

**Misdemeanor Participant
CONTACTS**

Staten Island Treatment Court
67 Targee Street
Staten Island, New York 10304
718.273.1696
718.390.5180

Treatment Alternatives to Street Crime
387 Van Duzer Street
Staten Island, NY 10304
718.727.9722

My TASC Case Manager: _____

My Treatment Program: _____

Address: _____

Phone: _____

My Case Manager: _____

My Defense Attorney: _____

Address: _____

Phone: _____

My Self-Help/ Sober Support: _____

Address: _____

Phone: _____



**HANDBOOK
for
MISDEMEANOR
PARTICIPANTS**

Criminal Court of the City of New York
67 Targee Street
Staten Island, NY 10304

Participant Agreement

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This booklet will help you to get familiar with the

Staten Island Treatment Court Misdemeanor Part (SITCM).

As a participant, you are required to follow the rules of the SITC, the instructions of the Judge, and comply with the treatment plan developed for you by TASC and your primary treatment provider.

I _____, request and authorize the Staten Island Treatment Court (SITC) to recommend me for referral into drug treatment. I understand that my acceptance as a participant in the Treatment Court is conditional upon my having consulted with an attorney.

I agree to inform the SITC if I am on probation or parole. I understand that I will be terminated from the Treatment Court if I fail to provide such information. I understand that my acceptance into and continuance in the SITC program depends on the approval of my supervising probation/parole officer.

Parole Office _____ Phone # _____

If I am accepted into the Staten Island Treatment Court Misdemeanor Part, I understand that I may be required to participate in the SITC program for a minimum of nine months. I agree to fully participate in the treatment program to which TASC refers me and I understand that my progress in treatment will be monitored by the Treatment Court. I agree to attend all Treatment Court sessions for which I have been scheduled to appear and to cooperate with all SITCM mandates.

I understand that my continued participation the Staten Island Treatment Court is contingent upon the following:

- 1. Entering the assigned drug treatment program on the scheduled start date.
2. While in outpatient treatment, either being gainfully employed full time, attending an educational program full time, or receiving vocational rehabilitation services.
3. Participating in any and all treatment orientation and group sessions necessary.
4. Observing all rules and regulations of the treatment facility to which I am referred.
5. Remaining in treatment for the amount of time required by the treatment provider and the SITC Misdemeanor Part.
6. Maintaining satisfactory progress and cooperating fully with Treatment Court by:
a. Attending all assigned SITC court sessions.
b. Observing the house rules of the Treatment Court .
c. Accepting all SITC sanctions for infractions.
d. Working through the phases of the SITC Misdemeanor Part to a successful completion.
7. Observing all Federal, State, and Local statutes; refraining from all criminal activity.

I understand that any violation of the above conditions may result in my dismissal from treatment and my subsequent expulsion from the Staten Island Treatment Court. If I am dismissed from the Misdemeanor Part prior to satisfactory completion of my program, I understand that my case will revert to normal criminal processing.

I agree to notify the Staten Island Treatment Court Misdemeanor Part if I (1) change my address, (2) change my attorney, and if I am (3) arrested or I receive a court date from my lawyer, the criminal justice system, or any reliable source.

I fully understand the conditions of this agreement and agree to it of my own free will. No threat or promise of any kind has been made to me by any employee or representative the Staten Island Treatment Court in connection with this agreement, except that which is stated within.

PARTICIPANT _____ SITC/SCI # _____ DATE _____

Staten Island Treatment Court Misdemeanor Part

PLEA CONTRACT

Docket# _____ Date: _____

Participant: I enter this plea of guilty and agree to enter a drug treatment program. I acknowledge, understand and agree to the following:

1. I have a substance abuse problem. I recognize that I need help to treat this disease.
2. After reading the Staten Island Treatment Court Participant Handbook, I agree to comply with all rules and procedures of the program.
3. I will enter into and remain in drug treatment, and I will lead a law abiding life while in the SITC program.
4. I understand that failure to follow the SITC rules and my treatment regimen may result in Court sanctions, which may include a change in my treatment plan and/or incarceration.
5. I understand that failure to complete the SITC program will result in my immediate appearance at Court and I may receive a jail/prison sentence.
6. I understand that any new arrest will be reviewed by the Court. It may result in my termination from treatment and the SITC, and my being sentenced to jail/prison.

Staten Island Treatment Court Participant

Judge: By accepting your plea of guilty and your promise to enter The Staten Island Treatment Court Misdemeanor Part, we agree to the following:

1. To assist you in overcoming your addiction and/or substance abusing behavior.
2. To assign a case manager who will assess your treatment needs, refer you to an appropriate treatment provider, and meet with you regularly to discuss your recovery.
3. To meet with you at regularly-scheduled Treatment Court sessions.
4. To acknowledge and award your achievements in recovery as you progress through treatment and the three phases of the SITC Misdemeanor Part.
5. To hold you accountable for your actions and to impose sanctions, including jail time, for failure to comply with the SITC Court's rules as you have promised. To impose the agreed-upon jail/prison sentence if you fail to complete the SITC Misdemeanor Part.
6. When you successfully complete the SITCM program, to dismiss these charges against you and seal the record.

Staten Island Treatment Court Judge

WELCOME TO THE STATEN ISLAND TREATMENT COURT MISDEMEANOR PART

The Staten Island Treatment Court (SITC) is a problem-solving court where eligible defendants who are abusing or are addicted to drugs may choose treatment instead of going to jail. If you are a non-violent offender with prior misdemeanor convictions, you may be eligible for the misdemeanor part of the SITC.

SITCM participants:

1. enter treatment,
2. Are tested frequently for drug use, and
3. meet regularly with the SITC Judge, who personally monitors their progress.

If you participate in SITCM, you will spend at least nine months in Treatment Court.

During that time, you will be expected to:

4. remain drug and alcohol free,
5. meet all of the requirements of your treatment program, and
6. comply with the rules and regulations of the Treatment Court.

**Remember:
The SITC is a criminal court.
You are here because of your criminal behavior.**

WHAT'S IN IT FOR YOU

If you accept the offer to participate in the Staten Island Treatment Court Misdemeanor Part, this is what happens in most cases:

1. Treatment Alternatives to Street Crime (TASC) develops a treatment plan for you and refers you to a treatment provider.
2. On the day you enter SITCM you plead guilty to a misdemeanor charge and the Judge defers your sentence. You sign a plea contract, an agreement between you and the Judge outlining what is expected of you as an SITCM participant.
3. Your progress in treatment is closely supervised by the Judge, TASC, your treatment provider, and the SITCM staff.
4. You are subject to the rules of the SITC Misdemeanor Part as well as the rules of your treatment program.
5. You progress through three Misdemeanor Treatment Court phases to graduation. This will take at least nine months.
6. When you successfully complete the SITCM requirements (which includes all those of treatment), you graduate from the Treatment Court, your plea is vacated and your case is dismissed.

If you are thinking about participating in the SITCM, program, read the following information carefully and speak about it with your attorney.

Drug Testing

SITCM participants must undergo drug tests.

During the time you are a participant the Treatment Court, you will be tested for drug and alcohol use by your treatment provider and Treatment Alternative to Street Crimes (TASC).

In the beginning:

- ◆ TASC will test you for drug use at least once a week.
- ◆ Your primary treatment provider will test you for drug use at least once a week.

The number of times you are drug tested depends on your performance in treatment, your compliance with the Treatment Court rules, and your progression through the SITCM phases.



IMPORTANT:

When you enter the SITCM, you sign a *Plea Contract* and *Participant Agreement* in Court.

It is very important that you read them over and discuss them with your attorney before you agree to sign them. Copies of each follow on pages 16 and 17.

**STATEN ISLAND TREATMENT COURT
MISDEMEANANT PROGRAM**

INCENTIVES

When you comply with the requirements of your treatment program and you follow the rules of the SITC Misdemeanor Part, your good work will be acknowledged and you will be given incentives to encourage your continued efforts.

Incentives may include:

- » acknowledgment and encouragement by the Judge
- » your case called earlier in court
- » fewer Treatment Court appearances
- » advancing to the next SITCM Phase
- » less frequent drug testing
- » becoming a mentor to another SITCM participant
- » acceptance into the SITC "Hall of Fame"
- » qualifying to graduate
- » having your plea vacated and your case dismissed
- » becoming a member of the SITC Alumnae Association

To follow is an outline of the **(A)** phases of the Treatment Court, **(B)** infractions that will be addressed by the Court, and sanctions the Court may impose as a result of those infractions, **(C)** House Rules and **(D)** graduation requirements for SITCM participants.

(A) Phases 4
 The SITC misdemeanor program consists of three phases. You must spend a minimum of three months in one phase before you move on the next. If you are sanctioned, you will lose phase time.

(B) Infractions and Court-Imposed Sanctions 5 - 8
 Infractions can lead to sanctions. The Judge imposes sanctions according to the type and number of infractions. As you move through the phases, you will be subject to stricter sanctions. If sanctioned, you will automatically go back to the beginning of whichever phase you are in.

(C) House Rules 9
 The House Rules is a list of behaviors expected of SITC participants in court, at TASC, at treatment, or when attending any other court-related appointments.

(D) Requirements for Graduation 10
 In order to graduate from the SITCM, you must complete all the requirements of treatment and TASC, you must have a total of nine months time in SITCM without sanctions, be employed or in school or in vocational training full time, display significant progress toward your personal goals, and submit an application.

EVERYONE IS DIFFERENT.
You may not spend the same amount of time in a phase as other participants do, but you must spend at least nine months in the SITC Misdemeanor Part before you graduate.

Some participants may have to spend more than nine months in the SITC misdemeanor program.

A. Phases

PHASE 1

Requirements: SITCM participants start and spend at least three months in Phase 1. All participants must abstain from drug and alcohol use.

Process: You become a participant in the Treatment Court program. TASC diagnosis your addictions, determines a plan of treatment, and obtains any entitlements needed to pay for treatment (such as SSI and medicaid). You are placed in a treatment program; you begin your abstinence from drugs and alcohol in a controlled atmosphere.

PHASE 2

Requirements: To progress to **Phase 2**, participants must spend a minimum of three months in **Phase 1** without sanctions, and be able to describe their achievements in Phase 1 and their goals for Phase 2.

Process: During this time you are stabilized in treatment and you set goals such as education, family rehabilitation, and vocational training.

PHASE 3

Requirements: Complete three months in Phase @ without sanctions (a total of 6 months, Phase 1 and 2 combined), describe your achievements in Phase 2 and your goals for Phase 3.

Process: You are fully engaged in work, education, or vocational/career development, you transition into the community through work, or school and the establishment of stable social ties.

To Graduate: Accrue at total of nine months in SITC without sanctions, be working, in school or in vocational training full time, and complete all the requirements of your treatment program, TASC and SITCM.

YOUR ATTENDANCE

★ ★ ★ Treatment ★ ★ ★

SITC misdemeanor participants attend different treatment programs based on what is best for them. Most outpatient treatment providers follow a schedule like this:

1. In **Level 1** of treatment, you participate in group and individual sessions. Your treatment provider and the judge determines the numbers of times you must attend weekly.
2. In **Level 2**, depending on how you progress in treatment, your attendance at group and individual sessions may be less frequent. You are required to participate in vocational training, to be attending school full time, or to be employed full time.

★ ★ ★ Self Help ★ ★ ★

The Treatment Court, TASC, and your treatment provider strongly encourage you to seek sober support outside the program. TASC or your treatment provider can refer you to many groups who meet regularly to support or sustain each other by discussing problems they have in common.

YOUR ATTENDANCE

As a participant in the SITC Misdemeanor Part you are required:

- ★ to appear at scheduled Treatment Court sessions,
- ★ to participate in group and individual sessions at your primary treatment provider,
- ★ to meet regularly with your TASC case managers, and
- ★ to submit to regular and randomized drug screenings.

★ ★ ★ Treatment Court Sessions ★ ★ ★

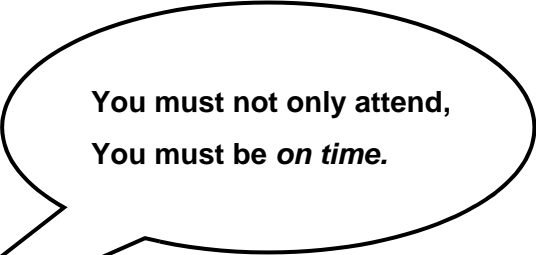
Phase I You are scheduled to meet with the Judge from once a week to once every other week.

Phase II You are scheduled to meet with the Judge from once every two weeks to once a month.

Phase III You are scheduled to meet with the Judge once every three weeks to once every six weeks.

★ ★ ★ TASC ★ ★ ★

TASC requires participants who enter SITCM to attend at least one face-to-face meeting a week. You may be required to contact TASC by phone once a week.



You must not only attend,
You must be *on time*.

B. Infractions and Court-Imposed Sanctions

The type and number of infractions, and the frame of time in which they happen, determine the court's response.

The highest level of infractions are:

- 1) New Violent Felony Arrest
- 2) New Arrest
 - felony
 - misdemeanor

SITC Misdemeanor Part		
Responses to Arrests All Misdemeanor Phases: I, II, and III		
Infraction:	Response:	Action:
New violent felony arrest	Review by district attorney and SITC Team	Possible termination from SITC and mandatory jail
New arrest	Review by district attorney and SITC Team	Possible jail and/or termination

If, as a participant in the Staten Island Treatment Court Misdemeanor Part, you are arrested for any crime, your action is reviewed by the SITC Team and you are subject to expulsion and jail. If you are indicted or convicted for any violent crime while you are in the SITCM, you are immediately expelled.

**Law-abiding behavior is expected
of every
SITC participant.**

Phase I: Infractions & Court-Imposed Sanctions

<p>A level infractions</p> <ul style="list-style-type: none"> • absconding or termination from treatment with <u>involuntary</u> return to court. <p>B level infractions</p> <ul style="list-style-type: none"> • absconding or termination from treatment with voluntary return to court. • substituted or tampered drug test <p>C level infractions*</p> <ul style="list-style-type: none"> • positive or missed drug test • missed appointment • rule breaking at treatment which does not result in termination • two late arrivals at court or program sessions •breaking the SITC House Rules 	<p>Every A level infraction results in action by the Court.</p> <p><u>First A level infraction:</u> up to 14 days jail</p> <p><u>Second A level infraction:</u> up to 28 days jail</p> <p><u>Third A level infraction:</u> termination, sentence imposed</p> <p>Every B level infraction results in a sanction by the Court.</p> <p><u>First B level infraction:</u> 2 days penalty box Detox Workshop attendance Essay/journal/letter writing Increase in court attendance frequency</p> <p><u>Second B level infraction:</u> up to 7 days jail, plus any of the above</p> <p><u>Third B level infraction:</u> up to 14 days jail, plus any of the above</p> <p><u>Fourth B level infraction:</u> up to 28 days jail, plus any of the above</p> <p><u>Fifth B level infraction:</u> termination, sentence imposed</p>	<p>Every C level infraction may be addressed by the treatment providers as well as the SITC.*</p> <p>Sanctions include but are not limited to:</p> <ul style="list-style-type: none"> • immediate (next day) court attendance • increased case management visits • increased testing • detox/rehab • mandatory self help assignment • essay/letter writing assignment • loss of certain treatment privileges (determined by program) • community service <p>* Any three C level (Triple C) infractions in Phase I within a thirty-day period are considered "Sanctioned C" infractions and are sanctioned at the Court's discretion.</p>
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- "SANCTIONED C" Infractions**
- First Sanctioned C See above list of sanctions
 - Second Sanctioned C up to 7 days jail
 - Third Sanctioned C up to 14 days jail
 - Fourth Sanctioned C up to 28 days jail
 - Fifth Sanctioned C Termination, sentence imposed

The Staten Island Treatment Court Team

The Staten Island Treatment Court Team recognizes that addiction is a treatable disease and is committed to support the recovery of every participant.

While you are in the SITC Misdemeanor Part, the Team pledges to help you seek and maintain sobriety.

The Staten Island Treatment Court Team includes:

1. the Judge,
2. defense attorneys,
3. assistant district attorneys,
4. Staten Island TASC staff, and
5. Treatment Court staff.

The Team monitors the progress of SITC participants, and also assesses new cases for program eligibility. The Team meets before each Treatment Court session to discuss the cases of participants scheduled to appear that day.

Defense Attorneys Are Welcome

Your defense attorney is welcome to attend and participate in any discussions which involve you, if you are a candidate for, or a participant in, the SITC Misdemeanor Part.

D. Graduation

In order to graduate from the Staten Island Treatment Court Misdemeanor Part, you must:

- a) complete all the requirements of your individual treatment program;
- b) accrue a total of 9 months time in SITCM without sanctions
(At least three months in **Phase 1**, three months in **Phase 2**, and three months in **Phase 3**);
- c) have made significant and measurable progress toward your personal goals, (including full-time employment, or full-time participation in G.E.D., vocational training, or school); and
- d) set forth your accomplishments and goals, and submit a graduation application to the SITC.

**THE MINIMUM AMOUNT OF TIME
YOU MUST SPEND IN THE MISDEMEANOR PART OF
THE STATEN ISLAND TREATMENT COURT IS
NINE MONTHS.**

THE REST IS UP TO YOU!

Phase II: Infractions & Court-Imposed Sanctions

A level infractions

- absconding or termination from treatment with involuntary return to court.
- substituted or tampered drug test

B level infractions

- absconding or termination from treatment with voluntary return to court.

C level infractions*

- missed appointment
 - one late arrival at court or program session
 - breaking the SITC House Rules
 - rule breaking at treatment which does not result in termination
 - positive or missed drug test
- (In Phase II, a single positive drug test may result in a sanction.)**

Every A level infraction results in action by the Court.

First A level infraction:
up to 14 days jail

Second A level infraction:
up to 28 days jail

Third A level infraction:
termination,
sentence imposed

Every B level infraction results in a sanction by the Court.

First B level infraction:
2 days penalty box

Detox
Workshop attendance
Essay/journal/letter writing
Increase in court attendance frequency

Second B level infraction:
up to 7 days jail, plus any of the above

Third B level infraction:
up to 14 days jail, plus any of the above

Fourth B level infraction:
up to 28 days jail, plus any of the above

Fifth B level infraction:
termination, sentence imposed

Every C level infraction may be addressed by the treatment providers as well as the SITC**

Sanctions include but are not limited to:

- immediate (next day) court attendance
- increased case management visits
- increased testing
- detox/rehab
- mandatory self help assignment
- essay/letter writing assignment
- loss of certain treatment privileges (determined by program)
- community service

** Any two C level (double C) infractions in Phase 2 within a thirty-day period are "Sanctioned C" infractions and are sanctioned at the Court's discretion.

"SANCTIONED C" Infractions

- First Sanctioned C See above list of sanctions
- Second Sanctioned C up to 7 days jail
- Third Sanctioned C up to 14 days jail
- Fourth Sanctioned C up to 28 days jail
- Fifth Sanctioned C Termination, sentence imposed

Phase III: Infractions & Court-Imposed Sanctions

A level infractions

- absconding or termination from treatment with involuntary return to court.
- substituted or tampered drug test

Note: In the event of termination or absconding with involuntary return to court in the third phase, as an SITC participant you are subject to a minimum of 8 to 14 days in jail, barring exceptional circumstances.

B level infractions

- positive or missed drug test
- absconding or termination from treatment with voluntary return to court.

C level infractions

- missed appointment
- rule breaking at treatment which does not result in termination
- one late arrival at court or program without satisfactory excuse
- breaking the SITC House Rules

Every A level infraction results in action by the Court.

First A level infraction:

up to 14 days jail

Second A level infraction:

up to 28 days jail

Third A level infraction:

termination,
sentence
imposed

Every B level infraction results in a sanction by the Court.

First B level infraction:

2 days penalty box
Detox
Workshop attendance
Essay/journal/letter writing
Increase in court
attendance frequency

Second B level infraction:

up to 7 days jail, plus any
of the above

Third B level infraction:

up to 14 days jail, plus any
of the above

Fourth B level infraction:

up to 28 days jail, plus any
of the above

Fifth B level infraction:

termination, sentence
imposed

Every C level infraction may be addressed by the treatment providers as well as the SITC.*

Sanctions include but are
not limited to:

- immediate (next day) court attendance
- increased case management visits
- increased testing
- detox/rehab
- mandatory self help assignment
- essay/letter writing
- loss of certain treatment privileges (determined by program)
- community service

***Any 2 C-level infractions committed while you are in Phase III become a "Sanctioned C" infraction, which is sanctioned at the Court's discretion.**

**Please note:
In Phase III, one positive drug test result will be sanctioned at the Court's discretion.**

"SANCTIONED C"

- First Sanctioned C See above list of sanctions
- Second Sanctioned C up to 7 days jail
- Third Sanctioned C up to 14 days jail
- Fourth Sanctioned C up to 28 days jail
- Fifth Sanctioned C Termination, sentence imposed

C. House Rules

If broken, many of the House Rules carry their own punishments. Some may be treated as higher level infractions and some may be punishable as misdemeanors, if the incident warrants it.

- Arrive at court on time.
- Never come to court under the influence of drugs or alcohol.
- Dress appropriately for court--no shorts, no tank tops, no bare feet.
- Never carry or use alcohol, drugs or associated paraphernalia.
- Behave yourself! No violence, harassment or threats, period.
- Never leave the courtroom without permission.
- Respect court property.
- No stealing.
- Be on time for all court sessions, and appointments with treatment, TASC, drug testing, etc.

**It is your responsibility
to keep all scheduled appointments
and
to arrive on time.**