

SUPPORT COURT POLICIES AND PROCEDURES MANUAL

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Adopted: 2/23/16

I. STEERING COMMITTEE

The Steering Committee is comprised of the following executive level personnel from stakeholder agencies. The Steering Committee shall meet as necessary.

Janet C. Hall, Chief U.S. District Judge
Stefan R. Underhill, U.S. District Judge
Deirdre Daly, U.S. Attorney
Terence Ward, Federal Defender
Scott Chinn, Chief U.S. Probation Officer
Warren Maxwell, Deputy Chief U.S. Probation Officer

II. SUPPORT COURT TEAM

The following individuals participate on the Support Court Team and may also be responsible for planning, implementation, evaluation, as well as ongoing assessment and revision of the Support Court Program.

Stefan R. Underhill, U.S. District Judge
Janet Bond Arterton, U.S. District Judge
Vanessa L. Bryant, U.S. District Judge
William I. Garfinkel, U.S. Magistrate Judge
Donna F. Martinez, U.S. Magistrate Judge
Representatives of the United States Attorney's Office
Representatives of the Federal Defenders Office
Representatives of the United States Probation Office
Representative from Treatment Providers

III. MISSION STATEMENT

The United States District Court for the District of Connecticut has developed a Support Court Team to provide support and structure to participants who struggle with drug and alcohol addiction to assist them in achieving lifelong sobriety. We will connect participants with treatment, employment, educational resources, and pro-social organizations in the community. The Support Court Judges will address participants' behavior through meaningful incentives and timely sanctions. The Team, recognizing the nature of substance addiction, will treat participants with dignity and respect, to promote a rehabilitative atmosphere that empowers participants to lead law-abiding lives.

IV. GOALS FOR PARTICIPANTS AND COMMUNITY

Participants

- Honesty
- Trust
- Accountability
- Sobriety/Drug-Free
- Involved in a recovery lifestyle
- Employment
- Parental responsibility
- Obtain ID / benefits
- Improved mental well-being
- Improved physical condition
- Increased coping skills
- Community support
- Financial management skills
- Improved life skills
- Stable housing
- Improved family relationships
- Law-abiding lifestyle
- Improved self-worth
- Independence

Community

- Reduced crime/recidivism
- Resource for employers
- Improved quality of life
- Improved relationships between the justice system and community organizations

V. MODEL/STRUCTURE

Our Support Court is a program with clearly established expectations for participants. It serves pretrial, pre-sentence, and post-conviction participants. It typically, but not exclusively, meets in courthouses. The program embraces honest and open communication among the judge, team, and participants.

We have developed a model to enable participants to transition from a lifestyle dominated by substance abuse to a law-abiding, substance-free lifestyle. To achieve this transition, the Support Court program will invite participation from various community organizations such as pro-social support organizations, faith-based/secular/ Alcoholics Anonymous (AA) organizations. The team and participants are committed to active community service. Support Court will be introduced at Supervision Orientation, Residential Reentry Centers and the U.S. Probation's public web page.

Support Court will generally meet once a week in each seat of Court, but on occasion it may meet in other locations. The United States Probation Office will disseminate information regarding each participant's progress by email to the Team one or two business days prior to each Support Court meeting. Team meetings generally will be held prior to the start of each Support Court meeting. Any team member may call for additional team meetings. The Support Court Judge will decide whether to hold additional team meetings.

The level of formality of a Support Court meeting is determined by the presiding Support Court Judge. A Support Court Judge may choose to videotape or record a graduation ceremony or visitor's speech, but no such recording will be docketed or otherwise made available for use without an order from the Support Court Judge. The overriding goal is to encourage an open and honest discussion among the Team and the Participants.

VI. TARGET POPULATION

Our target population includes pretrial and post-conviction releasees who are struggling with substance abuse, who are at heightened risk for drug/alcohol use relapse, or whose past or current charged criminal conduct is reasonably attributed to drug and alcohol addiction. Our target population also include those in Bureau of Prison's custody who are about to be released and are assessed as being at high risk for renewed drug/alcohol abuse. Acceptance to Support Court is contingent on an applicant meeting our eligibility criteria as set forth in Section VII. Our target population is supervised by the U.S. Probation Office, and is subject to the jurisdiction of the United States District Court for the District of Connecticut.

VII. ELIGIBILITY CRITERIA

Applicants must satisfy the following criteria for entry to Support Court.

- Verified history of substance abuse
- Desire to overcome substance abuse
- Be in need of drug education, substance abuse counseling and drug monitoring
- Past or current criminal conduct that is reasonably attributed to substance abuse
- Supervised by the U.S. Probation Office, and subject to the jurisdiction of the U.S. District Court for the District of Connecticut

In addition to meeting the criteria, applicants must proceed through the admission process and be accepted into the program by the Support Court Judge.

VIII. DISQUALIFICATION CRITERIA

The following criteria and offenses will generally make a person ineligible for admission to the Support Court program, subject to case-by-case determination by the Support Court Judge:

OFFENDERS/DEFENDANTS:

- Mental Health - actively psychotic, noncompliant with medication, disruptive to the group process
- Serious medical issues that would prevent full participation in Support Court activities or would be disruptive to the group process

OFFENSES:

- Sex offenders, or history of sex offenses, or pending sex offense charges
- History of arson
- Serious firearm cases
- Pending state criminal charges
- History of felony crime of violence conviction within the past 10 years

Note: In this context, “Crime of violence” means an offense that is a felony and has as an element the use or attempted use, of physical force against a person.

IX. ENTRY PROCESS

Defendants and supervisees can be referred for Support Court by any judicial officer, prosecutor, defense counsel, or probation officer.

Referral Process- Pretrial and Presentence

Pre-plea and pre-sentencing referrals or applications to Support Court must be approved by the presiding judge in the criminal case, after an indictment, information, or criminal complaint has been filed. Applications by defendants to the presiding judge in a criminal case for approval to participate in Support Court shall be filed as motions to stay the case or to postpone sentencing and docketed in the criminal case. Such motions should briefly state the procedural posture of the case (including whether a presentence report has been disclosed), an estimate of the likely sentencing guideline range that may apply, the applicability of any statutory minimum sentence, and the eligibility of the defendant to participate in Support Court (detailed information concerning substance abuse history and treatment should not be set forth unless there is an objection to the applicant being admitted to Support Court or unless the presiding judge requests such information). Objections to a motion to permit pretrial (including pre-plea and pre-sentencing) participation in Support Court shall be filed promptly. If the presiding judge grants a motion to permit pretrial participation in Support Court, the defendant shall then submit an Application for Support Court to the Probation Office and shall file a speedy trial act waiver in the criminal docket.

Referral Process - Post-Conviction

For defendants on probation or supervised release, referrals for Support Court shall be made directly to a Supervisory U.S. Probation Officer for Support Court. A defendant shall submit an Application for Support Court as part of this process.

Consideration of Referrals by the Support Court Team

The Probation Office shall send a referral package to the Support Court Team within seven days after the defendant has submitted an Application as indicated above. In pretrial and presentence matters, this referral package should include the following documents if available:

- Bail Report
- Treatment Records
- Violation Reports
- Indictment
- Information

- Plea Agreement
- Conditions of Release
- Presentence Report
- Support Court referral

In post-conviction matters, this referral package may include:

- Presentence report
- Judgment of Conviction
- BOP TDAP Discharge Report
- Treatment Records
- Institutional adjustment reports (if pertinent)
- Copies of any Form 12As, 12Cs, and violation reports
- Support Court referral form

No action shall be taken on an Application for admission to Support Court until at least seven days after distribution of the referral package to the Support Court Team. If the Support Court Team determines that the candidate meets the eligibility criteria, a Support Court Team member will meet with the candidate for further assessment (level of motivation, interest, etc.). The candidate will be required to observe Support Court at least two times. Observing Support Court prior to the Support Court Judge's acceptance of a candidate's Participant Agreement shall not count toward completion of the Support Court Phases. Afterwards, the candidate will meet with a Team member who will confirm that the candidate understands all that is required. The referral package shall then be forwarded to the divisional team for their advice on whether the defendant should be admitted to the program. The divisional team may choose to interview an applicant before rendering advice regarding admission.

After considering the advice of the Support Court Team, the Support Court Judge has final authority to permit or deny participation in Support Court. If the Support Court Judge does not admit a pretrial/presentence applicant to Support Court, the Probation Office shall inform the judge presiding over the applicant's criminal case.

If the Support Court Judge permits participation in Support Court, the candidate shall meet with a representative of the Federal Defender's Office to review the Participant's Agreement and the Orientation Packet, and discuss the advantages and disadvantages of participation in Support Court.

Prior to signing the Participant's Agreement and being formally admitted to Support Court, the candidate must pass any drug or alcohol testing directed by the Probation Office. The applicant may be required to be negative for alcohol and unlawful use of

substances (“clean time”) for up to 30 days prior to signing the Participant Agreement.

The participant will sign the Participant’s Agreement in Support Court after a brief colloquy by the Support Court Judge. Copies are provided to defense counsel and the participant, while the original agreement remains in the participant’s probation office file.

Each divisional Support Court shall be capped at 16 participants. Once a participant is in a specific divisional Support Court, the participant may not transfer to another divisional Support Court without the approval of the Support Court Judges in both divisional Support Courts.

Prospective participants may seek admission to any divisional Support Court. Support Court Judges, however, shall not preside over the sentencing or other criminal proceeding of participants in the divisional Support Court that they supervise. Moreover, the Support Court Judge should not initiate communications to a sentencing judge or a probation officer regarding a participant, but may provide information to such persons in response to a formal request. The Probation Office shall inform the sentencing judge that a defendant to be sentenced has participated in Support Court and shall inquire whether the sentencing judge wants a report regarding the participant’s progress in Support Court. If requested by the sentencing judge or counsel for any party, the Support Court Team should endeavor to provide a concise written report evaluating a participant’s experience with Support Court.

X. PHASES

PHASES

All participants must follow the rules of the treatment providers and Support Court. Our phase system and phase requirements is as follows:

Phase I – 8 weeks

- Demonstrate honesty
- Attend and participate in treatment as recommended
- Attend weekly Support Court meetings
- Weekly community visits with the Probation Officer
- Weekly call-ins
- Participate in random drug testing program
- Obtain/apply for state ID
- Apply for state insurance
- Prepare a written relapse prevention plan
- Prepare written statement of long and short term goals
- Journaling

Requirements to Advance to Phase II

- 30 days of clean time
- Support Court program compliant

Phase II – 16 weeks

- Demonstrate honesty
- Follow the rules of treatment provider
- Attend weekly Support Court meetings
- Weekly community visits the Probation Officer
- Weekly call-ins
- Participate in random drug testing
- Employment or participation in employment readiness
- GED/ HS diploma if not yet obtained
- Update written relapse prevention plan
- Update long and short term goals

- Journaling
- Employment readiness
- Participate in pro-social activities
- Pursue GED or continued education

Requirements to Advance to Phase III

- 60 days of clean time
- Support Court program compliant

Phase III – 12 weeks

- Demonstrate honesty
- Follow the rules of treatment provider
- Attend Support Court meetings every other week
- Field and office visits at least every other week
- Weekly call-ins
- Participate in random drug testing
- Update written statement of long and short term goals
- Update relapse prevention plan
- Journaling
- Obtain or maintain employment or community service

Requirements to Advance to Phase IV

- 90 days of clean time
- full-time employment/education/community service
- Support Court program compliant

Phase IV – 16 weeks

- Demonstrate honesty
- Attend Support Court meetings every other week
- Field and office visits at least every other week
- Participate in random drug testing
- Maintain employment/training/education
- Maintain pro-social activities
- Journaling
- Update written statement of long and short term goals
- Long term relapse prevention plan
- Develop transition plan for graduating Support Court

Requirements for Graduation

- Minimum of 5 consecutive months of clean time
- Support Court program compliant

Discretionary Requirements may be assigned individually

- MRT weekly groups
- AA/NA meetings
- Develop resume
- Writing assignments
- Employment readiness classes
- Parenting classes
- At the Support Court Judge's discretion, completion of a community service project

Termination/Suspension Criteria

- Threat to program integrity/disruption of Support Court
- New arrest (case-by-case basis)
- Pattern of noncompliance with Support Court requirements
- Other significant supervised release/probation violation conduct
- Unexcused absences
- Uncooperative/negative attitude
- Failure to progress

XI. INCENTIVES AND SANCTIONS

Incentives are responses to compliance, perceived as positive by the receiver.

Sanctions are the imposition of a consequence, perceived as negative by the receiver, as a direct result of a prohibited activity.

Participants may be requested to determine their own sanction. Participants may be requested to recommend sanctions for other participants. The Team may recommend sanctions/incentives for participants. The Support Court Judge makes the final determination of all sanctions and imposes all sanctions.

Incentives:

- Certificates for completion of each phase and graduation
- Verbal praise
- Applause
- Stand to be acknowledged
- All Star (participant of the month)
- Consideration for pretrial diversion or sentence reduction
- Gift Cards
- Time off of supervision (one year maximum for post-conviction participants, to be determined by Judge presiding over participant's criminal case)

Sanctions:

- Verbal reprimand
- Increased reporting
- Community service
- Phase re-evaluation
- No credit for week in phase/phase demotion
- Additional homework or writing assignments
- Overnight/day detention (maximum of 2 days in a row/seven days total)

XII. TREATMENT PROTOCOL

Treatment available to participants includes: detoxification, residential (short-term/long-term), intensive outpatient (IOP), group (e.g., relapse prevention), individual counseling, co-occurring, medication monitoring (where appropriate) and sober living residences. The level of treatment is tailored to the individual. Successful participation and completion of treatment is a requirement of Support Court.

XIII. TESTING PROTOCOL

Drug testing will be conducted in the office and field. Drug testing may also be conducted by the treatment provider. Alcohol detection devices and drug testing patches will be administered when deemed appropriate in the office or field. See Phases section for frequency.

XIV. EVALUATION DESIGN

The Support Court Steering Committee will meet periodically to review the program and, if deemed appropriate, propose changes to policy, procedures, etc.

XV. MEMORANDUM OF UNDERSTANDING

The Memorandum of Understanding is attached this document.

XVI. WAIVER

Participants will be required to sign a waiver authorizing the release of information, which will include substance abuse and mental health history and legal and medical information, to the Support Court Team. The Support Court is open to the public so there might be occasions when the public will hear information relating to participants' treatment.