

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

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U.S. DISTRICT COURT  
DRUMSNOOK DIV.

IN RE: )  
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Court Supervised Reentry Program )  
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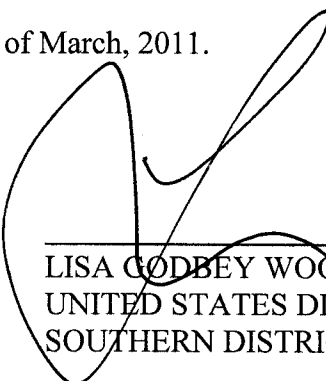
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**ORDER**

In 2010 the Court drafted the Court Supervised Reentry Program. It is voluntary and designed to facilitate a defendant's reintegration into the community while maximizing success during and after the term of supervised release. In conjunction with other reentry initiatives undertaken by the United States Probation Office, the program also is expected to lower recidivism.

It is hereby **ORDERED** that the Court Supervised Reentry Program shall be adopted by this Court. Each defendant's participation in the program shall be subject to the approval of the presiding judge. Finally, the Clerk is directed to publish the program documents on the Court's internet website for further inspection and review.

**SO ORDERED** this 4 day of March, 2011.

  
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LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

United States District Court  
For the Southern District of Georgia  
Brunswick Division

RE: Court Supervised Reentry Program

A federal court, upon sentencing an individual to a term of imprisonment for a felony or a misdemeanor, may include a requirement that the defendant be placed on a term of supervised release directly following his or her incarceration. In addition to this traditional period of supervised release, various district courts across the United States have established reentry courts in order to provide federal offenders a more successful transition from prison to society. These efforts have reduced staggering recidivism rates, and similar programs have proven effective at the local and state court levels as well. Though the specifics vary from program to program, the programs have congruent principles: regular and personal contact with a judicial officer; access to outside educational and vocational resources; and a graduated sanctioning system for individuals who fail to comply with the expectations of each respective program.

The United States District Court for the Southern District of Georgia, under the direction of Chief Judge Lisa Godbey Wood, began exploring the reentry court movement upon reviewing Eastern District of Pennsylvania Chief Judge Harvey Bartle III's testimony before the Senate Subcommittee on Crime and Drugs regarding his district's reentry program. Known as the Supervision to Aid Reentry (S.T.A.R) Program, the Eastern District of Pennsylvania's system has become a model for other districts nationwide. Additionally, it has produced demonstrated statistical improvement in recidivism amongst its participants, as reflected in an ongoing graduate study by students at Temple University.

The Southern District of Georgia explored other efforts including the Middle District of Pennsylvania's Court Assisted Reentry (C.A.R.E.) Program. This program incorporated similar features to those utilized by the Eastern District of Pennsylvania, but was also tailored to meet the Middle District of Pennsylvania's respective needs.

Statement of Purpose

With a firm commitment to public safety, the United States District Court for the Southern District of Georgia hereby establishes the Court Supervised Reentry (C.S.R.) Program for the purpose of providing federal offenders an effective transitional period from prison to society during their term of supervised release. The program is targeted at reducing the recidivism rate amongst offenders with a medium to high risk of having their terms of supervised release revoked due to new criminal activity.

Program Team

The C.S.R. Program Team shall consist of the following individuals:

- District or Magistrate Judge (Program Judge);
- Program Coordinator (Probation Officer);
- Assistant United States Attorney;
- CJA Bar Panel Member (Defense Counsel).

The Program Judge or designated judicial officer shall preside over the reentry court sessions, during which he or she will interact with each program participant and offer encouragement and advice. The Program Judge is also responsible for announcing potential modifications to the participant's term of supervision and determining whether program credit should be reduced or added.

The Program Coordinator is charged with assessing the needs of each participant and supervising them throughout the program, to include enforcing court-imposed sanctions as well as connecting the participants with appropriate community resources such as employers, family members, and treatment providers.

The Assistant United States Attorney is responsible for ensuring that each candidate is appropriate for participation in the program and compliant with program requirements. Additionally, he or she will recommend appropriate sanctions while encouraging program participants to abide by the program requirements and the terms of their supervised release.

The CJA Bar Panel Member will explain to the participants their rights and responsibilities in the program and provide a defense perspective while encouraging full participation in the program. Additionally, the Bar Panel member will provide encouragement to the participants and will make recommendations regarding referrals, incentives, and sanctions. When a qualified participant is charged with a crime for which he or she would be entitled to be represented by court appointed defense counsel or is facing some form of jeopardy, such as being subpoenaed to testify before a grand jury, the CJA Panel Member may assist the participant in seeking appointment of independent counsel.

### Program Overview

Upon notification that a convicted felon is to be released to the Southern District of Georgia, the assigned probation officer shall calculate a Risk Prediction Index (R.P.I.) score for the individual. This tool, developed by the Federal Judicial Center at the request of the Judicial Conference Committee on Criminal Law, uses information about an offender to estimate the likelihood of recidivism during the term of supervision.

The probation officer will then review the individual's case file to determine if he or she meets the following criteria for participation in the program. Participants must:

- Receive a score of 3, 4, 5, 6, or 7 on the R.P.I. or a score from another assessment instrument indicating a medium to high risk of recidivism;
- Reside or have a release plan in the Southern District of Georgia; and
- Have a term of supervised release of three years or greater.

If the offender is deemed eligible for participation in the program, the probation officer will submit the appropriate documents (judgment and commitment order; presentence report; modifications to conditions of supervision; and reports to the Court) to the C.S.R. Program Team. Having reviewed these documents within ten business days of receipt, the Assistant United States Attorney and the CJA Bar Panel Member are required to notify the Program Coordinator of any objections to the individual's participation in the program. If an objection arises, the Program Coordinator will take any objections into consideration when making a final decision on the individual's candidacy. However, if a judicial officer objects to the individual's participation, his or her candidacy will no longer be considered.

If no objections exist, the individual will be notified of his or her eligibility. The Program Coordinator will explain the structure of the program, its inherent benefits, and its requirements to each prospective participant. The Program Coordinator will explain a written participant agreement to the individual for review. At this time, the individual may choose to participate in the program by completing the participant agreement. In other words, the program is completely voluntary and contingent upon the individual's consent to participate, which provides the jurisdictional basis for the program judge to reduce program credit for participant misconduct.

The participant may request through the Program Coordinator a confidential consultation with the CJA Bar Panel Member (Defense Counsel) to review any concerns the participant may have about the program prior to making a decision as to whether to participate.

The target number of participants in each session is ten to twelve. This number may be increased, or more sessions may be added, depending on the resources available. Moreover, when participation levels reach capacity for the program, eligible individuals will no longer be invited to participate until more space becomes available.

The program duration is fifty-two weeks. During this time, participants will attend bimonthly (twice each month) court sessions and access whatever community developmental resources are available. It is expected that throughout their time in the program, participants will comply with the rules and regulations of their supervised release as well as those of the C.S.R. Program itself.

Each bimonthly court session will be preceded by a meeting of the C.S.R. Program Team, during which each participant will be discussed, alongside their progress or lack thereof. These meetings will be scheduled in accordance with the schedules of each team member and will allow ample time for the Program Judge to prepare for the upcoming court session. What constitutes "ample time" should be determined by the Program Judge and discussed with the C.S.R. Program Team.

Each court session will be structured at the discretion of the Program Judge, but should include the following:

- Program Judge introduces C.S.R. Program Team members in attendance;

- Program Judge introduces any notable guests in attendance;
- Program Judge recognizes each program participant individually, followed by a conversational period which should include:
  - ▶ Participant introduces guest (family, employer, etc.) in attendance;
  - ▶ Participant describes his or her experience since the last court session;
  - ▶ Program Judge asks the participant's guests for any commentary, if applicable;
  - ▶ Program Judge asks the C.S.R. Program Team for any additional information which may have arisen since the preceding C.S.R. Program Team meeting;
  - ▶ Program Judge questions the participant or comments on his or her progress or lack thereof, as revealed in the preceding C.S.R. Program Team meeting;
  - ▶ Program Judge suggests referrals to any program or services which may be helpful for the participant's transition to society and announces any consented modifications to the participant's term of supervised release;
  - ▶ Program Judge reduces or awards program credit, if applicable;
  - ▶ Program Judge can suspend a participant's participation in the program until violation conduct is resolved by the Judge with jurisdiction in the participant's case.

The program rules and requirements consist of those stipulated in each participant's term of supervised release. Moreover, participants will be required to submit to a drug test the week of each court session, at a date and time determined by the Program Coordinator. The participants are also expected to arrive at each court session on time and appropriately dressed, and will receive sanctions for failing to meet these expectations unless documented extenuating circumstances exist.

Upon completion of the fifty-two-week program, the final court session will consist of a congratulatory ceremony where participants interact with the Program Judge and receive their certificate of completion. It is important to note that these fifty-two weeks need not be consecutive if the Program Judge reduces program credit. The Program Judge may also award program credit. Additionally, the Judge with jurisdiction of the participant's case may be present to officially reduce each participant's term of supervised release or, if they cannot be in attendance, will have likely already done so. The amount of reduction is at the discretion of the Judge with jurisdiction; however, the C.S.R. Program Team will recommend an appropriate amount based upon the participant's level of commitment to and behavior throughout the program. The amount of reduction shall not exceed twelve months.

### Development Resources

In June 2010, the United States Probation Office for the Southern District of Georgia implemented a Defendant/Offender Workforce Development (D.O.W.D.) Program targeted at assisting prerelease and post-release offenders. Additionally, the United States Probation Office can utilize funding from the Second Chance Act of 2007 to meet specific offender's needs that are identified through the D.O.W.D. Program. The Program has the following goals and objectives in mind:

- Assist defendants/offenders with obtaining suitable and meaningful long-term employment while earning a livable wage with benefits;
- Equip defendants/offenders with new skills and a new way of thinking to foster positive behavior;
- Promote higher self-esteem for defendants/offenders through their individual success while strengthening their ties to the community by having them invest in themselves;
- Reduce recidivism and violations;
- Consistently maintain unemployment rates of the defendants/offenders at or below state and national averages;
- Increase job retention rate among defendants/offenders;
- Identify or develop potential collaborative relationships with community partners to effectively enhance opportunities for the successful reentry of offenders;
- Provide relevant training such as Offender Employment Specialist training to staff, local, and regional organizations; and
- Educate the business community on issues concerning reentry and incentives to hiring defendants/offenders.

The D.O.W.D. Program, in conjunction with emergency and transitional service funding for specific offenders from the Second Chance Act, can function as an integral part of the C.S.R. Program. The D.O.W.D. is comprised of several different phases to include individual assessment, job search preparation, vocational training and education, career counseling, and retention planning. The Southern District of Georgia expects to receive over \$70,000 during this fiscal year to fund emergency and transitional services for offenders.

### Sanctioning

United States Sentencing Guidelines § 7B1.1 defines violations as Grade A, B, or C. The C.S.R. Program will utilize these designations in the following manner:

If a participant commits a Grade C violation (conduct punishable by less than one year, including failure to report to the probation officer, missed appointments, positive drug tests, etc.), the participant may be sanctioned by the C.S.R. Program Judge during a bimonthly court session which would result in some loss of program credit. Additionally, should the conduct be of a nature that a modification of the participant's term of supervised release is deemed necessary by the Program Coordinator, the Program Coordinator will present the participant with a Waiver of Hearing to Modify Conditions of Probation or Supervised Release (Probation Form 49) prior to the meeting of the C.S.R. Program Team and the C.S.R. Program Hearing. The C.S.R. Program Team will discuss the conduct and the appropriateness of the proposed modification of the participant's term of supervision. During the C.S.R. Hearing, the Program Judge will confirm with the participant that he or she has agreed to waive a formal hearing before the Judge with jurisdiction in the case, announce the proposed modification, and then, if necessary, reduce the participant's program credit. The participant may request through the Program Coordinator a confidential consultation with the CJA Bar Panel

member (Defense Counsel) to review any concerns the participant may have regarding waiver and modification prior to making a decision. If the Program Coordinator announces that the participant does not admit that a violation has occurred or does not agree with the proposed modification, then the participant can consent to proceed with a hearing before the Program Judge. Upon hearing the evidence, the Program Judge will submit a report and recommendation to the Judge with jurisdiction in the case indicating whether a violation has occurred and it may also include a recommended modification to the participant's term of supervised release. If the participant does not consent to proceed before the Program Judge, the participant can resolve the matter by having a hearing before the Judge with jurisdiction in the participant's case.

If a participant commits a Grade A or B violation (conduct punishable by one year or more), he or she will be referred to the Judge with jurisdiction, who will determine the appropriate sanction. Unless the participant is detained, or his or her term of supervised release is revoked, he or she can continue to participate in the C.S.R. Program if the Program Judge, after consultation with the C.S.R. Program Team, believes that participation will not disrupt the C.S.R. Program. Additionally, the Program Judge may restore lost credit if the Judge with jurisdiction decides that no violation has occurred.

The C.S.R. Program participant's sanctioning may be accomplished through his or her consent and execution of a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation or Supervised Release, and can include but not be limited to the following:

- Travel restrictions;
- Participation or increased participation in drug, alcohol, or mental health treatment;
- Community service until employment is secured;
- Curfew restrictions or electronically-monitored home confinement;
- Placement in a residential reentry facility;
- Extension in program duration;
- Loss of program credit;
- Imprisonment for up to seven days; and
- Termination of participation in the C.S.R. Program.

The sanctions must be completed satisfactorily by a date and time in the Probation Form 49. If a participant chooses to refuse a sanction or requests a formal violation hearing, his or her participation in the C.S.R. Program can be suspended by the Program Judge until the violation conduct is resolved by the Judge with jurisdiction in the participant's case. Increased requirements, like reporting or urinalysis, may be imposed so long as these increased requirements are already active conditions of the participant's term of probation or supervised release imposed by a District Judge.

Factors which should influence the type of sanction assigned should include:

- Nature and seriousness of the violation;
- Number of times a violation has occurred;

- Amount of time a participant has remained compliant during the program;
- Whether or not the participant voluntarily disclosed the violation; and
- Whether the participant was forthright regarding the violation.

### Program Termination

Participants will be relieved of their obligations to the program under the following circumstances:

- **Successful Termination:** Participant satisfies all program requirements and is presented with a certificate of completion and a reduced term of supervision.
- **Unsuccessful Termination:** Participant does not satisfy program requirements and is subject to one of the following outcomes:
  - ▶ **Return to Regular Supervision:** This termination may result from a participant's voluntary decision to leave the program, or his or her demonstrated inability to improve despite a lack of a formal violation charge;
  - ▶ **Charged with a Formal Violation:** This termination will result from a participant's serious or chronic misconduct (new law violation, repeated drug use, refusal to cooperate with court sanction, probation officer, treatment provider, etc.) the participant may also appear before the Judge with jurisdiction as a result.
- **Administrative Termination:** Participant's involvement in the program becomes impractical (illness, relocation, etc.) but cannot be considered successful or unsuccessful. These participants may return to the program at the discretion of the C.S.R. Program Team if new circumstances arise.



## Documents

Document forms which need to be created include, but are not limited to, the following:

- Recommendation for Program Placement;
- Participant Consent Agreement;
- Participant Progress Report;
- Certificate of Completion.

## Program Evaluation

In order to evaluate the effectiveness of this pilot program, the Probation Office will be required to compile relevant statistics throughout its duration. These statistics will be submitted to the C.S.R. Program Team for preliminary evaluation after twelve months. A final outcome evaluation will be conducted after twenty-four months, which should be based on detailed statistics that demonstrate whether or not the program was effective at reducing recidivism amongst its participants.

The ultimate determination of the program's effectiveness will be left to the Chief Judge, who will determine if the program shall continue and, if so, what changes need to be made. The Chief Judge will use the C.S.R. Program Team as a resource when making this decision.

Additionally, colleges or universities will be enlisted to study the effectiveness of the program and be given reasonable access to the C.S.R. Program Team, the program participants, and any other relevant individuals (families, employers, etc.).

## Conclusion

The goal of the Court Supervised Reentry (C.S.R.) Program is ultimately to reduce recidivism and increase the safety of citizens in the Southern District of Georgia. The program outlined above is based on several successful programs which have been established in other parts of the country; however, it has been modified to best suit the needs of the Southern District of Georgia. This proposal includes the aforementioned essential components of success, personal involvement of a judicial officer, cooperation with preexisting community resources, and utilization of a sanctioning system to guide successful completion of the program and its requirements. When combined with other important aspects of the program, these collective features provide hope for a successful reentry program which will serve the United States District Court and the citizens of the Southern District of Georgia, and also serve as an example to other district courts throughout the nation.