

## TESTIMONY OF JUDGE DEBORAH KOOPERSTEIN

Chairman Miller and members of the Subcommittee on Healthy Families and Communities, my name is Deborah Kooperstein and I am here today in my capacity as the Administrative Judge of the Southampton Town Justice Court. Thank you for giving me the opportunity to testify at this hearing entitled, "The Juvenile Justice and Delinquency Prevention Act." during National Youth Court Month. My comments will consist of a narrative describing two problem solving courts that operate within my jurisdiction, the Town of Southampton, and the Five East End Towns of Long Island. They are the Southampton Youth Court and the East End Regional Intervention Court (EERIC), a Drug Treatment Court. These courts both handle cases of teenage defendants, stress accountability, require a guilty plea or admission of guilt prior to acceptance into the program, operate on the principles of restorative justice in order to prevent recidivism and both operate on a shoestring budget. The Youth Court Budget for the period October 2006 to September 2007 was \$3,000.00 which did not include staff salaries or transportation costs. The EERIC annual budget is \$45,000.00 for the salary of the coordinator.

The Southampton Town Youth Court was established twelve years ago, funded through a grant from the New York State Division of Criminal Justice Services. Employees of the Town Attorney's office staffed the program outside of their regular working hours. The Town continued to provide funding at a reduced level; there is scant recorded history of these early years.

In 2001, the Town established a Youth Bureau which became responsible for the Youth Court budget. Employees of the Town Attorney's office continued to manage and staff the program. From 2002 through 2005, the Youth Court trained 13 to 15 young people each year and heard at least 2 cases per year. During that time, the Human Services Department staff salaries began to be paid from the revenue generated by the Town Justice Court. The Southampton Town Justice Court is the busiest, highest volume Town Court in the State of New York with revenues of \$2,200,000 for calendar year January 2006 to December 2006.

In 2006, the Youth Bureau decided to refocus the mission and program of Youth Court which was functioning more like a Mock Trial program. The Youth Bureau reached out to and involved local officials involved in juvenile justice, and neighboring Youth Court programs. The Youth Bureau sought the counsel and expertise of the National Association of Youth Courts, the New York State Association of Youth Courts and the New York State Division of Criminal Justice Services. As a result, the mission was reordered and the following goals were set to provide restorative justice and social services:

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- 1) to hear more cases of young offenders guilty of misdemeanors as well as violations and infractions,
- 2) to place more emphasis on restorative justice rather than the trial process,
- 3) to offer social services and support to offenders referred to the program,
- 4) to continue the relationship and involvement with the offenders post trial,
- 5) to increase the number of local youth participating,
- 6) to accept referrals from the Suffolk County Probation Department of current probationers

The cases from Probation are real actual Penal law Violations and/or Misdemeanors of first time offenders. They range in age from 11 years to 16 years of age; the student volunteers are students enrolled in grades 9 through 12 in the high schools with in the various school districts of the Town. These students complete 9 weeks of training in trial procedures. They learn proper court room demeanor, general principles of court room protocol and the nuts and bolts of trying a criminal case. They are taught how to prepare and make opening and closing statements, question a witness on direct, cross-examine a witness, and question a hostile witness. In addition, every student is taught to play the roles of everyone in the courtroom: the Judge, the jurors, the Court Officer, and the Court Clerk. The offenders who participate are called respondents and are currently under the supervision of a Suffolk County Probation Officer. The offender/respondent has previously admitted guilt and the Youth Court trial is a review of the case and a sentencing mechanism. The sentencing ranges from a written apology or a public apology to hours of Community Service or a day or spending several days with me in Criminal Court or EERIC Drug Treatment Court.

This year's Youth Court began in October 2006 and ran until September 2007. The trials took place on Wednesday evenings in the main court room in the Southampton Town Court. The trials were presented to a jury comprised of 6 to 9 jurors. One parent was required to be present at the trial of their child and required to testify under oath. Each offender and volunteer was required to sign a Confidentiality Agreement, anyone found guilty of violating its terms and conditions is removed from the Youth Court with a report forwarded to their Probation Officer. (See Agreement forms attached) 6 trials took place and consisted of the following crimes: 3 cases of shoplifting, 2 cases of the Misdemeanor Criminal Mischief and the violation of Trespass, and 1 case of the Misdemeanor Criminal Possession of a Controlled Substance. 4 offenders were female; 2 offenders were male. These offenders came from varied socio-economic backgrounds, from poor families, wealthy families and recently arrived immigrant families. All have successfully completed their sentences. These sentences are the basis of a report that is

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sent back to the Probation Office. 2 offenders remained active in Youth Court after completing their sentence. All offenders and their families went through an assessment process with the Youth Bureau Counselor at the completion of the program. On September 19, 2007, at Bellport High School Auditorium, Southampton Youth Court will participate in Mock Trial Presentations with other Youth Courts from neighboring towns.

In February, 2004, the East End Intervention Court (EERIC) Drug Treatment Court officially opened its doors after two years of lobbying, planning and the completion of judicial training and certification. Since that day, EERIC has held three graduations and graduated 24 drug free participants between the ages of 18 and 52. To date the recidivism rate is ZERO. The current docket has 28 participants from all five of the Towns on Eastern Long Island which are Southampton, Riverhead, East Hampton, Shelter Island and Southold. These participants range in age from 17 to 42, with criminal charges of Petit Larceny, possession of heroin, cocaine, crack cocaine, illegally obtained prescription drugs like the opiates vicodin and percocet. The annual budget is funded by the New York State Office of Court Administration which pays the \$45,000 salary of the sole staff member a resource coordinator, provides testing kits and bus passes. The Towns of Southampton and Riverhead have each budgeted \$10,000 for the costs of additional training provided by the National Association of Drug Court Professionals. The two Judges who preside, and the alternate Judge, all volunteer their time. EERIC is a combination of treatment and criminal court; the Judge is a member of a team which consists of the aforementioned coordinator, a Probation Officer, an Assistant District Attorney, a private defense Attorney, the Legal Aid Bureau Chief, and various treatment providers. The decision to admit a defendant into EERIC is a team decision. The participant must have been arrested and charged with a drug related crime to be considered for acceptance into EERIC. He or she must sign a detailed contract (Sample attached), be represented by counsel, plead guilty to a lesser charge with an agreed upon sentence if they complete the 1 to 2 year program and graduate and an agreed upon sentence if they leave the program prior to graduation.

EERIC is an adult drug court whose purpose is to 1) achieve abstinence from substance abuse among non-violent substance abusing offenders 2) through continuous, intense judicially supervised treatment, mandatory periodic supervised drug testing, community supervision and the use of sanctions. The following benchmarks were designed to achieve the goal of abstinence:

- 1) combining and integrating drug treatment services with the formality of the justice system in a courtroom setting,
- 2) using a non-adversarial approach by the prosecution and defense to reach the addict and assist their recovery,
- 3) identifying and placing eligible participants as early as possible into the diversionary Drug Court (EERIC) program,
- 4) providing continuous access to drug treatment and rehabilitation services

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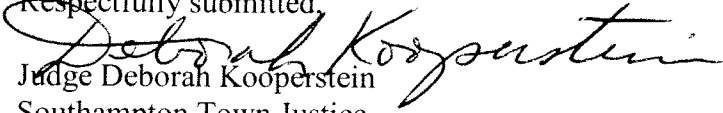
EERIC convenes every Tuesday in a courtroom at the Southampton Justice Court and every Thursday in the Riverhead Justice Court. I preside in Southampton and Judge Allen Smith presides in Riverhead although we have been granted jurisdiction to sit in either location and handle cases referred from the other Towns on the East End of Long Island. There is a team meeting held before the Court proceedings begin. At that meeting the team discusses each participant's most recent drug test results (administered one hour before), their participation in mandated treatment, their performance at work or school and any other aspects of their life that are germane. If the drug tests results are clean and the participant is in compliance they are given a new Court date; if the drug test results are dirty, then unless the participant admitted to using during the week, sanctions are not only discussed but put in place that day by the Judge. In addition to the weekly Court sessions, the entire team consisting of the two Judges meets each month with a written Agenda to discuss the new participants and share our thoughts and ideas (Copy of May 15, 2007 meeting attached).

EERIC has a pool of teenage participants quite similar to the participants in the Youth Court. The New York State Criminal Justice System classifies any person 16 years of age or older as an adult. As a result, immature adolescents are charged, processed, and prosecuted within a larger, hardened population of repeat offenders. Both Courts follow the restorative justice model instituted by the first New York Drug Treatment Court opened in Rochester in 1995.

EERIC has shown statistically and anecdotally that high levels of accountability and judicial discretion yield high levels of effectiveness. To illustrate that conclusion, I repeat, that to date after over 3 years of operation not one of our graduates has been re-arrested. This is remarkable because even the youngest graduate, a nineteen year old had an extensive criminal history as an adult and prior juvenile arrests. At this point, the new Youth Court model has not operated long enough to have assembled sufficient data to support a lack of recidivism. However, the new model of Youth Court is clearly on the path to success because its goals are congruent with the East End Regional Intervention Court (EERIC) which has a proven record of success.

In closing, 1) I ask you to read the 3 local newspaper articles I have attached. One pertains to the regional Youth Courts; 2 concern the EERIC program; and 2) I thank you again for your interest in the problems confronting our adolescents and in the Courts designed and dedicated to solving those problems.

Respectfully submitted,

  
Judge Deborah Kooperstein  
Southampton Town Justice



# SOUTHAMPTON TOWN YOUTH COURT

116 Hampton Road  
Southampton, NY 11968  
(631) 287-5734 ext. 147  
FAX (631) 283-7529



**YOUTH COURT PROGRAM  
RESTORATIVE JUSTICE PROGRAM**

**Karen Hurst, LMSW  
Coordinator**

## Southampton Town Youth Court Confidentiality

Southampton Youth Court proceeding are closed and confidential. All members must maintain the confidentiality of the court and act within high moral standards.

I solemnly swear or affirm that I will not divulge either by words or signs any information which comes to my knowledge in course of Youth Court case presentation and that I will keep secret all said proceedings which may be held in my presence so help me God.

Name (signature)

Role In Courtroom

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
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13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____
18.	_____	_____
19.	_____	_____
20.	_____	_____

I have been advised of what the Southampton Youth Court is and how it works. I am admitting my guilt to the offense and I am willing to appear before youth court, present my case and accept those consequences assigned to me by the jury. *If I fail to complete my sentence in the time requested, I understand I will be referred back to the referring agency.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

As the parent/guardian of \_\_\_\_\_, I understand that I must also appear in Youth Court and will be asked to testify.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

As part of your sentencing you will need to be apart of the Youth Court jury a minimum of one time. The jury will determine the exact number of jury duty sessions you will need to attend. In order to prepare for jury duty you will need to go to <http://www.ycyouth.net/training/default.asp> . Click on register to take the lessons. The Volunteer Access Code is 75455. Once you have completed the training and have taken the test, I will receive your score via e-mail. Once I receive the score, you will be given a date to appear for jury duty. If you have any questions please call Mrs. Hurst, 702-2425.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# SOUTHAMPTON TOWN YOUTH COURT

116 Hampton Road  
Southampton, NY 11968  
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YOUTH COURT PROGRAM  
RESTORATIVE JUSTICE PROGRAM

Karen Hurst, LMSW  
Coordinator

## Membership Statement of Confidentiality

I \_\_\_\_\_, a member of the Southampton Town Youth Court, so hereby recognize my responsibility to uphold the confidentiality of all matters dealt with during Youth Court proceedings. I also understand that my failure to uphold this oath of confidentiality will result in an immediate termination of being a member of the Southampton Town Youth Court. I understand my obligation to the community to uphold all matters dealt with during the Southampton Town Youth Court and to keep all details confidential.

Signature: \_\_\_\_\_

(Youth Court Member)

Date: \_\_\_\_\_

### Tips for the Courtroom

1) Always tell the truth. At trial, as in all other matters, honesty is the best policy. If you tell the truth and tell it accurately, nobody can cross you up. Do not guess or make up an answer. If you do not know the answer

it is best to say, "I don't know." If you are asked about details that you do not remember it is best to say, "I don't remember."

2) Dress neatly and conservatively, and be courteous. The way you dress and present yourself is a direct reflection on you. You want to be sure that your appearance and manner do not distract the judge or jury from careful consideration of your testimony. No tinted glasses or flashy jewelry. A question should be answered, "Yes, sir," or "No, sir," and the judge should be addressed as "Your Honor."



(3) Be attentive. You should remain alert at all times so that you can hear, understand, and give a

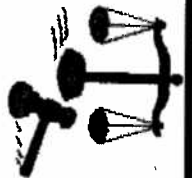
proper response to each question. If the judge or jury gets the impression that you are bored or indifferent, they may tend to disregard your testimony. Use good posture, do not slouch.

(4) Take your time and speak clearly and loudly. Give the question thought before you answer. If you do not understand the question, let the attorney know you do not understand.

The juror farthest from you should be able to hear distinctly what you have to say. Do not chew gum and keep your hands away from your mouth. Do not nod your head "yes" or "no."

(5) Be serious in the Courtroom. Avoid joking, wisecracks or acting silly in the jury's presence.

### What is Youth Court?



Youth Court is a national program in which youth offenders are sentenced by their peers for minor offenses or problem behaviors.

At the end of a hearing, the peer jury decides on an appropriate sentence/disposition for the offender, based on the goals of restorative justice.

Restorative Justice goals are to:

- increases the offenders awareness of the effects of their actions on all victims and gives them the opportunity to repair the harm they have caused.
- connect the respondents to the community by involving the communities in the dispositions
- require that the offender take responsibilities for his/her offense

Youth who do not complete their youth court sentence will be referred back to the referring agency or school for further action.

Our court does not determine guilt or innocence. All respondents must omit their guilty in order to participate in the Youth Court program.

### Terms You Will Hear

Confidentiality: the requirement not to reveal information by spoken, written or sign language

Cross Examine: questions that are asked by the prosecuting attorney

Defense Attorney: the attorney that represents the respondent in court

Direct examination: questions asked by the defense attorney.

Disposition: the sentence that they jury gives to the respondent

Prosecution: the attorney's side that represents the government

Respondent: a juvenile who has committed a crime

Victim: a person or persons who suffers due to an act of another

Witness: any person who testifies at a hearing what he/she has seen, heard or otherwise experienced





DRUG TREATMENT COURT CONTRACT

State of New York  
County of Suffolk

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff,

Case No.

-against-

Defendant.

The East End Regional Intervention Court, Suffolk County District Attorney and above-named defendant, agree that the defendant shall plead guilty to the following charge(s) in the East End Regional Intervention Court pursuant to the provisions of this Contract.

<u>CHARGE(S)</u>	<u>PLEA OF GUILTY TO:</u>	<u>AGREED SENTENCE:</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

1. Defendant hereby voluntarily agrees to enter into East End Regional Intervention Court Program as an alternative to being sentenced in the above plea under conditions summarized below and in the Treatment Plan which will be developed upon completion of defendant's evaluation.

\_\_\_\_\_  
Defendant's Initials      Attorney's Initials

2. Defendant agrees to meet or report to the treatment provider(s) as required and to follow their recommendations. \_\_\_\_\_
3. Defendant agrees to random testing for drug or alcohol use and understands that failure to provide a urine sample or Breathalyzer test may be considered by the Court to be the equivalent of a positive test result. \_\_\_\_\_
4. Defendant agree to return to East End Regional Intervention Court periodically as requested by the court and understands that he/she may have to periodically report to the court for a minimum of twelve (12) months depending on progress. \_\_\_\_\_
5. Defendant understands that if he/she misses any court dates, a bench warrant may be issued and he/she may be released from the program and the case reinstated for sentencing. \_\_\_\_\_
6. Defendant understands that if he/she is on parole or probation and violates the terms of such, he/she will be in violation of this contract and subject to sanctions and/or possible termination from the program by the Court. \_\_\_\_\_
7. Defendant understands that he/she must inform the court and treatment provider(s) immediately of any change in address and phone number and reside in an approved halfway house or inpatient facility whenever required. \_\_\_\_\_
8. Defendant understands that any new arrest while in this program must be reported to the court and may be grounds for immediate termination from the program. Failure to report a new arrest within 10 days may also be grounds for immediate termination from the program. \_\_\_\_\_
9. Defendant understands that he/she will be required to discuss with treatment providers and the court his/her drug use, and that any statement he/she makes regarding drug use in the Treatment Program and/or for the purpose of treatment will not be used against the defendant as evidence in any current or future criminal prosecution; however, it shall be admissible in the event of a termination proceeding. \_\_\_\_\_
10. Defendant understands that Drug Treatment Court is an open court and that his/her case will be discussed in front of other defendants and members of the public that may be in attendance. \_\_\_\_\_
11. Defendant understands that if he/she violates any terms of this Contract and/or fails to work diligently towards the goals of this program, defendant's may be sentenced by the Court and agrees that there is no right to appeal to any other court from a conviction or sentence of the local Criminal Court or County Court. \_\_\_\_\_
12. Defendant agrees to sign reasonable authorizations for the release of information required by the court. It is understood that any information regarding the defendant's treatment and progress in treatment identifying the defendant will not be released to persons not working for the court and/or treatment providers without the further authorization of the defendant. \_\_\_\_\_

13. Defendant agrees to keep all appointments required and to participate in programs including:
  1. treatment programs
  2. counseling programs
  3. education programs
  4. vocational programs
  5. day reporting programs
  6. other reasonable rehabilitation requirements
  
14. Defendant agrees that in the event he/she fails to keep any program appointments ( in the absence of an explanation satisfactory to the courts), fails to comply with any reasonable request or requirement , fails to comply with the rules of the treatment providers, tests positive for any non-prescribed drug, including alcohol, or any prescribed drug that he/she does not have the permission of the court to take (with the exception of emergency situations, in which case the use of such drugs shall be disclosed on the next business day), or fails to comply with any other provisions set forth in the contract, the court may immediately make necessary adjustments in requirements and may impose sanctions including jail time and/or termination from the program. A sanction or termination is solely at the discretion of the Drug Treatment Court Judge, following a hearing. \_\_\_\_\_
  
15. Defendant agrees that in the event a termination hearing is held a) hearsay evidence is admissible for purposes of establishing a violation of the contract; b) the standard of proof is a preponderance of the evidence and; c) rules applicable to violation of probation hearings (CPL 410.70(3) and/or suppression hearings (CPL 710.60) are applicable. \_\_\_\_\_
  
16. Defendant agrees to allow Drug Court personnel to search their person as well as their home and/or vehicle. \_\_\_\_\_
  
17. The defendant understands that the Court may , at its sole discretion, place certain limitations, restrictions and guidelines on the social activities of Defendant(s). This may include, but shall not be limited to; restricting interaction between Defendant(s) and active drug/alcohol users, imposing curfews, restricting Defendant's access to certain locations, limiting Defendant's attendance at social events and/or gatherings, taking control over Defendant's employment status and directing Defendant(s) not to engage in certain actions or activities when it relates to Defendant(s) rehabilitative process. \_\_\_\_\_
  
18. Any sanctioned time will not count toward defendant's break out time. \_\_\_\_\_
  
19. The parties to this Contract agree that if the defendant complies with the provisions of this Contract and their treatment plan, including modifications approved by the court, the convictions herein above listed will be disposed of as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant

\_\_\_\_\_

Date

CERTIFICATION OF ATTORNEY

I, \_\_\_\_\_, hereby certify that I am attorney of record (or am authorized to appear on behalf of the attorney of record) for the above-named defendant and that I have explained each and every provision of this Contract (numbered 1-17) to him/her, his/her rights and that he/she has freely and knowingly entered into the within CONTRACT.

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Suffolk County District Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
East End Regional Intervention Court Judge

\_\_\_\_\_  
Date

## I. NON-COMPLIANCE

The following are some examples of non-compliance that may result in court ordered sanctions or termination from the program:

1. Failure of defendant to keep mandated treatment appointment dates with service provider;
2. Failure of defendant to keep all scheduled court appearance dates;
3. Failure of defendant to consistently remain drug free as evidenced by repeated positive lab results demonstrating drug usage;
4. Failure of defendant to lead a law abiding life as a result of re-arrest/ conviction;
5. Failure of defendant to follow instructions of the Judge and/or treatment provider.

## II. SANCTIONS

The following is a list of some court-ordered sanctions that may be imposed as a result of non-compliance:

- a) In-court verbal admonishment;
- b) Essays;
- c) Increased urinalysis frequency;
- d) Increased court reporting schedule;
- e) Extending defendant/client treatment period or period under the Drug Treatment Court Program;
- f) Weekend Work Program;
- g) Financial penalties;
- h) Period of incarceration to encourage compliance with drug court mandates.

### III. TERMINATION

a) Subject to the discretion of the Drug Treatment Court Judge, following a hearing.

I have read, understood and received a copy of conditions of non-compliance and resulting sanctions.

\_\_\_\_\_  
Signature of Defendant      Date

\_\_\_\_\_  
Signature of Judge      Date

East End Regional Intervention Court Team Meeting  
May 15, 2007 12pm  
Southampton Town Hall - lower level multi purpose room

1. Team Contact List Update
2. Conference Updates -  
Washington DC June 13 - 16
3. Participant Updates
4. Possible Participants
5. Update EERIC Contract
6. EERIC Alumni Association News
7. A message from SC Legislator Lynne C. Nowick 13<sup>th</sup> Legislative District
8. Newspaper articles: Southampton Press 5/10/07 and Suffolk Life 4/24/07
9. Next Team meeting: June \_\_\_\_, 2007 location: \_\_\_\_\_ time: \_\_\_\_\_

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**SUFFOLK LIFE**  
**NEWSPAPERS**



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Home -> News -> Top Stories -> Top Stories

Tuesday 24 April, 2007

NEWS SEARCH

**Top Stories**

Advanced search

**Intervention Methods Utilized By E. End Towns**

By: Susan J Greenberg

April 18, 2007

Email to a friend  Voice your opinion

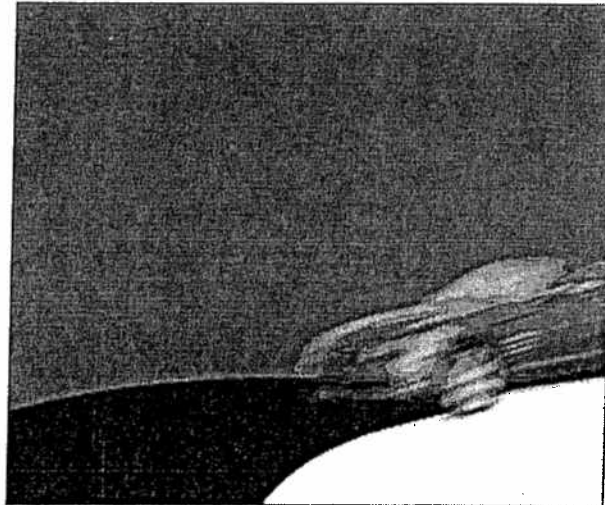
<p>▶ <b>Top Stories</b></p> <ul style="list-style-type: none"> <li>Top Stories</li> <li>Local News</li> <li>Babylon</li> <li>Brookhaven</li> <li>Huntington</li> <li>Islip</li> <li>Riverhead</li> <li>Smithtown</li> <li>Southampton</li> <li>Southold</li> </ul>
<p>▶ <b>Willmotts and Why Nots</b></p>
<p>▶ <b>Point Of View</b></p>
<p>▶ <b>Letters To The Editor</b></p>
<p>▶ <b>This Week</b></p>
<p>▶ <b>Upper Half</b></p>
<p>▶ <b>Outdoor Corner</b></p>
<p>▶ <b>Parents Life</b></p>
<p>▶ <b>Health Life</b></p>
<p>▶ <b>Our Story</b></p>
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<p>▶ <b>Obituaries</b></p>

**Rehabilitation, not punishment, is best used for people who find themselves in trouble with the law due to alcohol or substance abuse, explained Charlene Mascia, coordinator of the East End Regional Intervention Court, a program run in Southampton and Riverhead towns that helps people in such situations.**

Formed as a statewide initiative by New York State Chief Justice Judith Kaye in February of 2004, the EERIC is the first such program enacted for those residing in these East End towns, according to Mascia. "Our goal is to serve the non-violent, substance-abusing defendant who recognizes his or her problems and voluntarily chooses to enter into a contract with a court-supervised program that mandates full participation and regular appearances before an EERIC judge," said Mascia. "It is a very effective program that has allowed so many people to turn their lives around."

Although there are some participants in the program who do not succeed, Mascia said that, in most cases, successful completion of the program will result in the participant learning to lead a "clean and sober lifestyle," which benefits both the client and the community.

Legal infractions that bring a person to the attention of the EERIC include those offenses that are non-violent, and typical of someone who is under the influence of an extraneous substance, Mascia explained. "These are illegal activities that they would not normally partake in but for their addiction, such as prostitution, forging a prescription, or even stealing from a store," she said. "If they get help to turn their lives around, these behaviors go away."



SECTION LINKS

- Display Ads
- Comments?
- Sales Map
- Advertiser Index
- Email Listings



READER POLL

Does the public have the right to know how much taxpayer money the county spends on political events?

- Yes
- No

Submit Vote

view results

Those who deal drugs are not included as potential participants, said Mascia, because their behavior is inspired by profit, not desperation, unlike those who, if they address their addiction, will be able to refrain from criminal behavior. Also excluded are those who have felony charges pending that cannot be pleaded down, and defendants who are deemed to be mentally incapable of complying with the program.

"Working in this program has been a great experience. I see people who have ruined their lives with drugs and alcohol come through the process and have meaningful lives," said Judge Allen Smith, who presides over such matters in Riverhead Town Court, along with his Southampton Town colleague Judge Deborah Kooperstein.

Eligibility for the EERIC is determined by a panel known as the Drug Court Team, Smith explained. Comprised of various representatives, including those from the Suffolk County Department of Probation, local drug rehabilitation services, court staff, the Legal Aid Society of Suffolk County, and Suffolk County District Attorney Tom Spota's office, the team reviews each defendant's status and potential for success in the program before offering it as an option, instead of sentencing them to serve jail time or ordering them to pay a fine.

"This is not a get-out-of-jail-free card," said Mascia. "There is a lot of hard work that the participant goes through in order to complete the program."

If the defendant is determined to be eligible for the program, explained Mascia, and they decide to become a participant, the team looks at many factors in determining the requirements for an individual. "We look at their crime, their history of substance abuse, any prior treatment and their current living situation in order to come up with a specific program that will suit them," she said. They are required to complete substance abuse treatment that may include inpatient or outpatient services, and are encouraged to also participate in substance abuse support groups, such as Alcoholics Anonymous or Narcotics Anonymous. "Although they are also in treatment, we do encourage a 12-step fellowship," said Mascia. In addition, she said, it is determined if the person needs to be placed in a social services sober home because they are homeless or are in an unhealthy situation where they would be tempted to continue to abuse substances.

Once a person becomes a participant, they must sign a contract, and their file is reviewed monthly by the team, according to Smith. "In addition to monthly meetings of the team to review cases, we also meet every morning before court to review the files of those who are appearing before me that day to keep up with their progress," Smith said. "We look at such things as whether they are compliant, clean and sober, gainfully employed."

On April 20, a graduation ceremony will be held for the third group of successful EERIC participants at noon at the Southampton Town Justice Court. "This ceremony really shows how rehabilitation can help people turn their lives around," Mascia noted.

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# Southampton Press

THURSDAY, MAY 10, 2007

## Drug Court Boasting Early Signs of Success

A clean record after its first three years

By Andrew Keshner

The event inside the Southampton Town Justice Court on that day in late April was unlike most graduations.

On April 20, without flowing gowns, without "Pomp and Circumstance," without caps flung high in the air, the local drug court—officially called the East End Regional Intervention Court (EERIC)—graduated its 12 newest alumni.

Even without the flourishes, what happened inside that cramped courtroom was still a graduation at heart: a time to mark achievement. The graduates have been clean and sober for at least six months, recovering from drug and alcohol addictions.

Previously, chemical dependence led one of them to hole up in an attic for

an entire month rather than face treatment. And it made another go on a three-day crack cocaine binge immediately after quadruple bypass surgery. But now these graduates have jobs, at least a high school education, and attend regular meetings of support groups like Narcotics Anonymous and Alcoholics Anonymous.

The graduation was also a proud moment for the people behind the three-year-old program. Since its start in February 2004, none of the drug court's 25 graduates has been re-arrested on drug charges or any other criminal charges, according to Southampton Town Justice Deborah Kooperstein.

The statistic underscores what town

See **COURT**, Page A18



Southampton Town Justice Deborah Kooperstein

# COURT: Three Years In, Program Has a Perfect Record

FROM PAGE A1

officials, law enforcement members and drug treatment leaders are saying: that drug courts successfully combat addiction and recidivism in a way that the judicial system has largely been unable to do.

In contrast to a conventional court, the drug court is a post-plea, non-adversarial rehabilitation program for non-violent drug offenders. Participants meet with a judge each week and consent to surprise drug testing. They commit themselves to finding steady employment, improving their education and entering a support group.

Judge Kooperstein and Riverhead Town Justice Allen Smith are the drug court's presiding justices, while Shelter Island Town Justice Helen Rosenblum is the program's alternate judge. The local drug court is a joint program between the town courts in Southampton and Riverhead.

According to a 2006 study by the Center for Court Innovation, New York State currently has 196 drug courts in operation or planning. Suffolk County's only other drug court is located in Central Islip. According to the National Association of Drug Court Professionals, there are 1,800 drug courts in existence or being planned nationwide.

Back at the graduation, more than 70 people packed onto the room's benches. It made for a crowded but festive mood inside the courtroom. Some audience members joked and conversed as they waited for the ceremony to begin. One person even brought a shiny vinyl balloon exclaiming, "Congratulations! You did it!" The audience laughed, clapped and sighed as each of the graduates received his or her certificate and shared his or her story.

For example, there was a time when 35-year-old Riverhead resident Joseph Pita once lived in the woods, feeding his addiction to crack cocaine. But he sobered up with the program, saying, "What they did for me was help me see the good in myself." Days before the graduation, Mr. Pita earned his driver's license and is now working to get his truck driving license, which he hopes to have by the end of June.

Long before the feel-good speeches and tearful thank yous, a client's participation in the program starts with an interview—at a jail, a treatment center or elsewhere. EERIC coordinator Charlene Mascia conducts the interviews, calling them "bio-psycho-social." The interviews evaluate an individual's drug use and treatment history. But they also sketch out things like a person's level of education and family history.

Some commonalities among participants include early drinking and marijuana use, sometimes as early as

12 years old. Many local participants were addicted to either heroin or crack cocaine, Ms. Mascia said. Younger participants had been using marijuana and cocaine. Alcoholism was also prevalent throughout the participants.

The drug court team meets once a month to sort through potential candidates. That team consists of Judge Kooperstein, Judge Smith, Judge Rosenblum, Ms. Mascia, representatives from the Suffolk County District Attorney's Office, the Legal Aid Society of the East End, the Suffolk County Probation Department and Sheriff's Department and a regional treatment center.

*It took one of this year's graduates three years to get clean and sober. "As long as he said 'I need help,' we helped," Ms. Mascia said.*

During these meetings, the members decide who is ready for the program and who is not. A violent offense is a disqualifier, and unless the Suffolk County DA's office is willing to downgrade the charges in exchange for treatment, people with felony charges cannot participate in the program either.

Ms. Mascia noted that a felony charge could come from the possession of a large amount of narcotics, or it could come from a larceny charge where an addict stole in order to find money to pay for the next fix.

According to Ms. Mascia, the drug court is now handling 28 open cases, five of which are pending admission to the program.

E. Marc Wiederlight is the bureau chief of the Legal Aid Society of the East End, which is the legal representative for participants.

He noted that the choice is not entirely up to the drug court officials. Describing the choice to a potential applicant, Mr. Wiederlight said, "You're looking at jail time. This is what you'd get. I could get you a better [determination from the court], but there's a lot more work. Are you ready to make a commitment to sobriety and giving up drugs?" He added, "Some people will say yes. Others will say no."

If the drug court decides to take someone on, they first create an assessment for that person, which outlines individual goals that need to be met. The individual then signs a contract requiring mandatory and unannounced testing, weekly appearances before Judge Smith or Judge Kooperstein and participation in a treatment program.

Describing the actual session—which takes place with the rest of the partici-

pants looking on—Judge Kooperstein said, "I want to know how they've been and what they've been doing." Meanwhile, Judge Smith viewed his role as 80 percent social work, 20 percent judge. "Much of the legalese has been disposed of," he said.

Entering the program doesn't ensure a straight shot to sobriety, organizers noted. Relapsing, or testing "dirty," happens often. And when that happens, the judges have the power to punish. For instance, Judge Kooperstein said they can order community service, relocation and jail time.

The contract calls for a one-year commitment, but Ms. Mascia said it usually

takes clients 14 to 15 months to complete the program. And it takes some participants longer than that: It took one of this year's graduates three years to get clean and sober. "As long as he said 'I need help,' we helped," Ms. Mascia said.

Sometimes, however, there's only so much that can be done. "There are some who just can't seem to make it work for them," said Suffolk County Probation Officer Karen Papp, noting that was a difficult decision to make. After working with the program for over a year, she said three or four individuals have been "cut loose."

America's first drug court was started in 1989 at the 11th Judicial Circuit of Florida in Miami. At the time, the city, like so many other cities in America, was fighting a crack epidemic. Six years later, in 1995, New York State's first drug court started in Rochester.

Judge Kooperstein says she began studying how to bring a drug court to the area more than six or seven years ago. "Since I've been here, I've watched our criminal calendar change from 'Driving While Intoxicated' charges to 'Driving While Intoxicated' and drug charges," she said.

Around that time, she went up to Buffalo to study how town courts in that region implemented the program. By 2002, Judge Kooperstein convinced now-retired New York State Judge Joseph Traficant that the area needed a drug court of its own and started training to become a certified drug court justice.

Those outside the program speak highly of the drug court. Mark Epley, Southampton Village mayor and the executive director of the Seafeld Center, a 90-bed drug and alcohol rehabilitation

program in Westhampton, praised the program. "I think drug courts are one of the most significant judicial initiatives in the past several decades," Mr. Epley said.

The Seafeld Center often works with drug court participants. "I think the judges make a significant impact," Mr. Epley said. "On average, there's a lot more accountability in the drug court system."

According to Mr. Epley, nationwide there is a roughly 30-percent success rate for individuals going into treatment programs. For drug court participants that number jumps to 75 to 80 percent.

Sergeant James Kiernan, the commanding officer of the Southampton Town Police Department's Street Crime Unit, also spoke highly of the program. Sgt. Kiernan said narcotics enforcement presented two types of people: drug dealers and drug addicts. He believes there is a certain division of labor between the town's narcotics unit, which went after the drug dealers, and the drug court, which was a place to handle the addicts.

"The great thing about the drug court is that for addicts who are powerless over their addictions, this provides the structure that they need to get past their problem ... It gives the addict the opportunity for someone to structure their lives and monitor them; they get over that first hurdle, which is a tremendous hurdle."

The day before the graduation, on April 19, New York State Police raided the Shinnecock Indian Reservation less than three miles away from the graduation, arresting 30 people and confiscating firearms, marijuana, crack cocaine, heroin, drug paraphernalia and \$2,000 in cash.

One of the graduates, 19-year-old Matthew McDonald, connected to the April 19 raid with the April 20 graduation: "They got some drugs. They got some guns. But the United States government has a war on drugs, and they got a little bit a couple of days ago. But it's still everywhere. It doesn't really matter how many raids they do, it's always going to be here. That war on drugs isn't very effective, actually. Drug court is the real war on drugs."

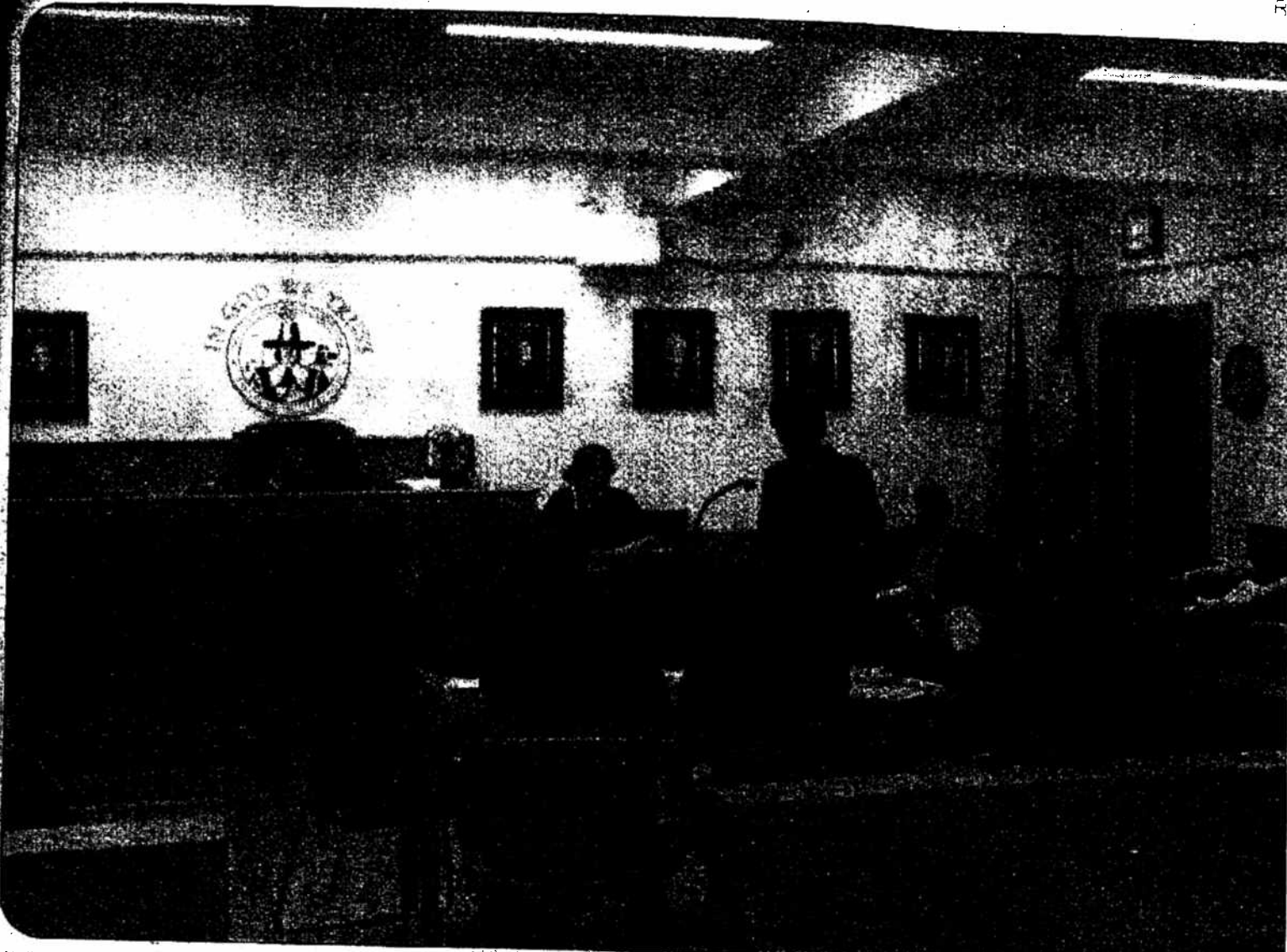
The audience burst into applause and the line.

The graduates are already established in their new lives. One graduate is married and a full-time housewife, while another is a hairdresser.

As for 19-year-old Mr. McDonald, he now runs a sober house in Flanders and hopes to apply to college soon to pursue an interest in art or carpentry. "I'm very grateful—extremely grateful—for everything that happened to me, everything that I've been through," he told the audience.

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JUDGMENT DAY—High school students can learn about the justice system while helping their peers by participating in the youth court program. A public mock trial presentation will be held on September 19 to demonstrate how youth courts work. The Huntington youth court held a similar mock trial (pictured) earlier this year.

**Empowering Teens**

# LONG ISLAND YOUTH COURTS FOCUS ON 'RESTORATIVE JUSTICE'

By Christina M. Rizzo

To raise awareness about a program in which juvenile offenders are judged by their peers and given proactive sentences, and to encourage young people to become involved in the process, the Long Island Youth Court Coalition will be hosting a public mock trial presentation on September 19. Through the collaborative efforts of three

youth court program since 10th grade. Learning about the judicial process by serving in different positions on the youth court, Sconzo said she has experienced a "broader perspective of government and society." Pursuing a career in law is something that Sconzo said she is definitely considering as graduation approaches.

Youth court is a program, operated under the National Association of Youth

In order for a juvenile to be tried in youth court, an offender must admit guilt to a first-time minor delinquent offense or a non-violent misdemeanor. Typical offenses that the court deals with include vandalism, consumption of alcohol, possession of marijuana or tobacco and traffic violations, according to the National Association of Youth Court website.

# HEALTH BENEFITS...

FROM Page 3

ness," said Suffolk County Legislator Tom Barraga (R-West Islip), who also served in the state Assembly. "Changing current contracts for current employees just isn't fair. If you grandfather everyone in, you would still save a lot of money in the long-run. Don't be taking benefits away from those already here."

Stating that healthcare costs are rising by "12% to 15% a year — four or five times the rate of inflation," Levy noted that the financial burden associated with these increases is "just not sustainable. We need to find innovative ways to deal with this. If we don't, it's going to lead to fiscal imbalance."

# 'RESTORATIVE JUSTICE'...

FROM Page 1

High school students — who go through 10 to 12 weeks of rigorous training — will defend, deliberate and decide the best course of action in sentencing their peers, explained Wohlars. The Brookhaven youth court handles approximately 50 cases over the course of the school year, she added.

"It makes me feel important," said Matthew Power, a junior at Sachem High School East, who also participates in the youth court program. Because the youth court gets students involved in real legal scenarios, Power said this encouraged him to take the program "more seriously." As he continues to consider which college to attend, Power said he hopes to utilize his experiences at youth court as he pursues a career as a lawyer.

Noting that youth court teaches teens about the consequences of aberrant behavior, both Sconzo and Power agreed that both the offenders and those serving in youth court can benefit from the process in a number of ways. The program encourages the students who volunteer to hone their public speaking skills and become educated about the legal system, and also urges offenders to learn from their mistakes.

Three principles guide the sentencing process known as "restorative justice," said Maria Danisi, the Huntington youth court coordinator. Holding the defendant accountable while trying to

Barraga, who said he was "all for" changing the current rules to require new county employees and elected officials to pay for a portion of their health benefits, said he believes a tier system could work. "It's been done on the state level," he noted. "We can change this prospectively if this is how people feel across the board."

Some believe that county workers often can make a better salary in the private sector, and not having to pay for health benefits makes up for the lower salary. "We should be worrying about how we are going to cover all Suffolk County residents that need health benefits, not trying to take it away from the few who are covered," said

find out what motivated the crime is one of the main guidelines, she noted. "Involving the community" is another point that goes hand-in-hand with the third principle, which calls for teens to build on the defendant's "strengths," Danisi stated.

For example, teens caught writing graffiti on public property could be sentenced to work with "Splashes of Hope" — a volunteer group that paints murals at children's hospitals. "We try to be restorative with every case we have," added Danisi.

The September 19 event is being held in celebration of National Youth Court month. "The theme this year is 'Empowering Youth, Experiencing Justice,'" according to Wohlars. To highlight local youth courts in action, the Huntington, Brookhaven and Southampton programs will feature a mock trial presentation that will highlight the judicial process that local students participate in.

The Long Island Youth Court Coalition's mock trial presentation will be held at the Bellport High School auditorium, located on 205 Beaver Dam Road in Brookhaven. The presentation will run from 7 to 9 p.m. and refreshments will be served afterwards. Although registration is not required, those interested in attending the event are encouraged to RSVP by today, September 12, at 451-8022.

County Legislator Bill Lindsay, compared to the private sector government employees get in they give up in lower salaries, profit sharing or bonuses."

Base salaries for full-time and white-collar county employees which are determined based on education, job experience, step increase, other factors, range from \$2 \$141,645, according to Suffolk Comptroller Joe Sawicki's office does not include salaries for law enforcement, including the County Police Department or district attorney's office. As reported in *Suffolk Life*, the salaries of full-time legislative 2007 range from \$34,661 to \$99,000.

"To be fair, the deal is that employees would not get rich the same time they have a security and decent benefit said. "But the union leaders

# LE

**Notice of formation of North Fork Candle & Soap Company, LLC** Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 7/20/2007 Office location, County of Suffolk. The street address is: 2822 River Road, Calverton, NY 11983. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process served to: The LLC, 2822 River Road, Calverton, New York 11983. Purpose: any lawful act. **LEGAL NOTICE #141744** SCL-RH 8/8, 8/15, 8/22, 8/29, 9/5, 9/12

Pursuant to foreclosure dated 7/10/07 undersigned sell at public Riverhead Howell Ave head, Coun FOLK, Ne 9/25/2007 at es known as 48 Hill St River, New. All that cert or parcel of buildings i ments the situate, lyin the Town County of State of Ne Block and Approximate judgment plus Inter Premises v ject to pro Judgment #1581708 KARL E E are Steven J. Attorney k P.O. Box 1: 14240-129 Dated: 8/1 **LEGAL N SCL-RH 1 9/12**

**Notice of formation of PCC PROCESSING TECHNOLOGIES, LLC** Arts. of Org. filed with the Sec'y of State of NY (SSNY) on 5-19-2008 Office location, County of Suffolk. The street address is: none. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process served to: Jay P. Quarataro, Esq., Twomey, Latham, Shea, Kelley, Dubin & Quarataro, LLP, 33 West Second St., PO Box 9398, Riverhead, NY 11901-9398. Purpose: any lawful act. **LEGAL NOTICE #141975** SCL-RH 8/8, 8/15, 8/22, 8/29, 9/5, 9/12

**Notice of VLASTA LLC.** Arts with Secy (SSNY) Office County. S as agent whom pr may be shall mai Crows N head, N tered ag process Term: u Purpose: pose. **LEGAL SCL-RH 9/19, 9/2**

**EASTERN PROPERTY INVESTOR CONSULTANTS, LLC**, a domestic Limited Liability Company (LLC) filed with the Sec of State of NY (SSNY) on 7/16/07. Office Location: NEW YORK County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail a

**PARENTS DIRECTORY**