

United States Probation Office
Eastern District of Louisiana

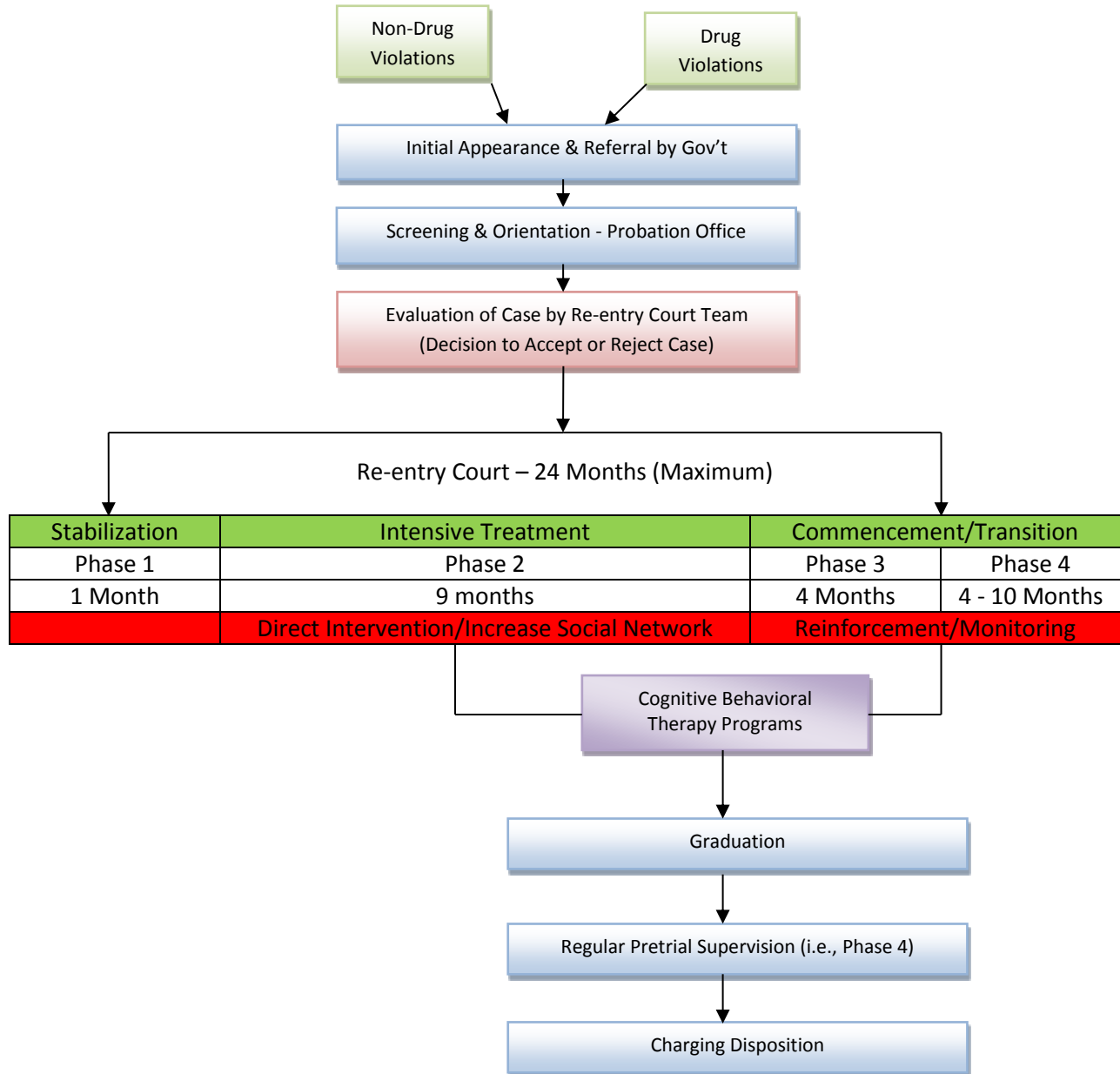
Louisiana Eastern Alternative Program (LEAP)



“Unlocking Potential”



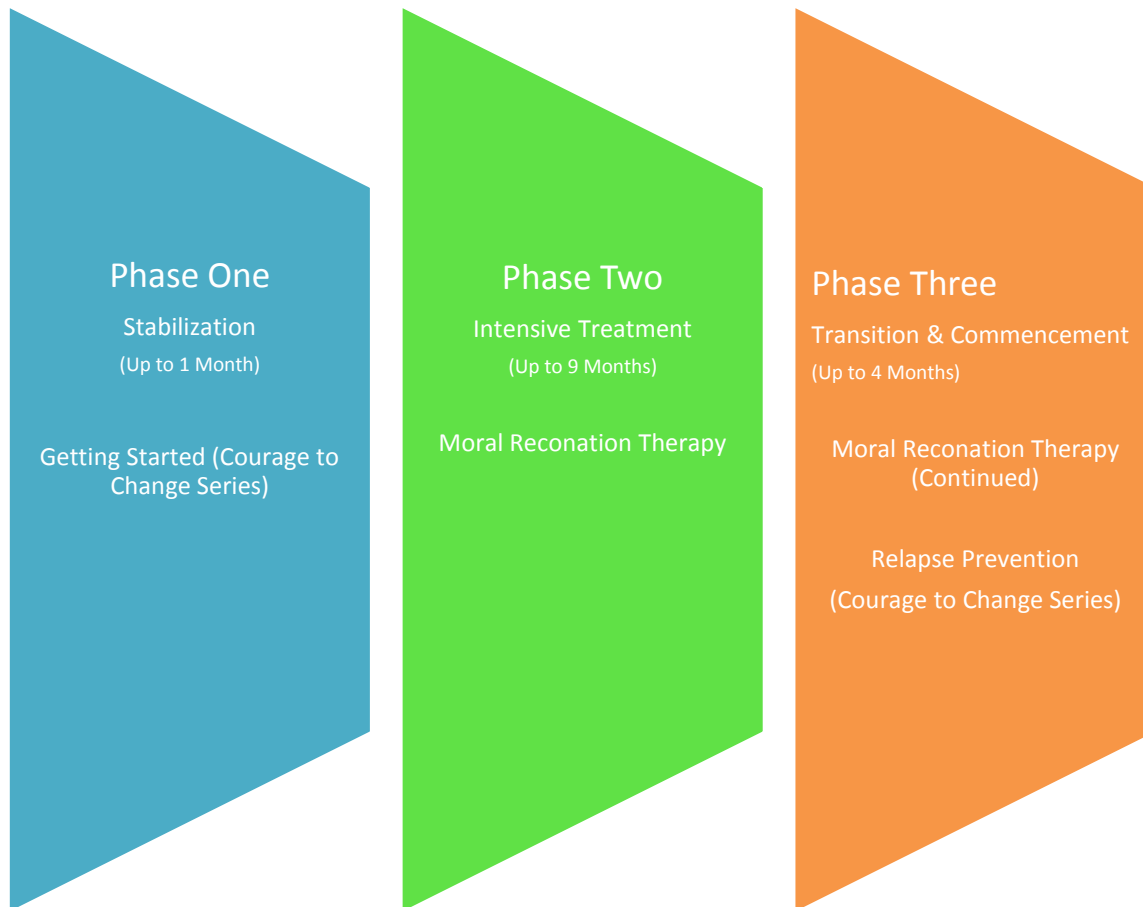
Re-entry Court Overview



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Journal Transition Overview

Materials Provided By: Correctional Counseling & The Change Companies



Introduction

The criminal justice system, both at state and federal levels, has been inundated with the prosecution of defendants who are either charged with a drug offense; or charged with a non-drug offense which was committed as the direct result of a person's use of controlled substances. Defendants with drug addiction issues move through the criminal justice system in a predictable pattern: arrest, prosecution, conviction, incarceration, and release to post-conviction supervision programs. In a relatively short period of time, the same person may be arrested on a new charge and the process begins again.

Both federal and state legislators have tried to address this "revolving door" problem via the passage of legislation which enhances penalties for drug possession and sales, and through the implementation of the "war on drugs". However, these measures had little effect on reducing our nation's number of drug-related prosecutions, and did even less to address the addiction to drugs and alcohol which has a hold of many citizens. These actions have resulted in overcrowded prisons while doing nothing to address the changes individuals must undergo to become productive, drug-free members of society.

As a result, court systems began to re-examine the relationship between criminal justice processing and alcohol/drug treatment services. It became increasingly apparent that treatment providers and criminal justice practitioners must work together to help individuals stop the use and abuse of all addictive substances, while also reducing related criminal activity. By working in partnership, the criminal justice system and treatment service providers developed the concept of treatment-oriented drug courts.

Studies show that Re-entry/Drug Courts are successful. According to the National Institute of Justice, in 2014, there were approximately 3,400 Re-entry/Drug Courts nationwide. The National Institute of Justice's study found of 17,000 Re-entry/Drug Court graduates nationwide in 2003, only 16.4% have been re-arrested or charged with a felony offense. The U.S. Probation Office, for the Eastern District of Louisiana, instituted the "Rise and Recover" Re-entry Court program for post-conviction offenders in May 2012. This program initially started with one U.S. District Court Judge. Due to its success, two additional District Court Judges requested re-entry court programming for their courts.

Mission Statement

In a cooperative effort of the Court, Probation Office, Federal Public Defender's Office, and the U. S. Attorney's Office, the Eastern District of Louisiana is committed to providing a Re-entry Court program for individuals under pretrial supervision. This program shall offer a creative blend of treatment and sanction alternatives to effectively address defendant behavior, rehabilitation, and the safety of our communities. The goals of this program are to reduce recidivism and promote successful community reintegration while maintaining public safety.

Why Start This Program?

Re-entry Courts transform the roles of criminal justice practitioners and treatment providers. The judge is the central figure in a team effort that focuses on sobriety and accountability. Because the judge takes on the role of trying to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers keep the Court informed of each participant's progress.

By providing more judicial supervision and early intervention, this program offers the U. S. Probation Office and the Court an additional resource that if effective, may lead to better supervision outcomes.

The underlying premise for this program is borrowed from Re-entry/Drug Courts and other problem-solving courts and incorporates the standards set forth by the Fifth Circuit Court of Appeal:

- *Assessment and strategic re-entry planning* involves a coordinated response to offenders dependent on AOD. Realization of these goals requires a team approach, including cooperation and collaboration with the offender, the judiciary, and other key partners.
- *Continuous education* amongst team members to identify training opportunities, all of which promotes effective re-entry programs.
- *Regular status assessment meetings* involving both the defendant and his circle of supporters or representatives from his family and/or community.
- *Coordination of multiple support services* including substance abuse treatment, job training programs, faith institutions, community partnerships, and housing services.
- *Graduated and parsimonious sanctions* for violations of the conditions of release that can be swiftly, predictably, and universally applied.
- *Rewards for success*, especially by negotiating early release from supervision after established goals are achieved or by conducting graduation ceremonies similar to those used in Re-entry/Drug Courts.
- *Accountability to community* through the involvement of citizen advisory boards to help learn more about available resources within the community.
- *Ongoing judicial interaction*
- *Monitoring and evaluation*
- *Costs and budgetary considerations*

The assumption is that defendants respond positively to the fact that a judge is taking an interest in their success. In addition, the frequent appearances before a judge with the offer of assistance, coupled with the knowledge of predictable and targeted consequences for failure, assist the offender in taking the steps necessary to get his or her life “back on track.”

Evidence Based Practices

Our Pretrial Services Re-entry Court program will be referred to as the Louisiana Eastern Alternative Program (LEAP). LEAP builds on the “What Works” literature, incorporating evidence-based practices associated with successful re-entry.¹ The following chart is adopted from the above-mentioned literature. The first column lists identified evidence-based practices upon which re-entry programs should be based. The second column lists proposed program activities that address how each of the identified evidence-based practices will be implemented.

| Evidence-Based Practice | LEAP Program Activity |
|---------------------------------------|--|
| 1. Assess Actuarial Risk/Needs | Utilize RPI/Pretrial Risk Assessment (PTRA) – when available |

¹ “What Works and Why: Effective Approaches to Re-entry,” American Correctional Association, p. 114 (2005).

| | |
|---|---|
| 2. Enhance Intrinsic Motivation | Move towards using Motivational Interviewing ² , Strategic Techniques Aimed at Reducing Re-Arrest program, Moral Reconation Therapy and/or Interactive Journaling techniques. |
| 3. Target Interventions³ a. Risk Principle: Prioritize supervision and treatment resources for higher-risk defendants b. Need Principle: Target interventions to criminogenic needs c. Responsivity Principle: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs d. Dosage: Structure 40 to 70 percent of high-risk defendants' time for three to nine months | a. Preferred focus on medium to high risk offenders b. Develop case plans to address criminogenic factors c. Initiate referrals taking these responsivity factors into account d. Require high level of accountability during the 18 month program |
| 4. Skill Train with Directed Practice: Use evidence-based treatment methods, such as CBT⁴ | Ensure that treatment providers are using evidence-based treatment practices |
| 5. Increase positive reinforcement | Administer rewards as appropriate |
| 6. Engage ongoing support in natural communities | Involvement of employers, families, mentors, and others through established programs. |

² Motivational Interviewing (MI) is a person-centered, directive intervention to resolve ambivalence about change. Research to date suggests that MI can be successful in helping individuals change addictive behaviors and can increase participation in other aspects of treatment. MI is an evidence-based practice being supported by the Administrative Office of the Courts.

³ The research supports the notion that rehabilitative interventions can marginally reduce recidivism rates when treatment is correctly matched to a client's criminogenic needs. See Gendreau, Paul, Francis T. Cullen, and James Bonta, "Intensive Rehabilitation Supervision: The Next Generation in Community Corrections?" *Federal Probation* 58:173-84 (1994).

⁴ Cognitive-Behavioral Therapy/Treatment (CBT) is a problem-focused approach designed to help people identify and change the dysfunctional beliefs, thoughts, and patterns of behavior that contribute to their problems. It is the most evidence-based form of psychotherapy. See Little, Gregory L., "Meta-Analysis of MRT Recidivism Research on Post incarceration Adult Felony Offenders," *Cognitive-Behavioral Treatment Review* 10:4-6 (2001).

| | |
|--|--|
| 7. Measure relevant processes/practices | Collect data regarding interventions and progress |
| 8. Provide measurement feedback | Provide ongoing feedback to participants regarding progress, evaluate program at 18 months after supervision has been completed for recidivism |

A review of the available literature suggests that some programs, proven to be effective, share some of the same attributes regardless of whether they focus on vocational training, substance abuse prevention, mental health services, or alternative housing. The attributes shared by most of these programs include the following:

- They are intensive in nature, lasting typically at least six months;
- They focus services on individuals determined to be at high-risk of recidivating through the use of risk-assessment classifications; and
- If they are treatment programs, they use cognitive-behavioral treatment techniques⁵, matching particular therapists and programs to the specific learning characteristics of offenders.

Legal and Administrative Issues

Participation in the program would end upon any one of the following events: (1) participant graduates from the program; and (2) the assigned LEAP Judge terminates the participant from the program.

LEAP Program Protocol

Target Population

Participants for the program will be individuals in the Eastern District of Louisiana selected by the U. S. Attorney's Office, subject to the approval of LEAP Team members and assigned District Court Judge (when applicable), whose current and/or prior criminal offenses may have been perpetuated by controlled substances. Also, participants whose personal histories and characteristics reflect they can benefit from the program and eligible veterans will be considered for enrollment. Participants may present with a variety of issues including, but not limited to: lack of sustainable employment, stable housing, education, and positive community and/or family ties. Other risk indicators may include criminal history, absconder issues, lack of support system, and substance abuse history.

⁵ The following U.S. Probation Districts are currently using a form of CBT, either in house or by contract with treatment vendors: Southern Illinois, Western North Carolina, Eastern Wisconsin, Eastern Missouri, Texas Western, Central Illinois, Washington DC, Georgia Northern, Western Washington, Iowa Northern, Michigan Eastern, South Dakota, and Nebraska.

Prospective participants with Axis I or II psychiatric diagnoses will be accepted as long as they are in treatment (or willing to enter treatment) and their mental health condition does not prohibit them from completing essential program criteria.

The prospective participant may be required to complete the Texas Christian University Drug Screen (TCUDS II), if not already completed; and may appear before the LEAP team for an interview subsequent to the U. S. Probation Office's screening. A majority of LEAP team members and/or the assigned District Court Judge (when applicable) must approve the prospective participant for admission into the program.

Participation is voluntary, and each prospective participant must sign the program agreement, as set forth in Attachment 1, which outlines applicable roles, the LEAP process, expectations, rewards, sanctions, and program removal or termination. Participants must also review and sign the Plea Agreement and Factual Basis, prior to enrolling in the program. Appropriate placement will benefit the local community by increasing public safety through intense supervision coupled with therapy, medication management, and casework services. The incentive for the participant will be an opportunity to improve his/her quality of life, possible reduction of the charges, or dismissal of the charging document.

Prior to enrollment, prospective participants may be required to complete a medical examination, as some Residential Re-entry Centers requires such. Afterwards, the participant may not withdraw from the program at will. If the participant chooses to discontinue participation, such failure to participate will be considered a violation of the program. If the withdrawal is deemed to be a violation, then appropriate consequences, including possible termination of program participation, will occur.

The program will involve an "open enrollment" process, which is ongoing; however, the probation office anticipates that the number of participants will be manageable. This will allow for ongoing assessment of resources and the overall impact upon participating agencies and the judiciary to determine necessary modifications.

Enrollment Eligibility

The following are mandatory requirements for consideration of a participant's enrollment in LEAP:

- Must have a current and/or documented substance abuse history at the time of the charged offense (exception can be made for veterans)
- Voluntary participation in the program
- Must be a U.S. Citizen or legal resident alien
- Current Offense does not involve a crime of violence, use of a firearm, sex offense, or threat to national security

- Minimal prior criminal history with no more than one prior felony conviction, and does not involve any prior convictions for a crime of violence, use of a firearm, sex offense, or threat to national security
- No documented gang involvement
- Must agree to sign a Plea Agreement, Factual Basis, and Participant Agreement. (i.e., The Factual Basis and Plea Agreement will not be filed with the Court, unless program termination occurs due to violations.)
- Substance Abuse and Mental Health Assessments have not identified any diagnosis/issue which would affect the candidate's ability to successfully complete the program
- No prior history of participation in a re-entry court or diversion program (i.e., State or Federal)

Team members should also look to other requirements, as noted below, for potential enrollment in LEAP:

- If charged in a multi-defendant conspiracy, the candidate is perceived as a minor or minimum participant; candidate was not a leader in the conspiracy
- Youth between the age of 18 and 30

Exclusions

The following individuals are ineligible for participation in the program:

- Individuals with serious histories of substance abuse or mental illness who are not demonstrating sufficient stability issues to meet program expectations.
- Individuals previously enrolled in a diversion or Re-entry/Drug Court program (i.e., State or Federal).
- Individuals with a prior history or instant offense which involves a crime of violence, use of a firearm, sex offense, or threat to national security. A crime of violence is defined as an offense that has an element the use, attempted use, or threatened use of physical force against the person of the other, or is a burglary of a dwelling, arson, extortion, or involves the use of explosives.
- Individuals with a documented history of gang involvement.

LEAP Team Composition

The LEAP team will include a Magistrate or District Court Judge, an attorney designated by both the U.S. Attorney's Office (AUSA) and the Federal Public Defender's Office (AFPD), representatives of the U. S. Probation Office (i.e., to include a Program Development Specialist), and appropriate treatment professionals (Mental Health and Substance Abuse). It should be noted that a representative from the Veterans Administration will also be invited to participate, as to applicable cases.

The Chief U. S. Probation Officer supports national Re-entry Court training for networking and exploring systems and approaches in other areas with a high success rate. A community based support system will be developed by meeting with current Re-entry/Drug Courts operating at the state and local level. In an effort to maintain awareness of new and current practices, the LEAP team will receive appropriate and on-going training.

Program Structure and Framework

The program is made up of four active phases over a 24 month period. Participants can advance or return to a former phase depending on compliance and progress.

The Process

Status hearings will be conducted in the courtroom/chambers with team members and the participant at set intervals depending on the phase. A confidential staffing will be held prior to the hearing, where team members will discuss each participant's case. Individual treatment planning and referrals will be discussed and reviewed during the staffing. At the hearing, participants may be recognized for compliant behavior with rewards. Incentives will be provided at the advancement from one phase to the next. Non-compliant behavior will be discouraged by use of penalties, which are proportional to the level of the violation. Temporary detention may be used as a last resort. The most severe sanction will be unsuccessful termination from the program. Once all four phases are completed successfully, a graduation ceremony will be conducted in which certificates will be provided. The goal of LEAP is not just to complete the program, but show that compliance and behavior change will last over time.

Access to Services

Participants will engage in varying levels and modalities of treatment, employment services, vocational training, educational development, and other services to promote sobriety, stability, and law-abiding lifestyles. A coordinated strategy governs the program's responses to participants' compliance. Forging partnerships among the Court, public agencies, and community based organizations generate local support and enhances the program's effectiveness. The LEAP assigned probation officer (LEAP PO) will make contract and non-contract referrals as deemed appropriate for each participant. The following special condition, as approved by the Magistrate and/or assigned District Court Judge, will be mandated at the onset of program participation to allow for swift action to address any areas needed:

The defendant shall undergo screening, by Pretrial Services, to determine suitability and eligibility for enrollment in the Louisiana Eastern Alternative Program (LEAP), which may include substance abuse and/or mental health assessments. If suitable for the program, the defendant shall immediately enroll and, thus, be referred for substance abuse treatment, mental health treatment, medication compliance, periods of residential re-entry center placement, intermittent detention, and any other programming deemed appropriate for successful program completion.

Initial Screening and Referral Process

- In cases where a Complaint has been filed, the parties will immediately file an unopposed joint motion and order to continue the date to file the charging document (i.e., Indictment or Information). At the time of the initial hearing, the government will refer prospective participants for an assessment to determine suitability by the Probation Office and, ultimately, the LEAP Team. Once accepted in the program, the participant and all other parties will sign the “LEAP Participation Agreement,” **Plea Agreement⁶**, and Factual Basis. Subsequent to execution of these documents, the defendant’s enrollment shall commence. Execution of the “LEAP Participation Agreement” provides consent, by the defendant, to defer prosecution and waive subsequent preliminary hearings, in accordance with Rule 48(b) and 18 U.S.C. § 3161(h)(2).

Program Phases

The program includes four phases. Each participant must successfully complete phases 1 through 3 in order to graduate from the program; however, the incentive for completion will not be awarded until the conclusion of phase 4. The phases will encourage participants to develop an understanding of their substance abuse/dependence and recognize patterns of use, factors that influence use, and the impact of use on self, family, and community. Each phase has a specific purpose with distinct, achievable goals. For those goals which include a specific number of days, days are counted within each phase and are not continuous from phase to phase. Throughout participation in the program, participants will work toward the development of a community-based sober support network.

Phase One: Stabilization (1 Month)

Goal: The participant establishes stable residence and is referred for treatment. The focus is on a stable home where the participant can concentrate on maintaining sobriety and wellness. Case management services, if needed, will take place at this phase to assess additional needs such as mental health treatment, medication requirements, and finances. The participant will establish family/community ties and continue to be law-abiding and in compliance with conditions of supervision.

⁶ The Plea Agreement will contain a requirement of ongoing cooperation with law enforcement officials; and a stipulation as to the final outcome (i.e., Dismissal or Reduction of Charges) for a participant’s completion of LEAP. Cooperation shall consist of debriefings and/or testimony at trial, both of which are standard expectations within the EDLA’s plea agreements. Participants will not be expected to engage in drug transactions or any other unlawful activity.

Objectives:

- To identify and address barriers which may disrupt the transformation process;
- To educate participants concerning the components and benefits of the LEAP program;
- To provide supervision that offers ongoing review and feedback of the participant's progress with the agreed upon case plan;

Expectations

- Participant attends bi-weekly court appearances.
- Participant maintains contact with the LEAP PO, in the office or place of residence, at a minimum of once a week.
- Participant identifies potential community support groups with assistance of the LEAP PO (i.e., NA/AA/12-Step/SMART Recovery/Other Programming), reports once per week, and submits verification to the LEAP PO.
- Participate in substance abuse, medical examination (if required), and/or mental health treatment. The LEAP PO establishes contact with service providers to develop treatment plan. Participant will submit to random urinalysis testing. Participant will comply with medication recommendations, if applicable.
- Begin an educational or employment program, secure full-time employment, or complete community service hours, as determined by the LEAP PO, and submit verification.
- Comply with all supervision conditions.

Criteria for Phase Advancement:

- Participant must have reported to both the LEAP PO and attend court sessions as directed.
- Participant must be enrolled in the recommended level of treatment.
- Participant must not have any unexcused absences from scheduled office visits. Excused absences may include death in the family or illness accompanied by a doctor's note. Other absences may be considered. It will be solely up to the discretion of the LEAP team as to whether an absence is considered excused or not.
- Participant must have identified a potential community support group for attendance at meetings (i.e., Alcohol Anonymous/Narcotics Anonymous/SMART Recovery/etc.).
- Participant must have a period of abstinence equal to 30 consecutive days.
- Participant must submit proof of full-time employment or proof of enrollment and participation in a program designed to assist in obtaining employment. Full-time students must submit proof of enrollment. Less than full-time employment will be considered on an individual basis. If unemployed, offender must provide proof of community service work or enrollment in an educational/vocational program, if applicable.
- Phase advancement must be approved by the LEAP team.

Phase Two: Intensive Treatment (9 Months)

Goal: The participant demonstrates a commitment to a substance-free life. Begin to understand adverse consequences of drug/alcohol use and take responsibility for the consequences of use.

Objectives:

- To continue the appropriate treatment process as identified by an ongoing assessment of the offender's criminogenic risk/needs;
- To provide supervision that offers ongoing review and feedback of the participant's progress with the agreed upon case plan, as well as educational tools designed to reduce the criminogenic risk of the offender.
- To provide judicial oversight using both sanctions and incentives that is designed to enhance the participant's intrinsic motivation.

Expectations

- Participant attends bi-weekly court appearances.
- Participant maintains contact with the LEAP PO, in the office or place of residence, at a minimum of once a week.
- Participant will access positive community support systems (i.e., NA/AA/12-Step/SMART Recovery/Other), once per week, and submit verification to the LEAP PO.
- Participant makes employment goals and attends appropriate cognitive-behavioral programs as directed.
- Participant continues to attend treatment sessions, unless excused, and random urinalysis testing. Participant will also comply with medication requirements, if applicable.
- Remain employed and/or in school, and provide monthly verification. If neither applies, the offender must continue to provide proof of community service work.
- Comply with all supervision conditions.

Criteria for Phase Advancement:

- Participants must have reported to the LEAP PO and court sessions as directed.
- Participants must be participating in the recommended level of treatment.
- Participants must not have any unexcused absences from scheduled services for 30 calendar days. Excused absences may include death in the family or illness accompanied by a doctor's note. Other absences may be considered. It will be solely up to the discretion of the LEAP team as to whether an absence is considered excused or not.
- Participants must have attended support group meetings as directed for 60 calendar days.
- Participants must have a period of abstinence equal to 90 consecutive days.

- Participants must submit proof of full-time employment or proof of enrollment and participation in a program designed to assist in obtaining employment (i.e., apprenticeship, vocational training program, etc.). Full-time students must submit proof of enrollment. Less than full-time employment will be considered on an individual basis. If unemployed or and not in school, participants must provide proof of community service work.
- Participants actively participate in an approved cognitive behavioral program.
- Phase advancement must be approved by the LEAP team.

Phase Three: Transition and Commencement (4 Months)

Goal: Utilize a sober support network to rely upon in making life decisions and dealing with life stress. Continue toward goals for employment and positive life changes. Demonstrate increased independence and ability to maintain stability with decreased court involvement.

Objectives:

- To continue providing educational and therapeutic tools designed to reduce the identified criminogenic risk/needs of the participant;
- To monitor application of skills learned through the educational and therapeutic process while providing ongoing review and feedback to the participant as it relates to the agreed upon case plan;
- To provide judicial oversight using both sanctions and incentives that is designed to enhance the offender's intrinsic motivation.

Expectations

- Participants attend one court session monthly.
- Participants maintain contact with the LEAP PO, in the office or place of residence, at a minimum of two times per month.
- Participants continue to access positive community/family support system (i.e., NA/AA/12 Step/SMART Recovery/Other), twice per month, and submit verification to the LEAP PO.
- Continue to attend all treatment meetings, random urinalysis testing, and comply with medication requirements.
- Remain employed and/or in school, and provide monthly verification. If neither applies, the offender must continue to provide proof of community service work.
- Continue with cognitive-behavioral program as directed.
- Comply with all supervision conditions.

Criteria for Phase Advancement:

- Participants must have reported to both the LEAP PO and court sessions as directed.
- Participants must be participating in the recommended level of treatment as directed.
- Participants must not have any unexcused absences from scheduled services (to include drug testing) for 120 calendar days. Excused absences may include death in the family or illness accompanied by a doctor's note. Other absences may be considered. It will be solely up to the discretion of the LEAP team as to whether an absence is considered excused or not.
- Participants must have attended support group meetings as directed for 120 calendar days.
- Participants must have a period of abstinence equal to 120 consecutive days.
- Participants must submit proof of full-time employment or proof of enrollment and participation in a program designed to assist in obtaining employment (i.e., apprenticeship, vocational training program, etc.). Full-time students must submit proof of enrollment. Less than full-time employment will be considered on an individual basis. If unemployed or and not in school, participants must provide proof of community service work.
- Phase advancement must be approved by the LEAP team.

Graduation Requirements:

- No positive urine sample results for the preceding 120 days.
- No unexcused absences/stalls from urinalysis testing for 120 consecutive days prior to graduation.
- No unexcused absences from scheduled services for 90 days prior to graduation.
- Satisfactory cooperation with law enforcement officials.
- Employed, positive response to educational/vocational goals, or continued community service work.
- Fulfillment of treatment plan goals.

Also as a graduation requirement, participants are expected to give back to the community by way of community service. Recommendations for graduation must be submitted, by the LEAP PO, to the LEAP team for discussion at least 30 days prior to the anticipated graduation date.

Phase IV: After-care Services (4 - 10 Months)

Goals: Participants are placed under traditional supervision requirements without Court involvement but continue to utilize the skills they have learned to make healthy decisions, stay clean and sober, and maintain a law-abiding lifestyle. They are able to adapt to stressors and cope with life's challenges without reverting to non-compliance. They utilize their community relationships and the probation officer for support and show a high degree of stability in all areas.

Objectives:

- To continue monitoring educational and therapeutic tools designed to reduce the identified criminogenic risk/needs of the participant;
- To monitor application of skills learned through the educational and therapeutic process while providing ongoing review and feedback to the participant as it relates to the agreed upon case plan;

- To develop a transition plan that will support long-term abstinence and sobriety using the tools obtained during the educational and therapeutic process.
- To celebrate with family and others the participant's accomplishment while in the program.

Expectations

- Participants maintain contact with his/her assigned LEAP PO at least once per month; attends all treatment appointments, random urinalysis testing, if deemed necessary; and continues to take all prescribed medications, if any.
- Participants maintain employment, enrollment in an educational program or continued community service work, unless excused, and makes sound financial decisions.
- Participants continue to access positive community/family support system (i.e., NA/AA/12 Step/SMART Recovery/Other), twice per month, and submit verification to the LEAP PO.
- Comply with all supervision conditions.

Program Rewards

The primary incentive for participants may include a disposition up to "dismissal" of the charges. If the participant subsequently violates the terms of the program, he/she will be subject to removal or sanctions, as determined by the LEAP team and/or the assigned District Court Judge. **The applicable disposition shall be applied four months subsequent to the completion of the program, barring no existing violations of supervision (See Phase IV).**

By participating in LEAP, participants stand to benefit from the increased attention from the assigned LEAP Judge and the intensive services provided by collaborating stakeholders. Furthermore, participants who are fulfilling their obligations will receive positive reinforcement and Court recognition during LEAP sessions. Success and achievement will be rewarded by, among other things, a reduction in office reporting requirements or court session attendance, advancement in phases, public recognition/acknowledgment of achievement, and graduation memorialized by a Certificate of Completion and Graduation Ceremony. Family and friends are encouraged to attend the graduation ceremony.

Waivers and Hearings

In keeping with the program's intent to make it less adversarial and more supportive of participants, all parties agree that conduct which would otherwise constitute a supervision violation (i.e., with the exception of conduct deemed to be a major violation) will be handled in an informal manner. Except as noted below, all conduct that could otherwise be considered a violation and lead to a supervision hearing will be presented to the assigned LEAP Judge and the participant through the LEAP PO's progress or status report filed on an expedited basis if the circumstances so warrant. Any "sanction" for such violation will be handled through a Court directive issued by the assigned LEAP Judge in a non-adversarial setting; however, the assigned LEAP Judge and/or District

Court Judge reserves the right to address major violations by any other means as deemed appropriate, to include but not limited to bond violation hearings and, thus, termination from the program. Depending on the type of violation and possible response of the assigned LEAP Judge or District Court Judge (if a major violation), the LEAP team shall administer a particular sanction or treatment intervention. The matter can also be resolved prior to the participant's next scheduled court appearance by a modification executed by the participant on an expedited basis.

Supervision Violations and Sanctions

Noncompliant behavior by participants will result in sanctions. The range of possible sanctions has been drafted broadly to ensure that some level of sanction is available for every violation. Factors that may influence the type of sanction employed include 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. In addition, an important factor will be whether the participant voluntarily discloses 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, are available. As previously mentioned, the assigned LEAP Judge or District Court Judge will be immediately notified of all major violations.

The sanctions are designed to take a creative approach to altering behavior, while cutting the costs associated with first resorting to a traditional "days in jail" sanction. The sanctions must be completed by the next court appearance, unless the Court allows more time. Assignments are turned in to the LEAP PO assigned to monitor the participant. If appropriate, all sanctions may be ordered more than once during the course of the program.

Sanctions of up to three (3) days of incarceration per finding of noncompliant behavior will be handled in the same, non-traditional manner. An offender will not have the option of requesting termination (unsuccessfully) from the program. By consenting to participate in the program, participants agree to accept the imposition of all sanctions issued by the assigned LEAP Judge. While they retain the right to refuse to accept a sanction, the underlying conduct may form the basis of a revocation petition. The program makes no change to revocation proceedings. A participant may remain in the program pending the revocation hearing, at the discretion of the assigned LEAP Judge or District Court Judge.

Noncompliant acts that may result in sanction or prohibit movement through the program:

- Unexcused absences from court sessions;
- Unexcused absences from the probation office or any scheduled treatment sessions;
- Positive/missed drug screens;
- Positive/missed alcohol screens;
- Refusal or failure to comply with referrals for increased/intensified treatment;
- Use or attempted use of a prosthetic device to fraudulently submit to a UA;
- Failure to participate in employment, education, or cognitive programming as directed;
- Failure to comply with self-help group attendance;
- Failure to provide ongoing cooperation with law enforcement officials;

- Failure to obtain and maintain employment (excluding layoffs or other employer driven unemployment) or to follow through with referrals in absence of employment;
- Attempt or submission of adulterated urinalysis;
- Disruptive or disrespectful behavior;
- Refusal to submit urinalysis/continuance stalls;
- Failure to complete assigned community service work;
- Failure to provide accurate contact information;
- Failure to complete a sanction;
- New arrest;
- Other violation of supervision condition or court order.

Sanctions (including but not limited to):

- Participant is ordered to return to Court and to observe proceedings for a half or full day (so called “sit sanction”)
- Judicial reprimand in open Court;
- Increase frequency of meetings with the LEAP PO;
- Community Service;
- Regression in Phase status;
- Increased frequency of alcohol/drug testing;
- Use of alternative drug testing procedure (i.e., sweat patch, etc.);
- Curfew;
- Location monitoring;
- Residential Re-entry Center (RRC) placement;
- Incarceration up to three (3) days;
- Participant is terminated from the program with or without filing a formal violation.

Adversarial Hearings

Recognizing that circumstances will arise in which a participant is alleged to have violated a term of supervision and the participant believes that he/she is innocent of the allegations, the parties agree that a request for an adversarial hearing on the guilt/innocence question will not automatically result in termination from the program. Hearings are to be limited to the question of guilt/innocence in the “I didn’t do it” sense, as opposed to an explanation for admitted conduct.

Termination from LEAP

Participants may be terminated as successful or unsuccessful.

1. **Successful Termination:** Participants who complete the program will be given a Certificate of Completion (See Phase III). The participant will then be transferred to traditional supervision (See Phase IV).
2. **Unsuccessful Termination:** In recognition of the reality of relapse as part of recovery from drug or alcohol addiction, every effort should be made to continue to work with

participants. All parties realize, however, that there will be some circumstances in which it is appropriate to terminate, unsuccessfully, a participant from the program. Unsuccessful termination may be of two types:

- a. **Termination with Return to Regular Supervision:** Termination may result from a joint decision that although the participant has not committed a serious violation of supervision or program rules, the program is not working. This type of termination from LEAP occurs simply with a transfer to a supervision caseload without a violation charge or hearing. The LEAP team will make this decision.
- b. **Termination with a Formal Violation Charge:** Termination may result from serious or chronic misconduct by the participant. The LEAP team will make the ultimate decision that a participant must be terminated from the program. Under these circumstances, the participant will terminate from LEAP, return to a traditional supervision caseload, and may appear before a non-LEAP Judge or assigned District Court Judge for a hearing on the misconduct. Such circumstances (Major Violations) shall include:
 1. New arrest(s);
 2. Drug/Alcohol usage;
 3. Unexcused absences from Court sessions and/or routine meetings with the probation office;
 4. Refusal to cooperate with referrals for increased/intensified treatment;
 5. Use or attempted use of a prosthetic device to fraudulently submit to a UA;
 6. Attempt or submission of adulterated urinalysis;
 7. Refusal to submit urinalysis/continued stalls;
 8. Refusal to cooperate with Court ordered sanctions or participate in a meaningful manner

In the event of termination, the participant's case will proceed and the executed Plea Agreement and Factual Basis will be filed into the court record and/or admitted against the participant by the government in the prosecution and/or resolution of the case.

Monitoring and Evaluation

Ongoing program assessment will take place for the duration of the program through monthly progress reports. Participants will be assessed at program completion for recidivism and drug use. An assessment will take place 24 months after supervision.

Costs and Budgetary Considerations

Funding associated with implementing the needed services will be allocated from the Second Chance Act and current budget of the U. S. Probation Office in the Eastern District of Louisiana. There will be ongoing efforts to obtain free services from local community partners.