

PROCESS FOR REFERRALS TO PRE-SENTENCE RECOVERY COURTS (10/27/23)

The following procedural guidelines apply to potential applicants to the post-plea, pre-sentence Recovery Courts for the federal courts in Burlington and Rutland.¹ To be considered for participation in these Recovery Courts, defendants must usually reside in, or have a solid plan to reside in, either Rutland or Chittenden Counties:

1. A Defense Attorney interested in Recovery Court for their client should first discuss referral potential with the Assistant U.S. Attorney (AUSA) assigned to the case. Thereafter, the assigned AUSA will involve the Recovery Court AUSA in the discussions.
2. If the U.S. Attorney's Office (USAO) determines it is appropriate to have continued conversations about a potential referral to Recovery Court, the Defense Attorney should fill out the Recovery Court Candidate Form (*see* attachment). This form ensures the USAO has adequate information to complete its internal consideration of the candidate. The Defense Attorney may submit any other relevant material to the USAO.
3. In assessing a candidate, the USAO's considerations include but are not limited to the factors listed in the Federal Drug Court Interagency Agreement, which is posted on the U.S. District Court website, as well as the most current Best Practices for Recovery Courts addressing target populations. *See* <https://www.vtd.uscourts.gov/federal-drug-court> and <https://allrise.org/publications/adult-drug-court-best-practice-standards/>. A decision by the USAO not to refer a defendant to the Recovery Court Team is not subject to review by the Recovery Court Team or the Court.
4. If the USAO approves of a Recovery Court referral, the Recovery Court AUSA will present the candidate to the entire Recovery Court Team. The USAO should provide the U.S. Probation Office (USPO) with at least seven days' notice before presenting a candidate to the Recovery Court Team. The USAO should also provide the Recovery Court Team with the Candidate Form and a short summary of the offense conduct and criminal history. The assigned Defense Attorney and Recovery Court Defense Attorney are encouraged to discuss the candidate prior to the Recovery Court Team Meeting. If available for the regularly scheduled Recovery Court Team Meeting, the assigned Defense Attorney may attend the portion of the meeting discussing their client's potential admission to Recovery Court.

¹ In anticipation of a change of the name from "Drug Court" to "Recovery Court," this document refers to the existing Drug Court programs as Recovery Court.

5. Defendants who are Recovery Court candidates and have a prior history of rehabilitation/counseling services with the Howard Center and/or Rutland Mental Health Service (i.e. Evergreen), should complete a consent form(s) (*see* attachment) for release of confidential information regarding substance abuse treatment and counseling.²
6. The Recovery Court Team will discuss the defendant's candidacy for Recovery Court at a Team Meeting. After that discussion, the Recovery Court Judge will make the final decision whether a referral to Recovery Court is appropriate. The Recovery Court Team's considerations include the factors listed in the Federal Drug Court Interagency Agreement, which is posted on the U.S. District Court website, as well as the most current Best Practices for Recovery Courts addressing appropriate target populations. See <https://allrise.org/publications/adult-drug-court-best-practice-standards/>. No referrals to Recovery Court or considerations of potential candidates by the Recovery Court Team can occur without USAO approval.
7. If approved to Recovery Court, the defendant is required to sign the Recovery Court Participation and Consent Forms.
8. The approved defendant must also enter a guilty plea to the charge(s) the USAO determines is appropriate.
9. Once a guilty plea is entered, the USAO files the Motion to Refer to Recovery Court (and continue the sentencing). This motion cannot be filed until the defendant completes the consent/participation forms and provides them to the USAO. These forms are exhibits to the referral motion. If the defendant is participating in a residential rehabilitation program prior to entering Recovery Court, the USAO usually delays filing the referral motion until the defendant is nearing completion of this program.
10. Defendants on pretrial release who are interested in being considered for Recovery Court should observe Recovery Court sessions.

² This release is necessary to allow the Recovery Court Team Members representing the Howard Center and/or Rutland Mental Health Services to provide confidential information to the Recovery Court Team about the defendant regarding the appropriateness of participation in Recovery Court.

RECOVERY COURT CANDIDATE INFORMATION SHEET

Please provide the requested information below to help the U.S. Attorney's Office evaluate your client for possible drug court participation.

Background:

Candidate Name:

Candidate Age:

Candidate's Residence (please include both most recent address and proposed residence during the course of any drug court program. If the candidate lives with others, please include information as to how the environment will support the drug court efforts):

Personal/medical history:

Mental health history (including treatment history):

Substance abuse history:

Current and past substance abuse treatment history:

Proposed substance abuse and/or mental health treatment plans:

Education/Employment (please discuss the candidate's education and employment history, any current education or employment goals, and any on-going program participation):

Connections to Current Recovery Court Participants (please discuss any known familial, relational or case-based connections between the candidate and current drug court participants):

Program Readiness (please provide any information not discussed above that indicates the candidate's readiness to participate in the drug court program):