well as an array of professional service providers.

Since its inception, CAPS has had 63 participants. The number is evenly divided between defendants who are placed on CAPS at their initial court appearance (26), and those who were placed on CAPS after violating the traditional conditions of release (26). The 11 remaining defendants were placed on CAPS during subsequent reviews of detention.

The Federal Pretrial Risk Assessment (“PTRA”) is an assessment tool used to predict the risk of failure to appear, new criminal conduct, and revocations due to technical violations. There are five risk categories used by the PTRA, with one (1) being the lowest risk and five (5) being the highest risk. In each CAPS case the PTRA was used, and since October 1, 2012, CAPS cases have averaged a PTRA risk category of four (4), which is higher than the average PTRA score in the district which is 3.1. The majority of CAPS participants are charged with firearms offenses (27), followed closely by drug charges (21).

Of the total participants in CAPS, 29 have successfully completed the Program; 25 other participants had their release revoked. Of the 29 successful participants, 18 received diversion, probationary sentences, or sentences of time served. The other successful defendants were sentenced well below the middle of their Guidelines ranges for a total of 395 months, as opposed to the 1,943 months they would have received if sentenced to their mid Guideline range.

Although CAPS was not designed as an alternative to incarceration program for sentencing, CAPS appears to have achieved the benefits of such a program. When applying the same cost analysis used by several such programs (cost of incarceration, using the middle of the Guidelines range), CAPS has produced a savings of 1,548 months of incarceration, estimated to be valued at approximately \$4,125,420, not including the additional savings that flow from avoiding pretrial detention.

P. Western District of Pennsylvania — Bridges Presentence Court

The Bridges Court Program in the Western District of Pennsylvania is collaboration among the United States Attorney’s Office, U.S. District Court, Federal Public Defenders Office, and the U.S. Probation and Pretrial Services Office to provide alternatives to incarceration for

defendants willing to undergo intensive supervision in a structured environment. Drawing upon the model of the CASA (Conviction and Sentence Alternatives) Program in the Central District of California, Bridges is a voluntary post guilty-plea presentence treatment court, promoting productive behavior, rehabilitation, and acceptance of responsibility. The Honorable Mark R. Hornak, U.S. District Court Judge, oversees this court.

Q. District of South Carolina – The BRIDGE Program

On November 29, 2010, the BRIDGE Program began as a presentence drug court in the District of South Carolina, Charleston Division, later expanding and becoming available in the Greenville, Columbia, and Florence Divisions. The BRIDGE Program is committed to evidence-based practices and accepts defendants whose criminal conduct and histories are more attributable to substance abuse and addiction than independent motive. The Program relies on existing Probation Department resources as well as local medical and business community volunteer resources.

As of March 2017, 109 participants had entered the BRIDGE Program. Of that number 43 had graduated; 35 voluntarily withdrew or were dismissed from the Program; and 30 remain active. Only five of the graduates had been re-arrested as of March 2017.

Recently, the BRIDGE Program partnered with Clemson University to conduct a retrospective cost-benefit analysis of the savings incurred by the Program. Since the inception of the BRIDGE Program, the Program has spent approximately \$112,000 on testing and treatment costs. The Program's estimated net savings is approximately \$1,795,000. This "marginal" savings calculation is a conservative estimate, based only on the additional expense to the taxpayer for the Bureau of Prisons to incarcerate one additional inmate. When the total fixed

costs of incarceration are considered (\$29,027 per inmate), along with the fixed expense of judicial personnel resources, the total savings achieved by the BRIDGE Program is approximately \$3,318,000. These calculations were generated by accounting for the BRIDGE Program's pre-trial participants only. The BRIDGE Program also services post-trial participants.

R. Western District of Texas - VETS Alternative to Prosecution Program

The Western District of Texas established the Veterans Endeavor For Treatment and Support ("VETS") Alternative to Prosecution Program in January 2016. The VETS Program, operated as part of the U.S. Magistrate Court at Fort Hood, integrates alcohol and drug treatment with mental health services for veterans who lack a substantial criminal history and who are charged with non-predatory criminal conduct which has a service-connected mental health or substance abuse disorder as a contributing causal factor. Prospective participants are initially screened by the Special AUSA and defense counsel and must be approved by the VETS Team, consisting of the Magistrate Judge, the Assistant United States Attorney, Pretrial Services, Probation, the Department of Veterans Affairs Justice Outreach Specialists, Defense Bar Representative, and the Mentor Coordinator. If approved, the participant must voluntarily consent to participate and must enter a plea pursuant to a plea agreement with the United States Attorney.

The VETS Program meets biweekly, with required court sessions subject to reduction in frequency to once a month as the participant progresses through the Program. Trained Veteran Mentors are assigned to each participant. The Mentors are the heart of the Program and provide a "battle buddy" at home. The Program lasts between 12 and 18 months, during which time, the participants are expected to participate in drug testing, and in treatment, counseling, and other services to assist in living a sober, stable and law-abiding life. Successful completion of the

VETS Program will afford the participant the benefits specified in the plea agreement, which may include dismissal of the charges or withdrawal of any petition to revoke probation.

Since the inception of the VETS Program on January 1, 2016, the Program has had 18 participants; 4 have successfully graduated.

S. Western District of Texas – The Adelante Program

Adelante is a pretrial diversion program in the Western District of Texas directed by District Judge Frank Montalvo and a committed team comprised of an Assistant U.S. Attorney, Assistant Federal Public Defenders, counselors, pretrial officers, two philosophers, and a systems engineer. Upon admittance into the program, the participant pleads guilty pursuant to a binding plea agreement, providing for the withdrawal of the plea of guilty and dismissal of the indictment upon successful completion of the program. The terms, conditions and requirements of the program are all part of the plea agreement. The program is designed to be completed in eighteen months with a possible extension not to exceed twenty-four months.

Adelante has four working phases over twelve months, and a fifth phase, maintenance, that lasts for six months. During the program, the participants receive services tailored to their individual needs. These services range from individual, couples and family therapy; Moral Reconnection Therapy (MRT); employment assistance; resolution of pending traffic tickets; and housing. The participants are also required to participate in a course called Shadows to Light. In it they learn about themselves through philosophy and mindfulness training. The goal of Shadows to Light is to foster the practice of self-cultivation, the development of new habits and skills, and a healthier mindset.

From the individually tailored services, the participants learn how to get the details of their life in order, learn from their past behavior through counseling and how to remain centered during difficult times. The goals of Adelante are for the participants to learn new skills and develop new habits to meet life's challenges legally and skillfully.

Programs like Adelante are important because, statistically, when children grow up in households where a member of the family is imprisoned, they are that much more likely to follow in their footsteps. Incarceration then becomes a never-ending cycle of systematic imprisonment for individuals and their children. Adelante helps participants regain their stability and in turn become helpful members of our community.

T. District of Utah – The Basin Program

In the August 2015 Report, there was a description provided of the reentry program implemented by the District of Utah to decrease drug use, new arrests, and revocations within Indian Country – the “Basin Program”, now referred to as the Tribal Community Reentry Court (TCRC). The Program involves a collaborative effort from service providers, and tribal agencies to provide support for offenders who were transitioning back into their community, in an effort to reduce substance abuse, incarceration, and social and family problems related to addiction. The Basin Program focuses on offenders who have tested positive for illicit drugs and alcohol by using a strict, evidence-based approach to address probation violations. Similar to a program operated in Hawaii – the Hawaii Opportunity Probation with Enforcement Program – the Basin Program uses an approach where there are swift and immediate sanctions imposed for each violation of supervision. The Program interprets all policies and procedures related to the unique cultural and historical traditions of the tribal land people while maintaining justice and fairness.

In addition to the TCRC program, Utah operates several other offender reentry programs such as the Veterans Court, the RISE Drug Court, and the RISE Behavioral Health Court.

In 2016, Utah's District Court, the United States Attorney's Office, the United States Probation Office, and the Federal Public Defender's Office, jointly designed the Utah Alternatives to Conviction Track (U-ACT) Program. The U-ACT program offers participating defendants a creative blend of treatment, sanction alternatives, judicial involvement, and unique incentives to effectively address offender behavior for the purposes of promoting rehabilitation, reducing recidivism, and promoting the safety of our community. Participation in U-ACT is voluntary. During their time in the program, participants will engage in a variety of programs to address underlying causes of their criminal conduct, and are required to attend regularly scheduled U-ACT program meetings that include regular reports on their progress in the program. Depending on the group in which participants are placed, those who successfully complete all requirements of the program receive probationary sentences or have the charges against them dismissed.

The U-ACT program has very limited capacity. As a practical matter, seats in the program are highly competitive. Defendants wishing to participate must apply for acceptance into the program, and must meet eligibility requirements. The program is in the first year and currently has 10 participants, with a capacity of 12.

U. District of Vermont

The District of Vermont has a diversion drug court that has been in place in Rutland, Vermont for approximately two years. The program participants are mostly low-level participants in larger drug conspiracies, including people who deliver small quantities of drugs to

customers or assist by making resupply trips or allowing dealers to stay in their homes in exchange for drugs.

Low-level drug offenders are referred to the court after the defendant has entered a guilty plea but prior to sentencing. Referrals may be made by either the defense attorney or the government, but admission to the program requires approval from the United States Attorney. A participant who successfully completes the program will receive a non-incarceratory sentence, usually time served with a period of supervised release. In some instances, the prosecution has dismissed the case entirely or offered a misdemeanor plea.

The procedure followed by the drug court is based largely on the well-established best practices in place and used by state drug courts, where the participants proceed through four phases. A probation officer, who is a member of the drug court team, supervises the participants, who meet every other week for an in-court session with the program judge, an AUSA (who is dedicated to the goals of the program), a defense attorney, and a team coordinator from the county-based drug treatment program which provides treatment to all but one participant. Each in-court session is preceded by a team meeting.

The participants are required to meet two goals: engaging in treatment and sobriety. Violations are discussed at the team meeting and are determined based on the type of violation and the length of time a person has been in the program. Sanctions include essay writing, loss of sober time in the particular phase, an hour or two picking up trash in the community, an afternoon in marshal's lock-up or one or two overnights in jail. The goal is to match treatment responses and punitive sanctions to the violation and time in the program.

There have been up to 12 participants in the program at any one time, although the program could handle 15. Approximately six people have graduated; three have been terminated for persistent drug use despite treatment efforts, and one young woman overdosed. While there have been relapses in the program, the participants perceive the stakes as high, with the incentive to avoid possible lengthy sentences of incarceration. As a result, there have been no new crimes committed to date by the participants.

In addition to the pretrial diversionary program operating in Rutland, the District of Vermont also has a post-release drug court in Burlington, Vermont, which has been in place for the last 8 years. Successful participants are rewarded by a year reduction in their sentence of supervised release.

V. Western District of Virginia – The Veterans Treatment Court

The Veterans Treatment Court (“VTC”) program in the Western District of Virginia, established in 2011, is a collaborative effort of the United States District Court, the United States Probation Office, the United States Attorney, the Federal Public Defender, and the Veterans Affairs Medical Center in Salem, Virginia. The VTC is a formal pretrial diversion program, and on occasion it is used in a probation supervision case. The purpose of the program is to provide veterans who are primarily charged with misdemeanor offenses an opportunity to reduce or mitigate the outcome of their cases through participation in a treatment plan that is tailored to their individual needs. Veterans who are determined to be eligible for the program, and who agree to participate are referred to a Veterans Justice Outreach (VJO) coordinator at the Veterans Affairs Medical Center. The VJO coordinator directly assists the veteran by coordinating eligibility benefits, and the United States Probation Officer monitors the veteran’s progress, and reports to the court as required. The services most often needed and utilized by the veterans are

housing vouchers, a work incentive program, medical assistance, substance abuse and mental health treatment, transportation passes, and payee services. The VTC meets on a monthly basis and the term of the program is approximately 12 months for each case. There is a community service component to the program as well. To date, three individuals have successfully completed the program; two were referred to the program but were not placed; four were not successful in the program; and one remains an active participant. The goal is to connect our veterans with people and services and to promote positive changes.

Other than the cost of the probation officer's time to interview the individual, conduct criminal history inquiries, and verify information, there is no significant cost to the district as the Veterans Affairs Medical Center provides the individuals with treatment and other assistance.

W. Western District of Washington – The DREAM Program

The Western District of Washington established the DREAM Program in late 2012 in collaboration with the United States Attorney's Office and the Federal Defender's Office. The DREAM Program is a presentence drug court that provides a cost effective alternative to incarceration for certain participants charged with drug-related offenses. There is no age requirement; the Program has had participants ranging from 20 years of age to 60 years of age. The Program contemplates the vacatur of the participants' convictions upon successful completion.

To date, there have been 123 applicants for admission to the Program. Of that number 53 were accepted; 70 were deemed ineligible. Of the eligible participants, 58% were female and 42% were male. In terms of ethnicity, the vast majority of them (74%) were white, with 15% Black, 9% American Indian and 2% Asian.

To date, 34 participants have successfully completed the Program, with an estimated cost savings of \$3,373,800.

X. Some Concluding Observations

In conducting the survey of other programs in districts around the country, a number of observations become clear. ATI programs work. Regardless of the geographic location of the court or the size of the district, federal ATI programs are flourishing across the United States. From courts in large metropolitan cities to smaller courts in rural settings, there are successful programs in the Northeast, the South, the West and the Midwest. These programs serve a variety of defendant populations, including veterans, youthful offenders, and defendants with substance abuse issues. The program requirements for admission are varied as well; some focus on those charged with misdemeanors, others with drug related, and still others are aimed at high risk offenders with firearms and drug offenses. Although each program may be structured differently and operate in very different ways, they all have the same goal: to address the factors in the participants' lives that contributed to their criminal behavior and to provide them with the structure and support necessary to allow them to overcome their past mistakes and become productive citizens.

Each of the program coordinators spoken to in the preparation of this Report was enthusiastic about their program and eager to share their experiences. Approximately half of the programs provided estimated cost savings as a result of their diversion programs. While these estimates cover different time periods and may not be entirely comparable, when added together as a total cost savings for all of these 12 contributing programs, the total estimated cost savings in terms of decreased incarceration and other expenses was close to \$57 million.

While the cost savings resulting from the programs alone reflect the value of these programs, what cannot be measured is the impact that these programs have made on the lives of the participants and the communities in which they live.

Table 6			
Court	Abbreviation	Program	Savings
D. Ariz.	AVP	Arizona Veterans Program	*
C.D. Cal.	CASA	Conviction and Sentence Alternatives Program	\$ 3,900,000.00
E.D. Cal.	BCC	Better Choices Court	*
N.D. Cal.	CAP	Conviction Alternatives Program	*
S.D. Cal.	APS	Alternative to Prison Sentence Diversion Program	\$ 10,400,000.00
D. Conn.		Support Program	\$ 1,975,400.00
C.D. Ill.	PADI	Pretrial Alternatives to Detention Initiative	\$ 16,914,705.00
N.D. Ill.	SOAR	Sentencing Options that Achieve Results	*
D. Mass.	RISE	Repair Invest Succeed Emerge	*
E.D. Mo.	SAIL	Sentencing Alternatives Improving Lives	\$ 955,737.00
D.N.H.	LASER	Law-abiding, sober, employed, and responsible lifestyle	\$ 1,303,185.00
D.N.J.	POP	Pretrial Opportunity Program	\$ 598,272.00
S.D.N.Y.	YAOP	Young Adult Opportunity Program	\$ 282,500.00
S.D. Ohio	SOAR	Special Options Addressing Rehabilitation Program	*
D. Or.	CAPS	Court Assisted Pretrial Supervision Program	\$ 4,125,420.00
W.D. Pa		Bridges Presentence Court	*
D.S.C.	BRIDGE	BRIDGE	\$ 3,318,000.00
W.D. Tex.	VETS	Veterans Endeavor for Treatment and Support Alternative to Prosecution Program	*
W.D. Tex.	Adelante	Adelante Program	*
D. Utah	TCRC	Tribal Community Reentry Court	*
W.D. Va.	VTC	Veterans Treatment Court	*
D. Vt.		Diversion Drug Court	*
W.D. Wash.	DREAM	DREAM Program	\$ 3,373,800.00
E.D.N.Y.	POP/SOS /STAR	Special Options Services/Pretrial Opportunity Program/Supervision to Aid Re-entry	\$ 9,544,462.00
Total:			\$ 56,691,481.00

* Information not provided

VI. The Eastern District STAR Courts

This district has long been committed to post-sentence drug courts, now known as STAR (Supervision to Aid Re-entry) Courts. The late Chief Judge Charles P. Sifton established the first such court over a dozen years ago, and several judges have continued to preside over them in the interim. Presently, Chief Judge Dora Irizarry has a STAR Court, assisted by Probation Officers Christopher Wodzinski and Yara Suarez, as does Magistrate Judge Robert Levy, who was assisted by Probation Officer Robert Anton (through September 2017) or Probation Officer Eric Sherdel. Each STAR Court is staffed by attorneys from the Eastern District of New York's Federal Defender's Office, which represents and assists the participants, along with the social workers employed by that office. Len Kamdang, Esq. assists in Judge Irizarry's STAR Court⁶ and Deirdre VonDornum, Esq. assists in Judge Levy's STAR Court.⁷ The social workers are Vivianne Guevara and Danielle Azzarelli.

Although our two STAR Courts have some differences, both are committed to assisting supervisees with documented histories of substance abuse in reentering their communities at the conclusion of a prison term. While some STAR Court participants enter the program upon release from prison as a condition of their supervised release, many participants receive probation or other sentences that do not require terms of incarceration. Each of these defendants is provided with a form of intensive supervision designed to better their chances of leading drug-free, productive lives. For various defendants whose cases have been assigned to Judge Irizarry, the STAR program constitutes an alternative to incarceration at sentencing. Judge Irizarry also accepts into her STAR program defendants whose cases were before other judges who believe that these defendants could benefit from participating in the STAR program.

⁶ Judge Irizarry has conducted her STAR Court for 10 years.

⁷ Judge Levy has conducted his STAR Court for 8 years.

STAR Courts offer persons with drug or alcohol problems more assistance and support, stricter accountability and greater rewards for completing their supervision successfully. The program was founded on the belief that too often substance abusers are jailed for behavior directly related to the abuse, and they are not given sufficient help in controlling their addictions while incarcerated and after their release. As a result, they repeatedly commit similar offenses.



By participating in a STAR Court, defendants place themselves under the intensive supervision of the Court. If they are able to complete the program, they benefit from better treatment, health and welfare services, educational and vocational placement services, family counseling and, at the court's discretion, a reduction in the length of their terms of supervision.

STAR Court participation is more intense than regular supervised release. Participants are screened for acceptance into this voluntary program and an individualized treatment plan is put in place. Participants meet with the judge, probation officer, social worker from the Federal Defender's Office and defense attorney every month. They are required to attend a weekly group counseling session with fellow program participants for one hour on Saturday mornings, in addition to their regular individual drug and/or mental health treatment sessions. Participants also report to their assigned probation officer as often as necessary and are tested for drugs and alcohol frequently.

At the court meetings, the probation officer, judge, defense attorney, and participants discuss their problems and progress. If the participant violates the conditions of supervision, the participant is held accountable. As originally formulated, STAR Court only required attendance in treatment, sobriety, and successful participation in the program. However, using evidence based-practices, the STAR Court now uses cognitive behavioral therapy, which has proven to be a highly effective treatment modality for preventing recidivism and changing offenders. These offenders are higher risk, face a multitude of challenges and obstacles, and are in need of more services. Additionally, the judge uses a graduated system of sanctions to address violations. The judge may issue a reprimand, require the participant to appear in court more often, impose a curfew, order more intensive drug and/or mental health treatment, including residential drug treatment, require the participant to perform community service, spend a weekend or more in



The other EDNY STAR Court Team: Magistrate Judge Robert Levy and Probation Officer Robert Anton

jail, be placed in a residential re-entry center or otherwise be held accountable for his or her actions. Serious violations ultimately may result in the revocation of supervised release and imprisonment. These sanctions are designed to help the participants by encouraging them to reflect on their behavior, stay away from people, places and things that get them into trouble, and help them to become involved in their communities in positive ways.

In order to graduate from the program, a participant must remain alcohol and drug free and satisfy all the conditions of supervision for at least twelve months. If the participant tests positive for drugs or alcohol or misses a scheduled test without an acceptable excuse, the twelve-month clock begins anew. The participant also must, if practicable, be employed, enrolled in

school or otherwise be productively involved in his or her community for six months and have a stable residence and finances.

If the participant completes the program, the probation officer recommends that the term of supervision be terminated. Normally, such terminations occur earlier than the initial supervision termination date. That recommendation is given great weight, but the assigned judge ultimately decides whether supervision should terminate early.

The STAR Court program participants, like their SOS and POP program counterparts, are committed to working hard at making positive life changes, obtaining jobs and an education, reuniting their families, paying taxes, overcoming addictions, ending patterns of poor judgment, and becoming productive members of society. In addition to these daunting challenges, they face challenges in their personal lives unrelated to supervision, such as homelessness, domestic violence, child support and custody proceedings, tax arrears, licensing problems, and outstanding fines and judgments. These obstacles can become overwhelming, exacerbating mental health issues and undermining their progress toward sobriety and positive life changes.

Led by Matthew Benjamin, a litigation associate at Gibson, Dunn & Crutcher, LLP (“Gibson Dunn”), volunteer attorneys from Gibson Dunn have provided *pro bono civil* legal services to numerous STAR Court participants in need of legal assistance. The results have been life-changing for some of the program participants.

Mr. Benjamin and his colleagues regularly attend our POP, SOS, and STAR Court sessions, and have assisted participants with family court/child support issues, housing, financial aid, employment policy inquiries to avoid adverse consequences, identity theft, immigration matters, Medicaid and Social Security benefits, a registered nurse license renewal, a name

change, emergency housing in a domestic violence situation, a corporate asset sale and bankruptcy proceedings. In one instance, they not only stopped eviction proceedings against a mother of three in Judge Irizarry's STAR program, but also obtained a grant to pay the arrears.

Since its inception in 2002, there have been a total of 199 participants in the STAR Courts. As of July 2017, 129 had graduated, a 65% success rate. Of the remainder, 41 were discharged for non-compliance, 29 have dropped out, and 27 are currently enrolled. The program participants included 165 males and 34 females, ranging in age from 21 to 68 years old, with the majority being males in their late twenties to thirties. All participants have had a long history of addiction to substances, many with a history of poly-substance abuse, including but not limited to alcohol, methamphetamines, cocaine, heroin, and marijuana. The Criminal History Categories of the participants have ranged from I to VI. The Probation Department conservatively has estimated that the STAR Courts have produced savings of approximately \$2,518,362 in Bureau of Prisons costs by curtailing recidivism, and savings of approximately \$1,226,100 in supervision costs due to early termination of supervision, for a total approximate savings of \$3,744,462. As with the ATI programs, we cannot measure other, equally significant cost factors: the costs associated with recidivism and the administration of justice, public health, social welfare, and loss of employment and productivity. Most importantly, it is impossible to place a value on a person saved from a life of addiction and crime and made into a productive, law abiding, tax paying, and family supporting member of society.

A STAR Court consent form is included in the Appendix.

VII. Educating Ourselves

The Court continues the tradition set by John Gleeson when he was a United States District Judge to hold monthly Drug Court/SOS Summit Meetings at which guest speakers are often invited to report on the community based programs in which they participate and on developments in other ATI programs. As noted in the August 2015 Report, while our POP, SOS and STAR courts continue to be effective in reducing the need for long incarceratory sentences and recidivism, the judges who supervise these programs do not receive formal training and thus there is a need for us to continue to educate ourselves and learn from others as to the different approaches that may be successful in responding to the problems faced by the participants in our programs.

The typical Summit Meeting includes representatives from all of the involved court participants, including the Program judges, lawyers from the United States Attorney's Office, lawyers and social workers from the Federal Defenders, Pretrial officers, Probation officers, as well as other courthouse employees, including law clerks. There is usually a guest speaker every other month, and in some months just the Program participants gather to discuss developments and problems in their respective programs and to share ideas as to best practices.

Among the guest speakers who have been invited to our monthly Summit Meetings are:

- 1) Jarrett Adams, Lawyer and Exoneree (October 2017)
- 2) Gisele Castro, Justine Gonzalez, and Jolanda Porter, Exalt Youth (November 2016)
- 3) Larry Menzie, Queens Counseling for Change (January 2017)
- 4) Father James O'Shea, Reconnect Brooklyn (March 2017)
- 5) Chris Watler, Center for Employment Opportunities

- 6) Lama Hassoun Ayoub, Center for Court Innovation (April 2017)
- 7) Wendy L. Hersh, ACCESS-VR (May 2017)
- 8) Megan Burns, Focus Forward (June 2017)

VIII. Community Providers

Much of the success of our programs depends upon the assistance of individuals and organizations outside of the court agencies. Some of the Programs that have been particularly helpful are listed below.

A. The HOPE Program

The SOS Program has relied heavily on the educational and training programs provided by the HOPE Program, a non-profit organization founded in 1984, and located in Brooklyn and the Bronx. Many of the SOS participants have attended HOPE's Hopeworks and Foodworks programs, obtaining OSHA certifications and training in food preparation and janitorial skills as a precursor to obtaining internships and ultimately, permanent employment. HOPE also provides assistance to SOS participants in learning how to draft resumes and practice interview skills. Others have participated in HOPE's GED preparation classes. Many of the SOS participants have secured internships and eventually employment through HOPE's referrals.

B. Youth Represent

Another organization that provides tremendous support for the SOS Program participants is Youth Represent, an organization dedicated to improving the lives of young people affected by the criminal justice system. Youth Represent has provided attorneys to counsel and represent SOS participants who face collateral issues relating to their criminal charges, which are beyond the scope of their criminal attorney. These include problems relating to housing, employment, Family Court custody and child support payments, and unrelated state criminal proceedings.

C. ACCES-VR

ACCES-VR is a program run by the New York State Education Department with the goal of assisting individuals with disabilities, which includes substance abuse and addiction, to achieve and maintain employment and independent living through training, education, rehabilitation and career development. POP participants utilize ACCESS services directly through their drug treatment provider. SOS participants have generally been referred for the vocational rehabilitation services, which trains them for job development and ultimately assists in placement in jobs for which they are qualified.

D. Pathways to Graduation

Pathways to Graduation is a New York City Department of Education Program that provides ESL and Spanish bilingual preparation for the High School Equivalency exam, along with instruction in all five sections of the exam: reading, writing, math, science and social studies.

E. Young Men's Clinic

The Young Men's Clinic, funded by donations from the Baisley Powell Elebash Fund, the Robin Hood Foundation, the Ford Foundation, and the New York State Department of Health, is located at 168th Street in the Bronx, and offers low-quality, "male friendly" health services for men ages 13 to 35. The Clinic provides physicals, checkups for minor injuries and illness, blood pressure and vision screening, testing for sexually transmitted diseases, health information and free contraceptives, as well as referrals to other educational, employment and community services. The Clinic presented educational programs focused on health issues for the members of the SOS Program, with trainers provided for the men and the women.

F. Office of Adult and Continuing Education

The Office of Adult and Continuing Education (“OACE”) is an adult literacy program sponsored by the City of New York’s Department of Education. It provides a variety of tuition free classes, including Adult Basic Education, English for Speakers of Other Languages, HSE Preparation, and Career and Technical Education. OACE has provided services to SOS participants over the age of 21 who have aged out of Pathways.

G. CUNY Early College Initiative

The CUNY Early College Initiative Program designs, develops and supports 17 public schools that partner with CUNY College to make earning a college degree more accessible and more affordable for students who traditionally may have been unable to attend college. Several of the SOS participants have been accepted into colleges within the CUNY system and successfully achieved their Associates Degree.

H. Financial Empowerment Center

New York City’s Financial Empowerment Centers have offered free one-on-one financial advice and guidance to our SOS participants. A professional financial counselor meets with them individually and assists them in creating a budget, opening a bank account, improving their credit rating, and tackling outstanding debt issues.

I. N.Y. Forensics

The New York Center for Neuropsychology & Forensic Behavioral Science provides a variety of comprehensive clinical and forensic services, including clinical interviews, mental status evaluations, comprehensive psychological, neuropsychological and psychoeducational testing, personality and risk assessments, and treatment. Many of the SOS participants have

been evaluated New York Forensics for learning disabilities or neurological impairment, in order to determine if they have learning and attentional problems that might impair their ability to graduate from high school. Others have participated in individual therapy and anger management counseling. Recently, through New York Forensics, SOS participants have attended a 12-week group program in cognitive behavioral therapy, with the incentive to reduce their time in the SOS Program.

J. CSEDNY

Counseling Services of the Eastern District of New York (CSEDNY) is an outpatient substance abuse program that was founded 40 years ago as one of the first federally funded treatment alternatives to incarceration on the state level. The program, which holds a federal contract with Probation and Pretrial Services, uses evidence-based therapies including Cognitive Behavioral Therapy (CBT) to enable clients to develop a crime and drug free lifestyle. The program provides individual and group therapy, relapse prevention, psychiatric evaluations, Medically Assisted Treatment (MAT), and educational and vocational services. The program has five locations within New York City and Long Island and serves over 3,000 individuals annually.

K. Bridge Back to Life

Bridge Back to Life is an outpatient drug and mental health treatment program that provides substance abuse and behavioral health services for clients suffering from co-occurring disorders. The program holds a federal contract with Probation and Pretrial Services and offers traditional treatment services and medication management, as well as specialized groups such as DUI/DWI, Anger Management, Seeking Safety, and Women in Trauma. The program has five locations within New York City and Long Island and utilizes CBT in the treatment process.

L. Samaritan Daytop Village

Samaritan Daytop Village is another human services agency that provides outpatient and residential drug treatment services in New York City, Westchester and upstate New York and has 24 locations. The program has been in operation for over 50 years and provides general health and mental health services, MAT and specialized services for veterans and women with children. Their two Young Mother's Programs in Manhattan provide special groups, such as Parenting, Women in Trauma and Seeking Safety, for pregnant and postpartum women. Samaritan Daytop Village also offers assistance with housing and senior services and utilizes CBT in the therapeutic process.

M. Su Casa Pregnant Women and Infant's Program (PWIP)

Su Casa's PWIP was created to treat the needs of pregnant women suffering from opiate addiction. The lower east side service center recognizes the needs of chemically dependent pregnant women in the New York City community and established the first-ever treatment program to stabilize opiate dependent soon-to-be moms. The program provides methadone-to-abstinence services, by gradually tapering clients off methadone under medical supervision. The program also provides specialized groups, such as Parenting, Women in Trauma and Seeking Safety, for pregnant and postpartum women. The program offers mental health, employment, housing and education services and uses CBT and Motivational Interviewing (MI) in the treatment process.

N. Covenant House

Covenant House provides shelter and housing for homeless youth, including victims of the sex trafficking industry, young adults who "age out" of the foster care system, and juveniles caught up in the criminal justice system. A number of SOS participants who had no appropriate

family alternatives and were essentially homeless, have been accepted into Covenant House to reside during the pendency of their case.

O. The Doe Fund

The Doe Fund's Ready, Willing and Able program was designed to break the cycle of poverty, incarceration, homelessness and recidivism by providing a combination of paid work, occupational training, transitional housing, education and social services. Although the program focuses mainly on formerly incarcerated and homeless men, the Fund has accepted several SOS participants who were in need of housing, job training and employment.

P. Gibson Dunn & Crutcher, LLP

Finally, although not directly connected to the Court's SOS or POP Programs, the law firm of Gibson Dunn & Crutcher, LLP has volunteered the time and services of their attorneys to provide pro bono legal assistance to the Federal Defenders Office for SOS, POP, and STAR participants facing civil legal challenges. They have assisted participants in obtaining housing, dealing with family court/child support issues, financial aid for school, identity theft, Medicaid and Social Security benefits, immigration and bankruptcy matters and others. (See pg. 96).

VIII. Conclusions and Recommendations

The eight judges who are directly involved in this Court's POP, SOS and STAR Programs continue to be confident that the programs are successful. The statistics provided by the other districts with ATI Programs confirm what we in the Eastern District of New York have observed based on the analysis prepared by our Pretrial and Probation Offices: namely, that using a conservative cost-benefit analysis of just the saved costs of imprisonment, these Programs generate substantial savings in terms of financial resources.

The financial savings pale in comparison to the positive impact that the Programs have had on the participants. Of the 38 participants in the combined Brooklyn and Central Islip POP Programs, 21 graduates have maintained sobriety for at least 12 consecutive months, some for much longer periods of time, and obtained education or appropriate employment, able to care responsibly for their families and become sober productive members of society. Of the 57 participants in the combined SOS Programs, 14 have graduated with deferred prosecutions, one had the charges dismissed outright, and 4 have received probationary sentences. Despite their youth and their lack of a prior support system, SOS graduates, through strict supervision and guidance, have obtained the structure necessary to achieve their educational goals, obtain steady employment, find a stable residence, and in some cases, reunite with their families. The EDNY STAR Court participants have experienced similar results, achieving and maintaining sobriety for at least 12 months, becoming enrolled in school or becoming otherwise productively involved in their community.

The statistical and anecdotal information regarding the positive impact of the EDNY programs is echoed by the judges, defense attorneys and probation and pretrial officers involved

in similar programs across the country. Whether the program participants are young, or drug addicted, or veterans, whether they have been charged with minor offenses, or, as with the District of Oregon, are high risk offenders with firearms charges and high PTRR risk scores, the anecdotal evidence of the success of these programs in diverse districts across the nation has been positive and supports what the state courts discovered years ago: these programs work. Given the proper support and guidance, individuals in these programs have demonstrated the ability to overcome their addictions, gain maturity and understanding and improve themselves to the point where they can become productive citizens. And the impact of these programs goes beyond just the participants; many have gone on to work in their communities and within their own families to help others avoid the problems that they encountered.

In the August 2015 Report, we noted that there continue to be questions about the efficacy of these programs. Fundamental questions, such as what types of programs should federal courts have, what defendant population should be eligible for such programs, and will these programs ultimately reduce recidivism, remain a subject of discussion. Another issue is the impact of the judges in interacting with the participants and whether there should be training to increase the efficacy of the program judges? The evidence collected in support of this Report shows that programs and defendant populations vary widely across districts, and while the federal criminal caseload is different from that of the state courts, districts have identified meaningful numbers of low-level offenders for whom sanctions other than incarceration may be appropriate and for whom these programs have value.

The existence of ATI programs in the federal system is reaching a critical point where, to promote and validate these initiatives, it is important to study their short and long term value. At present, aside from limited descriptive program data, there are no comprehensive evaluations

of evidence-based practices or of measurable outcomes related to front-end programs in the federal system. In 2016, the Federal Judicial Center (“FJC”), at the request of the Judicial Conference Committee on Criminal Law, conducted a study of the best practices and overall effectiveness of reentry programs in five districts. In summary, the report found these programs did not improve revocation and recidivism rates and were not cost-effective. One important factor which may have contributed to these findings, which seem so contrary to the experiences of those of us who work in these programs, is that some of the programs included in the study were newly created, allowing districts insufficient time to adapt to the elements of the model policy.

An essential aspect of good research is the presence of valid and accurate data. Presently, the Administrative Office’s Probation and Pretrial Services Office (“PPSO”) does not possess a method to track the participation of defendants in ATI programs. In 2016, the United States Government Accountability Office (“GAO”) also found the Department of Justice did not track data on the use of pretrial diversions and alternatives to incarceration. Most individual districts that operate these types of programs use their own independent methods and standards to track their participants, making it more challenging to access and evaluate and compare the resulting data. The Probation and Pretrial Services Chiefs Advisory Group’s Pretrial Steering Committee is proposing a definition for “problem solving court programs.” If adopted, this will facilitate the process of identifying participants who attend these programs and perhaps provide for more uniform data collection in the Probation and Pretrial Services Automated Case Tracking System (“PACTS”).

The Eastern District of New York is currently in discussion with professors at John Jay College of Criminal Justice to develop a research study of federal ATI programs. A final

research proposal is not yet available but there are plans to include a descriptive analysis of existing programs, recidivism rates, and a qualitative measure of other positive gains participants made in their lives (i.e. income and financial independence, employment, education, relationships, abstinence, to name a few). Some of the challenges researchers may encounter in conducting a research project of this nature is the variability of the distinct program models and developing a control sample of statistical significance. However, despite any operational differences, problem solving courts still share common features. For example, they employ evidence-based practices such as the risk principle, procedural fairness, and the idea that future offending behavior can be deterred with legal sanctions. Traditionally, research studies of problem solving courts focus on re-arrest and reconviction rates as the primary measurement of success. Although the rate of recidivism is an important measure of a law-abiding lifestyle, equally important is abstinence, level of income and quality of employment, furthering education, and improvement of family relationships and increased prosocial behavior.

In addition, there has been an effort by some program judges and others, including our former colleague John Gleeson, to encourage the Sentencing Commission to recognize the impact of these programs in the Sentencing Guidelines, which currently does not authorize a departure for defendants who successfully complete the programs. Although the law authorizes the court to impose a non-incarceratory sentence upon the successful completion of a drug court or other judge-intensive presentence supervision program, see 18 U.S.C. 3553(a), the Sentencing Guidelines Manual is silent on this issue. In a letter to the Chair of the Sentencing Commission, dated September 21, 2016, the Chair of the New York City Bar Association’s Task Force on Mass Incarceration described this omission as “significant and misleading,” noting that although federal judges already possess the authority to consider such programs, the “imprimatur of the

Commission is extremely important to judges' sentencing decisions.” The Task Force encouraged the addition of a simple statement to the effect that a judge may depart downward following successful completion of one of these judge-supervised programs, including imposing a sentence that does not include a term of incarceration. Noting the social costs and the economics of mass incarceration, the Task Force letter stated: “programs like these can eliminate or shorten the terms of incarceration that otherwise might be appropriate for the participants, while simultaneously reducing recidivism rates and helping those participants to become productive members of their families and communities rather than becoming prison inmates.”

The Honorable Dolly M. Gee, United States District Court for the Central District of California, program judge for the CASA Program, testified before the Sentencing Commission in April 2017, and urged the Commission to include language in the Guidelines at Section 5(b)(1).1, indicating that, in addition to offenses falling within Zones A and B, a probationary sentence could be imposed pursuant to a court-authorized diversion program. She explained: “Such a small change to the guidelines would signal a seismic shift in our criminal justice system’s attitude toward diversion programs. It would recognize the success of these programs and embrace rather than treat them as outliers in the system.” Judge Leo Sorokin, program judge for the District of Massachusetts, echoed her view.

In the August 2015 Report, it was also suggested that the Commission create a page on their website for alternative to incarceration courts in the federal system. While we have received inquiries from districts around the country relating to our programs, and we have hosted judges, prosecutors, pretrial and probation officers who have come to observe our programs in action, there is still no centralized resource to learn about other such programs. In preparing this Report’s description of other programs, it was necessary to reach out individually to each of the

districts with known programs and request from them information about its program. Often we learned about new programs through word of mouth from other judges and pretrial officers. A common website where programs could share ideas and best practices would not only facilitate other districts in learning about these programs, but it could serve as a valuable learning tool for those of us already engaged in them.

IX. Appendix

Pretrial Opportunity Program Description and Consent Form

Special Options Services Program Description and Consent Form

Supervision to Aid Re-entry (STAR) Court Consent Form



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

Eastern District of New York

Special Options Services Program (SOS)

Participant Agreement

Participant Name: _____

You have been selected by the Court to participate in the Special Options Services (SOS) Program as a condition of your pretrial release. By signing this form, you agree to participate in this intensive supervision program.

As a participant in the SOS Program, you will receive support from the Program Judge and your Pretrial Officer. If you successfully complete the program, you may receive a shorter jail sentence, or a sentence that does not require you to spend time in jail. But a sentence reduction is not guaranteed.

You may also get access to necessary services such as job training, employment assistance, health education, drug counseling, and welfare assistance.

As a participant in the SOS Program, I promise to:

- ☐ **Report to Pretrial Services in-person or by telephone as directed.**
- ☐ **Allow random drug testing and/or treatment as directed.**
- ☐ **Have a mental health evaluation and/or participate in treatment as directed.**
- ☐ **Allow for random visits to my home, work, and any of my programs.**
- ☐ **Follow my curfew as directed.**
- ☐ **Participate in educational and other programs as directed.**
- ☐ **Avoid contact with anyone who I know is participating in illegal activity.**
- ☐ **Not leave New York City and Long Island unless I get special permission.**
- ☐ **Go to all my meetings at the Court.**
- ☐ **Follow the instructions of Pretrial Services.**

Participant

By signing my name to this form, I acknowledge that the SOS Program has been explained to me, and that I have been given a copy of this form. I know that I must follow the rules of the SOS Program during my time in supervision. If I violate any of the rules, it will be a violation of my pretrial release conditions – this means that I could be forced to follow additional rules or could have my bail revoked, so that I have to go to jail until I receive my sentence.

By signing this form, I also acknowledge that, even when I complete the SOS Program, it does not mean that my sentence will be automatically reduced. Ultimately, it is up to the Judge to decide what sentence I get.

Defendant's signature: _____ Date: _____

Defendant's name: _____ Date: _____

Attorney

I have explained to my client, _____, the benefits and drawbacks of participating in the SOS Program. I understand that as a part of my client's pretrial release order, I am required to accompany my client to all SOS program judicial meetings, unless I have been excused by the Court.

Defense Attorney signature: _____ Date: _____

Pretrial Services Officer

Pretrial Services Officer signature: _____ Date: _____



EASTERN DISTRICT OF NEW YORK
STAR PROGRAM
CONSENT FORM

Name: _____	Case Number: _____
Drug court target termination date: _____	Regular termination date: _____

You have been selected to participate in the Eastern District of New York's STAR (Supervision to Aid Re-entry) Program. We believe you have the ability to succeed in this program; that was one of the main criteria used to select you. By signing this form, you agree to participate in this intensive supervision program.

Read this form carefully before you sign it. If you have any questions, ask your attorney. By agreeing to participate in this program, you put yourself under the intensive supervision of the Court. If you are able to complete the program, you may, at the court's discretion, benefit from better treatment, health and welfare services, educational and vocational placement, family counseling and a significant reduction in your term of supervision.

HISTORY OF THE EASTERN DISTRICT OF NEW YORK DRUG SUPERVISION PROGRAM

In 2002, Senior U.S. District Judge Charles P. Sifton asked the Probation Department to develop a post-sentence judge-supervised program in order to offer persons with drug or alcohol problems more assistance, stricter accountability and greater rewards for completing their supervision successfully. The program is founded based upon a recognition (1) that there is greater likelihood of recidivism among addicts and (2) of the difficulties addicts face avoiding criminal conduct. Too often addicts and alcoholics are jailed for behavior directly related to drug or alcohol abuse and not given sufficient help in controlling their addictions while incarcerated and after release. As a result, they repeatedly commit similar offenses. This program is based on the belief that, if offenders with substance abuse problems are offered the right type of assistance and held accountable, they may stand a better chance of leading a drug-free and law-abiding life than would otherwise be the case.

The judges of the Eastern District of New York who participate in this program do so voluntarily, because they believe that it may help you, your family, the community and the criminal justice system.

HOW THE PROGRAM WORKS

The STAR Program is more intense than regular supervised release. You will meet with the judge, your probation officer, and your attorney every month and will be required to attend a weekly group therapy session with your fellow program participants, in addition to your regular individual drug and/or mental health treatment sessions. You will report to your probation officer as often as he/she feels is necessary. You will be tested for drugs and alcohol frequently.

At the court meetings, the probation officer, the judge, your attorney, and you will discuss your progress. If you have violated the conditions of supervision, the judge may require you to appear in court more often, intensify your drug and/or mental health treatment, observe a curfew, perform community service, spend a weekend in jail, be placed in a community corrections center or otherwise be held accountable for your actions. These sanctions are designed to help you by encouraging you to reflect on your behavior, stay away from

people, places, and things that get you into trouble and help you become involved in your community in a positive, meaningful way.

As would be the case at any time during your regular supervision period, if the probation officer requests that the Court consider a violation action against you and you feel that you are innocent, you may request a formal hearing with the assistance of counsel. You will not be penalized for requesting a hearing. The hearing will be limited to determining whether you violated the conditions of supervision or not. Excuses usually will be handled at the less formal monthly hearings.

In order to graduate from the program, you must remain alcohol and drug free and observe all the conditions of supervision for at least twelve consecutive months. If you test positive for drugs or alcohol or miss a scheduled test without a viable excuse, the twelve months of your STAR Program will begin again. (In no case will you be required to participate in the STAR Program for a period longer than your original supervised release term, unless you violate the conditions of supervision, for example, by committing a new criminal offense.) You also must satisfy all of the conditions of your supervised release. In addition, to graduate, at a minimum, if practicable, you must be employed, enrolled in school or approved program designed to increase your education or otherwise be productively involved in your community for six months and have a stable residence and finances. The importance of attaining of a high school equivalency diploma (“GED”), college degree, or vocational training cannot be emphasized enough as it is considered critical to your ability to graduate from the program and be a successful member of society.

If you complete the program, your probation officer will recommend that your supervision be terminated, regardless of the original court-ordered term of supervision. The probation officer’s recommendation will be given great weight, but the court ultimately will decide whether supervision should terminate early.

WHAT YOU CAN EXPECT FROM THE U.S. PROBATION DEPARTMENT

1. You will be thoroughly assessed and an appropriate treatment plan put in place. The plan will be discussed during the first meeting and signed by you, your attorney, and your probation officer and approved by the judge.
2. Your probation officer will work with you to identify problems that you are facing and propose referrals and resources.
3. You will receive intense personal attention from your probation officer and possibly a forensic case manager/mitigation specialist and/or social worker assigned to the Federal Defender's Office.
4. If you successfully complete the program, your probation officer, with the U.S. Probation Department Deputy Chief's approval, will ask that the court terminate your supervised release term early.

WHAT YOU CAN EXPECT FROM THE COURT

1. The judge will be familiar with your case and will give you personal attention at regular meetings. The judge will discuss your progress and address any concerns you, your attorney or the probation officer may have.
2. The judge will encourage you when you are doing well.
3. The judge will hold you accountable. If you violate the conditions of the program, after hearing from your probation officer, you and your attorney, the judge may impose one or more of the following sanctions, among others:

- a. Judicial reprimand (a formal disapproval of your conduct);
 - b. More frequent court appearances;
 - c. Curfew;
 - d. More intensive drug and/or mental health treatment, including residential drug treatment
 - e. Geographic and associational restrictions, limiting the places that you may go or persons you may associate with;
 - f. Community service, if you make insufficient efforts to find employment or enroll in and attend an educational or vocational training program;
 - g. Weekend incarceration (when your violation of the program's conditions is extremely serious);
 - h. Community corrections center placement, for those who consistently violate the rules, have unstable living arrangements, and/or are at risk of being expelled from the program;
 - i. Revocation of supervised release, and imprisonment, possibly followed by an additional term of supervised release.
4. If you violate the conditions of the program, you may request a formal hearing. A formal violation report will be prepared by your probation officer and a formal hearing will be held by the judge, attended by an Assistant U.S. Attorney, you and your attorney. If you are found guilty, any of the sanctions listed in paragraph #3 immediately above may be imposed by the judge.

WHAT WE WILL EXPECT FROM YOU

- 1. You must adhere to the basic and special conditions of supervision;
- 2. You must stay free of drugs and alcohol;
- 3. You must stay in touch with your probation officer and provide current contact information;
- 4. You must show up for the monthly meetings with the judge and group sessions and be open and honest about your behavior;

5. You must stay in touch with your attorney and let him or her know when you are having trouble with the program or other life issues that may affect your progress in the program;
6. You must complete at least twelve consecutive months without a positive or missed drug or alcohol test;
7. You must be employed full time, enrolled in school or a vocational training program full time (or a combination of employment and training) or be productively involved with your community in some other way;
8. You must have a stable residence and finances at the time of graduation;
9. You must comply fully with any other conditions of supervised release specific to your situation; and,
10. ***You will succeed! We believe in you! You need to believe in yourself!***

HOW THIS PROGRAM AFFECTS YOUR RIGHTS

Under the Fifth and Sixth Amendments to the United States Constitution, you have the right not to incriminate yourself, to have the effective assistance of an attorney at every critical stage of a criminal proceeding and to have a judge who is fair and impartial and not influenced by facts outside the record. You will not have to give up these rights in order to participate in the STAR Program.

The STAR Program is unlike a traditional adversarial court or probation hearing. Your probation officer, your attorney, the judge and you will be working together informally to find the treatment and support you need to stay drug-free and out of trouble.

Your attorney will appear at every hearing

You have a right to have your attorney appear at all traditional court proceedings. Your attorney will be at your monthly meetings with the judge. If the probation officer believes that you are not complying with the program and suggests that you be sanctioned, the judge may schedule a hearing with you, your attorney, the probation officer and the United States Attorney if you request a formal hearing. Otherwise, sanctions may be imposed informally in graduating severity

as described above at the monthly meeting before the court. Notably, the judge will not sanction you without your attorney being present. However, it is important for you to understand that your attorney will not be present to assist you at every meeting you have with your probation officer and/or forensic case manager. You may call your attorney whenever you feel you need help, and your attorney can contact the probation officer, the United States Attorney and the court. You will not be penalized for consulting with your attorney.

The hearings will be recorded

All court sessions will be recorded by an official court stenographer. The minutes of those sessions, and of any violation hearing held may be transcribed if you, the judge, the United States Attorney, your attorney, or the probation officer so wish.

The hearings will be conducted in open court

All STAR proceedings are open to the public. You may request that your relatives, friends, significant others, or the general public be present at any conference.

The judge will know more about you

In a traditional court hearing, the judge only knows what the United States Attorney, probation officer and your attorney submit in their papers and say in court. Communications between the United States Attorney or probation officer without an opportunity for your attorney to respond (“*ex parte* communications”) are forbidden. In the STAR Program, the judge may hear from your probation officer without your attorney present. You also will be requested to say more to the judge about yourself than you normally might. Finally, the Federal Rules of Evidence, which restrict the types of information that the judge can consider, will not apply. This means that the judge will better understand your situation and may be better able to help you complete the program. It also means that you may be more vulnerable to sanctions should you violate the conditions of the program.

You will be expected to speak openly and honestly

Under the United States Constitution, you have a right to remain silent when accused of a crime or of violating the conditions of supervision. Agreeing to participate in this program does not affect your right to remain silent and you will not be sanctioned for exercising that right.

You may be punished for violations of the conditions of the program

The goal of the STAR Program is to help you get the treatment you need so that you can stay sober and live without court supervision. If you violate the program conditions (for example, by testing positive for drugs or alcohol), you may be disciplined. The court and its personnel will make every effort to work with you to ensure that you stay and succeed in the program. However, if you repeatedly or seriously violate the conditions of the program, you may face formal violation charges, imprisonment or other punishment.

You have the right to withdraw from the drug court program at any time

You may withdraw from the STAR Program at any time for any reason. If you withdraw, you will be returned to traditional supervision. The time you have spent in the STAR Program will be credited against your remaining supervision term.

SIGNATURES

I have read this form with the assistance of my attorney and understand it. By signing, I agree to participate in the Eastern District of New York STAR Program and to abide by its rules.

Participant's Name: _____ Date: _____
Signature _____

I agree that it is appropriate for the above individual to participate in the Eastern District of New York STAR Program and am aware of my responsibilities under the program.

Probation Officer's Name: _____ Date: _____

Signature: _____

I have reviewed this consent form with my client and answered any questions s/he had about the form and the STAR Program. I agree that it is appropriate for the above individual to participate in the Eastern District of New York STAR Program and am aware of my responsibilities under the program.

Defense Attorney's Name: _____ Date: _____

Signature: _____

_____'s participation in the Eastern District of New York's STAR Program is hereby approved. The participant must appear for the next scheduled meeting before the Court, with the participant's probation officer and attorney on _____ in Courtroom # 4A South of the United States District Courthouse located at 225 Cadman Plaza East, Brooklyn, New York.

Dora L. Irizarry
Chief, U.S. District Judge
SO ORDERED.

DATED: Brooklyn, New York
_____, 20____



Front Cover Photos by Douglas Palmer, Clerk of Court