



OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

**RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-2908
(718) 250-3939**

CHARLES J. HYNES
District Attorney

Anne J. Swern
First Assistant District Attorney

**Drug Treatment/Diversion
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District Attorney Charles J. Hynes has always believed that non-violent addicts should be diverted into treatment to prevent the cycle of substance abuse and criminal behavior. This has been our policy since 1990, and thus thousands of offenders have received high quality substance abuse treatment through the District Attorney's Office's Drug Treatment Alternative-to-Prison (DTAP) program, Brooklyn Treatment Court (BTC), Screening Treatment and Enhancement Part (STEP), Misdemeanor Brooklyn Treatment Court (MBTC), and Red Hook Community Justice Center (RHCJC). Occasionally, those charged with violence are considered for treatment on a case by case basis. This expansive policy towards treatment in Kings County will not change.

DTAP research performed by Columbia University has demonstrated that participants remain in treatment six times longer than those in long-term residential treatment that is not court ordered. The participants are 67% less likely to return to prison two years after leaving the program than are individuals of a matched comparison group two years after leaving prison. DTAP graduates had re-arrest rates that were 33% lower; re-conviction rates that were 45% lower; and were 87% less likely to return to prison than those of a matched comparison group. DTAP graduates are three and one-half times likelier to be employed than they were before their arrest. These results are achieved at half the cost of incarceration.

Defendants in need of treatment should be assessed **AS SOON AS POSSIBLE**. Cases involving non violent offenders, who appear to have an addiction, will continue to be adjourned from arraignment to BTC or STEP for assessment on the next business day. First time offenders will be sent to BTC; predicates will be sent to STEP for DTAP evaluation. Defendants interested in the opportunity for treatment should take advantage of this early assessment.

If a case has been adjourned to AP1, and the defendant is charged with a non violent offense and is seeking treatment, the attorney should contact the ADA in STEP (which is located in the adjacent courtroom). The assessment will occur on the same day in the appropriate part.

If a case has been indicted and the defendant is charged with non violent offenses and is seeking treatment, please contact KCDA's Treatment Staff (see attached) before the PD-85 date so that the case can be reviewed and an assessment can be scheduled before the PD-85 date.

If a case is pending in another Supreme Court part and the defendant is charged with non violent offenses and is interested in being assessed for treatment contact KCDA Treatment Staff or the assigned ADA as above.

Defendants who are predicate felons in custody can receive assessments via a video link with Rikers Island. TASC will perform them for the DTAP cases (predicates) each Friday. Corrections requires notification by Wednesday for a conference the following Friday. Defendants who are predicate felons and not incarcerated may be assessed in TASC's offices before the scheduled court date.

If a pre-adjourn date assessment is not possible, then an assessment of the predicates by TASC will be done in STEP or BTC. Cases in which defendants initially decline treatment in STEP but later seek treatment will be returned to STEP for further proceedings. Cases in which a predicate felon is seeking treatment, to which the District Attorney objects and other appropriate cases will be sent first to BTC and forwarded to the Diversion Part for further proceedings.

RESENTENCES for certain B felons

These procedures were set up by Justice Kamins with the parties. Most of these matters will be handled by Legal Aid and Appellate Advocates. The defendant must be in DOCS custody when motion filed.

Defense motions served on DA's Office should be to the attention of ADA Caroline Donhauser (19th floor). Defense is required to obtain the defendant's prison record. Justice Kamins has asked the parties to seek to come to agreement if possible, to obviate need for lengthy motion practice (although a motion requesting resentencing must be served).

Cases will be heard before the judge who originally sentenced the defendants. If the original judge is not currently sitting in Kings County Supreme Court, the case will be sent to Brooklyn Diversion Part for a determination on resentencing.

KCDA will produce defendant, but usually not on first date, unless prior agreement has been reached.

As with the A-Is and A-IIs resentences, all orders granting or denying resentencing must be prepared by the defense, in writing, and include facts in support of order.

TELEPHONE NUMBERS KCDA Treatment Staff

David Heslin	Executive ADA/Alt Sentencing	(718) 250-3646	HESLINDG@BrooklynDA.org
Gerianne Abriano	Red Hook Community Justice	(718) 923-8262	ABRIANOG@BrooklynDA.org
Jonathan Laskin	BTC	(718) 250-2069	LASKINJ@BrooklynDA.org
Roland Klengler	STEP	(718) 250-2194	KLENGLER@BrooklynDA.org
Sharlene Brown-Lee	BTC/STEP	(718) 250-2964	BROWNELS@BrooklynDA.org
Michelle Patton Coy	BTC/STEP	(718) 250-3989	PATTENM@BrooklynDA.org
David Kelly	Mental Health	(718) 250-3091	KELLYD@BrooklynDA.org

TASC

Name	Position	Telephone	E-Mail
Michelle Arcamona	Director	(718) 237-9404	marcamona@nyctasc.org
Elisa Ruiz	Supervisor	(718) 237-9404	eruiz@nyctasc.org
Henry Algarin	Coordinator	(718) 237-9404	halgarin@nyctasc.org
Lauri Crosley	Dir.Mental Health	(718) 975-0180	Lcrosley@nyctasc.org