

GUIDE TO
THE DISTRICT OF COLUMBIA
PRETRIAL SERVICES AGENCY'S
PROGRAMS AND SERVICES



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First Edition*

Susan W. Shaffer, Director
633 Indiana Avenue, N.W., Suite 1120
Washington, D.C. 20004
202-220-5500
www.dcpsa.gov

DISTRICT OF COLUMBIA

PRETRIAL SERVICES AGENCY

633 Indiana Avenue, NW, Suite 1120
Washington, D.C. 20004
202-220-5500
www.dcpsa.gov

OFFICE OF THE DIRECTOR

Susan W. Shaffer, Director – 202-220-5650
Clifford T. Keenan, Deputy Director – 202-220-5649
Spurgeon Kennedy, Acting Director, Office of Operations – 202-220-5654
Spurgeon Kennedy, Deputy Director, Office of Operations – 202-220-5654
Claire M. Johnson, Director of Justice and Community Relations – 202-220-5553
Jerome Robinson, Director of Forensic Research – 202-220-7254

COURT SERVICES BRANCH

Michelle Consuegra, Branch Manager – 202-585-7028
500 Indiana Avenue, NW, Room C-225

SUPERVISION BRANCH

Michael O. Williams, Branch Manager – 202-585-7950
601 Indiana Avenue, NW, Second Floor

TREATMENT BRANCH

Eric A. Holder, Branch Manager – 202-220-5528
633 Indiana Avenue, NW, Suite 920

COMMUNITY JUSTICE RESOURCES BRANCH

Terrence D. Walton, Branch Manager – 202-220-5510
633 Indiana Avenue, NW, Suite 952

DRUG TESTING AND COMPLIANCE UNIT

Carolyn Bowen, Manager – 202-220-7037
500 Indiana Avenue, NW, Rooms C-210 and C-220

FORENSIC TOXICOLOGY DRUG TESTING LABORATORY

James W. Jones, Director – 202-585-7259
300 Indiana Avenue, NW, Suite 6150

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ABOUT THE D.C. PRETRIAL SERVICES AGENCY

PSA MISSION AND VALUES

The D.C. Pretrial Services Agency (PSA) is committed to honoring the constitutional presumption of innocence and enhancing public safety by formulating recommendations that promote the use of non-financial pretrial release under the least restrictive conditions and by providing effective community supervision for defendants in a manner that: 1) reasonably assures that defendants will return to court and will not be a danger to the community while on pretrial release; and 2) addresses the social problems that contribute to criminal behavior. PSA recognizes that collaboration with the Court Services and Offender Supervision Agency and other criminal justice agencies will enhance the overall success of defendants.

The following core beliefs and values guide PSA in carrying out its day-to-day activities in support of its mission:

- The Constitutional presumption of innocence of each pretrial defendant should lead to:
 1. Least restrictive conditional release in the community.
 2. Preventive detention only as a last resort based on a judicial determination of the risk of non-appearance at court and/or dangerousness to any person or to the community.
- Accountability to the public for carrying out the PSA mission is essential.
- Non-financial conditional release, based on the history, characteristics, and reliability of the defendant, is more effective than financial release conditions. Reliance on money bail discriminates against indigent defendants and cannot effectively address conditioning defendants' conduct to protect the public.
- Pro-social interventions that address substance abuse, employment, housing, medical, educational, and mental health issues afford defendants the opportunity for personal improvement and decrease the likelihood of criminal behavior.
- All of PSA's work is performed to the highest professional and ethical standards.
- Innovation and the development of human capital lead to organizational excellence.

PSA'S STATUTORY AUTHORITY

PSA performs the tasks mandated to the Agency under Title 23, Section 1303 (h) of the D.C. Code:

"The agency shall –

- (1) Supervise all persons released on non-surety release, including release on personal recognizance, personal bond, non-financial conditions, or cash deposit with the registry of the Court;
- (2) Make reasonable effort to give notice of each required court appearance to each person released by the Court;
- (3) Serve as coordinator for other agencies and organizations, which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, availability, and capacity of such agencies and organizations;
- (4) Assist persons released pursuant to subchapter II of this chapter in securing employment or necessary medical or social services;
- (5) Inform the judicial officer and the United States Attorney for the District of Columbia or the Office of the Attorney General for the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate."

PSA'S ROLE IN THE CRIMINAL JUSTICE SYSTEM

PSA performs two critically important tasks that contribute significantly to the effective administration of justice.

PSA gathers and presents information about newly arrested defendants and available release options for use by judicial officers in deciding what, if any, conditions are to be set for released defendants.

PSA supervises defendants released from custody during the pretrial period by monitoring their compliance with certain conditions of release and helping to ensure that they appear for scheduled court hearings. PSA supervision gives the defendants the opportunity to participate in a variety of pro-social interventions in an effort to decrease the likelihood of future criminal behavior.

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When PSA performs these tasks well, unnecessary pretrial detention is minimized, jail crowding is reduced, public safety is increased and the pretrial release process is administered fairly.

A judicial officer – a judge or magistrate judge – makes the initial pretrial release decision after taking into account the representations of the prosecutor and the defense attorney, as well as PSA's release recommendation. PSA provides objective, verified data about each defendant to assist in judicial decision-making. PSA recommendations are designed to manage flight and public safety risks associated with releasing defendants. Throughout the pretrial release period, PSA notifies the Court, prosecution, and defense of defendant non-compliance. This information allows all of the parties to respond promptly to violations and fulfill their common purpose of serving the community.

SECTION 1: COURT SUPPORT

PSA GATHERS AND PRESENTS VITAL INFORMATION
ABOUT DEFENDANTS AND AVAILABLE RELEASE
OPTIONS THAT ASSIST JUDICIAL OFFICERS IN
DECISION-MAKING.

PROGRAM CONTACTS

DIAGNOSTIC UNIT

Team 1 (7:30 am to 4:00 pm), Supervisor: Demond Tigs

Team 2 (3:30 pm to 12:00 am), Supervisor: Janeth Munoz

Team 3 (11:30 pm to 8:00 am), Supervisor: Elizabeth Brassell

To request a defendant interview and/or pretrial services report for
D.C. Superior Court, call 202-585-7030

To request a defendant interview and/or pretrial services report for
U.S. District Court, call 202-442-1000

For citation inquiries, call 202-585-7030

RELEASE SERVICES UNIT

For assistance in matters regarding failure to appear, call 202-585-7077

To request a defendant interview and/or Pretrial Services Reports for D.C./traffic cases,
call 202-585-7077

COURT REPRESENTATION

D.C. Superior Court, Supervisor: LaVon Williams

U.S. District Court, Supervisor: Malaika Williams

To contact a D.C. Superior Court court representative, call 202-585-7955

For matters regarding the U.S. District Court, call 202-442-1000

DRUG TESTING AND COMPLIANCE UNIT

Adult Drug Testing, Supervisor: Pamela Brown

Family Court Drug Testing, Supervisor: Lavita Bryant-Lawson

For information regarding adult testing, call 202-585-7060

For information regarding Family Court respondent testing, call 202-585-7050

FORENSIC ANALYSIS AND TESTIMONY

Lab Director: Dr. James Jones

Director of Forensic Research: Jerome Robinson

To request drug specimen history reports and/or levels checks, call 202-585-7257

To request expert testimony for drug test interpretation, call 202-585-7257

Consultations for PSOs and CSOs are available by contacting the
FTDTL HelpDesk via Email.

DIAGNOSTIC AND RELEASE SERVICES

PSA's Diagnostic Unit and Release Services Unit serve both the D.C. Superior Court (Superior Court) and the U.S. District Court (District Court). Together, they have the primary functions to:

- Provide court officials with accurate background information on arrestees and render release recommendations that address both safety and appearance considerations;
- Meet with defendants to review their conditions of release and the penalties for not complying with release conditions, failure to appear and rearrest;
- Assist defendants and the Court to prevent issuance of bench warrants and assist defendants in surrendering on outstanding D.C. bench warrants; and
- Make recommendations for citation release.

Diagnostic Pretrial Services Officers (PSO) are in both courts and interview and investigate the backgrounds of defendants who are arrested on federal, felony and misdemeanor, and D.C./traffic charges and prepare Pretrial Services Reports (PSRs) to assist judicial officers in setting release conditions. The PSOs collect and verify data on a defendant's community ties, criminal history, physical and mental health status, substance abuse, and probation, parole and supervised release status and present this information in the PSR. The report also includes a detailed recommendation that identifies the various detention and/or administrative hearings for which the defendant is eligible and conditions of pretrial release PSA determines are needed to minimize the defendant's risk of failure to appear in court and/or rearrest. Copies of the PSR are given to the Court, defense attorney, and prosecutor.

The staff also travels to the city's police districts to interview defendants who are detained in preparation for arraignment court. These interviews comprise approximately half of the population scheduled to appear in arraignment court the following day.

PSA uses a risk assessment instrument that ensures the use of reliable data and identifies the most appropriate supervision levels of pretrial release for defendants. The risk assessment instrument is designed to score various risk measures specific to the District's defendant population, based on historical trends, resulting in values used to assign defendants to different risk categories and corresponding supervision assignment to help reduce the risk of failure to appear and rearrest.

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In District Court, defendants indicted by a grand jury or those who plead to the charging document that have not been interviewed by PSA are notified by the Court Clerk's Office before their arraignment/plea dates to contact PSA to arrange an appointment for an interview. When the Court notice for the arraignment/plea date is mailed to the defendant, included on the notice are instructions for either the defendant or defense counsel to contact the PSA District Court Unit before the arraignment /plea date to arrange for an interview.

PSOs also are present during arraignment in both courts to assist with questions concerning the PSR, provide current drug testing results, and provide recommendations for the release order for lock-up cases. In District Court, the PSO reviews the conditions of release with the defendant while in the courtroom. In Superior Court defendants are instructed to report to the Release Services Unit in room C-301 where their release conditions are reviewed to ensure they are fully understood.

Staff in the Release Services Unit meet with defendants just released from the courtroom and conduct post-release interviews (PRI). They review the conditions of release with the defendant, and the repercussions of not complying with release conditions, failure to appear in court or rearrest. All defendants should report to this unit immediately following their release after arraignment, and any time there are subsequent modifications in release in order to review release conditions and have any questions answered.

The Release Services Unit also is responsible for the diagnostic investigation and daily preparation of PSRs for defendants on the daily lock-up list charged with traffic and D.C. regulatory cases. Upon request, PSRs also are provided to judges who have defendants arrested on outstanding bench warrants, but not charged with a Bail Reform Act violation.

Failure-to-appear (FTA) matters are handled by the Release Services Unit. Whether an inquiry comes from the Court regarding the location of a defendant who is due or a defendant appears who has missed a court date, an investigation is conducted to determine the reason for a defendant's non-appearance in court. The pertinent information is documented and the Court is informed of the findings. Defendants sometimes contact PSA and provide information about a future court date where they will be unable to appear. This information is investigated and reported to the Court, which can prevent issuance of a bench warrant.

PSOs in this Unit also investigate Rule 5 matters for defendants arrested in other jurisdictions on D.C. warrants.

COURT REPRESENTATION

PSA court representatives are a team of PSOs who are responsible for representing PSA in Superior Court during judicial proceedings. Specifically, court representatives are responsible for:

- Obtaining information for the Court about defendants (*e.g.*, compliance with release conditions, warrants checks, verifications) and ensuring that evaluations are completed by the appropriate unit for possible program placement recommendations;
- Collecting reports from PSA case managers and ensuring that the Court receives the reports by the business day prior to court;
- Ensuring that a PSO is present in court in the event that PSA recommends program placement or any modification of existing release conditions; and
- Ensuring that the appropriate forms, release orders and any other applicable documents are completed and that the copies are distributed to the defendant and his/her attorney along with any necessary written instructions, contact information and directions; and
- Explain PSA policy and/or program requirements to the Court, defendant or others, as needed.

PSA's limited resources prevent assignment of court representatives to each courtroom, so court representatives frequently are assigned to cover multiple courtrooms on any given day. They ensure that the respective chambers and court clerks have their contact information so they can be readily contacted by cell phone when needed.

DRUG TESTING AND COMPLIANCE

The Drug Testing and Compliance Unit (DTCU) is responsible for the collection of urine samples in Superior Court and District Court for defendants arrested and charged with a criminal offense, as well as respondents ordered into testing by the Family Court Division. In order to achieve its mission, the DTCU is responsible for:

- Collecting urine samples from defendants and respondents in lock-up;
- Processing defendants and respondents on release with drug testing conditions;
- Providing testimony about relevant drug testing and chain-of-custody information to judicial officers, attorneys, social workers, CSOSA's community supervision officers (CSO) and PSOs;

- Referring defendants to case managers due to violations;
- Providing juvenile criminal histories to PSA's Diagnostic Unit and District Court Unit for to be used for bail purposes;
- Monitoring defendants (PSA does not monitor Family Court respondents) initial compliance and non-compliance with drug testing conditions, verifying addresses and court dates; and
- Investigating the reason for a defendant's failure to appear for drug testing.

Test results used for bail purposes become a part of the PSR to formulate release recommendations. When the DTCU determines that a defendant reporting for drug testing has an outstanding bench warrant, the DTCU directs him/her to the Release Services Unit for resolution of this warrant.

FORENSIC ANALYSIS AND TESTIMONY

Forensic analysis and testimony are performed by PSA's Forensic Toxicology Drug Testing Laboratory (FTDTL), which serves both PSA and the Court Services and Offender Supervision Agency (CSOSA) by providing:

- Forensic toxicology drug testing and analysis, and
- Expert testimony in forensic toxicology at judicial and administrative proceedings.

The FTDTL is certified by the U.S. Department of Health and Human Services and is staffed by professionals with credentials in forensic toxicology, forensic science, medical technology, chemistry and biology.

FORENSIC ANALYSIS

The FTDTL uses Immunoassay and Gas Chromatography Mass Spectrometry as the primary drug testing methodologies.

- *Immunoassay* (EMIT) – Metabolism is the process by which the body chemically converts an ingested drug into water-soluble forms (metabolites), which can be eliminated in the urine. The immunoassay tests are designed to identify the principal drug or metabolites that are produced following ingestion of drugs.
- *Gas Chromatography Mass Spectrometry* (GCMS) – Gas Chromatography Mass Spectrometry (GCMS) is widely recognized in the scientific community as

the most specific, sensitive technique that exists for determining the chemical structure of a compound. A GCMS analysis of a drug metabolite is fingerprinting the chemical structure of that drug on a submolecular basis.

Individual test profiles consist of three or four tests for any combination of the following drugs: cocaine, marijuana, PCP, and opiates. Positive tests are retested to validate their accuracy. When requested for challenge hearings, GCMS is used to confirm positive results.

The FTDTL performs tests on over 40,000 specimens each month from pretrial defendants as well as probationers, parolees and Family Court respondents. This translates to approximately 2.5 million analyses of various drugs per year. Two facilities are available for testing this large volume of work. The laboratories are located at 300 Indiana Avenue, NW, and 500 Indiana Avenue, NW.

EXPERT TESTIMONY AND CONSULTATION

All testimony in support of analytical results and interpretation presented in court or at administrative hearings is provided by FTDTL's expert toxicologists/chemists. FTDTL staff interprets results for new or residual use for over 2,000 defendants/offenders each month.

Designated staff is available for consultation on matters related to drug testing and interpretation. PSOs and CSOs can request information or consultation via email through the laboratory Help Desk. Defense counsel requesting levels checks must make this request in person at the Lab so that appropriate identification can be established. Requests from prosecutors and defense counsel for drug specimen history reports and/or for FTDTL personnel to provide expert testimony regarding an interpretation of any report must be made no less than 24 hours in advance of its intended use at a violation hearing, show cause hearing, or challenge hearing. This requirement does not preclude inquiries that may be made concerning whether a positive drug test result appears to be new use or is consistent with a residual presence of the controlled substance, information which is often vital in counsel's making a decision whether or not to challenge a particular test result at a subsequent sanctions hearing.

SECTION 2:
**DEFENDANT
SUPERVISION**

PSA SUPERVISES DEFENDANTS RELEASED FROM CUSTODY BY MONITORING THEIR COMPLIANCE WITH RELEASE CONDITIONS AND HELPING TO REASONABLY ASSURE THAT THEY APPEAR FOR SCHEDULED COURT HEARINGS AND ARE NOT A THREAT TO PUBLIC SAFETY.

PROGRAM CONTACTS

GENERAL SUPERVISION UNIT

Supervisor, Team 1: Patty Sucato
Supervisor, Team 2: Michael Kainu
Supervisor Team 3: Keelon Hawkins
For general questions, call 202-585-7955

COMMUNITY COURT

Supervisor: Keelon Hawkins
For general questions, call 202-585-7983

HIGH INTENSITY SUPERVISION PROGRAM

Supervisor: Cynthia Cummings
To arrange program placement, call 202-220-5530

U.S. DISTRICT COURT SUPERVISION

Supervisor: Malaika Williams
To arrange program placement, call 202-442-1000

SPECIALIZED SUPERVISION (MENTAL HEALTH) UNIT

Supervisor: Tracey Carson
For general information, call 202-585-7200
To request an assessment for mental health treatment or services,
call the Social Services Assessment Center at 202-220-5770

Contact information for court representation and drug testing is provided on page 6.

GENERAL SUPERVISION UNIT

(Operated by the Supervision Branch)

Program Summary (Superior Court only)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Any defendant not released into a specific PSA unit or program. 	<ul style="list-style-type: none"> ▪ Any defendant charged with a felony or misdemeanor and released on non-surety release conditions by the Superior Court.
Supervision and/or Services Provided	
<ul style="list-style-type: none"> ▪ Attempt to keep defendants in compliance with release conditions; ▪ Notify the Court of violations of release conditions; ▪ Notify the Court of rearrest; ▪ Screen defendants for placement in the High Intensity Supervision Program, New Directions, Drug Court, sanction-based treatment contracting or Specialized Supervision Unit; ▪ Refer defendants who are ineligible for Sanction-Based Treatment to Community-Based Treatment; ▪ Administrative placement into drug treatment after assessment of defendants referred by the Court or who repeatedly test positive; ▪ Refer defendants for social services when needed or requested; and ▪ Make appropriate supervision or treatment recommendation when defendants violate release conditions. 	

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General Supervision Unit – Continued from the previous page

Program Sanctions and/or Incentives
<p>Sanctions Responses to infractions include the following sanctions:</p> <p><u>Drug Testing</u></p> <ul style="list-style-type: none">▪ Verbal and written warning;▪ Warning with discussion of treatment needs; and▪ Referral for substance abuse assessment and possible placement into an appropriate treatment program. <p><u>Contact</u></p> <ul style="list-style-type: none">▪ Warning; and▪ Recommendation for increased supervision. <p>Incentives</p> <ul style="list-style-type: none">▪ Reduction in drug testing schedules for defendants who continue to abstain from drug use.
Placement Procedures
<ul style="list-style-type: none">▪ Defendants released on non-surety release conditions by the Superior Court are placed into GSU unless a specific placement into another program has been made.

I. PROGRAM OVERVIEW

The General Supervision Unit (GSU) oversees more than 80 percent of the defendants released to PSA's supervision. The program actively supervises compliance with extensive release conditions imposed by Superior Court judicial officers (*e.g.*, weekly drug testing or in-person reporting with PSA), notifies the Court, prosecution, and defense counsel of condition violations, and provides daily courtroom support on pretrial matters to judicial officers. Social services such as employment counseling also are offered when needed or requested through referrals to PSA's Social Services and Assessment Center (SSAC).

Defendants with monitored release conditions (*e.g.*, verify address, stay away from a location, or maintain employment) or no release conditions are notified of their appearance dates and are referred for any social services if requested by the defendant.

II. ELIGIBILITY CRITERIA

The GSU is open to defendants charged with felony and misdemeanor offenses and released on non-surety release. Defendants in this program present a wide variety of risk profiles – from those presenting little risk and needing minimal monitoring to those posing greater risk requiring extensive release conditions. PSA does not actively supervise defendants with only monitored release conditions.

III. SUPERVISION AND/OR SERVICES PROVIDED

Defendants managed by the GSU can have any number and type of release conditions ranging from verification of address or employment to regular in-person reporting or telephone contact with PSA, drug testing, and stay away orders. While the program strives to supervise all defendants effectively, it concentrates its case management resources on defendants released with extensive conditions (*e.g.*, in-person contact, telephone contact with PSA, stay away from person orders, and drug testing). PSA attempts to bring defendants into compliance before notifying the Court of non-compliance. Case managers cannot compel reporting unless it is a release condition.

When a defendant receives a drug evaluation condition with possible program placement by PSA, he/she will be placed on a weekly drug testing schedule if his/her initial test is positive. If subsequent drug test results indicate that a substance abuse assessment may be needed, the defendant is required to report to a case manager. Treatment can be arranged as supported by the assessment.

When there is a need to increase a defendant's level of supervision, GSU staff recommend placement into one of PSA's other supervision programs. Case managers also refer court-ordered pretrial defendants to CSOSA's Domestic Violence Intervention Program and report compliance to the Court. GSU does not supervise defendants charged with domestic violence under deferred sentencing status. CSOSA is responsible for these cases.

Defendants under general supervision often present issues that may contribute to failure to appear in court or rearrest (*e.g.*, unstable home environments, homelessness, minimal vocational skills, illiteracy, substance abuse, mental health, and physical problems, among others). To help address these issues, GSU case managers may screen extensively supervised defendants (or those defendants who request these services) for possible referral to local social services providers. Case managers direct defendants needing these services to PSA's SSAC.

The GSU case managers also handle emergencies as they arise for supervised defendants. These include notifying the Court when defendants cannot appear as required for scheduled hearings, referring defendants who request assistance with outstanding bench warrants to PSA's Release Services Unit (all outstanding federal warrants are handled by the District Court Pretrial Services Officers (PSO)), and arranging short-term social services with the SSAC.

Note: Any defendant who reports to a PSA unit with an outstanding bench warrant and who does not affirmatively ask for assistance for resolving the warrant will be subject to arrest.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

The GSU uses graduated consistent responses to compliance and non-compliance with conditions of release to help enhance defendants' observance of court requirements. Sanctions available to case managers include verbal and written warnings for program infractions and recommendations for treatment placement, program discharge, and placement into a higher level of supervision for continued non-compliant behavior or violation of conditions. If the defendant is not in compliance with the conditions of release, the PSO will send a report to the Court, including specific recommendations designed to address the violation.

Incentives include reduction in drug testing schedules for defendants who have a drug condition with possible program placement by PSA and who continue to abstain from drug use. These defendants are discharged from drug testing after 12 weeks of consecutive negative tests (the Court still can request spot tests for discharged defendants).

V. PLACEMENT PROCEDURES

Upon release, the defendant reports to PSA's Release Services Unit and undergoes a post-release interview. Supervision begins when the GSU receives a release order from the Court with extensive release conditions (*e.g.*, in-person contact, telephone contact with PSA, stay away from person orders, and drug testing).

COMMUNITY COURT

(Operated by the Supervision Branch and supported by the Treatment Branch)

Program Summary (Superior Court only)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Misdemeanors (excluding domestic violence) arrested in the 6th and 7th police districts. 	<ul style="list-style-type: none"> ▪ No other current pending misdemeanor charges before another calendar; and ▪ No fugitive charges. ▪ Defendants with substance abuse problems or mental illness do not qualify for community service, but still may be eligible for diversion.
Supervision and/or Services Provided	
<ul style="list-style-type: none"> ▪ Attempt to keep defendants in compliance with release conditions; ▪ Monitor the deferred prosecution and deferred sentencing agreements; ▪ Notify the Court of violations of release conditions; ▪ Notify the Court of rearrest; ▪ Screen defendants for placement in the High Intensity Supervision Program, New Directions, Drug Court, or the Specialized Supervision Unit; ▪ Referrals for and monitoring of community service for defendants with deferred prosecution or deferred sentencing agreements; ▪ Referrals for housing, employment, education or other needed social services; ▪ Administrative placement into drug treatment after assessment of defendants referred by the Court or who repeatedly test positive; and ▪ Make appropriate supervision recommendation when defendants violate diversion or release conditions. 	

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Community Court – Continued from the previous page

Program Sanctions and/or Incentives
<p>Sanctions Responses to infractions include the following sanctions:</p> <p><u>Drug Testing</u></p> <ul style="list-style-type: none">▪ Verbal and written warning;▪ Warning with a discussion of treatment needs;▪ Referral for substance abuse assessment and possible placement into an appropriate drug treatment program; and▪ Termination of the deferred prosecution and deferred sentencing agreements. <p>Incentives Reduction in drug testing schedules for defendants who continue to abstain from drug use.</p>
Placement Procedures
<ul style="list-style-type: none">▪ Eligible defendants are arraigned in the East of the River Community Court courtroom. The USAO determines a person's eligibility for a deferred prosecution or deferred sentencing agreement. The USAO and the defendant execute the agreement and its requirements.

I. PROGRAM OVERVIEW

The East of the River Community Court (ERCC) has jurisdiction over U.S. misdemeanor cases other than domestic violence arising from arrests in the 6th and 7th police districts. The ERCC's fundamental aim is to provide diversion opportunities, when appropriate, to defendants possessing the eligibility criteria for a specified deferred prosecution or deferred sentencing option. Diversion can include, but is not limited to, PSA's Superior Court Drug Intervention Program (Drug Court), and the United States Attorney's Office's (USAO) First Time Offender Program or Mediation. When defendants are required to complete community service hours as part of their deferred prosecution or deferred sentencing agreements, they are referred to PSA's Capital Service Program, which is responsible for arranging community service placements and monitoring the defendants' participation. Community services hours must be completed within two weeks and the defendant must remain compliant with the terms of the diversion agreement for four months. In rare instances, the USAO may extend diversion to six months to monitor for rearrest.

II. ELIGIBILITY CRITERIA

Defendants arrested within the 6th and 7th police districts and who meet the following criteria are eligible for the ERCC:

1. Misdemeanor cases only;
2. No domestic violence cases;
3. Can have a pending felony in another courtroom;
4. No other current pending misdemeanors before another calendar judge; and
5. No Fugitive charges.

If a new arrest is an eligible misdemeanor charge, and the defendant already has a pending felony, the new misdemeanor will be arraigned in the ERCC.

Defendants with eligible charges who also have a current pending misdemeanor charge before another judge are not eligible and will not be arraigned in the ERCC. They will be arraigned in C-10 and remain on the initial judge's calendar.

Defendants with a mental illness or substance abuse problems do not qualify for community service, but diversion options still may be pursued.

III. SUPERVISION AND/OR SERVICES PROVIDED

PSA reviews the information presented at the time of the arrest, conducts an initial screening, prepares a pretrial services report (PSR) and makes recommendations for release.

Defendants who are placed under pretrial supervision by the ERCC can participate in various supervision programs and/or have subsequent assignments to PSA treatment programs or services. Referrals are made for housing, employment, education and other needed social services

When a defendant receives a drug evaluation condition with possible program placement by PSA, he/she will be placed on a weekly drug testing schedule if his/her initial test is positive. If subsequent drug test results indicate that a substance abuse assessment may be needed, the defendant is required to report to a case manager. Treatment can be arranged as supported by the assessment. Defendants with this condition who abstain from drug usage will be discharged from drug testing after 12 consecutive negative tests.

Defendants with deferred prosecution and deferred sentencing agreements with community service requirements will be monitored for up to 32 hours of community service which must be completed within two weeks; and supervised for a maximum of four months for other joint diversion/release conditions. Defendants meet with their supervising PSOs to establish a plan for completion of community service hours. The PSO works with the defendant to complete community service obligations on time, and scheduling may be modified for verified, legitimate reasons as long as requisite hours are completed in the allowed timeframe.

At the end of four months, PSA no longer will monitor joint diversion/release conditions.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

The ERCC PSOs notify the Court of non-compliance. Defendants are sanctioned and receive incentives in accordance with the PSA program under which they are being supervised. Termination of the deferred prosecution or deferred sentencing agreement is a consequence of non-compliance.

V. PLACEMENT PROCEDURES

The USAO determines a person's eligibility for diversion, deferred prosecution or deferred sentencing. The agreement and its requirements are executed by the prosecution and defendant. The agreement also is accompanied by a release order with co-occurring release conditions and signed by the Court. Community service hours are conditions only of deferred prosecution or deferred sentencing agreements and are not conditions of pretrial release.

Upon release, the defendant reports to PSA's Release Services Unit and undergoes a post-release interview with instructions about his/her next contact with PSA and a case manager. Defendants are required to report to their case managers within 48 hours of release, at which time the conditions of release are reviewed again and any appropriate referrals are made.

HIGH INTENSITY SUPERVISION PROGRAM

(Operated by the Supervision Branch)

Program Summary (Superior Court and District Court)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Supervision-related program failures from general supervision, sanction-based treatment contract, New Directions or Drug Court; ▪ Violent misdemeanors based on risk assessment; ▪ All felonies based on risk assessment; and ▪ Compliant defendants in the halfway house for at least 30 days. 	<ul style="list-style-type: none"> ▪ No outstanding extraditable warrants or detainers; ▪ No removals from the High Intensity Supervision Program within the past 30 days; ▪ Verified address with operable landline telephone to monitor curfew; and ▪ Agreement of homeowner to have electronic monitoring equipment installed.
Supervision and/or Services Provided	
<ul style="list-style-type: none"> ▪ In-person contact with case manager; ▪ Drug testing at least once per week; ▪ Community phase – Daily electronic monitoring from 10:00 p.m. to 6:00 a.m.; ▪ Home confinement phase – 24-hour curfew for a 21-day period; ▪ Administrative placement into drug treatment after assessment of defendants referred by the Court or who repeatedly test positive; ▪ Placement in Violence Intervention Program is available, but not required, for unemployed defendants; ▪ Refer defendants for social services or discharge; ▪ Make appropriate supervision or discharge recommendation when defendants violate release conditions; and ▪ Notify the Court of violations on a weekly basis while defendant is in the community phase and after each infraction when defendant is in the home confinement phase. 	

Continued on the following page

High Intensity Supervision Program – Continued from the previous page

Program Sanctions and/or Incentives

Sanctions

Responses to infractions include the following sanctions:

Community Phase:

- Verbal warning;
- Modification of curfew hours to 8:00 pm to 6:00 a.m.
- If the infraction also is the second drug testing infraction, testing will be increased to twice weekly and require a substance abuse assessment for consideration of substance abuse treatment. If treatment is deemed necessary, participation in sanction-based treatment program is required.
- 7 days of 24-hour curfew.
- 14 days of 24-hour curfew.
- 21 days of 24-hour curfew.
- Subsequent infractions will result in the defendant's staying under 24-hour curfew until a Court hearing.

Home Confinement Phase (24-hour curfew for 21 days):

- If the infraction also is the second drug testing infraction, testing will be increased to twice weekly and require a substance abuse assessment for consideration of substance abuse treatment. If treatment is deemed necessary, participation in sanction-based treatment program is required.
- 7 additional days of 24-hour curfew.
- 14 additional days of 24-hour curfew.
- 21 additional days of 24-hour curfew with report forwarded to the Court requesting removal from HISP. Defendant will remain on 24-hour curfew until a hearing is held; even if the hearing is not held within the 21-day period.

Incentives

Placement into the Community Phase of the program, decrease in a defendant's drug testing requirement if negative, and/or adjustment to nightly curfew.

Placement Procedures

- A defendant must be screened by PSA. An Attorney Referral Form may be obtained through PSA and must be received at least 5 business days prior to the Court hearing.
- Once found eligible, PSA provides the necessary release orders to the Court.

I. PROGRAM OVERVIEW

The High Intensity Supervision Program (HISP) monitors a defendant's compliance with release conditions imposed by the Superior Court and District Court. The program notifies the Court, prosecution, and defense counsel of program infractions and violations. In addition, HISP provides immediate sanctions in response to any program infractions.

Case managers in HISP also monitor defendants who are ordered into Work Release and who reside at a Department of Corrections (DOC) halfway house. HISP screens defendants in halfway houses for placement in HISP or PSA's drug treatment programs.

II. ELIGIBILITY CRITERIA

HISP is open to defendants who:

1. Have failed out of GSU, sanction-based treatment contract, New Directions or Drug Court for supervision-related reasons; or
2. Have been in compliance with conditions of Work Release and DOC halfway house rules for at least 30 days; or
3. Are charged with any type of felony and/or violent misdemeanor; and
4. Do not have any outstanding extraditable warrants or detainers; and
5. Have not been removed from the program within the past 30 days due to program violation; and
6. Have a verifiable curfew address with an operable landline telephone and agreement from the homeowner to have electronic monitoring equipment installed and all optional telephone features removed.

A defendant may not be placed into HISP without having been properly screened and found eligible by a PSO.

III. SUPERVISION AND/OR SERVICES PROVIDED

HISP consists of two phases, the Community Phase and the Home Confinement Phase. The Court can order a defendant into the Community Phase, wherein he/she will start with a nightly curfew at 10:00 p.m. If a defendant incurs continual program infractions, this may result in placement on Home Confinement. The Court also can order a defendant to be placed directly onto 21-day home confinement. This allows a defendant to leave his/her home only for purposes related to pretrial release conditions, verified legal, medical, employment or school appointments and to meet with defense counsel as needed.

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All defendants, regardless of which phase they are in, will be required to report regularly to a case manager and drug test at least once a week. All defendants will have a nightly curfew that will be monitored electronically. The assigned HISP case manager will continue to supervise the defendant's progress if in treatment. These defendants receive contracted substance abuse treatment while in HISP, if necessary. HISP defendants do not participate in Drug Court or New Directions.

The HISP notifies the Court of any program infractions. When a defendant incurs an infraction in the community phase, HISP notifies the Court with a weekly report. During the home confinement phase, HISP notifies the Court as each infraction occurs.

When a defendant receives a drug evaluation condition with possible program placement by PSA, he/she will be placed on a weekly drug testing schedule if his/her initial test is positive. If subsequent drug test results indicate that a substance abuse assessment may be needed, the defendant is required to report to a case manager. Treatment can be arranged with a contract treatment vendor as supported by the assessment.

HISP case managers can at any time refer a defendant to PSA's SSAC, where they may receive assistance with employment, education, medical, and housing, among other services. Should a need for drug treatment arise, the HISP will facilitate the necessary steps to ensure that a defendant is placed in an appropriate treatment program with a contracted vendor.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

HISP offers immediate administrative sanctions and/or incentives, which means that the program imposes the sanction rather than all parties returning to Court in order to have the judicial officer impose it. PSA's authority to impose administrative sanctions is set forth in the HISP release order. Sanctions available to case managers include verbal and written warnings, increase of defendant's drug testing requirement, placement into a treatment program, modification of nightly curfew or placement on home confinement. An incentive may be placement into the Community Phase of the program, a decrease in a defendant's drug testing requirement if negative, and adjustment to nightly curfew.

In the event that a defendant misses three consecutive contacts (*e.g.*, fails to report to the PSO and/or fails to report for drug testing), it is considered a loss of contact. As a result, HISP will submit a report to the Court requesting that a revocation hearing be held. After 10 business days, a follow-up letter will be sent to the Court advising that the defendant remains a loss of contact and that the electronic monitoring equipment will be removed from

the defendant's residence in five business days. Once the equipment has been removed, PSA will no longer monitor the court-imposed curfew.

V. PLACEMENT PROCEDURES

A defendant may not enter into HISP without having been properly screened and found eligible by a PSO. Defense counsel may obtain an Attorney Referral Form from HISP. In order to complete such a referral, the program must receive the paperwork five business days before the defendant's court date. If a defendant is found eligible, the necessary paperwork will be provided to the Court on the day of the defendant's hearing. Once the Court has ordered a defendant's placement into the program, the defendant will be required to report to HISP the following business day at 10:00 a.m. for orientation.

Defendants placed in a halfway house are supervised by PSA in conjunction with the D.C. Department of Corrections (DOC). Defendants placed in a halfway house can be given a pretrial drug evaluation release condition with possible program placement by PSA. This means the defendant will be required to report to a PSO if the drug test results indicate that a substance abuse assessment is needed, and subsequent treatment can be arranged with a contract treatment vendor as supported by the assessment. Defendants with this condition who abstain from drug use will be discharged from drug testing after 12 weeks of consecutive negative tests. PSA reviews the defendants' compliance with release conditions with the DOC. When a defendant is in compliance with PSA and DOC requirements for 30 consecutive days, PSA makes a recommendation to the Court for less restrictive release conditions.

U.S. DISTRICT COURT SUPERVISION

(Operated by the Court Services Branch)

Program Summary (District Court only)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ All defendants on conditional release from District Court in the District of Columbia and other federal districts. 	<ul style="list-style-type: none"> ▪ Federal misdemeanor and felony charges.
Supervision and/or Services Provided	
<ul style="list-style-type: none"> ▪ Various extensive release conditions for defendants released on personal recognizance, including obtaining employment, telephone contact, regular in-person reporting, curfew and drug testing; ▪ For violation of release conditions, increased supervision may be recommended, including recommendation to the Court for placement into the High Intensity Supervision Program, New Directions, sanction-based treatment contract, or Specialized Supervision Unit; ▪ Referrals to social services providers also are made as appropriate; and ▪ Appropriate supervision, treatment or discharge recommendations are made when defendants violate release conditions. 	
Program Sanctions and/or Incentives	
<p>Sanctions Responses to infractions include the following sanctions:</p> <ul style="list-style-type: none"> ▪ Verbal and written warnings; ▪ Recommendation for a higher level of supervision; and ▪ For those on sanction-based treatment contract; sanctions include reorientation, redirection groups or enhanced treatment and serving a 3-night jail sanction. <p>Incentives Reduction in drug testing schedules for defendants who continue to abstain from drug use.</p>	
Placement Procedures	
<ul style="list-style-type: none"> ▪ Pursuant to a release order indicating extensive release conditions; and ▪ Prior to placement into sanction-based treatment, defendant is assessed to determine eligibility and appropriate placement. 	

I. PROGRAM OVERVIEW

Federal defendants under general supervision are supervised by PSOs in the District Court Unit (DCU), which is located in the U.S. District Court building. The DCU supervises defendants on conditional release from District Court and monitors and reports defendants' compliance to the Court. In addition, DCU voluntarily monitors defendants on release from other federal districts.

The DCU also arranges for defendants who live in other federal districts to be supervised by the Federal Pretrial Services Agency in the home district.

II. ELIGIBILITY CRITERIA

DCU is open to defendants charged with federal misdemeanor and felony offenses. Defendants placed on personal recognizance present a wide variety of risk profiles, from those presenting little risk and needing minimal monitoring to those posing greater risk and requiring extensive release conditions.

III. SUPERVISION AND/OR SERVICES PROVIDED

Defendants supervised while on personal recognizance can have any number and type of extensive release conditions ranging from maintaining employment to regular in-person reporting, curfew, drug testing and sanction-based treatment. The Unit supervises all defendants with these extensive supervision conditions. The Evening Unit makes curfew calls throughout the evening to defendants given a curfew release condition in District Court. PSA attempts to bring defendants into compliance before notifying the Court of non-compliance.

When a defendant receives a drug evaluation condition with possible program placement by PSA, he/she will be placed on a weekly drug testing schedule if his/her initial test is positive. If subsequent drug test results indicate that a substance abuse assessment may be needed, the defendant is required to report to a case manager. Treatment can be arranged as supported by the assessment.

When there is a need to increase a defendant's level of supervision, the PSO will recommend placement into one of PSA's high risk supervision programs. DCU case managers also evaluate and monitor those defendants placed in sanction-based treatment with a contract vendor.

Defendants under general supervision often present issues that may contribute to failure to appear in court or rearrest (*e.g.*, unstable home environments, homelessness, minimal vocational skills, illiteracy, substance abuse, mental health, and physical problems, among others). To help address these issues, DCU case managers may screen extensively supervised defendants (or those defendants who request these services) for possible referral to local social services providers. Case managers direct defendants needing these services to PSA's SSAC.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

The DCU uses graduated consistent responses to compliance and non-compliance with conditions of release to help enhance defendants' observance of court requirements. Sanctions available to case managers for those not on a sanction-based contract include verbal and written warnings for program infractions, placement into drug treatment after assessment of defendants referred by the Court or the PSO, and recommendation for a higher level of supervision for continued non-compliant behavior. While on a sanction-based treatment contract, the sanctions include a reorientation¹ meeting and additional redirection² groups or enhanced treatment and serving three nights in the jail. All treatment enhancements are assessment-driven.

Incentives include reduction in drug testing schedules for defendants who continue to abstain from drug use and recommended reductions of supervision requirements. Defendants who have a drug condition with possible program placement by PSA, but who abstain from drug use, are discharged from drug testing after 12 consecutive negative tests (the Court still can request spot tests for discharged defendants).

The DCU PSO ensures that relevant information regarding compliance is current and available to the judge. If the defendant is not in compliance with the conditions of release, the PSO will send a report to the Court, including specific recommendations designed to address the violation. PSA no longer prepares reports for defendants who are in full compliance. Full compliance means that the defendant has not incurred any infractions of any release conditions since his/her last court hearing. If no report is forwarded to the Court, this indicates the defendant is in full compliance.

¹ Reorientation is the process whereby defendants are required to meet individually with a PSO and review program requirements.

² Redirection is a type of therapy group based on the motivational enhancement/interviewing approach designed to enhance (or redirect) an individual's motivation to pursue successful completion of treatment.

V. PLACEMENT PROCEDURES

Supervision begins when the DCU receives a release order with extensive release conditions from the Court.

SPECIALIZED SUPERVISION (MENTAL HEALTH) UNIT
 (Operated by the Community Justice Resources Branch)

Program Summary (Superior Court and District Court)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Misdemeanor and felonies assessed with mental illness, mild mental retardation and co-occurring disorders. 	Specialized Supervision Unit eligible: <ul style="list-style-type: none"> ▪ Mild mental retardation; ▪ Severe, persistent and chronic mental illness; ▪ Co-occurring substance abuse and mental disorder; and/or ▪ Found competent or pending determination for competency. Options Program eligible ³ : <ul style="list-style-type: none"> ▪ Must self-report or show evidence of mental illness; ▪ Not already connected to a CSA; ▪ Connected to a CSA, but agrees to be supervised by Options CSA; ▪ No primary substance dependence; and ▪ DC residency is required for services provided through DMH.

Continued on the following page

³ The Options Program is a component of the SSU. Defendants not eligible for Options still may be appropriate for SSU placement.

Specialized Supervision (Mental Health) Unit – Continued from the previous page

Supervision and/or Services Provided
<p>Specialized Supervision Unit</p> <ul style="list-style-type: none"> ▪ Case management and referrals to mental health service providers; ▪ Psychological testing through referrals to the SSAC; ▪ Drug testing and treatment; ▪ Social service referrals; and ▪ Monitor deferred prosecution agreements for mentally-ill defendants placed in the ERCC. <p>Options Program</p> <ul style="list-style-type: none"> ▪ All Specialized Supervision Unit services; ▪ Transportation for defendants from the Court for initial intake with the mental health service provider; ▪ Limited number of housing placements; and ▪ Reduced DMH/core service agency caseload ratio to ensure intensive case management and supervision.
Program Sanctions and/or Incentives
<ul style="list-style-type: none"> ▪ Individualized therapeutic responses.
Placement & Discharge Procedures
<p>Placement</p> <ul style="list-style-type: none"> ▪ After the defendant is evaluated by DMH or SSAC staff and found eligible, the judicial officer sets a mental health condition of release. <p>Discharge</p> <ul style="list-style-type: none"> ▪ If the defendant is sentenced to probation while in mental health treatment with DMH, SSU's involvement will be terminated.

I. PROGRAM OVERVIEW

The Specialized Supervision Unit (SSU) provides specialized services and supervision to defendants with mental illness, mild mental retardation and/or co-occurring substance abuse and mental disorders. The SSU works collaboratively with the Department of Mental Health (DMH), the Mental Retardation and Developmental Disabilities Administration, and designated mental health service providers in administering these services. PSA formerly provided mental health services only through the Options Program, but has expanded its capacity and services through the SSU.

The Options Program is a separate program within the SSU that has a limited capacity and features a reduced DMH/core service agency (CSA) caseload ratio to provide intensified supervision services. A limited number of housing placements are available.

II. ELIGIBILITY CRITERIA

The target population for the SSU is defendants having a psychosis and/or other major mental illnesses that substantially impair their ability to function independently. Defendants who are found competent or pending determination of competence are eligible for the SSU. Defendants who are determined to be incompetent are not supervised by PSA, but will be monitored to encourage compliance with DMH requirements for competency restoration treatment.

Specifically, the SSU provides supervision and case management of adult defendants with any of the following conditions: 1) severe, persistent, and chronic mental illness; 2) mild mental retardation; 3) severe, pathological personality disorders; and 4) co-occurring substance abuse and mental disorders. A mental health treatment assessment is required prior to placement in the SSU.

Options Program eligibility criteria include:

1. Must self-report or show evidence of mental illness;
2. Not already connected to a DMH/CSA;
3. Already connected to a DMH/CSA; but agrees to be supervised by the Options CSA;
4. No primary substance dependence (*i.e.*, substance abuse must be assessed as secondary to the mental illness); and
5. DC residency.

Mentally ill or mentally retarded defendants who are ineligible for the Options Program still may be appropriate for the SSU if found to be sufficiently mentally impaired.

III. SUPERVISION AND/OR SERVICES PROVIDED

The SSU makes the following services available to defendants through referral to DMH core service agencies (CSA) as needed:

- Psychiatric services;
- Medication management;
- Hospitalization (psychiatric and medical);
- Psychosocial rehabilitation/employment services;
- Vocational rehabilitation/employment services; and
- Connection or reconnection to permanent mental health case management services.

SSU case managers attempt to ensure that the CSA has these services in place and monitor the defendant's participation in and response to these services. As needed, SSU case managers make court representation regarding defendant's compliance with any mental health-related release conditions.

IV. SANCTIONS AND/OR INCENTIVES

The CSA case manager is to report timely compliance and participation information to the assigned SSU PSO, who in turn provides the Court with written reports when the defendant returns to court. Responses to drug testing infractions or failure to comply with mental health conditions are implemented by PSA after consultation with the mental health service provider.

V. PLACEMENT AND DISCHARGE PROCEDURES

Program Placement

Individuals will be identified as potential candidates for the SSU as a result of:

1. DMH court liaison evaluating arrestees identified by PSA diagnostic staff and determining whether or not they suffer from severe and persistent mental illness;
2. Defendant's behavior/interaction at the initial appearance or other courtrooms after initial release;
3. Screenings conducted by PSOs after initial release;
4. Compliance problems, new information, or unusual behavior suspected by the PSO as possibly being related to a mental health problem; and/or
5. Information gathered during a PSA substance abuse assessment.

All assessments are conducted on the same day as requested.

In order to be supervised by the SSU, the defendant must have one of three mental health-related release conditions. These conditions may be imposed at initial release or after release at subsequent court hearings. The conditions are to:

1. Report to PSA for assessment and possible placement in mental health services as directed by PSA; or
2. Maintain mental health services as directed by PSA; or
3. Report for placement and maintain mental health services as directed by PSA.

Note that with the exception of the first condition, none of the above-mentioned conditions may be recommended to the Court by PSA staff without the defendant first being assessed by the SSAC or the DMH court liaison. If the Court would like a defendant considered for the SSU, the judge can either release the defendant with the requirement to report for assessment or contact the SSU directly or through the PSA court representative to request an assessment while the defendant is detained behind the courtroom. In order for the SSAC to assess a detained defendant, he/she must be alone in the cell and must sign a release of information (ROI) form allowing PSA to share the results of the assessment with the Court. If the defendant refuses to sign the ROI, then the Court must issue a court order for the assessment, thereby permitting the SSAC to complete the mental health assessment and share the results without defendant consent pursuant to D.C. Code §7-1204.01 (D.C. Mental Health Information Act).

When a Question of Defendant Competence Has Been Raised

After a question of competence to stand trial has been raised, defendants will fall into one of three categories: 1) those who have been determined incompetent after a forensic screening or examination; 2) those who have been determined competent after a forensic screening or examination; and 3) those for whom no determination has been made because the screening has not yet been conducted or because further examination is needed.

Category One – For defendants determined *incompetent* after screening :

- If requested by the Court, PSA will provide up to 180 days of monitoring and certain supervision-related services for incompetent defendants eligible for release subject to §23-1321 and determined by the Court to be appropriate for outpatient competence restoration treatment. These defendants will be monitored by the Specialized Supervision Unit.
- PSA will terminate supervision in any pending matter where the court makes a finding that the defendant is incompetent to stand trial and is unlikely to attain competence in the foreseeable future.⁴
- PSA will not actively supervise defendants who are ordered to undergo inpatient competence restoration treatment until they are released from John Howard.
- PSA will not address issues regarding the defendant's competency status or the final outcome of competence restoration training/treatment in written reports nor through in-person court representation. DMH is responsible for notifying the court and PSA in writing of any changes in the defendant's competency status.
- PSA will not assess or attempt to address substance abuse treatment,⁵ housing, or other social service needs for this population, as we would do for defendants receiving full supervision. Instead, PSA expects that such needs will be assessed and addressed in a DMH-developed outpatient competence restoration treatment plan.
- Category One defendants should be given the following mental health-related release conditions:
 1. Report to DMH for competence restoration training and treatment and comply with all DMH requirements.
 2. Report for monitoring and substance abuse testing as required by PSA.

⁴ PSA will terminate supervision regardless of whether the charges are dismissed or held in abeyance while awaiting or during civil commitment.

⁵ In order to prevent PSA-arranged substance abuse treatment from interfering with the DMH outpatient competence restoration program and due to limited PSA treatment resources, PSA will not attempt to address substance abuse treatment needs, but will report continuing drug use to DMH and allow them to elect an appropriate response.

Category Two – For defendants determined *competent* after screening:

- PSA will utilize the DMH evaluation and/or its own assessment to determine the most appropriate program placement. In general, if there is a need for ongoing mental health services, these defendants will be supervised by the Specialized Supervision Unit. Otherwise these defendants will be placed in the PSA supervision unit most appropriate for monitoring or supervising any imposed release conditions. These defendants will receive full supervision services.
- Category Two defendants should be given the following mental health-related release conditions:
 1. Report to PSA immediately upon release for program placement in mental health services. Defendant must comply with all rules and requirements as directed by PSA for mental health assessment and treatment, as necessary, and to maintain contact with his/her case manager. Program placement includes substance abuse testing, assessment, and treatment as necessary; or
 2. Report to PSA immediately upon release for assessment and possible program placement in mental health services. The defendant must comply with all rules and requirements as directed by PSA for mental health assessment and treatment, as necessary, and maintain contact with his/her case manager. Program placement includes substance abuse testing, assessment, and treatment as necessary. This option is to be used when the defendant has not been assessed for Specialized Supervision Unit eligibility.

Category Three – For defendants on release for whom *no determination* has been made and further examination is needed:

- PSA will provide supervision for defendants eligible for release subject to §23-1321 and determined by the Court to be appropriate for outpatient competency screening or evaluation. If the Court desires PSA supervision of mental health-related or other release conditions, PSA will provide full supervision and case management.
- Category Three defendants are to be given the following mental health-related release conditions:
 1. Report to DMH for forensic screening; or
 2. Report for forensic evaluation as directed by DMH.
- If the court desires PSA supervision of other mental health release conditions while the defendant completes the forensic screening/ evaluation, then mental health release conditions as described in Category Two should be imposed.

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In addition to imposing one of the mental health-related release conditions, PSA recommends that the Court also issue a condition requiring the defendant to report to PSA for case manager contact at a frequency to be determined by PSA. PSA initially will require at least weekly check-ins, but will decrease this requirement as the defendant becomes fully connected and compliant with his or her mental health provider. PSA also will recommend a drug testing or other conditions as appropriate.

Upon program placement, a referral to mental health services is made through the designated mental health service provider for Options-eligible as well as all other SSU defendants. The CSA case manager receives Options defendants immediately from court and links them with services. Non-Options SSU defendants are to be connected by DMH to their service provider within 24 hours of release. Throughout the program, the CSA case manager and PSO collaborate on the defendant's mental health release condition compliance and access to services.

When a defendant is released pursuant to the first condition noted above and is determined not to be mentally ill, the SSAC transfers supervision to the GSU or DCU. The SSAC notifies the Court of this transfer.

Defendants supervised by other PSA units who are identified as potentially mentally ill after being initially released will be screened by the PSO, assessed by the SSAC and recommended for transfer to the SSU for supervision and connection to mental health services. After the mental health assessment, the supervising PSO will request that the Court issue a subsequent release order that includes one of the above mental health-related conditions. When this has occurred, the defendant's supervision will be conducted by the SSU. If the defendant has limited mental health needs, then the SSAC will connect the defendant to mental health services to address those needs, with supervision remaining with the current unit. If a defendant is determined not to be mentally ill, he/she will be supervised by the GSU.

Program Discharge

If the defendant is sentenced to probation while in mental health treatment with DMH, SSU's involvement will be terminated. In order to ensure continuity of treatment, PSA requests that the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to report to CSOSA immediately for a mental health evaluation, mental health services as needed, placement on a mental health team or as directed by CSOSA."

POST-SENTENCE SUPERVISION

PSA supervises clients charged with misdemeanor and felony cases throughout the pretrial period until dismissal or sentencing. CSOSA's Community Supervision Program (CSP) takes over supervision following an offender's probation sentence. The period of post-sentence supervision includes probationers pending revocation of probation. Keeping probation cases with CSP for supervision while the Court considers whether to revoke probation should assist with effective supervision. The PSO no longer has contact with an offender upon sentencing. The CSO, on the other hand, is more likely to have the most recent involvement and knowledge about the probationer. Moving the probationer back and forth between a CSO and a PSO causes confusion, which may heighten the risk of failure for the offender. Keeping a probationer with the CSP maintains continuity for that individual as well as CSP and PSA. Once a judicial decision is made to revoke probation, it is the expectation of both CSP and PSA that the offender will be stepped back to jail pending re-sentencing if he/she is not re-sentenced immediately. In addition, PSA is not appropriated resources by Congress and thus is unable to provide treatment or services to offenders in this status.

SECTION 3:
**INTERVENTIONS
AND DEFENDANT
SUPPORT**

PSA SUPERVISION GIVES DEFENDANTS
THE OPPORTUNITY TO PARTICIPATE IN A
VARIETY OF PRO-SOCIAL INTERVENTIONS IN
AN EFFORT TO DECREASE THE LIKELIHOOD
OF FUTURE CRIMINAL BEHAVIOR.

PROGRAM CONTACTS

SUPERIOR COURT DRUG INTERVENTION PROGRAM (DRUG COURT)

Supervisor: Charles Windley

To request a Drug Court eligibility screening, call 202-220-5505

For general questions, call 202-220-5505.

NEW DIRECTIONS INTENSIVE DRUG TREATMENT AND SUPERVISION PROGRAM

Supervisor: Jeffrey Wright

To arrange program placement, call 202-220-5570

For general questions, call 202-220-5570

SANCTION-BASED TREATMENT CONTRACTING

Supervisor: Miranda Boozer

For general questions, call 202-220-5590 or contact the PSA court representative.

SOCIAL SERVICES AND ASSESSMENT CENTER

Supervisor: Alton Byrd

To request an assessment for SSU eligibility, substance abuse treatment, mental health or social services,

call 202-220-5770 or contact the PSA court representative.

Contact information for the Specialized Supervision Unit is provided on page 14.
Contact information for court representation and drug testing is provided on page 6.

SUPERIOR COURT DRUG INTERVENTION PROGRAM (DRUG COURT) (Operated by the Treatment Branch)

Program Summary (Superior Court only)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Drug-involved defendants with non-violent misdemeanor and felony charges. 	<ul style="list-style-type: none"> ▪ Positive for drug use at lock-up, initial appearance, or after a random spot test <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ At least 3 positive drug tests within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ Verified history of drug treatment within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; and ▪ No serious medical or psychiatric condition preventing defendant from participating fully in treatment; ▪ No outstanding extraditable warrants or detainers; and ▪ Not currently participating in a methadone maintenance program. <p>In addition to:</p> <ul style="list-style-type: none"> ▪ No current charge or pending case involving a violent misdemeanor, weapons offense, or a violent felony; ▪ All co-defendants must be eligible and agree to participate in Drug Court; ▪ No more than one additional pending criminal case; ▪ For diversion cases only, not on probation, parole, or supervised release for a violent misdemeanor, a weapons offense, or any felony; and ▪ No prior convictions for a violent felony for which the defendant was serving a sentence; or on probation, parole, or supervised release within the last ten years.

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Drug Court – Continued from the previous page

Supervision and/or Services Provided

- Drug testing: 2x/week in phases I and II; 1x/week in phase III and random testing in phase IV;
 - Drug treatment: 2-3x/week pursuant to recommended treatment modality;
 - Supervisory case manager: contact 1x/week;
 - Clinical case manager contact: 1x/week;
 - Referrals to education, employment, and other social services as deemed necessary;
 - Participants may also be required to attend self-help groups, detoxification, inpatient drug treatment or more intensive outpatient drug treatment; and
 - Make appropriate supervision recommendation when defendants violate release conditions.
- Random drug testing is required for all residential placements.

Program Sanctions and/or Incentives

Sanctions

Current responses to infractions include the following sanctions, or a combination thereof:

Drug Testing

- Reorientation session;
- Phase freeze;
- Redirection groups;
- Enhanced treatment;
- 2 days jury box;
- 3 nights in jail; and
- Program discharge.

All treatment enhancements are assessment-driven.

Case Manager Contact

- Warning and phase freeze;
- Continued phase freeze; and
- Increased check-in to 2x/week.

Incentives

- After 16 consecutive negative tests, drug testing is reduced to 1x/week; and after 4 consecutive negative tests, drug testing is reduced to random testing;
- Monthly Progression Ceremony to recognize all defendants who have advanced to the next treatment level; and
- Upon completion of the entire program, each defendant is honored in a graduation ceremony attended by family, friends and peers and presided over by the Drug Court judge.

Continued on the following page

Drug Court – Continued from the previous page

Placement and Discharge Procedures

Placement

- Ordered in C-10 after pretrial screening and from other courtrooms; and pursuant to Drug Court certification procedures (for pretrial diversion within 15 days of arraignment for misdemeanors; and within 30 days for felony cases or the date of the first status hearing, whichever is later);
- Substance abuse assessment must indicate need for treatment;
- Prior to the status hearing, Drug Court staff and USAO make a final misdemeanor eligibility determination; and
- After a trial date has been set, however, the USAO opposes certification for the Misdemeanor Diversion Program as a matter of course.

Discharge

- Defendants may be discharged from Drug Court due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program.
- Defendants also must be discharged at their request, pursuant to the terms of the contract signed by the defendant.

I. PROGRAM OVERVIEW

The Superior Court Drug Intervention Program (Drug Court) is an intensive substance abuse treatment and supervision program for eligible defendants with non-violent misdemeanor and felony offenses. Drug Court is open to certain misdemeanants as a diversion program, to other misdemeanor-charged defendants after a finding of guilt or entry of a guilty plea, and felony-charged defendants as a pretrial or post-trial pre-sentencing release option. Defendants charged with Possession with Intent to Distribute (unarmed) or distribution (unarmed) can be certified to Drug Court at presentment, and all other non-violent felonies can be certified from a criminal calendar.

The Drug Court Misdemeanor Diversion Program is a collaborative effort among the United States Attorney's Office (USAO), Superior Court, the defense bar and PSA. Defendants who participate in the Misdemeanor Diversion Program must be approved for participation by the USAO. The USAO has sole discretion to decide when the Misdemeanor Diversion Program is inappropriate for a particular defendant who may otherwise appear eligible for the program.

If a defendant successfully completes the Misdemeanor Diversion Program within four to nine months, the government will enter a *nolle prosequi*. Upon successful completion of the Program with a felony offense, the chances of a defendant receiving probation are greatly enhanced, although the actual sentence is at the sole discretion of the Court.

II. PRELIMINARY ELIGIBILITY CRITERIA

Any defendant admitted into Drug Court must have a verified current (within the past 90 days) substance abuse or dependence problem, defined by any single criterion below, in order to meet the preliminary eligibility criteria:

1. At least three positive drug tests within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem; or
2. A verified history of receiving drug treatment within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem; or
3. Positive drug test for a controlled substance on the day of arrest, initial appearance, or after a random spot test and has a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem;

4. No serious medical or psychiatric condition that would prevent the defendant from participating fully in the assigned treatment;
5. No outstanding extraditable warrants or detainers; and
6. Not currently participating in a methadone maintenance program.

A positive lock-up drug test allows a defendant to be certified to Drug Court for initial appearance. The remaining criteria allow a defendant to be certified from another criminal calendar.

III. ELIGIBILITY CRITERIA

The defendant is not detained and

1. Not currently charged with a violent misdemeanor,¹ a weapons offense, or a violent felony;
2. All co-defendants must be eligible and agree to participate in Drug Court;
3. No more than one additional pending criminal case². The charge in any pending case cannot be a violent misdemeanor, a violent felony³, or any weapons offense;
4. For diversion cases only, if the defendant is not on probation, parole, or supervised release for a violent misdemeanor, a weapons offense, or ANY felony;
5. No prior convictions for a violent felony for which the defendant was serving a sentence, or on probation, parole, or supervised release within the last ten years; and

¹ Violent misdemeanors include assaults, threats, and stalking.

² If a defendant accrues a total of three pending cases, the USAO may withdraw the *nolle prosequi* agreement in diversion cases. The USAO may recommend termination from the treatment program for any defendant who accrues a third case; however, the actual termination is at the discretion of the Drug Court judge.

³ The following felony charges are considered violent felonies for purposes of Drug Court eligibility without regard to whether they are considered crimes of violence under the D.C. Code: Murder, Voluntary Manslaughter, Sexual Abuse or Rape, Child Sex Crimes or Abuse, Cruelty to Children; Mayhem/Malicious Disfigurement, Assault on a Police Officer, Assault with Intent to Commit Any Offense, Assault with a Dangerous Weapon, Aggravated Assault, Carjacking, Kidnapping, Robbery, Burglary, Arson, Extortion or Blackmail Accompanied by Threats of Violence, Carrying a Pistol Without a License, Carrying a Dangerous Weapon, Attempt or Conspiracy to commit any of the above offenses, Felony Threats, Possession of a Firearm During a Crime of Violence/Possession While Armed and Any Felony While Armed.

6. Positive drug test result on the day of arrest, or at initial appearance, or after a random spot test.⁴

The Defendant who is not eligible for diversion:

1. Will return to his/her calendar judge;
2. Will be referred either to the New Directions program or to sanction-based treatment contract.

IV. SUPERVISION AND/OR SERVICES PROVIDED

Each defendant participating in Drug Court will receive treatment along with an assigned case manager whom he/she will be required to see at least once each week. In addition to providing one-on-one counseling, the assigned case manager monitors and guides the defendant through both the supervision and treatment aspects of the program. The case manager also develops a treatment plan that includes needed treatment levels as well as services such as housing, employment, medical care, vocational training, and education. Random drug testing is required for all residential placements.

The Drug Court program consists of four progressive phases of treatment:

- I. Orientation and Assessment;
- II. Stabilization and Cognitive Restructuring;
- III. Transition; and
- IV. Maintenance.

Completion of the entire program can be accomplished in four months in misdemeanor cases and five months in felony cases. The actual amount of time it might take to complete each phase of treatment, however, depends upon the defendant's overall progress toward achieving treatment plan goals. Progress in treatment is measured, in part, by satisfactory participation in group therapy sessions, negative drug test results, supervision compliance and the defendant's overall motivation to participate in the treatment and supervision program.

⁴ A defendant also can satisfy the drug history requirement for Drug Court if: (1) the defendant has at least three prior positive drug test results in the PSA record system in the last 12 months; or (2) the defendant has a verified history of drug treatment for substance abuse in the last 12 months with a drug treatment provider. This should occur in conjunction with a motion to certify a case from a regular criminal calendar to the Drug Court calendar, rather than at presentment.

All defendants in Drug Court must drug test twice weekly in phases I and II, once per week in phase III and random testing in phase IV.

Defendants are required to report for all treatment appointments and activities as directed by the program. They are required to make up any late arrivals, early departures, and/or absences from groups or other treatment appointments by attending additional or make-up group meetings. In some circumstances, Drug Court staff may allow the defendant to attend NA/AA meetings or some other self-help group to make-up non-attendance.

The Pretrial Services Officer (PSO) will have weekly supervisory case management contact with the defendant to ensure compliance with treatment and other conditions of release and to ensure defendants are aware of pending court dates. If placed in residential treatment, the PSO also will visit the defendant's contracted drug treatment provider as needed to obtain compliance information.

V. PROGRAM SANCTIONS AND/OR INCENTIVES

Sanctionable infractions for Drug Court participants include positive drug tests, insufficient quantity for testing, failure to submit a sample, liquid loaded sample, attempting to submit or submitting a bogus sample, or failing to report for drug testing and failing to appear for case manager contacts. Responses to these infractions include the following sanctions or combinations thereof:

Drug Testing (imposed by the Court)

- Reorientation⁶ session;
- Phase freeze⁷
- Redirection⁸ groups;
- Enhanced treatment;
- 2 days jury box;
- 3 nights in jail; and
- Program discharge.

⁶ Reorientation is the process whereby defendants are required to meet individually with a PSO and review program requirements.

⁷ Phase freeze is implemented at the discretion of the supervision case manager and typically is not utilized more than 2 times.

⁸ Redirection is a type of therapy group based on the motivational enhancement/interviewing approach designed to enhance (or redirect) an individual's motivation to pursue successful completion of treatment.

Case Manager Contact (imposed by the Case Manager)

- Warning and phase freeze;
- Increased check-in to 2x/week and continued phase freeze.

All treatment enhancements are assessment-driven. Defendants are required to return to court for sanctions hearings on the day after committing a drug testing infraction.

In addition to sanctions for program violations, Drug Court has several opportunities for defendants to be recognized for their success in treatment. At least once a month, a Progression Ceremony is held in Drug Court to recognize all defendants who have advanced to the next treatment level. Also, upon completion of the entire program, each defendant is honored in a graduation ceremony attended by family, friends and peers and presided over by the Drug Court judge.

Defendants voluntarily may withdraw from the Drug Court or be discharged by the Court. Those defendants will be placed in either the General Supervision Unit (GSU) with a drug-testing requirement or recommended for a higher level of supervision. In any case, the defendant will no longer be subject to the Drug Court sanctions. The defendant, however, still will be subject to contempt of court, detention or revocation of release for violation of release conditions.

VI. PLACEMENT AND DISCHARGE PROCEDURES

A pretrial misdemeanor case can be placed on the Drug Court calendar at arraignment in courtroom C-10 or defense counsel can move to have a case certified to the Drug Court calendar from a regular criminal calendar. If a case involves a co-defendant, all co-defendants must be eligible and willing to have the case sent to Drug Court.

Certification for Misdemeanor Cases

At Arraignment

Step 1: If a defendant appears to be eligible for Drug Court at arraignment, the case will be set for a status hearing on the Drug Court calendar on a Tuesday or Thursday within one week of arraignment. The defendant must be ordered into weekly drug testing and to report for a substance abuse assessment within 48 hours with PSA as conditions of release. Prior to the status hearing, the Drug Court staff and the USAO will make a final eligibility determination.

Step 2: If the defendant is found to be not eligible or declines participation, the case will be re-assigned at the status hearing to an assigned misdemeanor calendar identified at arraignment.

If the defendant is found to be eligible and wants to participate in Drug Court, the defendant will sign the Drug Court contract, and the Drug Court judge will sign a new release order placing the defendant in Drug Court. Any release conditions on prior release orders should be reviewed by the USAO and the Court for inclusion on the new release order. If an eligible misdemeanor case is not placed on the Drug Court calendar at arraignment, it can be certified to the Drug Court calendar pursuant to the following procedures.

From a Criminal Division Calendar

Step 1: If the Court seeks to preliminarily certify a case to the Drug Court calendar because a defendant's current charge meets the Drug Court eligibility criteria, the calendar judge must call the Drug Court Unit and request a complete screening of the defendant's criminal and drug history to determine program eligibility. This can be done fairly quickly, often within 30 minutes. If PSA determines that the defendant meets preliminary eligibility criteria, the calendar judge then may certify the case to the Drug Court calendar by setting a status date. The Drug Court court representative will coordinate with the calendar judge a status date on Tuesday or Thursday within the next two weeks with the Drug Court judge, and the defendant will receive written notice of the status date. The calendar judge also will order the defendant to complete an immediate, same-day substance abuse assessment with PSA's Social Services and Assessment Center (SSAC), which should be reflected on a new release order. The Drug Court court representative will notify the Drug Court courtroom clerk of the scheduled status date.

If the case is pre-adjudication and the defendant is found to be eligible for participation in the Misdemeanor Diversion Program after receiving a substance abuse assessment and treatment evaluation, participation must be approved by the USAO upon receiving notification of eligibility from PSA. If the USAO notifies Drug Court that approval is granted, Drug Court staff will notify the defense counsel. If defense counsel initiates the certification process within 15 days of arraignment, the USAO will not oppose the certification motion as a matter of course. Please note, however, that the USAO will oppose certification for the Misdemeanor Diversion Program as a matter of course after a trial date has been set.

If the case is post-adjudication, and the defendant is found to be eligible, the certification process must be initiated after the calendar judge accepts the plea or after the defendant is found guilty at trial (note that the USAO authorization is not required for post-adjudication

certification to Drug Court). The Court, however, must inquire on the record whether the defendant understands that he/she will be sentenced by the presiding judge on the Drug Court calendar and not by the judge who presided over the trial or who accepted the guilty plea.

Step 2: At the status hearing, Drug Court requirements will be explained to the defendant, and if he/she elects to enter the program, he/she will sign the sanctions contract, and the Drug Court judge will sign a new release order placing the defendant in the program. Any release conditions on prior release orders should be reviewed by the USAO and the Court for inclusion on the new release order. If the defendant decides not to enter into the program at the status hearing, he/she will be returned to the original criminal calendar and all prior release conditions remain in effect.

Step 3: If the defendant is found to be ineligible after reporting for the substance abuse assessment, at the status hearing, Drug Court staff will notify the Drug Court judge, who will return the case to the calendar judge.

Certification by Defense Counsel

Step 1: If defense counsel seeks to certify a case to the Drug Court calendar, defense counsel must contact the PSA Drug Court unit and request that the defendant be screened for placement. Drug Court staff will conduct a criminal background and drug history investigation, and notify the USAO of the screening request.

Step 2: If the defendant is found to be ineligible after being preliminarily screened at the request of defense counsel, Drug Court staff will notify defense counsel.

If the defendant is found to be preliminarily eligible after the criminal background and drug history investigation have been completed, the defense counsel must instruct the defendant to report to PSA's SSAC to complete a substance abuse assessment and treatment evaluation to make a final recommendation regarding eligibility.

If the case is pre-adjudication, and the defendant is found to be eligible for participation in the Misdemeanor Diversion Program after receiving a substance abuse evaluation, participation must be approved by the USAO upon receiving notification of eligibility by Drug Court. If the USAO notifies Drug Court in writing that approval is granted, Drug Court will notify the defense counsel. If defense counsel initiates the certification process within 15 days of arraignment, the USAO will not oppose the certification motion as a matter of course. Please note that the USAO will oppose certification for the Misdemeanor Diversion Program as a matter of course after a trial date has been set.

If the case is post-adjudication, and the defendant is eligible for placement, Drug Court staff will notify defense counsel directly (note that the USAO authorization is not required for post-adjudication certification to Drug Court). The certification process must be initiated after the Drug Court judge accepts the plea or after the defendant is found guilty at trial. The Court, however, must inquire on the record whether the defendant understands that he/she will be sentenced by the presiding judge on the Drug Court calendar and not by the judge who presided over the trial or who accepted the guilty plea.

Step 3: Upon receiving notification of eligibility by Drug Court staff, defense counsel should request certification through an oral motion with the calendar judge, not the Drug Court judge.

Step 4: If the calendar judge grants the motion, he/she will certify the case to the Drug Court calendar by setting a status date on a Tuesday or a Thursday not later than two weeks following the date the motion is granted. The courtroom clerk will notify PSA of the defendant's status date before the Drug Court judge.

At the status hearing, Drug Court program requirements will be explained to the defendant, and if he/she elects to enter the program, he/she will sign the sanctions contract, and the Drug Court judge will sign a new release order placing the defendant in Drug Court. Any release conditions on prior release orders should be reviewed by the USAO and the Court for inclusion on the new release order. If the defendant decides not to enter the program at the status hearing, he/she will be returned to the original criminal calendar and all prior release conditions remain in effect.

Certification for Felony Cases

At Presentment

If the defendant is charged with Distribution of a Controlled Substance (unarmed) or Possession with Intent to Distribute (unarmed) and appears eligible for placement in Drug Court at presentment, the case will be set for a preliminary hearing on a Tuesday or Thursday on the Drug Court calendar approximately 20 days after presentment (the case usually will be indicted by the preliminary hearing date, and the defendant will be arraigned). If there are co-defendants, their preliminary hearings must be set for the same day. The defendant must be ordered into weekly drug testing and to report for a substance abuse assessment within 48 hours with PSA as conditions of release. If the defendant is eligible and elects to participate in the program, the defendant will sign the sanctions contract, and the Drug Court judge will sign a new release order placing the defendant in Drug Court. If

the Drug Court staff determines that the defendant is not eligible for Drug Court or the defendant declines participation, the case will be re-assigned to a felony II calendar judge identified in presentment court on the preliminary hearing date. If an eligible felony case is not placed on the Drug Court calendar at presentment (as is the case with other non-violent felonies), it can be certified to the Drug Court calendar pursuant to the following procedures.

From a Criminal Division Calendar

Step 1: If the Court seeks to preliminarily certify a case to the Drug Court calendar because a defendant's current charge meets the Drug Court eligibility criteria, the calendar judge must call the Drug Court Unit and request a complete screening of the defendant's criminal and drug history to determine program eligibility. This can be done fairly quickly, often within 30 minutes. If PSA determines that the defendant meets preliminary eligibility criteria, the calendar judge then may certify the case to the Drug Court calendar by setting a status date. The court representative will coordinate with the calendar judge a status date on Tuesday or Thursday within the next two weeks with the Drug Court judge, and the defendant will receive written notice of the status date. The calendar judge also will order the defendant to complete an immediate, same-day substance abuse assessment with PSA's SSAC, which should be reflected on a new release order. The Drug Court court representative will notify the Drug Court courtroom clerk of the scheduled status date.

If the case is pre-adjudication, the certification process must be initiated within 30 days of arraignment or by the date of the first status hearing (whichever is later) or the USAO will oppose the motion.

If the case is post-adjudication, the certification process must be initiated after the calendar judge accepts the plea or after the defendant is found guilty at trial. The Court, however, must inquire on the record whether the defendant understands that he/she will be sentenced by the presiding judge on the Drug Court calendar and not by the judge who presided over the trial or who accepted the guilty plea.

If the defendant is found to be eligible after receiving a substance abuse assessment and treatment evaluation, Drug Court staff will notify defense counsel.

Step 2: At the status hearing, Drug Court requirements will be explained to the defendant, and if he/she elects to enter the program, he/she will sign the sanctions contract, and the Drug Court judge will sign a new release order placing the defendant in the program. Any release conditions on prior release orders should be reviewed by the USAO and the Court for inclusion on the new release order. If the defendant decides not to enter into the program at the status hearing, he/she will be returned to the original criminal calendar and all prior release conditions remain in effect.

Step 3: If the defendant is found to be ineligible after reporting for the substance abuse assessment and treatment evaluation, at the status hearing Drug Court staff will notify the Drug Court judge, who will return the case to the calendar judge.

Certification by Defense Counsel

Step 1: If defense counsel seeks to certify a case to the Drug Court calendar, defense counsel must contact the Drug Court Unit and request that the defendant be screened for placement. Drug Court staff will conduct a criminal background and drug history investigation.

Step 2: If the defendant is found to be *ineligible* after being preliminarily screened at the request of defense counsel, Drug Court staff will notify defense counsel.

If the defendant is found to be preliminarily eligible after the criminal background and drug history investigation have been completed, the defense counsel must instruct the defendant to report to PSA's SSAC to complete a substance abuse assessment and treatment evaluation in order for Drug Court staff to make a final determination regarding eligibility.

If the defendant is found to be eligible after receiving a substance abuse assessment and treatment evaluation, Drug Court staff will notify defense counsel.

If the case is pre-adjudication, upon receiving notification of eligibility from Drug Court staff, defense counsel should request certification through an oral motion with the calendar judge, not the Drug Court judge. Defense counsel must initiate the certification process within 30 days of arraignment or by the date of the first status hearing (whichever is later) or the USAO will oppose the motion.

If the case is post-adjudication, upon receiving notification of eligibility by Drug Court staff, defense counsel should request certification through an oral motion with the calendar judge, not the Drug Court judge. The Court will determine whether to certify the case to Drug Court

after accepting the plea or after the defendant is found guilty at trial. The Court, however, must inquire on the record whether the defendant understands that he/she will be sentenced by the presiding judge on the Drug Court calendar and not by the judge who presided over the trial or who accepted the guilty plea.

Step 3: If the calendar judge grants the motion, he/she will certify the case to the Drug Court calendar by setting a status date on a Tuesday or a Thursday not later than two weeks following the date the motion is granted. The courtroom clerk will notify PSA of the defendant's status date before the Drug Court judge.

At the status hearing, Drug Court program requirements will be explained to the defendant, and if he/she elects to enter the program, he/she will sign the sanctions contract, and the Drug Court judge will sign a new release order placing the defendant in Drug Court. Any release conditions on prior release orders should be reviewed by the USAO and the Court for inclusion on the new release order. If the defendant decides not to enter into the program at the status hearing, he/she will be returned to the original criminal calendar and all prior release conditions remain in effect.

Discharge Procedures

Defendants may be discharged from Drug Court due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program. Defendants also must be discharged at their request. Any such defendants shall not be eligible to return to Drug Court for at least 90 days.

Defendants who are pending trial and are discharged due to non-compliance are returned immediately to the calendar judge. Defendants who have pled remain on the calendar of the Drug Court judge and proceed to sentencing. Defendants discharged due to non-compliance may be recommended for a higher level of supervision with a drug testing requirement, and they also are subject to contempt of court, detention or revocation of release for violation of release conditions.

Defendants who successfully complete all four phases of the program are acknowledged at the Drug Court Graduation. Defendants in the Misdemeanor Diversion Program upon discharge will have their cases dismissed via the USAO entering a *nolle prosequi*. Defendants with felony charge(s) are likely to receive probation with CSOSA's Sanctions Team for Addiction and Recovery/High Intensity Drug Trafficking Area (STAR/HIDTA) Program (this applies only to DC residents).

Guide to the D.C. Pretrial Services Agency's Programs and Services
Issued February 15, 2006

Defendants who manage to complete the program either before their trial date or before sentencing will continue weekly or random drug testing in Drug Court, but will participate only in the aftercare component of the program.

If a Drug Court defendant does not take a plea and requests a trial, the case returns to the calendar judge for trial. If the defendant is sentenced by the calendar judge, he/she is not assured of receiving the same benefits of sentencing as any defendant sentenced by the Drug Court judge. If the defendant is sentenced to probation by the Court while in contract treatment, CSOSA assumes responsibility for continuing the defendant in the current contract and level of drug treatment. If the defendant is sentenced to probation while in outpatient treatment with Drug Court staff, Drug Court programming will be terminated. In order to ensure continuity of treatment, PSA requests the following:

For drug treatment cases, should the case reach disposition that includes a minimum of 18 months of probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment through CSOSA's STAR/HIDTA team or as otherwise directed by CSOSA."

If the case reaches a disposition that includes less than 18 months probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment as directed by CSOSA."

NEW DIRECTIONS INTENSIVE DRUG TREATMENT AND SUPERVISION PROGRAM

(Operated by the Treatment Branch)

Program Summary (Superior Court and District Court)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Drug-involved defendants with felony and misdemeanor charges who do not otherwise qualify for Drug Court. <p>Note: Drug Court must be considered as the first option for defendants who are eligible.</p>	<ul style="list-style-type: none"> ▪ Positive for drug use at lock-up, initial appearance, or after a random spot test <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ At least 3 positive drug tests within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ Verified history of drug treatment within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; and ▪ No serious medical or psychiatric condition preventing defendant from participating fully in treatment; ▪ No outstanding extraditable warrants or detainers; ▪ Not currently participating in a methadone maintenance program; and ▪ Must be placed prior to conviction.
Supervision and/or Services Provided	
<ul style="list-style-type: none"> ▪ Drug testing: 2x/week in phases I and II; 1x/week in phase III and random testing in phase IV; ▪ Drug treatment: 2-3x/week pursuant to recommended treatment modality; ▪ Supervisory case manager contact: 1x/week; ▪ Clinical case manager contact: 1x/month; and ▪ Referrals to education, employment, and other social services as deemed necessary. <p>Random drug testing is required for all residential placements.</p>	

Continued on the following page

New Directions – Continued from the previous page

Program Sanctions and/or Incentives
<p>Sanctions Responses to infractions include the following sanctions:</p> <p><u>Drug Testing</u></p> <ul style="list-style-type: none">▪ Reorientation session;▪ Redirection groups;▪ Phase freeze;▪ Enhanced treatment; and▪ Program discharge. <p>All treatment enhancements are assessment-driven.</p> <p><u>Case Manager Contact</u></p> <ul style="list-style-type: none">▪ Warning and phase freeze;▪ Continued phase freeze; and▪ Increased check-in to 2x/week <p>Incentives</p> <ul style="list-style-type: none">▪ After 16 consecutive negative tests, drug testing is reduced to 1x/week; and after 4 consecutive negative tests, drug testing is reduced to random testing;▪ Monthly Progression Ceremony to recognize all defendants who have advanced to the next treatment level; and▪ Upon completion of the entire program, each defendant is honored in a graduation ceremony attended by family, friends and peers and presided over by a Superior Court judge.
Placement and Discharge Procedures
<p>Placement</p> <ul style="list-style-type: none">▪ The referring PSO confirms space availability and has the defendant and defense counsel sign the sanctions-based treatment contract;▪ Administrative placement in treatment by the PSO with notice to the Court, or recommendation to the Court for a new release order. <p>Discharge</p> <ul style="list-style-type: none">▪ Defendants may be discharged from New Directions due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program.▪ Defendants also must be discharged at their request pursuant to the terms of the contract signed by the defendant.

I. PROGRAM OVERVIEW

The New Directions Intensive Drug Treatment and Supervision Program (New Directions) provides sanction-based substance abuse treatment, supervision, and case management to drug-involved defendants with felony or misdemeanor charges who do not otherwise qualify for Drug Court. Supervision and case management activities include providing and coordinating treatment services for substance abuse, drug testing, and assisting defendants in securing employment or necessary medical, educational or social services.

Defendants may be required to attend self-help groups, detoxification, intensive outpatient or inpatient treatment or other residential treatment. Referrals may also be made to education, mental health, employment and other social services.

II. ELIGIBILITY CRITERIA

Any defendant admitted into New Directions must have a verified current (within the past 90 days) substance abuse or dependence problem, defined by any single criterion below in order to meet the preliminary eligibility criteria:

1. At least three positive drug tests within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem;
2. A verified history of receiving drug treatment within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem; or
3. Positive for a controlled substance on the day of arrest, initial appearance, or after a random spot test and a current (within the past 90 days) substance abuse assessment that reflects that the defendant has a substance abuse or dependence problem; and
4. No serious medical or psychiatric condition that would prevent the defendant from participating fully in the assigned treatment;
5. No outstanding extraditable warrants or detainers;
6. Not currently participating in a methadone maintenance program; and
7. Must be placed in the program prior to conviction.

Defendants from Superior Court and District Court are eligible to participate in New Directions. Defendants cannot participate in New Directions, HISP or Work Release at the same time. HISP and Work Release defendants generally will participate in sanctions-based treatment contracting.

III. SUPERVISION AND/OR SERVICES PROVIDED

Each defendant participating in New Directions will be provided treatment along with an assigned supervisory case manager whom they will be required to see at least once each week. In addition to providing one-on-one counseling, the assigned case manager monitors and guides the defendant through both the supervision and treatment aspects of the program. Random drug testing is required for all residential placements by the contracted treatment vendor.

New Directions' program consists of four progressive phases of treatment:

- I. Orientation and Assessment;
- II. Stabilization and Cognitive Restructuring;
- III. Transition; and
- IV. Maintenance.

Completion of the entire program can be accomplished in four months. The actual amount of time it will take to complete each phase of treatment, however, depends on the defendant's overall progress toward achieving treatment plan goals. Progress in treatment will be measured, in part, by satisfactory participation in group therapy sessions, negative drug tests, supervision compliance and the defendant's overall motivation to participate in the treatment and supervision program.

All defendants in New Directions must drug test twice weekly in phases I and II, once per week in phase III, and random testing in phase IV (defendants in residential treatment are tested randomly by the provider).

Defendants are required to report for all treatment appointments and activities as directed by the program. They are required to make up any late arrivals, early departures, and/or absences from groups or other treatment appointments by attending additional or make-up group meetings. In some circumstances, New Directions staff may allow the defendant to attend NA/AA meetings or some other self-help group to make-up non-attendance.

The PSO will have weekly supervisory case management contact with the defendant to ensure compliance in treatment and ensure defendants are aware of pending court dates. The PSO also will visit the defendant's contracted residential drug treatment provider on a monthly basis or as needed to obtain compliance information.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

Sanctionable infractions for New Directions participants include positive drug tests, insufficient quantity for testing, failure to submit a sample, liquid loaded sample, attempting to submit or submitting a bogus sample, or failing to report for drug testing and failing to appear for case manager contacts. Responses to these infractions include the following sanctions or a combination thereof:

Drug Testing

- Reorientation⁹ session
- Redirection¹⁰ groups;
- Phase freeze¹¹
- Enhanced treatment; and
- Program discharge.

Case Manager Contact

- Warning; and
- Increased check-in to 2x/week.

All sanctions up to program termination are administratively imposed by the case manager throughout the program and may be imposed without returning to court. All treatment enhancements are assessment-driven.

In addition to sanctions for program violations, New Directions offers several opportunities for defendants to be recognized for their success in treatment. At least once a month, a Progression Ceremony is held in the Superior Court to recognize all defendants who have advanced to the next treatment level. Also, upon completion of the entire program, each defendant is honored in a graduation ceremony attended by family, friends and peers and presided over by the East of the River Community Court (ERCC) judge.

Defendants voluntarily may withdraw from New Directions or be discharged by the Court. In both instances, the defendant will no longer be subject to program sanctions. Defendants

⁹ Reorientation is the process whereby defendants are required to meet individually with a PSO and review program requirements.

¹⁰ Redirection is a type of therapy group based on the motivational enhancement/interviewing approach designed to enhance (or redirect) an individual's motivation to pursue successful completion of treatment.

¹¹ Phase freeze is implemented at the discretion of the supervision case manager and typically is not utilized more than 2 times.

discharged for non-compliance may be recommended for a higher level of supervision with a drug testing requirement, and they also are subject to contempt of court, detention, or revocation of release for violation of release conditions.

V. PLACEMENT AND DISCHARGE PROCEDURES

Program Placement

The referring PSO must confirm space availability with New Directions and, if space is available, will instruct the defendant to report to the next orientation session after placement. Defendants in HISP or Work Release are not eligible for New Directions.

All assessments and treatment evaluations for placement in New Directions must be completed prior to the defendant's court date. Once a defendant has been identified as eligible for New Directions, the referring PSO may administratively place the defendant in the program or make this recommendation to the calendar judge through the Court report. The referring PSO must explain the New Directions program to the defendant, as well as have him/her and the defense counsel sign the New Directions program contract. Administrative placements can occur as long as the defendant's original release order requires drug evaluation with possible program placement by PSA or a condition to enroll in drug treatment. A subsequent release order is not completed when there is an administrative placement, although the Court and counsel will be notified of the treatment placement. If the defendant appears in court to be ordered into New Directions, a new release order is executed. The calendar judges keep New Directions cases on their calendars and handle any non-compliance issues that may arise.

Program Discharge

Defendants may be discharged from New Directions due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program. Defendants also must be discharged at their request.

Defendants discharged due to non-compliance may be recommended for a higher level of supervision with a drug testing requirement, and they also are subject to contempt of court, detention or revocation of release for continuing violation of release conditions.

Defendants who successfully complete all four phases of the program are acknowledged at the New Directions Graduation. Those defendants who manage to complete the program

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before their trial date will continue weekly or random drug testing in New Directions and will be encouraged to participate in aftercare programs.

If the defendant charged in Superior Court is sentenced to probation while in contract treatment, CSOSA will assume responsibility for continuing the defendant on the current contract and level of drug treatment. If sentenced while in out-patient treatment with New Directions, that treatment will be terminated.

In order to ensure continuity of treatment, PSA requests the following:

For drug treatment cases, should the case reach disposition that includes a minimum of 18 months of probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment through CSOSA's STAR/HIDTA team or as otherwise directed by CSOSA."

If the case reaches a disposition that includes less than 18 months probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment as directed by CSOSA."

For sentenced federal defendants, residential and out-patient treatment with New Directions is terminated unless the defendant is waiting for placement in a facility to serve his/her sentence.

SANCTION-BASED TREATMENT CONTRACTING
 (Operated by the Treatment Branch (Superior Court) and
 Court Services Branch (District Court))

Program Summary (Superior Court and District Court)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Drug-involved defendants with felony and misdemeanor charges who do not otherwise qualify for Drug Court or are not placed into New Directions; ▪ Defendants who commence treatment post-conviction; and ▪ Defendants in HISP or Work Release who are in need of treatment. 	<ul style="list-style-type: none"> ▪ At least 3 positive drug tests within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ Verified history of drug treatment within 12 months <u>and</u> a current substance abuse assessment indicating need for treatment; or ▪ Positive for drug use on the day of arrest, initial appearance, or after a random spot test <u>and</u> a current substance abuse assessment indicating need for treatment; ▪ No serious medical or psychiatric condition preventing defendant from participating fully in treatment; ▪ No outstanding extraditable warrants or detainers; and ▪ Not currently participating in a methadone maintenance program.
Supervision and/or Services Provided	
<p><u>Superior Court and District Court</u></p> <ul style="list-style-type: none"> ▪ Drug testing: 2x/week if in outpatient treatment, gradually decreasing as defendant achieves success; ▪ Drug treatment: 2-3x/week pursuant to recommended treatment modality; and ▪ Referrals to education, employment, and other social services as deemed necessary. <p>Random drug testing by the contracted vendor is required for all residential placements.</p>	

Continued on the following page

Sanction-Based Treatment Contracting – Continued from the previous page

Program Sanctions and/or Incentives

Sanctions

Responses to infractions include the following sanctions:

Drug Testing (Superior Court)

- Reorientation session;
- Redirection groups;
- Enhanced treatment;
- 2 days jury box;
- 3 nights in jail; and
- Program discharge.

All treatment enhancements are assessment-driven.

Drug Testing (District Court)

- Reorientation session;
- Redirection groups;
- Enhanced treatment;
- 3 nights in jail; and
- Program discharge.

All treatment enhancements are assessment-driven.

Incentives (Superior Court and District Court):

- After 16 consecutive negative tests, drug testing is reduced to 1x/week; and after 4 consecutive negative tests, drug testing is reduced to random testing.

Placement and Discharge Procedures

Placement

- The referring PSO confirms placement availability and has the defendant and defense counsel sign the sanctions-based treatment contract;
- Administrative placement in treatment by the PSO with notice to the Court or recommendation to the Court for a new release order.

Discharge

- Defendants may be discharged from sanction-based treatment due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program.
- Defendants also must be discharged at their request pursuant to the terms of the contract signed by the defendant.

I. PROGRAM OVERVIEW

The function of sanction-based treatment (SBT) case managers is to monitor defendants' compliance with conditions of release, arrange for treatment placements, oversee progress in treatment, review drug testing schedules, keep the court, prosecution and defense apprised of compliance, and provide incentives and sanctions as warranted. The SBT staff also makes representations at sanction hearings regarding defendants' non-compliance.

II. ELIGIBILITY CRITERIA

Any defendant admitted into SBT must have a verified current substance abuse or dependence problem, defined by any single criterion below in order to meet the preliminary eligibility criteria:

1. At least three positive drug tests within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem;
2. A verified history of receiving drug treatment within the past 12 months and a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem; or
3. Positive for a controlled substance on the day of arrest, initial appearance, or after a random spot test and has a current (within the past 90 days) substance abuse assessment that indicates a substance abuse or dependence problem;
4. No serious medical or psychiatric condition that would prevent the defendant from participating fully in the assigned treatment;
5. No outstanding extraditable warrants or detainers; and
6. Not currently participating in a methadone maintenance program.

Defendants from Superior Court and District Court are eligible to participate.

III. SUPERVISION AND/OR SERVICES PROVIDED

Each defendant participating in SBT will receive treatment through a vendor contracted by PSA or an in-house program, if space is available, and be assigned a supervising PSO to whom he/she will report as required. The Community Treatment Specialist (CTS) from the SSAC recommends the treatment modality based on the outcome of the substance abuse assessment. In addition to monitoring the defendant's progress in treatment, the PSO monitors and guides the defendant through the supervision aspect of the program. Defendants in SBT in Superior Court are sanctioned for non-compliance by the Drug Court

judge and the PSO keeps the calendar judge apprized of infractions and sanctions. Defendants report to their calendar judge for all show cause, status, trial, and sentencing hearings requested by SBT staff through court reports. District Court defendants report to the presiding judicial officer for sanctions.

Random drug testing is required for all residential placements. Defendants in residential treatment are tested by the provider. Defendants in outpatient treatment are tested by PSA. After 16 consecutive negative tests, drug testing is reduced to once weekly and after 4 consecutive negative tests, it is reduced to random testing.

Defendants are required to report for all treatment appointments and activities as directed by the program. They are required to make up any late arrivals, early departures, and/or absences from groups or other treatment appointments by attending additional or make-up group meetings. Defendants participating in SBT are required to report to the assigned PSO as necessary.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

Sanctionable infractions for SBT participants include positive drug tests, insufficient quantity for testing, failure to submit a sample, liquid loaded sample, attempting to submit or submitting a bogus sample, or failing to report for drug testing and failing to appear for orientation. Responses to these infractions include the following sanctions:

- Reorientation¹² session
- Redirection¹³ groups;
- Enhanced treatment
- 2 days jury box (except District Court);
- 3 nights jail; and
- Program discharge.

All sanctions for Superior Court SBT defendants are imposed by the Court. All sanctions for District Court SBT defendants up to program termination and the jail sanction are administratively imposed by the case manager throughout the program and may be imposed without returning to court. All treatment enhancements are assessment-driven. Defendants

¹² Reorientation is the process whereby defendants are required to meet individually with a PSO and review program requirements.

¹³ Redirection is a type of therapy group based on the motivational enhancement/interviewing approach designed to enhance (or redirect) an individual's motivation to pursue successful completion of treatment.

are required to return to court for sanctions hearings on the day after committing a drug testing infraction.

Defendants voluntarily may withdraw from the SBT program or be discharged by the Court. In both instances, the defendant will no longer be subject to the contract sanctions. The defendant, however, still may be recommended for supervision with a drug testing requirement and may be subject to contempt of court, detention, or revocation of release for violation of conditions of release. SBT staff for Superior Court notifies the calendar judge of all infractions and sanctions completed by the defendant. DCU staff notifies the presiding District Court judicial officer.

V. PLACEMENT AND DISCHARGE PROCEDURES

Program Placement

All assessments and treatment evaluations for placement in SBT must be completed prior to the defendant's court date. Once a defendant has been identified as eligible for SBT, the referring PSO will administratively place or make a recommendation to the calendar judge through the Court report. The referring PSO must explain the SBT program to the defendant, as well as have him/her and the defense counsel sign the SBT contract. Administrative placements can occur as long as the defendant's original release order requires drug evaluation with possible program placement by PSA or a condition to enroll in drug treatment. A subsequent release order is not completed when there is an administrative placement, although the Court and counsel will be notified of the treatment placement. If the defendant appears in court to be ordered into SBT, a new release order is executed. The calendar judge keeps the SBT case on his/her calendar although the defendant is sanctioned by the Drug Court judge.

Defendants not placed in SBT (*e.g.*, on methadone maintenance) are referred to community-based providers by the supervising PSO and continue to submit weekly drug tests to PSA. The PSO obtains weekly compliance information from the provider and notifies the Court, prosecution and defense counsel of non-compliance.

Program Discharge

Defendants may be discharged from SBT due to non-compliance, the presence of a serious medical and/or mental health condition, or successful completion of the program. Defendants also must be discharged at their request.

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Defendants discharged by the Drug Court judge due to non-compliance are returned immediately to the calendar judge and may be recommended for a higher level of supervision with a drug testing requirement, and they also are subject to contempt of court, detention or revocation of release for violation of release conditions.

Defendants who manage to complete the program before their trial date or before sentencing will continue weekly or random drug testing and are required to follow any treatment aftercare recommendations.

If the defendant is sentenced to probation by Superior Court while in contract treatment, CSOSA assumes responsibility for continuing the defendant on the current contract and level of drug treatment. Except for sentenced District Court defendants waiting to report to a facility to begin service of their sentence, PSA-funded treatment is terminated upon sentencing for all other defendants in SBT.

In order to ensure continuity of treatment between PSA and CSOSA in Superior Court cases, if the defendant is sentenced to probation while in treatment with PSA, PSA requests the following:

For drug treatment cases, should the case reach disposition that includes a minimum of 18 months of probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment through CSOSA's STAR/HIDTA team or as otherwise directed by CSOSA."

If the case reaches a disposition that includes less than 18 months probation, the judgment and commitment order include the following language:

"As a condition of probation, the defendant hereby is ordered to participate in drug treatment as directed by CSOSA."

SOCIAL SERVICES AND ASSESSMENT CENTER

(Operated by the Community Justice Resource Branch)

Program Summary (Superior Court and District Court)	
Targeted Defendants	Eligibility Criteria
<ul style="list-style-type: none"> ▪ Any defendant under pretrial release. 	General Services <ul style="list-style-type: none"> ▪ Any defendant under pretrial release. ERCC Community Service <ul style="list-style-type: none"> ▪ Defendants in deferred prosecution and deferred sentencing agreements in the East of the River Community Court.
Supervision and/or Services Provided	
The Social Services and Assessment Center does not provide supervision. The following services and referrals are available: <ul style="list-style-type: none"> ▪ Comprehensive substance abuse assessment ▪ Medical referral ▪ Mental health assessment and referrals ▪ Social services needs assessment and referral ▪ Employment services ▪ Vocational training ▪ GED preparation ▪ Community-based skill building groups ▪ Identification procurement ▪ Education assistance ▪ Community service placements (ERCC diversion cases only) ▪ Housing assistance (subject to availability) 	

Continued on the following page

Social Services and Assessment Center – Continued from the previous page

Program Sanctions and/or Incentives
Not applicable
Referral Procedures
<ul style="list-style-type: none">▪ All SSAC services are available on a walk-in, first come, first served basis; appointments are neither necessary nor accepted;▪ To receive services, defendants must be referred by the Court or the supervising PSO. <p>Defense counsel may not direct defendants to the SSAC; instead, they must request services through the Court or PSO.</p>

I. PROGRAM OVERVIEW

The Social Services and Assessment Center (SSAC) assists defendants under pretrial release to secure substance abuse treatment assessments, mental health assessments, employment, housing, or other social services. The SSAC completes mental health assessments and/or testing for defendants who are being considered for pretrial release as part of the SSU's target population. It serves as a comprehensive treatment assessment center, the PSA repository for information on community resources, and the primary broker in connecting defendants with needed social services.

The SSAC also provides community service opportunities for defendants who are required to perform community service as part of their deferred prosecution or deferred sentencing agreements with the Superior Court's East of the River Community Court (ERCC). PSA has identified community organizations throughout the District that are willing to use the volunteer services of defendants to perform community service duties. PSA enters into formal agreements with these host organizations and government agencies to establish their willingness to accept referrals from and to report the defendants' performance to PSA. The defendants must perform community service with one of the identified host organizations or an organization approved by the supervising PSO in order to receive credit for work performed.

II. ELIGIBILITY CRITERIA

General Services

While the SSAC services are available to any defendant under pretrial release, priority is given to defendants ordered by the Court to secure employment, education, medical, social service, mental health or substance abuse assessment services as well as those assigned to the extensive supervision programs.

ERCC Community Service

Defendants in deferred prosecution and deferred sentencing agreements in the East of the River Community Court are eligible to participate in community service activities.

Defendants with a mental illness or currently using drugs do not qualify for community service.

III. SUPERVISION AND/OR SERVICES PROVIDED

General Services

The SSAC provides or facilitates the following services and referrals:

- Comprehensive substance abuse assessment
- Medical referral
- Mental health assessment and referrals
- Social services needs assessment and referral
- Employment services
- Vocational training
- GED preparation
- Community-based skill building groups
- Identification procurement
- Education assistance
- Community service placements (ERCC diversion cases only)
- Housing assistance (subject to availability)

Requested services may be made available to defendants voluntarily, based on need, or based on a court order, as in the case of substance abuse and mental health assessments.

ERCC Community Service

Defendants with deferred prosecution and deferred sentencing agreements with community service requirements will be monitored for up to 32 hours of community service which must be completed within two weeks; and supervised for a maximum of four months for other joint diversion/release conditions. Defendants meet with their supervising PSOs to establish a plan for completion of community service hours. The PSO works with the defendant to complete community service obligations on time, and scheduling may be modified for verified, legitimate reasons as long as requisite hours are completed in the allowed timeframe.

At the end of four months, PSA no longer will monitor performance of joint diversion/release conditions.

IV. PROGRAM SANCTIONS AND/OR INCENTIVES

General Services

The SSAC is not a supervision program, but functions in support of PSA's supervision programs. If a defendant refuses a SSAC referral associated with a release condition, SSAC reminds the defendant of his/her obligation. If the defendant reaches violation status due to failure to comply with any SSAC-related release condition, then the Court is advised by the supervising PSO.

If a defendant declines a SSAC referral for any activity not mandated by the court, this is documented only in the defendant's file.

At the third drug testing condition infraction and/or whenever the PSO, in conjunction with his/her supervisor, concludes that a SSAC referral is necessary to achieve defendant compliance, the PSO arranges for a substance abuse assessment and follows the assessment recommendation.

If a mental health need is identified during the PSA assessment, the PSO will assess and address the need for mental health services and SSU supervision.

ERCC Community Service

The PSO reports defendants' completion of community service hours on a weekly basis to the supervising PSO, who in turn provides the ERCC with written performance reports when the defendant returns to court.

V. REFERRAL PROCEDURES

General Services

All SSAC services are available during business hours on a walk-in, first come, first served basis. Appointments are neither necessary nor accepted. To receive services, defendants must be referred by the Court or the supervising PSO. Defense counsel may not direct defendants to the SSAC. Instead, they must request services through the Court or PSO.

At any point during supervision, the Court may request a substance abuse and/or mental health assessment by contacting the SSAC directly or by contacting the PSA court representative or supervising PSO. For defendants on release, the defendant may be

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instructed to report to the SSAC to complete the assessment. For defendants being detained behind the courtroom, the Court may contact the SSAC and request that a PSO report to complete the assessment.

PSA must take all precautions to ensure against violations of federal and local confidentiality protection statutes for people with substance use and or/mental health problems. In order to comply with confidentiality requirements, PSA employees will not under any circumstances conduct an assessment/evaluation of a defendant who is not alone in a cell. Arrangements have been made for access to private locations for the purposes of conducting evaluations. In the event that space is unavailable, PSA will notify the Court immediately about any delay and the status of available interview space. Federal regulations¹⁴ prohibit the unauthorized disclosure of substance abuse and mental health information. Therefore, an ROI allowing PSA to share the results with the Court also must be signed by the defendant.

If the defendant refuses to sign the ROI, then PSA will inform the Court that PSA was unable to complete the assessment because the defendant refused to sign the ROI. When consent is given, the PSO will complete the assessment and the PSA court representative will inform the Court of the recommendations generated by the assessment. If the defendant refuses to sign the ROI, then the Court must issue a court order for the assessment, thereby permitting the SSAC to complete the mental health assessment and share the results without defendant consent pursuant to D.C. Code §7-1204.01 (D.C. Mental Health Information Act).

Social services referrals usually are offered to defendants on a voluntary basis. At the beginning of the supervision period or on an as-needed basis, the supervising PSO administers a social services needs screener to defendants in the SSU, High Intensity Supervision Program and treatment programs, as well as to defendants with court –ordered social services requirements, unless a mental health and/or substance abuse assessment has been conducted within 90 days. Defendants whose screener result indicates a need for services are offered a referral to the SSAC.

Other defendants under extensive supervision (*e.g.*, those in GSU with regular reporting or drug testing conditions), as well as all of those on pretrial release, but not under supervision, may be screened and referred at the discretion of the PSO whenever he/she suspects that a social service need may exist and/or when such a defendant requests services.

¹⁴ Title 42 Code of Federal Regulations, Part 2 and the D.C. Mental Health Information Act, §7-1202.02.

ERCC Community Service

Once a defendant has accepted a deferred prosecution or a deferred sentencing agreement in the courtroom, and this agreement includes a requirement to complete community service, the defendant should be referred to PSA's SSAC. At the SSAC, the defendant will meet with a PSO who will identify an organization(s) compatible with the defendant's skill level, give guidance on appropriate attire and location of the service site, and schedule community service sessions. The supervising PSO monitors defendants' compliance with community service requirements.

ORDERING TREATMENT MODALITIES NOT INDICATED BY AN ASSESSMENT

PSA's Pretrial Services Officers (PSOs) administer the assessment and make treatment recommendations based upon criteria outlined in the American Society of Addiction Medicine (ASAM). On occasion, a judicial officer may not agree with PSA's recommended treatment modality. The scenario is usually that the judicial officer orders the defendant into residential treatment when the PSA assessment indicates a different modality such as outpatient treatment. Should the judicial officer disagree with PSA's assessment, or have additional information that should be considered for the placement decision, PSA requests that the following procedures be followed:

1. Continue the case for 48 hours and schedule another hearing;
2. Contact the Branch Manager of PSA's Criminal Justice Resources Branch and request that the recommendation be reviewed; and
3. Provide any additional information the judicial officer deems appropriate supporting that request for review.

At the continuance hearing, a PSA representative shall inform the Court of the results of the review and provide a recommendation based upon that review. If PSA's review of the assessment does not result in any change in the recommendation, and the Court so desires, PSA will make every effort to contact the District's Addiction and Prevention Recovery Administration to determine if community-based treatment is an option for the Court to utilize. PSA is not authorized to expend federal treatment dollars on a treatment modality that is not supported by the ASAM criteria.

TREATMENT RESOURCE TIMEFRAMES

Substance abuse treatment routinely has been integrated into pretrial supervision. Unfortunately, treatment demand continues to increase, while PSA resources remain constant. Greater demand, coupled with leveled funding, force PSA to adopt procedures that optimally manage its limited resources. The following timeframes for treatment are in place:

- All PSA-funded residential and inpatient placements to contracted vendors will not exceed 60 calendar days, unless approved by the PSA Treatment Branch Manager.
- PSA case managers will refer sanctions-based treatment defendants in need of long-term residential/inpatient treatment (90 days or more) to the Reentry Sanctions Center/HIDTA, or to the D.C. Addiction Prevention and Recovery Administration if placements are available, unless it is clear that responsibility for funding will be transferred to CSOSA within the maximum 60 calendar days allowed for PSA-funded slots.
- If ordered by the Court, PSA will fund contracted treatment if funds are available for a maximum of 30 days following conviction. PSA will extend these placements an additional 30 days if the Court is awaiting completion of a PSI and there is no alternative acceptable to the Court. PSA will continue to forward funding responsibility to CSOSA for any defendant under contracted treatment who is sentenced to probation so that treatment can continue uninterrupted.
- All treatment placements and extensions are assessment-driven.
- PSA will continue to manage defendants in its non-treatment supervision programs following conviction until sentencing. The Drug Court also will be available as a post-adjudication option for drug-using defendants who meet the program's eligibility criteria, as long as space is available. However, due to the four- to six-month average program participation time and PSA's need to prioritize its in-house resources for defendants on release pending trial, New Directions, PSA's other in-house program, will not be available as a placement option at the time of conviction. If the Court wishes to start treatment for a defendant post-conviction and prior to sentencing, the best option is to utilize contract funding for 30 days, which can be transferred to CSOSA if the

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defendant is sentenced to probation. However, as indicated above, PSA does not have the resources to keep a defendant in treatment for many months after conviction and prior to sentencing, so the Court is requested not to postpone sentencing to secure pretrial treatment resources.

GLOSSARY OF ACRONYMS

- ASAM – American Society of Addiction Medicine
- ASI – Addiction Severity Index
- CSA – DMH core service agency
- CSOSA – Court Services and Offender Supervision Agency
- CTS – Community Treatment Specialist
- DCU – PSA's U.S. District Court Unit
- DMH – D.C. Department of Mental Health
- DOC – D.C. Department of Corrections
- DTCU – PSA's Drug Testing and Compliance Unit
- ERCC – East of the River Community Court
- FTA – Failure to appear
- FTDTL – Forensic Toxicology Drug Testing Laboratory
- GSU – PSA's General Supervision Unit
- HISP – PSA's High Intensity Supervision Program
- NA/AA – Narcotics Anonymous/Alcoholics Anonymous
- PSA – D.C. Pretrial Services Agency
- PSO – Pretrial services officer
- PSR – Pretrial services report
- ROI – Release of information
- SBT – PSA's sanction-based treatment (contracted)
- SSAC – PSA's Social Services and Assessment Center
- SSU – PSA's Specialized Supervision Unit
- STAR/HIDTA – CSOSA's Sanctions Team for Addiction and Recovery/
High Intensity Drug Trafficking Area Program
- USAO – U.S. Attorney's Office for the District of Columbia