

United States Probation Office
Eastern District of Louisiana

RISE & RECOVER

Re-entry Court Program



“Unlocking Future Potential”



November 2011

Participation in the Rise and Recover Re-entry Court program is voluntary, and there will be no negative consequences if an offender does not wish to participate. We believe everyone has the ability to succeed in this program, which is one of the main criteria used to select the participants.

By agreeing to participate in this program, participants put themselves under intensive supervision of the Court. If a participant is able to complete the program, in the Court's discretion, the participant may benefit from better treatment, health and welfare services, educational and vocational placement, family counseling, and a one-year reduction in your term of supervision.

The Re-entry Court Program Basics

The Re-entry Court Program will last *at least* 14 months. Participants in the Rise and Recover Re-entry Court Program will be under the supervision of a Re-entry Court Officer (RCO), also known as a probation officer. Participants agree to abstain from alcohol and drug use, to participate in a drug and alcohol evaluation, and to engage in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the RCO or treatment provider. In addition to the requirements of actively engaging in treatment, the participant will also be required to comply with the general conditions of supervision. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions in the program to complete their term of treatment and may still be rewarded with the one-year reduction in supervision.

Participants will be assigned an attorney from the Federal Public Defenders Office (FPD) who is assigned to the Re-entry Court Program. In the Re-entry Court Program, the FPD will be permitted to have access to the treatment provider and treatment records. An Assistant United States Attorney (AUSA) will also be assigned to the program. Both the FPD and the AUSA will work with the RCO in order to provide additional support and encouragement for your sobriety and success in the program.

Court Appearances

Depending upon the applicable phase and response to treatment, the number of Court appearances, at a time to be determined, before the Re-entry Court Judge to evaluate participant's progress will vary. Every effort will be made to ensure the time of the appearance does not conflict with employment or treatment programming. The entire Re-entry Court team will be present. Progress reports from the RCO and treatment provider will be provided to team members and in some cases, the Sentencing Judge. These reports will describe both successes and problems experienced on supervision, either treatment related, or otherwise.

Supervision Violations & Sanctions

Depending on the type of violation, sanctions will ordinarily be handled on the regularly scheduled Re-entry Court calendar. The Court, however, can schedule an appearance at any time.

Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the parties. Subsequent to immediate notification, the Sentencing Judge reserves the right to address major violations by any other means as deemed appropriate, to include but not limited to revocation and, thus, termination from the program.

If a Progress Report contains an allegation of noncompliance, the participant may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The Re-entry Court team will decide whether a sanction is appropriate.

Noncompliant behavior by the participant will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time one has remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether a participant voluntarily discloses the violation. Dishonesty will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below – including termination from the program – is available. As a general rule, when there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Participant is ordered to return to Court and to observe proceedings for a half or full day (so called “sit sanction”)
- Increased writing assignments;
- Increased Court attendance;
- Judicial reprimand in open Court;
- Increase frequency of meetings with the probation officer;
- Community Service;
- Regression in Phase status
- Increased frequency of alcohol/drug testing;
- Use of alternative drug testing procedure (i.e., sweat patch, etc.);
- Curfew;
- Electronic 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.

If appropriate, sanctions may be ordered more than once during the course of the program. If the participant admits to the violation, he/she may be able to complete the sanction and remain in the program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The RCO’s report at the next Re-entry Court appearance will inform the Re-entry Court Judge whether the participant properly completed the sanction ordered at the last appearance. Failure to complete Court ordered sanctions may result in added sanctions or termination from the program. If one wishes to contest the sanction allegation, he may do so. The only permissible

contested sanction hearing in Re-entry Court, however, is a claim of actual innocence of the alleged violation.

Should one wish to contest the violation(s), assistance will be provided by the FPD. The Re-entry Court Judge will ultimately decide whether the allegation is true. It is important to note the RCO need not wait until a scheduled Re-entry Court appearance to address problems in supervision. If one fails to abide by the directions of the RCO, the RCO will contact the participant to address the problem. Violations may be dealt with by either the Re-entry Court team or the Sentencing Judge, depending on the violation. For instance, if a major violation is committed, the Sentencing Judge will be notified and a warrant may be issued.

Termination from the Re-entry Court Program

A participant may be terminated from the program if he/she fails to participate in treatment and supervision – including repeated technical violations of general conditions of supervision, failure to make Re-entry Court appearances, a new law violation, or use or attempted use of adulterated urinalysis sample. If a participant is terminated from the Re-entry Court program, he will return to regular supervision status, and may face a violation hearing. If the Probation Office chooses to pursue a formal violation charge, it will be the policy of the Probation Office not to allege as a formal violation conduct that occurred during the Re-entry Court program and that was previously addressed. After the participant is outside of the Re-entry Court program context, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during the Re-entry Court program.

If the program is discontinued voluntarily, one will not face an allegation of violation; unless it is determined that serious violations of supervision have occurred.

- **Graduation & One Year Reduction in Supervision Term**

Upon successful completion of the Re-entry Court program, the total term of supervision will be reduced by one year. After completing the Re-entry Court program, most participants have an additional amount of time to spend on traditional supervision and must continue to comply with any and all conditions of supervision.

- **Graduation and Dismissal of Pending Probation Violation Hearing/Petition**

Upon successful completion of the Re-entry Court program, the supervised release allegations against the participant will be formally dismissed and the total term of supervision will be reduced one year.

What can expected from the United States Probation Office?

1. The RCO will discuss with the participant goals and objectives.
2. The RCO will work with the participant to identify challenges they are facing and propose referrals and resources;

3. The participant will receive intensive supportive services; and
4. If the participant successfully completes the program, the RCO will, with his/her supervisor's approval, recommend that the Court reduce the term of supervised release by one year.

What can be expected from the Court?

1. The Re-entry Court Judge will give each participant personal attention at regular Court sessions at which the participant's progress, and any concerns will be discussed;
2. The Re-entry Court Judge will encourage the participants when they are doing well; and
3. The Re-entry Court Judge will hold participants accountable for noncompliance. If there are violations of the conditions of the program, the Re-entry Court Judge may impose one or more of the following sanctions, among others:

- Participant is ordered to return to Court and to observe proceedings for a half or full day (so called "sit sanction")
- Increased writing assignments;
- Increased Court attendance;
- Judicial reprimand in open Court;
- Increase frequency of meetings with the RCO;
- Community Service;
- Regression in Phase status
- Increased frequency of alcohol/drug testing;
- Use of alternative drug testing procedure (i.e., sweat patch, etc.);
- Curfew;
- Electronic 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.

However, the Sentencing Judge reserves the right to address major violations by any other means as deemed appropriate, to include but not limited to revocation and, thus, termination from the program.

What we will expect from the participant!

1. Compliance with the standard and special conditions of supervision;
2. Compliance with reporting and contact instructions from the RCO;
3. Attendance at scheduled meetings and/or Court sessions with the Re-entry Court Judge, at which participants will be open and honest about their behavior;
4. Open communication with the participants attorney to keep him/her apprised of the progress and to let him/her know if the participants are having any trouble with the program;
5. Maintenance of full-time employment or participation in full-time educational program or community service work, unless otherwise approved by the RCO;

6. Establishment of a stable residence and finances (required for graduation); and
7. SUCCESS!

How this program affects the PARTICIPANTS RIGHTS

Under the Fifth and Sixth Amendments to the United States Constitution, one has the right not to testify against oneself, to have the effective assistance of an attorney at every critical stage of a criminal proceeding and to have a judge who is fair and impartial and not influenced by facts outside the record. The participant will not have to give up these rights in order to participate in the Re-entry Court program.

The Re-entry Court program is unlike a traditional adversarial Court or probation hearing. The Re-entry Court team and the participant will be working together informally to find the resources needed to stay drug-free and successfully reintegrate into the community.

Due to the sensitive information discussed, Re-entry Court sessions are not open to the general public. Participants' relatives may attend; however, they may be asked to sign a confidentiality agreement, prior to entry.

Participants still have the right to remain silent.

Participants have a right to remain silent when accused of a crime or violating the conditions of supervision. Agreeing to participate in this program does not affect their right to remain silent.

Participants may be punished for violations of the conditions of the program.

The goal of the Re-entry Court program is to help one identify and utilize the resources needed so that the participant can reintegrate into the community and live without court supervision. If a participant violates the conditions of the program, he may be sanctioned. The Re-entry Court team will make every effort to work with each participant to ensure that he stays in the program. If a participant repeatedly or seriously violates the conditions of the program, he may face additional charges, prison time, or other punishment.

Re-entry Court Overview

