



Pretrial Services Opportunity Program

Participant's Manual

District of New Jersey

Dear New Participant,

Welcome! We are pleased you are a part of the United States Pretrial Opportunity Program for the District of New Jersey. You have been selected for this program because we believe in your ability to be successful in your recovery.

The Pretrial Opportunity Program team will provide you with the necessary tools to ensure your success in the program. However, your success is solely dependent on your willingness to work hard and make the necessary changes to succeed. Your commitment to this program begins now and your full participation is required for successful completion.

This handbook contains important information regarding the program. You should read it carefully. It may also be helpful to share this information with family and friends so they are familiar with program requirements and can support you in your efforts.

We wish you much success in this program and we look forward to working with you.

Regards,

The Pretrial Opportunity Program Team

Introduction to the Pretrial Opportunity Program

What is NJ POP?

NJ POP stands for New Jersey Pretrial Opportunity Program. It is a front-end drug court designed to provide the incentive for life altering changes to participants who are ready to seize the opportunity. It may also allow for sentencing alternatives if justified.

How does a POP participant benefit from the program?

The program provides participants an opportunity to engage in productive behavior, achieve a drug-free and law-abiding lifestyle, and prove to the Court and the community that they have earned consideration for an alternative sentence. However, the final determination of sentence, including whether or not any such reduction is appropriate, will not be made until sentencing is held.

Which judges will be involved in the NJ POP court?

Senior United States District Judge Katharine S. Hayden and United States District Judge Esther Salas oversee the POP program.

Who is eligible for admission into NJ POP court?

Participants must have a documented history of significant addiction that led them to become involved in the criminal justice system. Participants must be compliant with their pretrial release conditions and have demonstrated a commitment to their sobriety.

How does the NJ POP court work?

Participants of the POP program will receive intensive, multidimensional supervision from their case officer. Participants will attend monthly sessions with the POP team, including Judges Hayden and Salas, United States Pretrial Services, United States Probation and liaison counsel from the offices of the United States Attorney and the Federal Public Defender. These meetings, or conferences, will be in a group setting and will focus on each participant's progress with treatment, educational/employment, and other program goals. Fellow participants will also be present to provide additional feedback and support. The team will assess each participant's progress to determine if they are ready to transition to the next phase of the program.

Phases of the Pretrial Opportunity Program:

Each participant's journey will be different and the timeframe to move through the different phases will be based on individual progress.

1. Bail Supervision Phase

During this phase, defendants are supervised by the United States Pretrial Services Office. Their compliance with release conditions will be monitored closely and they will receive intense supervision. Any identified substance abuse and/or mental health issues will begin to be addressed with the goal of stabilization. Consideration for participation in the Pretrial Opportunity Program also occurs during this phase.

2. Pretrial Opportunity Program-Pretrial Phase

During this phase, participants will continue to be supervised by the United States Pretrial Services Office, however they will also receive the additional support and guidance of the Pretrial Opportunity Program team. Participants will continue to be engaged in treatment as deemed necessary. Additional expectations will be introduced, including prosocial behaviors such as developing a support network and pursuing educational/vocational/employment goals. The team will assess a participant's progress during this time and determine when and if they are ready for transition to sentencing.

3. Pretrial Opportunity Program-Post-Conviction Phase

During this phase, participants who received a non-custodial sentence will be supervised by the United States Probation Office. They will continue to receive the support and guidance of the Pretrial Opportunity Program. Participants will maintain prosocial activities and continue in any programming as deemed necessary. Your role should also evolve to one of mentoring other POP participants, and giving back to the community via activities such as commitments, sponsorship and speaking engagements. The team will assess a participant's progress during this time and determine when and if they are ready to transition to the next phase.

4. Post-Conviction Supervision Phase

Participants have successfully completed the Pretrial Opportunity Program by demonstrating a minimum of 12 months sobriety, as well as sustained stability and prosocial activities. They will continue to be supervised by the United States Probation Office and will need to comply with all conditions of supervision until successfully terminated from probation/supervised release.

Expectations of Participant:

1. You must be honest and prepared for the POP session.

You must appear on time for your regularly scheduled meetings with the Judges and POP team. You will be expected to be open and honest about your behavior and share information regarding your goals and progress with the team. However, this does not affect your right to remain silent if an answer to the Judges' or POP team's questions may incriminate you. If you are unclear about any of your expectations or responsibilities, ask your officer for assistance. The public defender and defense counsel remain available.

2. You must arrive on time and not leave early.

If you are going to be late to your session or need to leave early, ask your officer in advance.

3. Courtroom Etiquette.

Participants must be respectful and courteous to the Judges, other participants, Pretrial Services and Probation Officers, the U.S Attorney's office or anyone else appearing for POP.

Your cellphone must be turned off during POP sessions.

Participants are expected to dress in an appropriate manner. Work attire is permitted upon approval of officer.

Although Judges do not wear robes and POP sessions are less formal, please keep in mind you are attending a federal court proceeding.

4. You must refrain from illicit drugs or alcohol use.

Please refer to pages 8-9 for additional information

5. You must comply with the requirements of the treatment plan.

Participants are required to comply with any recommended treatment plan. This may include both outpatient and inpatient modalities, as well as community-based support groups. Participants will also be required to obtain a sponsor. If deemed appropriate, participants may be referred to cognitive behavioral programming, as well as the Workforce Development Program.

Participants must utilize the lessons learned in POP and treatment programming to combat the lifelong triggers of addiction.

6. You must provide verification documents as requested.

This includes verification of address, employment/education, community-based meeting attendance and any other documents requested by the case officer or POP team.

Expectations from United States Pretrial Services:

1. You will be thoroughly assessed, and a comprehensive treatment plan will be generated to aid you in your rehabilitation process and sobriety. The plan and your progress will be discussed with your officer throughout the month, and during monthly meetings with the POP team.
2. Your Pretrial Services Officer will work with you to identify problems you are facing and to secure necessary referrals and resources to aid you in meeting your identified POP goals. Pretrial Services can assist you in obtaining substance abuse and mental health treatment, workforce and vocational assistance, cognitive behavioral programming and literacy assistance.
3. You will receive intense individualized supervision from your Pretrial Services Officer.

Expectations from the Team Attorneys

1. A representative Assistant U.S Attorney will be assigned to the Pretrial Opportunity Program and is serving in a different role than the U.S Attorney assigned to your case. The Assistant U.S Attorney assigned to the POP team will be there to provide support and encouragement, as well as monitor your progress in the program.
2. A representative Assistant Public Defender will also be present and although they are not your attorney, they are there to assist in general questions of the law and other legal services that may benefit you. They can also serve as a liaison to your assigned attorney.

Expectations from the Sentencing Judge:

1. The sentencing judge will participate at regularly scheduled meetings and will discuss your progress. At these regularly scheduled meetings, the sentencing judge along with the POP team and other program participants will address any concerns regarding your participation in the program.
2. The judge will monitor your individual progress and will take note, positively or negatively, when assessing your participation in the program.

3. The judge will hold you accountable. If there is a violation of the conditions of the program or pretrial release generally, you may be subject to one or more of the sanctions identified on page 8 of this manual.
4. Your sentencing judge will have the authority to consider all information obtained during the course of your participation in the Pretrial Opportunity Program in determining your transition through the phases of the program, including sentencing.

Incentives and Sanctions:

The POP team wants you to be successful in your efforts. You may be rewarded with incentives as a result of positive progress towards program goals. Conversely, sanctions may be imposed due to a violation of program expectations.

Incentives

Incentives are staffed amongst the POP team and are ultimately at the Judges' discretion. They include but are not limited to the following:

- Judicial praise
- Team applause
- Travel approval
- Less restrictive conditions
- Certificates/ challenge coins/other tokens of accomplishment
- Reduction in reporting requirements
- Phase advancement
- Increased educational and program opportunities
- Opportunity to mentor
- Inclusion in Court community outreach
- Graduation from the program
- Early termination from probation sentence

Sanctions

Noncompliance with program requirements will be reported to the judge and counsel of record for both the participant and the government, and could result in a full array of sanctions, including termination from the program. The judge will not terminate any participant without giving counsel the right to be heard. Additionally, a bail violation hearing may be held, and provided the violation is admitted or proven, the participant may face reconsideration of conditions of release, including the possibility of detention.

Responses to non-compliance are staffed amongst the NJ POP court team and are ultimately at the Judges' discretion. They include but are not limited to the following:

- Admonishment
- Journaling or other assignment
- Attend sentencing proceeding
- Community service
- Increased reporting and/or court appearances
- Return to prior phase
- Loss of privileges
- Lengthen program time
- Curfew/Location Monitoring
- Incarceration

Increased testing and/or treatment modalities will also be a therapeutic response to non-compliance when relapse is a consideration.

Drug Testing

You must provide a drug test when requested.

Drug testing will be random and at the discretion of case officers. Failure to report for testing may result in a sanction.

Attempting to tamper with your test for the purposes of avoiding detection is considered a violation and will result in a sanction at the team's discretion.

Hospitals, Doctors, Medicine and NJ POP Court

What to do if you need to go to a doctor or hospital for pain or other medical problems?

As a condition of the program, you are required to tell the doctor or nurse who examines you that you are in recovery.

Why is this important?

Most doctors and nurses will understand that a person in recovery must not take certain medications such as narcotic pain killers, certain cough syrups (with alcohol and codeine) or muscle relaxants. There should be no shame as a person in recovery. Medical professionals will be able to best treat you if they have this information. If given a prescription, you must immediately advise your officer. You must also notify your officer of any planned procedures.

Participants will sign any necessary release forms to allow communication with their medical provider(s).

Take Personal Responsibility:

You are responsible for what goes into your body.

Never take any medications that has been prescribed for someone else. Use of medications prescribed to another individual will be a violation of NJ POP court program.

If you have any questions at all about any medications you are taking, ask your doctor, treatment provider, or officer. Taking prohibited drugs can only make your recovery harder. You must let your officer know of all medications that you are taking.

Read All Labels:

When purchasing cold medicine, cough syrup, mouthwash or other over-the-counter liquids, make sure they do not contain alcohol. Certain varieties of Listerine, Dayquil and Nyquil contain alcohol and should not be taken. If you have questions about a particular product, bring it to the attention of the pharmacist, your doctor, treatment provider, or officer before using.

You must abstain from food items containing poppy seeds, alcohol, and herbal supplements which may produce a positive test result for drugs or alcohol. Eating poppy seeds or using a food item that produces a positive drug screen will not be a valid excuse and you will be considered to have used a prohibited substance.

HOW TO SUCCEED

THE PRETRIAL OPPORTUNITY PROGRAM TEAM WILL PROVIDE YOU WITH THE NECESSARY TOOLS TO ENSURE YOUR SUCCESS IN THE PROGRAM. HOWEVER, YOUR SUCCESS IS SOLELY DEPENDENT ON YOUR WILLINGNESS TO WORK HARD AND MAKE THE NECESSARY CHANGES TO SUCCEED. WE BELIEVE IN YOU AND IF YOU BELIEVE IN YOURSELF, YOU WILL SUCCEED!

Consent Agreement:

I have read the Pretrial Services Opportunity Program Participant's manual and understand it. I have consulted with counsel before signing this agreement. By signing, I agree to participate and abide by the rules of the Pretrial Opportunity Program as well as my conditions of release. I further understand that participation in the program will delay the resolution of my case, and that any such delay is hereby requested by me so that I may avail myself of the potential benefits of the program.

If I should violate the terms of the program, I may be terminated from further participation. By signing this agreement, I waive any right you might otherwise have to appellate review of a decision that I have failed to complete the program or a decision terminating me from the program. In addition, I have the right to withdraw from the program at any time for any reason, provided I notify the supervising officer of my desire to do so.

Defendant: _____

I agree that it is appropriate for my client to participate in the Pretrial Opportunity Program and I have advised my client accordingly. I agree to attend required meetings with the judges as needed. I understand that participation in the program will delay the resolution of the case; any such delay is hereby requested, and my client and I agree it is warranted in the interest of justice.

Attorney for the Defendant: _____

Participation in the Pretrial Opportunity Program in the District of New Jersey is hereby approved. The defendant shall appear for all scheduled meetings between the judges, the pretrial services officer, and the defendant in the United States District Courthouse located at 50 Walnut Street, Newark, New Jersey. The judges' staff will be responsible for scheduling and notifying all parties of any meetings scheduled.

Pretrial Services Officer: _____

SO ORDERED.

Dated: _____
United States District Judge