



RISE

Reentry Independence through Sustainable Efforts

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
RISE MENTAL HEALTH DOCKET**

GUIDING PHILOSOPHY: As persons involved in the criminal justice system are aware, many citizens with mental illnesses and mental deficiencies enter the system as a last resort. The philosophy of mental health courts is to be wiser with resources and attempt to keep individuals in the community if they are willing to maintain appropriate, crime-free behavior. Examples can be found in the District of Utah of offenders who essentially committed offenses as a result their mental illnesses, such as an individual with Schizophrenia who buys a gun in order to protect himself from an imaginary enemy or a post-traumatized veteran who threatens hospital staff. As a general rule, such persons present a significantly reduced risk to the community if they are successfully involved in available resources, such as therapeutic intervention and medication management. Another important outcome of the mental health specialized docket program would be to allow the offender to experience a significantly better life by continued involvement in the mental health system after Court supervision has been completed. A mental health program for defendants and offenders in the District of Utah would involve all of the current stake-holders in the system (Judge, United States Attorney, Federal Public Defender, Probation Office, Bureau of Prisons, and United States Marshals Service), along with treatment providers and others in the community. With a specialized docket the traditional adversarial court process is replaced by a judicially guided problem-solving team.

CURRENT PRACTICES IN OTHER JURISDICTIONS: Numerous courts employ similar mental health programs. The Third District Court in Salt Lake City has a successful mental health court that has been in existence for several years. In preparation for this proposal many state and federal court programs have been examined. As noted, significant insight was given to the committee by Dr. Allan Rice, a Valley Mental Health administrator, who has been a leader in the state mental health court from its beginning. Over time, mental health court professionals have identified several key components for success with the program. Much of the guidance for the proposal was gathered from information received at a training sessions with the National Association of Drug Court Professionals, and a manual entitled *A Guide to Mental Health Court Design and Implementation*, from The Council of State Governments through the Bureau of Justice Assistance, 2004.

The basic elements of a mental health program, which is proposed for the District of Utah, are outlined as follows:

GOAL: The broad goal of the Mental Health Specialized Docket will be to treat defendants and offenders in lieu of incarceration. Offenders will consequently have significantly increased contact and participation with treatment providers and the Court. Participants will experience an increase in quality of life, and be guided to existing community services. For example, all participants will be screened for Medicaid, Social Security benefits, and housing.

CLIENTELE: With the Mental Health Specialized Docket it is important that defendants and offenders be properly selected. Generally, participants will be identified at the arrest and adjudication level. Any party associated with a particular case, including District Judges, can make a referral to the program. The requirements for admission must be strictly controlled, and should require an Axis I diagnosis, such as Schizophrenia or other mental deficiency, or Bipolar Disorder. Participants should be competent enough to understand the court process. The mental health docket “team” will be responsible for client selection. Not all referrals will be selected for participation in the program. The team will consist of a United States Magistrate Judge, an Assistant United States Attorney, a Federal Public Defender, a Probation Officer and the Treatment Provider. A consensus must be reached by all team members concerning each enrollee. It is also understood that many clients will have a substance-abuse-related co-occurring disorder, and the selection team will make a determination if the mental health or the substance-abuse docket would be most appropriate. Misdemeanor and felony defendants and offenders will both be considered (including persons who appear on citations). Individuals involved with sex offenses will not be accepted in the program, as specialized therapy is already in place, that includes psychotropic medication administration.

HEALTH RECORDS: During the process of the program, sensitive mental and physical health records and information will be reviewed and shared by team members. All parties will keep information confidential. Sensitive topics will not be discussed in open court, but information can be reviewed and discussed in chambers. Offenders will be required to sign appropriate releases of information so confidential documents can be collected and reviewed among team members.

PARTICIPATION TERMS: Potential participants can be selected from diversion programs, pretrial release, probation, supervised release and conditional release. From the perspective of the Court, the incentive for placement will be increased public safety through therapy, medication management and casework services. The incentive for the participant will be the very real opportunity for an improved quality of life, a favorable plea agreement, plea in abeyance, or a reduced supervision term.

VOLUNTARY ADMISSION: Defendants and offenders involved with the Mental Health Specialized Docket will generally be volunteers, and must be legally competent at the time they sign the program agreement.

COMMUNITY SUPPORT: The United States Probation Office maintains an existing service contract in Salt Lake County for mental health services. Under the definition of intensive mental health treatment case management services, the current contractor will “link clients to essential services including but not limited to securing financial benefits, health and mental health care.” Additionally, other community resources, such as the National Alliance for the Mentally Ill, Utah Chapter, will be recruited for assistance, especially with client families. In order to be most effective, the program must involve active participation from each agency team member with the common goal of participant success.

THE TEAM: The basic “team” will consist of a United States Magistrate Judge, a regular representative from the United States Attorney’s Office and the Federal Public Defender’s Office, a regular representative from the treatment provider and a United States Probation Officer. As noted, the team will employ a non-adversarial stance, with the overall success of the participant in mind.

ROLE OF TEAM MEMBERS AND EXTENDED TEAM MEMBERS:

Not all team members will be involved in every aspect of the program. Unlike a regular Court proceeding, and as noted, the mental health docket will be distinctly non-adversarial.

- **UNITED STATES MAGISTRATE JUDGE:** The Judge will have the key role in the team. The Judge will oversee the process and control and conduct the hearings. The Judge will have direct and extensive verbal contact with the participant and will be the authoritative voice of the team.
- **ASSISTANT UNITED STATES ATTORNEY:** The AUSA will work as a member of the team with a goal to keep the participant in compliance in an effort to reduce community risk. The AUSA will be a member of the selection committee. The AUSA will also help motivate the participant by offering positive sentencing or supervision outcomes as incentives.
- **ASSISTANT FEDERAL PUBLIC DEFENDER:** The APD will be a key member of the committee, especially in assisting the participant in understanding the nature of the mental health program, and the desirability of the long-term goal. The APD will be a member of the selection committee, and will have a non-adversarial relationship with the AUSA.

- **PROBATION OFFICER:** The probation officer will be the eyes and ears of the Court and team. The officer will maintain contact with the participant in the community and assist and direct in acquiring available services. The officer will ensure that reports and documentation are current. The officer will work in tandem with the treatment provider to ensure that the participant is attending and receiving services.

- **TREATMENT PROVIDER:** The treatment provider will be represented by an individual clinical staff member from the probation contracted agency. The provider will administer the intensive outpatient mental health treatment and medication management that is already in place under an existing probation contract. The treatment provider will be a member of the selection committee.

- **BUREAU OF PRISONS and UNITED STATES MARSHALS SERVICE:** The cooperation of the BOP and the USMS is essential in the mental health program. The BOP can assist the Court, for example, if emergency placements are needed at the local residential reentry center. The United States Marshal will ensure that clients who are detained or incarcerated are placed in circumstances where they can immediately continue with any essential medication regimen.

- **CLERK OF THE COURT:** The Clerk's Office will maintain the specialized mental health docket and calendars. It is anticipated that mental health program participants can be referred by individual Magistrate and District Court Judges. The Clerk of the Court will employ a system to identify the cases while still keeping them tied to the Sentencing Judge. When participants enter the program their cases will be administered by the mental health Magistrate Judge.

THE PROCESS: On a weekly or biweekly basis, a status hearing will be conducted in the Courtroom with the team members and the client. A confidential staffing will be held prior to the hearing, where the team members will discuss each individual case on the calendar. A standardized mental health report form completed by the probation officer in conjunction with the treatment provider will be reviewed at the staffing. (During the same pre-hearing meeting, the team members will consider any mental health program referrals received). At the hearing, participants will be recognized for compliant behavior with rewards such as applause or tokens. Non-compliant behavior will be discouraged by use of penalties, such as repeated therapy sessions, curfews or community service. Jail will be used as a last resort as a sanction due to inherent medication administration problems. The most severe sanction would be unsuccessful termination from the program and a referral back to the Sentencing Judge.

The program will be carefully explained to each participant, and a reference manual will be provided. The manual will include the particular Court process involved, as well as a list of possible rewards and sanctions. Each participant will sign a program agreement, which will also note that the case will be administered by an individual judicial officer, even if not the Sentencing Judge.

Participants will progress through two phases. During a start-up phase the participant will have more frequent status hearings while cooperation and attitude is monitored. A maintenance phase will be employed for participants who are compliant. The program could last an entire term of supervision. Participants could be restarted in the beginning phase as a sanction. Participants who become stable and complete the program will be rewarded at an informal graduation ceremony, complete with a certificate.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
RISE DRUG DOCKET PROGRAM**

In a cooperative effort by the Court, United States Probation Office, United States Attorney's Office, Federal Defender's Office, United States Clerk of the Court, United States Marshals Service, Federal Bureau of Prisons, consultants, and contract treatment providers, we are committed to providing a specialized program for individuals on federal supervision. This program shall offer a creative application of options to promote a therapeutic and judicially driven approach to post confinement reentry and violations of supervision and recidivism linked to substance abuse. The program will pursue alternatives to imprisonment to provide treatment rehabilitation and safeguard the safety of our communities. The proposed program will be entitled "Reentry Independence through Sustainable Efforts" or the RISE Program.

The program will integrate treatment services with justice system case processing. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights. Eligible participants are identified, screened for eligibility, and placed in the program. The program will provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services. Abstinence is monitored by frequent alcohol and other drug testing. A coordinated strategy governs the program's responses to participants' compliance. Ongoing judicial interaction with each program participant is essential. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness. Continuing interdisciplinary education promotes effective program planning, implementation, and operations. Forging partnerships among the federal Court, public agencies, and community based organizations generates local support and enhances the program's effectiveness.

Participation in the RISE Program will be voluntary and requires participants to sign and abide by a program agreement. Successful participants will be involved in the program for at least one year. During this period, participants will engage in varying levels and modalities of treatment, employment services, vocational training, educational development, and other services to promote sobriety and law-abiding lifestyles. The program will involve regularly scheduled Court appearances in order to review participant progress. The program will necessitate a participant's successful transition through structured phases in which the participant is expected to accomplish set goals to progress through each stage. Participants will progress through an established system of incremental stages or phases which will become less restrictive and/or structured over time. If deemed appropriate, participants may be returned to a former phase as a sanction for non-compliance or as needed for a higher level of care. Failure to abide by the

mandates of the program may result in the unsuccessful termination and discharge from the program.

The RISE Program will serve individuals who have been convicted and are serving a term of supervision. Initially, the pilot program of RISE will begin with ten participants to allow for ongoing assessment of resources and the overall impact upon participating agencies and the judiciary to determine necessary modifications.

These participants will be individuals who are currently struggling with issues of substance abuse and are approved by the selection committee through referrals by one of the participating agencies or a judge. These participants will be educated about the various aspects of the program, and will voluntarily participate.

Criteria for Participation in the RISE Program

In order to be eligible to participate in the RISE Program, participants must be under the supervision of the United States Probation Office, have a documented substance abuse problem, and meet the evaluation criteria established by selection committee.

Selection of Participants

Selection of participants for the RISE Program will be made by the designated selection committee from referrals submitted by the judiciary and/or the participating agencies, through an evaluation for eligibility. The referral of potential candidates to participate in the RISE Program will be facilitated through a form which will be completed by the referring agencies or the United States Probation Officer, at the direction of the referring Judge. To ensure continuity, the same representative from the United States Probation Office, United States Attorney's Office, and Federal Defender's Office will comprise the selection committee.

Initially, participation in the program will be confined to individuals who are presently on supervised release. The selection committee has considered a number of varying criteria for participation and determined that during the pilot period, participants will be limited to a single classification. Other individuals and circumstances, including pretrial offenders and diversion candidates, may be considered for inclusion after the pilot period ends and an assessment of potential program utility can be completed.

The selection committee will review and select individuals who may participate in the program. The committee recognizes that there are a number of competing philosophies about who may be appropriate participants in a drug court program, and other drug courts have adopted varied criteria for admittance. Included among the various approaches are those that would welcome all individuals with substance-abuse issues, those that limit participation based on non-violent criminal history, and those who might seek to include individuals with a strong chance of success. A key concern at this stage of the RISE Program relates to the limited resources available. The committee is mindful of the

various philosophical approaches and has determined that selection will be made on a case-by-case basis, with the input from the involved agencies.

Each participant's involvement in the program will be confirmed in a written agreement to be signed by the participant, representatives of the participating agencies, and the Court. The contract outlines expectations and obligations of all participants and parties to this program.

The active involvement of the Court in the program is essential. When participants are excelling in the program, the Court will provide encouragement. When participants are in non-compliance with the program requirements or in violation of the conditions of supervision, the Court, after receiving a recommendation from the selection committee, will make a determination as to the appropriate sanction to be imposed. If appropriate, sanctions should be progressive in terms of severity. When the parties determine that the participant has exhausted his or her opportunities to continue in the program, the Court will make the final decision to terminate the participant from the program. The participant may be referred to the referring judicial officer for revocation proceedings. All participants will appear at least monthly before the same judicial officer. Participants will be scheduled to appear so that those who are in compliance with the program will proceed first, and participants struggling with the program can observe others receiving recognition and rewards for positive behavior and sanctions for non-compliance.

The United States Probation Officer (USPO) is charged with the responsibility of making treatment referrals with contract and non-contract treatment agencies, based on the needs of the individual. In preparation for Court appearances, the USPO will prepare status reports to provide updated information to the Court relative to the participant's struggles and achievements in the program. In order to expedite the reporting process, and to create continuity in reporting, a form entitled the "RISE Program Progress Report" will be utilized. The USPO will work with the treatment providers to ensure effective communication between the treatment providers and the participating agencies. When serious problems in supervision arise, the USPO will work with respective counsels in order to intervene immediately and address issues with the participant. The team efforts will be delineated in the monthly RISE Program Progress Report.

The U.S. Attorney's Office (USAO) is fully supportive of this innovative approach to address drug addiction and mental health issues that certain defendants on supervised release and probation continue to face. Assistant United States Attorneys will participate on the screening committee for both the RISE mental health and drug programs, appear at all associated meetings and court hearings, continue to help develop the programs, and help address any issues the participants encounter.

The Federal Defender's Office (FDO) participates in the program as the legal representative of the program's participants. Due to the unique structure of the program, the attorney/client relationship may involve non-traditional approaches to representation

which may include a waiver of confidentiality. The FDO will explain defense counsel's role in the program and prepare and advise each participant of a waiver of confidentiality. The FDO will provide an Assistant Federal Defender (AFD) and appropriate staff and resources in support of its role as attorneys for drug court clients. The AFD will be available to participants for consultation at progress hearings, represent participants at revocation and modification hearings, and make recommendations regarding goals, sanctions, and rewards for participants commensurate with the goals of the program. The AFD will assist the participant with identifying goals that are important to the client. The AFD will assure Court processes are consistent with the legal process. The AFD will orient the participant to the standards, expectations, and structure of the RISE program, and will obtain written notification from the participant acknowledging awareness of such.

The United States Marshals Service (USMS) supports the Specialized Drug Docket Program which encourages the success of participants through observable behavior modification. The USMS will continue in its role to provide security for all members of the judiciary, the employees of the federal Courthouse and all Courthouse visitors by participating in all Specialized Court Docket hearings. The USMS will work closely with the United States Court and USPO if a judicial sanction requiring incarceration is ordered by the Court. If an arrest warrant is issued by the Court, the USMS will actively pursue and arrest the named individual. If a participant is remanded to USMS custody, the USMS will provide secure transportation to the detention facility.

The Federal Bureau of Prisons (BOP) supports the Specialized Drug Court Docket Program which encourages the success of participants through implementing alternatives to incarceration. The BOP will continue in its role to provide services for those offenders deemed appropriate for Residential Reentry Center placement. The BOP will work closely with the United States Court and USPO if a judicial sanction requiring the incarceration of an offender is ordered by the Court. If an individual offender's behavior warrants adverse action (as determined by the Court), the BOP will provide a short-term detention placement.

The Clerk of the Court will work with the participating agencies to provide docketing and case management support to facilitate the frequency of Court hearings with the specialized drug docket program. The Clerk of the Court will assign specialized clerical staff to support the program and coordinate scheduling of Court appearances. The Court Clerk's Office will maintain the official Court files and also program files.

Program Sanctions

Non-compliant behavior by the participant will result in sanctions. Factors which will influence the type of sanction to be employed will include the assessment of risk represented by the participant, the seriousness of the violation, the number of violations, and the amount of time the participant has remained compliant, either before a first

violation or between violations and their voluntary disclosure of the violation. Dishonesty on the part of the participant will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below, including termination from the program, is available. As a general rule, when there is evidence of repeated violations, more serious sanctions will be applied incrementally. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open Court;
- Participant is ordered to return to Court and to observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for his/her non-compliant behavior, either in writing or some other means (such as why the participant failed to attend treatment or tested positive, or about the thing that most often causes the participant to relapse and why, or about what the participant will do differently this time so that the participant will not fail again, or about someone who the participant admires and why);
- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and, hopefully, the Court will discuss with the participant his or her interests and select a community service activity that they may find they actually enjoy, thus encouraging service not as a sanction, but as a fulfilling activity);
- Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring;
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a community corrections center, such as the Residential Reentry Center;
- Participant is ordered to spend up to seven days in jail; and
- Participant is terminated from the program.

These sanctions are designed to take a creative approach to modifying behavior, while reducing the costs associated with the traditional “days in jail” sanction. The sanctions must be completed by the next Court appearance, unless the Court allows more time. Assignments will be turned in to the USPO.

Sanctions of up to seven days of incarceration for a finding of non-compliant behavior will be handled in the same, non-traditional manner. A participant will, however, have the option of requesting termination from the program and having the matter handled consistent with the dictates of 18 U.S.C. § 3583, if he or she chooses. The Court will enter the appropriate order.

While the perceived need for a sanction of more than seven days will ordinarily result in termination from the program, sanctions of more than seven days of incarceration may be imposed by the Judge in a non-adversarial setting, with the understanding that the participant will continue participating in the program with the participant's written waiver and the consent of all participating agencies.

Adversarial Hearings

Recognizing that circumstances will arise in which a participant is alleged to have violated the conditions of supervision and he or she denies the allegation, the parties agree that a request for an adversarial hearing on the guilt/innocence question will not automatically result in termination from the program. Such hearings are, however, to be limited to the question of guilt/innocence, rather than an opportunity for the participant to provide an explanation for admitted conduct.

Program Incentives and Rewards

Participants who successfully complete the program will earn up to a one year reduction in their term of supervision. This time will be vested at the time the participant completes the program. Understanding that some participants may have well over one year left on their supervision, those participants must still adequately comply with all terms of supervision. If supervision is revoked for other reasons following a participant's successful completion of the program, he or she will be subject to revocation and incarceration, but any term of supervision to be imposed by the Court, following the term of incarceration, will be reduced by up to one year.

The participant's eligibility to receive up to a one year reduction in supervision will not preclude additional considerations for reduction in the term of supervision, based on the factors set forth in 18 U.S.C. § 3564(c) and 18 U.S.C. § 3583(e)(1).

Graduation will take place at the participant's final, regularly scheduled Court appearance. In addition to the participants, family members, sponsors, and friends are invited to attend the graduation ceremony. The Court will present graduating participants with a Certificate of Completion, and other items of recognition as determined by the participating agencies.

Termination Procedures

Successful Completion: Participants who complete the program will participate in the graduation ceremony, be given a Certificate of Completion, and other favorable considerations as deemed appropriate by the participating agencies.

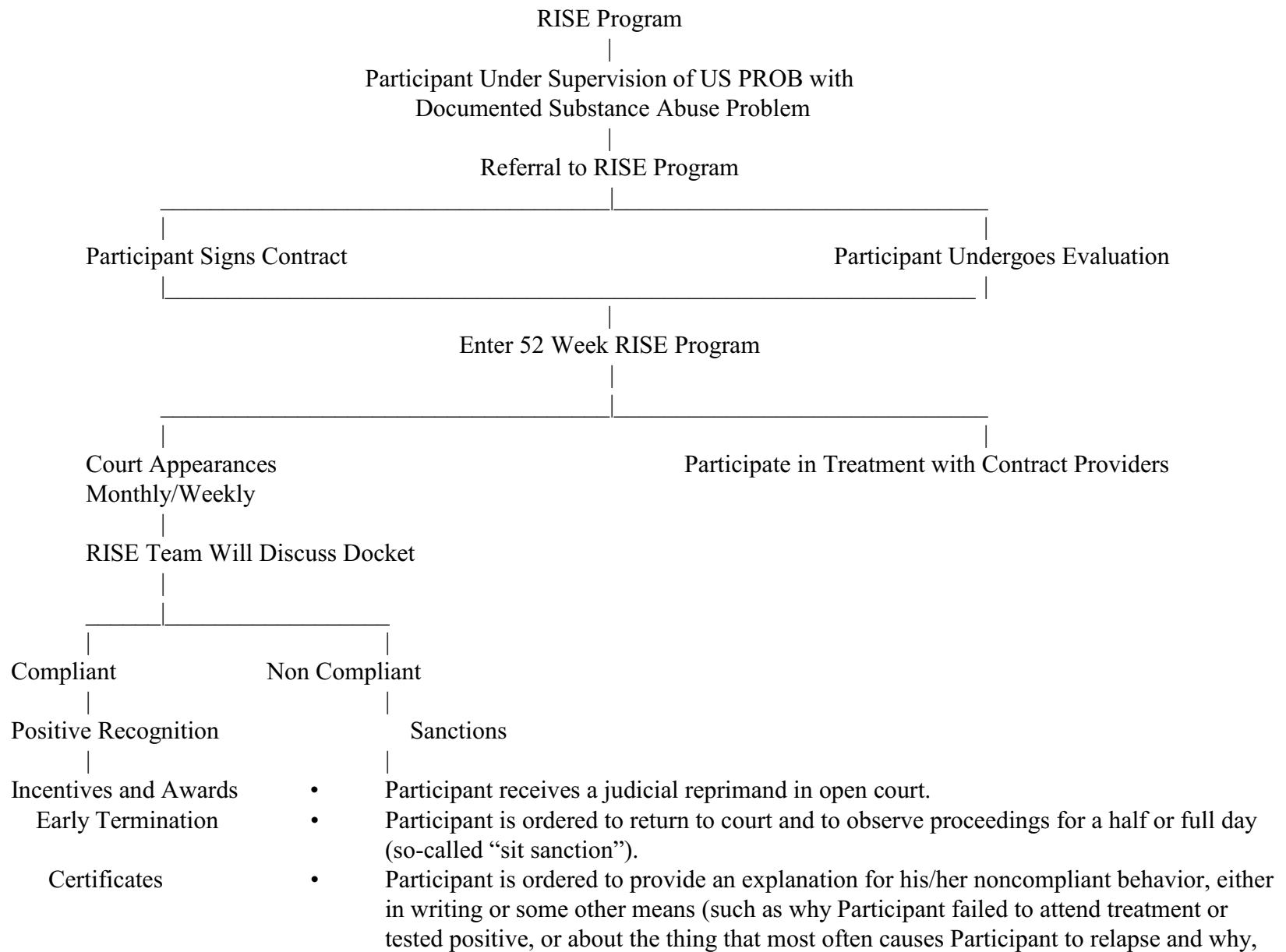
Unsuccessful Termination: Unsuccessful termination may be of two types:

Administrative Removal: Removal from the program may result from a participant revoking his interest in the program and by a joint decision of the participating agencies that the participant has not committed a serious violation of supervision conditions or program rules (medical condition, family obligations, etc.). This type of removal from the program will be facilitated simply by a transfer to a standard supervision caseload.

Termination With Formal Violation Charge: Termination may result from serious misconduct or chronic non-compliance by the participant, such as:

1. New law violations;
2. Repeated drug use;
3. Refusal to cooperate with the supervising USPO;
4. Refusal to cooperate with a treatment provider; and
5. Refusal to cooperate with the Court's sanction or participate in a meaningful manner.

The Court will make the final decision whether a participant is terminated from the program. Upon termination from the program, the USPO may file a formal petition for violation on conduct that was not addressed by the RISE Docket Judge. It will be the practice of the USPO not to allege non-compliant conduct that was addressed during the participant's involvement in the program; however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the program period. Participants who are unsuccessfully discharged from the program will not receive a recommendation by the USPO for early termination from the term of supervision imposed by the Court at the time of sentencing



or about what Participant will do differently this time so that Participant will not fail again, or about someone Participant admires and why).

Improved relationships

- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and hopefully the Court will discuss with the Participant his or her interests and select a community service activity that they may find they actually enjoy, thus encouraging service not as a sanction, but as a fulfilling activity).

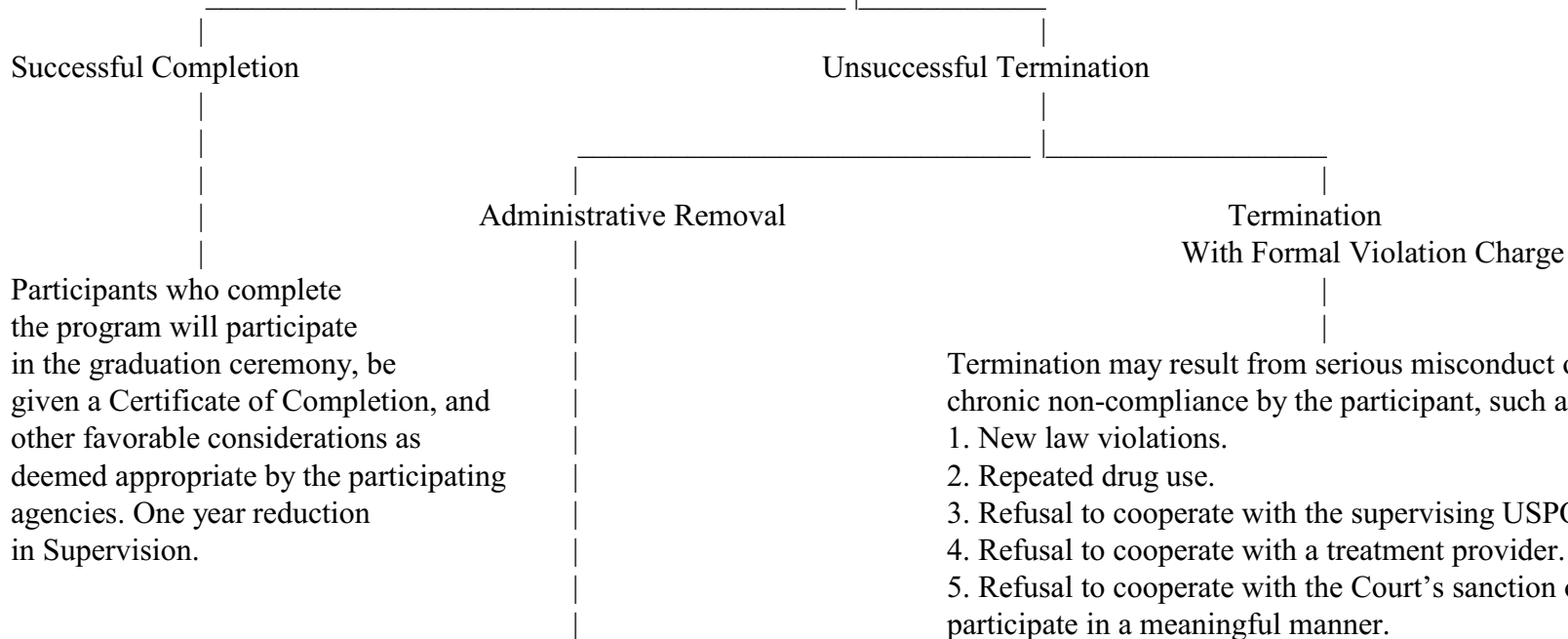
Sobriety

- Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring.

Special Recognition

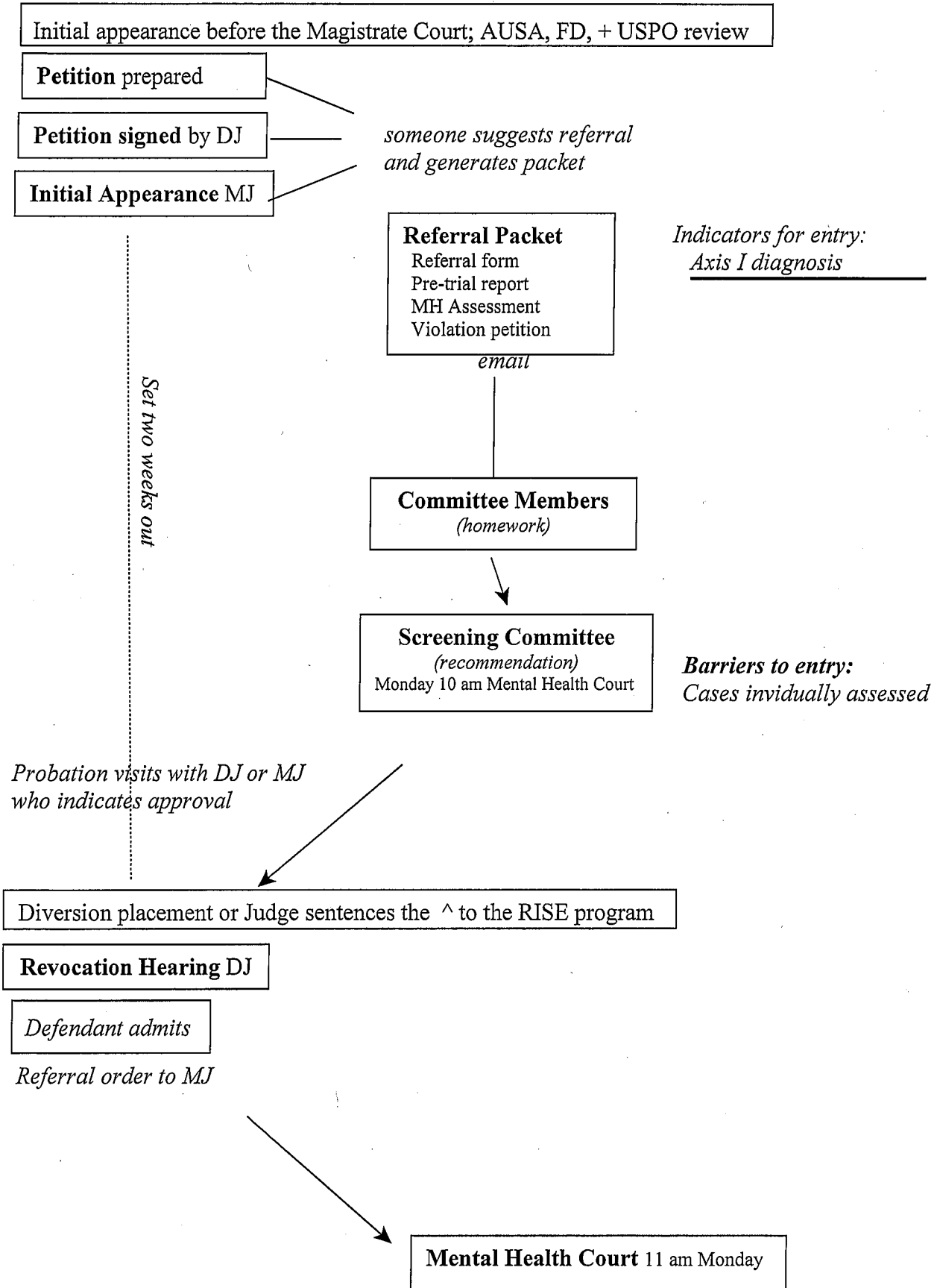
- Participant is ordered to participate in a day reporting program.
- Participant is ordered to complete a term at a community corrections center, such as the Residential Reentry Center.
- Participant is ordered to spend up to (7) days in jail.

Termination Options

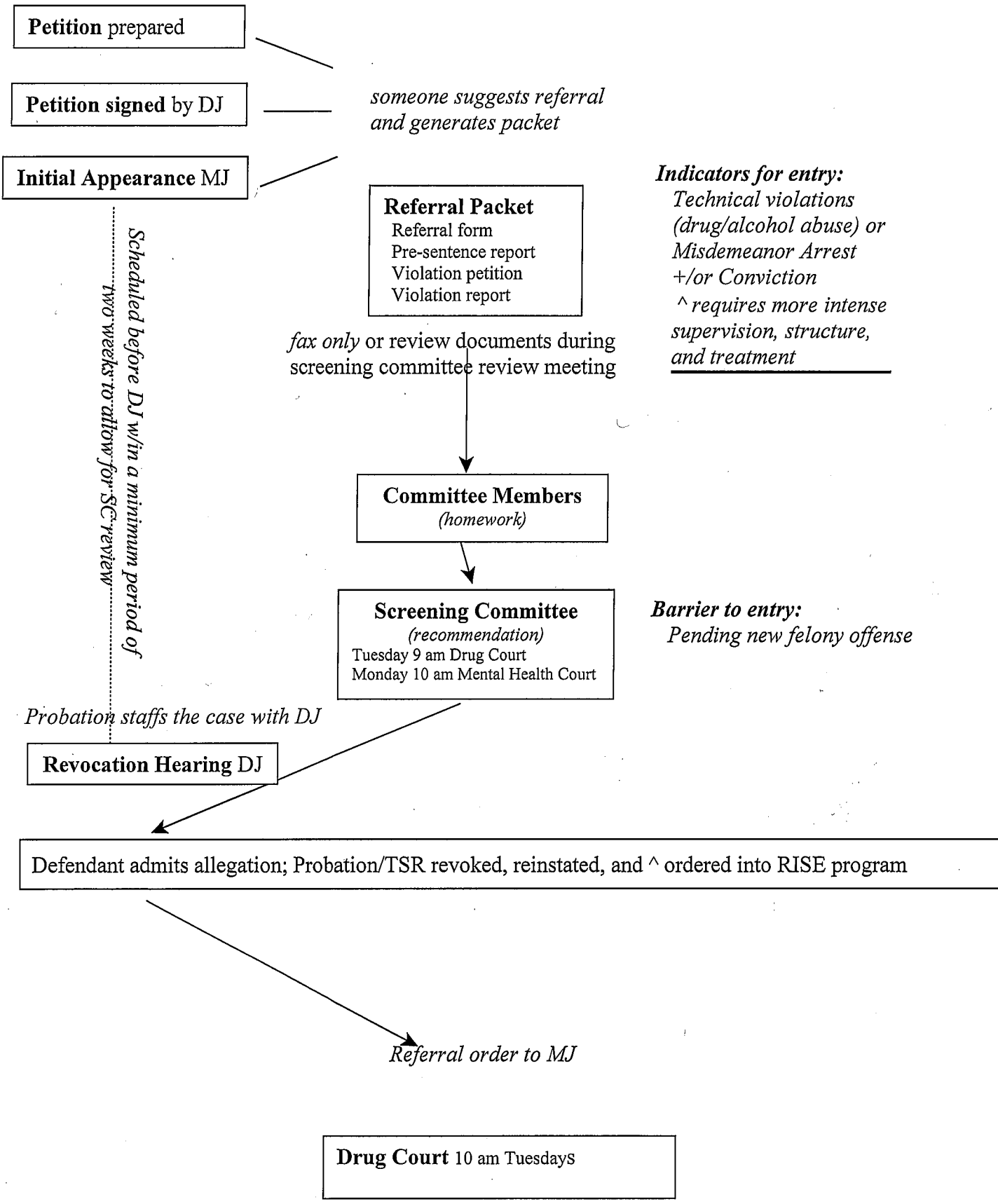


Removal from the program may result from a participant revoking his interest in the program and by a joint decision of the participating agencies that the participant has not committed a serious violation of supervision conditions or program rules (medical condition, family obligations, etc.). This type of removal from the program will be facilitated simply by a transfer to a standard supervision caseload.

Entry Flow Chart – RISE Mental Health Court



Entry Flow Chart – RISE Drug Court Probation and Supervised Release Violations



Petition prepared

Petition signed by DJ

Initial Appearance MJ

Referral Packet
 Referral form
 Pre-sentence report
 Violation petition
 Violation report

Committee Members
(homework)

Screening Committee
(recommendation)
 Tuesday 9 am Drug Court
 Monday 10 am Mental Health Court

Revocation Hearing DJ

Defendant admits allegation; Probation/TSR revoked, reinstated, and ^ ordered into RISE program

Drug Court 10 am Tuesdays

RISE Program Procedure

1. Representatives from each participating agency (USAO, FDO, CJA, BOP, USMS, USPO) will identify individuals under supervision who are willing to participate in a program with effective interventions that includes frequent court appearances, structured supervision, educational, vocational, and life skills training, and intensive substance abuse treatment and/or mental health therapy to change the dynamic criminogenic factors in their lives, such as substance abuse, criminal thinking, dysfunctional family relationships, and dysfunctional peer associations.
2. Individuals on release who are interested in the RISE Program may attend a weekly court hearing to observe the process.
3. The representative from the referring agency will complete the Pre-Referral Checklist and the Referral Checklist.
4. The Screening Committee will discuss the referral, and either deny or conditionally accept the individual for participation (subject to final approval by the District Judge).
5. The RISE Program Court Clerk will make a minute entry of the Screening Committee's decision on the case docket.
6. The FDO Representative will coordinate with the counsel of record to review the modified attorney-client relationship.
7. The representative from the referring agency will schedule the disposition hearing before the District Judge, if a hearing is not scheduled.
8. The disposition hearing is held. If the District Judge concurs and orders the RISE Program as a condition of supervision, the participant will begin participating upon release.
9. The RISE Program Court Clerk will facilitate completion of the appropriate Court Orders.
10. During the first three weeks of participation in the RISE Program, the USPO will complete an orientation with the participant that includes the review and completion of the participant agreement.
11. The USPO will coordinate with the participant and treatment/community resource providers to develop and implement an individualized program plan.
12. The USPO will provide progress reports to the Court on each participant for court hearings.
13. The Judge will review the progress of individual participants at weekly court hearings and use incentives and sanctions as appropriate.
14. Participants with serious violations will be unsuccessfully discharged from the RISE Program and referred back to the District Judge.
15. Participants who successfully complete the RISE Program will be recognized in a graduation ceremony and receive an early termination of supervision of up to 12 months.

Screening Criteria for the RISE Drug Program

A. 5 requirements for all participants

To be considered, all of the following must be satisfied:

1. Willing to participate in the RISE Drug Program (voluntary)
2. Current drug problem
3. Residence close enough that attendance at hearings and treatment is realistic
4. At least 18 months of supervised release remaining (preferably 24 months)
 - Or agree to restart term of supervision
5. Admission to a probation/supervised release violation

B. Disqualifying factors

1. An illegal alien subject to deportation will **not** be considered.

C. General screening criteria

If A and B are cleared, the screening of individuals will be flexible and will vary on a case by case basis. Examples of criteria that will be used are:

1. Serious enough drug addiction?
2. Amenable to supervision and intensive treatment?
3. Pending criminal charges?
4. Number of and nature of prior violations
5. Seriousness of criminal history
 - Probation weighs in on risk factors
6. Family and friends with drug problems?
7. Person's support group

D. Conditional acceptance

The screening committee may recommend a person for the program conditioned on that person receiving and serving some type of punishment for the admitted to supervised release violation. Examples of this are when the violation involves the commission of a new crime or when it is determined the candidate needs time to dry out before entering the program.

E. Unanimous decision

The screening committee is comprised of U.S. Probation, the Federal Defender's Office, and the U.S. Attorney's Office. Each of the three members has a vote. The screening committee will recommend an individual for drug court only when all three members vote for the individual's participation.

**RISE PROGRAM
Pre-Referral Checklist**

- 1. Interview defendant.
- 2. List reported current substance abuse, mental health, or co-existing disorders.
- 3. List status of dual supervision with the state/county and/or pending charges (if applicable).
- 4. Identify possible release plan or current housing needs (if detained).
- 5. Review the standards and structure of the RISE Program that involves a minimum of 12 months participation, intensive treatment, skills classes, frequent drug/alcohol testing, medication if prescribed, and weekly appearances in court.
- 6. Explain modified attorney-client relationship.
- 7. Explain that the defendant must successfully complete the program to be eligible for the early termination of supervision.
- 8. Explain that if the defendant violates the RISE Program requirements or other Court-Ordered terms and conditions of supervision, he/she may be subject to unsuccessful discharge from the RISE Program and subsequent violation proceedings.
- 9. Have the defendant sign below that he/she has a desire to be considered for the RISE Program (signature below).
- 10. Obtain signed Consent to Release of Information from defendant.

I _____ understand the requirements of the RISE Program and voluntarily consent to have my case screened for possible participation.

Defendant (Print name)

Defendant (Signature)

Date

Witness (Print name)

Witness (Signature)

Date

RISE PROGRAM

Referral Checklist

- 1. Complete Pre-Referral Checklist.
- 2. Obtain .pdf copies of historical documentation (PSI, Petition, Violation Report, J&C) from the USPO or Treatment Team Member (John Warner, Meriska Holt, Hugh Watt, Jody Gerber, Meggen Van Sciver, Scott Lambert, Kevin McKenna).
- 3. Complete referral forms, save in .pdf format.
- 4. E-mail completed referral packet in .pdf format (Referral Form and historical documentation) to the respective representatives on the Screening Committees:
(Drug Docket - Dave Backman, Audrey James, Henri Sisneros, Kevin McKenna, Meggen Van Sciver).
(Mental Health Docket - Stan Olsen, Robert Steele, Georgette Leventis, Kevin McKenna, John Warner).
- 5. Attend screening meeting to staff the referral.
- 6. If the referral is approved, E-mail Referral Packet to Judge Wells (Both Dockets) and Judge Nuffer (Drug Docket).
- 7. FDO Representative will consult with counsel of record upon placement in RISE.

United States District Court for the District of Utah RISE PROGRAM



STANDARDS and STRUCTURE

Prior to beginning the RISE Program, every participant who has been referred for screening needs to be evaluated to determine program eligibility. This will ensure that the potential participant is sufficiently stable to engage in outpatient recovery, prior to beginning the program. An offender who is actively using opiates, refusing to participate in drug testing, or testing positive would likely require a greater level of intervention/support to sufficient stability before entering into the program (i.e., inpatient treatment). The Court and the selection committee should consider the following factors before approving the enrollment of a participant into the program:

Pre-enrollment stabilization period: (Prior to beginning the Program)

- ≈ Assessment by the USPO, including a home visit to ensure sufficient stability;
- ≈ Completion of a substance-abuse evaluation (TCU);
- ≈ Referral to treatment services as deemed necessary/Court ordered;
- ≈ Submission to random UAs, enrollment in color-code as deemed necessary;
- ≈ Begin self-help group attendance and submit verification forms;
- ≈ Complete the program, intake application, and interview;
- ≈ Attend the program Courtroom sessions;
- ≈ Sign participant agreement and attend a the program orientation; and
- ≈ Begin the program.

Program completion will ordinarily occur within a period of 12 months over 4 phases, each phase of a 3-month duration. The assignments and expectations of each phase will be concrete, clear, and applicable to all participants. Each phase will have a specified purpose with distinct, achievable goals that are consistent with the stages of recovery. The phases will encourage participants to develop an understanding of addiction and recognize patterns of use, factors that influence use, and the impact of use on self, family, and community. The participant will be challenged to accept responsibility for the impact of their addiction behavior on others, and will be provided access to the tools necessary to facilitate and maintain sobriety. Throughout participation in the program, the participant will work toward the development of a community based sober support network. Finally, the participant will prepare a comprehensive relapse prevention plan prior to graduating from the program.

It is recognized that different levels of treatment will be needed for each participant and, therefore, each phase does not identify a specific level of treatment. Rather, it is suggested that there be a requirement noted in each phase that the participant participate in treatment as directed.

Phases suggested are:

- Phase One: Early Recovery;
- Phase Two: Understanding and Taking Responsibility;
- Phase Three: Healthy Decision Making; and
- Phase Four: Relapse Prevention Planning.

PHASE ONE: EARLY RECOVERY

Goal:

Participant will abstain from drug and alcohol use, engage in treatment, and stabilize in the appropriate level of treatment services. During this phase, the participant develops an understanding of addiction, patterns of use, and of factors that influence use.

Participant develops early recovery tools and a foundation of support for recovery. Secure employment or maintain employment.

Expectations:

- Participate in substance-abuse treatment, as deemed necessary, and attend all sessions;
- Complete a mental health screening, if deemed necessary, and participate in all mental health treatment, as deemed necessary;
- Attend self-help meetings (90 meetings in 90 days or as directed);
- Submit verification of self-help attendance;
- Obtain a self-help group sponsor;
- Begin a life-skills, employment, or educational program as directed;
- Complete an application for entitlement benefits, if eligible;
- Comply with all supervision conditions; and
- Complete one written assignment.

Meetings/Testing:

- Report as directed and attend meetings with Probation/Court, which may include a combination of any of the following:
 - Monday, Wednesday, Friday reporting schedule;
 - Meeting with the Probation Office as directed, UA obtained;
 - Attend RISE Court Docket as scheduled; UA optional; and
 - Probation Office day reporting schedule as directed, UA obtained.
- As noted above, two to three UAs per week, or as deemed necessary.

Written/Oral Assignment:

How has drug and/or alcohol use affected my life and what goals do I have for participation in the program?

PHASE TWO: UNDERSTANDING AND TAKING RESPONSIBILITY

Goal:

Demonstrate a commitment to living substance-free. Begin to identify and understand adverse consequences of drug/alcohol use, and take responsibility for same. Become involved in a life skills, educational or employment program, or maintain employment.

Expectations:

- Participate in substance-abuse treatment, as deemed necessary, and attend all sessions;
- Attend two to three self-help meetings per week, or as directed, and provide verification of attendance;
- Continue to participate in a life skills, maintain employment or educational program as directed;
- Comply with all supervision conditions; and
- Complete one written assignment.

Meetings/Testing:

- Report as directed and attend meetings with Probation/Court, which may include field visits and a combination of any of the following;
- Rise Court Docket appearance as scheduled;
- Reporting schedule as directed, ie:
 - Meeting with Probation Office as directed, UA obtained
 - RISE Court Docket appearance as scheduled, UA option
 - Office/field contact as deemed necessary, UA option; and
- Two UAs per week or as deemed necessary.

Written/Oral Assignment:

How has my drug use affected the significant others in my life or the community?

PHASE THREE: HEALTHY DECISION MAKING

Goal:

Develop a sober support network to rely upon in making life decisions and dealing with life stress. Complete life-skills, employment, or educational program, maintain employment.

Expectations:

- Participate in substance-abuse treatment, as deemed necessary, and attend all sessions;
- Attend two to three self-help meetings per week or as directed;
- Complete a life-skills program, employment training program, or educational program;

- Maintain employment;
- Comply with all supervision conditions; and
- Complete one written assignment.

Meetings/Testing:

- Report as directed and attend meetings with Probation/Court, which may include field visits and a combination of any of the following:
 - Weekly meeting with the Probation Office (if unemployed);
 - RISE Docket. Court appearance as scheduled; and
 - Enrollment in color-code program.

Written/Oral Assignment:

In collaboration with treatment providers and sober support system, complete a writing assignment addressing the following topic:

What tools and skills have I developed to maintain my sobriety and how do I plan to use those tools to strengthen my recovery during supervision and beyond?

PHASE FOUR: RELAPSE PREVENTION PLANNING

Goal:

Develop a comprehensive relapse prevention plan and shore up long-term recovery needs.

Expectations:

- Participate in substance-abuse treatment, as deemed necessary, and attend all sessions;
- Attend two to three self-help meetings per week, or as directed, and provide verification of attendance;
- Maintain employment and/or educational program;
- Comply with all supervision conditions;
- Complete an approved, written relapse prevention plan; and
- Complete a Specialized Court Docket Program exit interview.

Meetings/Testing:

- Meeting with the Probation Office as directed or as deemed necessary;
- RISE Program Court appearances as scheduled;
- UA collection per color-code program.

Written Assignment:

In collaboration with treatment providers complete and submit an approved comprehensive **Relapse Prevention Plan**.

NON-COMPLIANCE/SANCTIONS/REWARDS

Non-compliant acts resulting in level reduction (including, but not limited to):

- Unexcused absences from the program. Court sessions;
- Unexcused absences from the Probation Office/office meetings or any scheduled treatment session;
- Positive alcohol/drug screens;
- Missed alcohol/drug screens;
- Attempt or submission of adulterated urinalysis;
- Refusal to submit urinalysis/stalls;
- Refusal or failure to comply with referral for increased/intensified treatment;
- Failure to maintain employment (participant responsibility);
- Failure to participate in life-skills, employment, or education program as directed;
- Disruptive or disrespectful behavior;
- Failure to comply with self-help group attendance;
- Failure to complete written assignments;
- Failure to complete a sanction;
- New arrest;
- Failure to comply with Court-ordered financial obligations if deemed able; and
- Other violation of supervision condition or Court order.

Sanctions (including, but not limited to):

- Increased reporting;
- Writing assignments;
- Increased Specialized Court Docket Program Court attendance;
- Increase frequency of meetings with the Probation Office;
- Reduction in phase;
- Increased frequency of UA collection;
- Use of alternative drug-testing procedure;
- Curfew;
- Electronic monitoring;
- RRC placement; and
- Incarceration of varying length.

Rewards:

- Up to a one year supervision reduction;
- Graduation certificate presented upon program completion; and
- Other rewards to be determined by the Court.

**United States District Court
for the District of Utah
RISE PROGRAM
REFERRAL FORM**



Name:	Date:	
PACTS#:	Pre-referral checklist reviewed with defendant Y___ N___	
Address: _____ Home ___ or Treatment ___	Sex: Male _____ Female _____	
Treatment contact:	DOB:	
Telephone:	SSN #:	
If homeless, how long?:	Marital status:	
	Childcare responsibilities:	
TCU Score:	Referral source: E-Mail:	
COURT INVOLVEMENT INFORMATION		
Federal Court Status: Probation: _____ Supervised Release: _____		
Other: _____ Please explain: _____		
Case #:	Dates of Probation and/or TSR: _____ _____ _____	Termination Date: ___/___/___
Original Offense:		Violation Guideline Range: _____ to _____ months
Judge:		
Original sentence: ___ Months BOP Custody ___ Months Probation ___ Months Term of Supervised Release		
Violation sentence/dates:		
Other court involvement and contact(s): Yes ___ No ___ If yes, explain:		
History of violent offenses?: Yes ___ No ___ If yes, explain:		

SUBSTANCE-ABUSE TREATMENT INFORMATION

Current substance-abuse treatment:

Provider contact:

Telephone #: _____

Prior outpatient treatment

<u>Program Name</u>	<u>Date</u>	<u>Duration</u>	<u>Type of Discharge</u>

Prior residential treatment

<u>Program Name</u>	<u>Date</u>	<u>Duration</u>	<u>Type of Discharge</u>

Prior detoxification services:

Drugs of choice:

First:

Second:

Third:

Last Use:

I.V. drug use HX:

Name: _____

Date: _____

Longest period of recovery:

When:

How:

Please attach copy of TCU Drug Screen

MENTAL HEALTH/MEDICAL/INSURANCE INFORMATION

Mental health issues?: Yes _____ No _____

Diagnosis: _____

Provider contact:

Telephone:

Current mental health status:

HX suicidal/homicidal ideation/attempts?: Yes _____ No _____ If yes, explain:

Medical issues?: Yes ___ No ___ If yes, explain:

Any physical limitations:

Medications:

Prescribing physician: _____
Telephone #: _____

Primary care physician: _____
Telephone #: _____

Client's employment status: _____
Employer: _____

Monthly income:

Health Insurance?: Yes _____
No _____

Insurance Provider: _____
ID Number: _____

Veteran?: Yes _____ No _____

ID Number: _____

OTHER
Cultural & family issues:
Client's motivation for recovery:
Officer's comments:

Selection Committee Decision

Recommended: _____ _____ Not Recommended

Date of eligibility: _____ _____ Entry Date

Suspended date of entry: _____

Reason for denial: *

Supervising Probation Officer:

Assigned RISE Probation Officer:

Assigned RISE AUSA:

Assigned RISE FD:

**United States District Court
for the District of Utah
RISE PROGRAM
AGREEMENT**



Name: *

Today's Date: *

Offense of Conviction: *

Date of Conviction: *

Sentence Expiration Date: *

Sentence/Special Conditions: *

INTRODUCTION

You have been selected to participate in the RISE Program of the District of Utah. Participation is voluntary. If you successfully complete the RISE Program, the length of your term of supervision may be reduced by up to one year.

THE RISE PROGRAM BASICS

The RISE Program will last *at least* one year. You will be under the supervision of a United States Probation Officer (USPO). You agree to undergo or complete a drug and alcohol evaluation and/or mental health evaluation, and participate in any and all treatment recommended, to include taking medications as prescribed. You also agree to submit to drug testing as directed by the USPO or treatment provider. In addition to the requirements of actively engaging in treatment, you will also be required to comply with the general conditions of supervision.

You will be represented by an Assistant Federal Defender (AFD), who is assigned to the RISE Program. An Assistant United States Attorney (AUSA) will also be assigned to the RISE Program. Both the AFD and the AUSA will work with the USPO in order to provide additional support and encouragement for your sobriety and success in the program.

LENGTH OF THE RISE PROGRAM

The program will last 52 weeks. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions in the Program to complete their term of treatment and may still be rewarded with up to one-year reduction in supervision.

COURT APPEARANCES

At least once per month, at a time to be determined, you will be required to appear before the Judge to evaluate your progress. Every effort will be made to ensure the time of the appearance does not conflict with your employment or treatment programming. The USPO, AFD, and AUSA will be present. Progress reports from your USPO and your treatment provider will be provided to the Court and attorneys. These reports will describe both successes and problems you have experienced on supervision, either treatment-related or otherwise.

SUPERVISION VIOLATIONS & SANCTIONS

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled RISE Docket Calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment and supervision may be handled on an expedited basis, with the consent of the participating agencies.

If a Program Progress Report contains an allegation of non-compliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The Specialized Docket Judge will decide whether a sanction is appropriate. As noted above, non-compliance can also be handled outside the presence of the Judge if all parties agree.

Non-compliant behavior by you, the participant, will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the violation. Dishonesty on your part will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below, including termination from the program, is available. As a general rule, when there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open Court;
- Participant is ordered to return to Court and observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for their non-compliant behavior, either in writing or some other means (such as why the participant failed to attend treatment or tested positive, or about the thing that most often causes the participant to relapse and why, or about what the participant will do differently this time so that the participant will not fail again, or about someone who the participant admires and why);
- Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and, hopefully, the Court will discuss with the participant his or her interests and select a community service activity that the participant actually enjoys, thus encouraging service as a fulfilling activity, rather than a sanction);
- Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring;
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a residential re-entry center;

- Participant is ordered to spend up to seven days in jail; and
- Participant is terminated from the program with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of the program.

If you admit to the violation, you may be able to complete the sanction and remain in the program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The USPO's report at the next Court appearance will inform the Judge whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in added sanctions or termination from the program.

If you wish to contest the sanction allegation, you may do so. The only permissible contested sanction hearing in Court, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, the AFD will assist you in contesting the allegations. The Judge will ultimately decide whether the allegation is true. The USPO need not wait until your scheduled Court appearance to address problems in supervision. If you fail to abide by the directions of the USPO, the USPO will contact you to address the problem. Minor violations may be dealt with by either the USPO, or by the participating agencies. If you commit a major violation, a warrant will immediately be issued for your arrest.

TERMINATION FROM THE RISE PROGRAM

You may be terminated from the program if you fail to participate in treatment and supervision – including repeated technical violations of general conditions of supervision, failure to make your scheduled Court appearances, or a new law violation. If you are terminated from the RISE Program, you will return to regular supervision status, and may face a violation hearing.

If the participating agencies choose to pursue a formal violation charge, it will be the practice of the probation office not to allege as a formal violation conduct that occurred during your involvement in the program and had been previously addressed. After the participant is outside of the program context, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during your involvement in the program. If you are discharged from the program unsuccessfully, the USPO will not recommend that you be considered for early termination of supervision.

GRADUATION & UP TO ONE YEAR REDUCTION IN SUPERVISION TERM

Upon successful completion of the RISE Program, your total term of supervision will be reduced by up to one year. After completing the RISE Program, most participants have an additional amount of time to spend on traditional supervision. If this is true of you, you will be required to continue to comply with any and all conditions of supervision. If you violate the terms of your supervision, you will be subject to revocation, but any term of supervision imposed following the term of incarceration will be reduced by up to one year.

RISE PROGRAM AGREEMENT

Participant:

I, * , have read or someone has read to me, this Agreement and I understand the basic workings of the RISE Program. I voluntarily agree to participate in the RISE Program. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

Signature

Date

Judge:

I, * , the Judge in the District of Utah's Specialized Docket Program, accept the above-named Participant into the RISE Program.

Signature

Date

Representative of the United States Attorney's Office:

The Assistant United States Attorney representing the government in the District of Utah's Specialized Docket Program, accepts the above-named Participant into the RISE Program.

Signature

Date

Representative of the Federal Defender's Office:

The Assistant Federal Defender representing the Participant in the District of Utah's Specialized Docket Program, accepts the above-named Participant into the RISE Program.

Signature

Date

Representative of the United States Probation Office:

The Probation Officer assigned to District of Utah's Specialized Docket Program, accepts the above-named Participant into the RISE Program.

Signature

Date

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH
RISE PROGRAM PROGRESS REPORT



PARTICIPANT	Date of Conviction:	Court Date:
Address:	Offense:	DOB/AGE:
If at a CCC:	Sentence:	Program Entry:
Date entered/leaving _____/_____		Released from Custody:
		Prob/TSR Commenced:
		Prob/TSR Expires:

LAST APPEARANCE	DATE:
Achievements:	
Sanctions:	
Sanctions completed: <input type="checkbox"/> YES <input type="checkbox"/> NO	Prior Program Court Action:
Comments:	

CURRENT TREATMENT	<input type="checkbox"/> No Misses	Comments:
Providers:	<input type="checkbox"/> Dual Diagnosis	
Counselors:	<input type="checkbox"/> Unexcused Absences	
TX Schedule:	<input type="checkbox"/> Excused Absences	
Attendance:	<input type="checkbox"/> Report Attached	
Report from Provider:	<input type="checkbox"/> Report Not Attached	
	<input type="checkbox"/> Medication	

DRUG TESTING	<input type="checkbox"/> No Positives
Dates/Results:	<input type="checkbox"/> Presumptive Positives
	<input type="checkbox"/> Positives
	Substances/Comments:

COMPLIANCE WITH OTHER CONDITIONS OF SUPERVISION	SAF: _____	Comments:
	FINE: _____	
Total Due:	REST: _____	
Monthly Payment:	UA: _____	

MAKING STRIDES	Comments:	
Seeking Work or in School?	<input type="checkbox"/> YES <input type="checkbox"/> NO **	Employer: _____
Employed? **	<input type="checkbox"/> YES <input type="checkbox"/> NO	Position: _____ Wage: _____
Stable Housing?	<input type="checkbox"/> YES <input type="checkbox"/> NO	

RISE PROGRAM TEAM MEMBERS	PREPARED BY:
Judge:	USPO
USPO:	Date:
AUSA:	
AFPD:	
TX Provider:	
