

Intensive Reentry Project Policy and Procedure

Final

1. Approach

Offenders in the highest risk categories have an almost 50% recidivism rate. Offenders returning to the Benton Harbor area face significant challenges in employment, abstinence and sobriety, associates, and positive supports. This program is designed to increase the opportunity for success by significantly addressing the criminogenic factors (factors related to the increased likelihood of recidivism). Those factors are:

- (1) history of anti-social behavior;
- (2) anti-social personality;
- (3) anti-social values and attitudes;
- (4) criminal/deviant peer associations;
- (5) substance abuse; and
- (6) dysfunctional family relationships.

The criminogenic factors that are subject to change by the participant (dynamic factors) are:

- (a) substance abuse;
- (b) criminal thinking;
- (c) family relationships; and
- (d) peer associations.

* Some or all of the above factors will be present in the participants involved in the Intensive Reentry Project.

Research indicates four types of services are effective interventions:

- (1) substance abuse mental health treatment;
- (2) cognitive reasoning skill training;
- (3) education/literacy training; and
- (4) employment/job skills training.

The program expects success from participants and does not expel a participant due to failure. As with any supervision case, recommended sanctions for violations will keep the participant in the community whenever possible. Many participants in this high risk category have failed at many programs and have low expectations of themselves. This program is designed to continue to expect success and provide resources for success, no matter how many attempts are to be made. To revoke these high risk participants and not require supervised release to follow, is to endanger the safety of the community and is contrary to the project's approach. The community is served only when behavior change is achieved. Once the behavior has been exhibited over a 24 month period, there is reason to believe the change is well integrated and supported. If relationships established with family and other community members have been solidified, then further supervision is no longer warranted and termination of supervision is encouraged.

The program utilizes a philosophy adopted by drug courts, that regular contact with the judge is instrumental in bringing about change. Where a judge is engaged in the ongoing process of change,

the Court's involvement is significantly instrumental in positive outcome.

The project incorporates eight evidence based practices associated with successful reentry. (*What Works and Why: Effective Approaches to Reentry*: American Correctional Association, 2005, p. 114)

Evidence Based Practice	Intensive Reentry Project Characteristic
1. Assess Actuarial Risk/Needs	Use RPI
2. Enhance Intrinsic Motivation	Officer trained in Motivational Interviewing, coached and directed in use of MI through supervisor
<p>3. Target Interventions</p> <p>a. Risk Principle: Prioritize supervision and treatment resources for higher-risk offenders.</p> <p>b. Need Principle: Target interventions to criminogenic needs</p> <p>c. Responsivity Principle: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.</p> <p>d. Dosage: Structure 40 to 70 percent of high-risk offenders' time for three to nine months</p>	<p>a. Only high risk offenders involved in program.</p> <p>b. Case plans to address the dynamic criminogenic factors</p> <p>c. Referrals made by officer taking these factors into account</p> <p>d. High accountability for time during 12 month program</p>
4. Skill Train with Directed Practice (use cognitive-behavioral treatment methods)	Treatment provider will use method
5. Increase Positive Reinforcement	Rewards made monthly
6. Engage Ongoing Support in Natural Communities	Involvement of employers, families, faith mentors encouraged
7. Measure Relevant Processes/Practices	Collect data regarding interventions (amount, type), collect data regarding progress along dynamic factors
8. Provide Measurement Feedback	Provide monthly feedback to participants regarding progress; evaluate program at 12 months (process evaluation) and 24 months (outcome evaluation).

2. Identification and Preparation of Participants

All participants in the program will have a risk prediction score of 6 to 9 as determined by the Risk Predication Instrument developed by the Federal Judicial Center. Participants in the program will have a release address to Benton Harbor, Michigan, or an adjacent geographic area. Exceptions may be made for candidates deemed in need of intensive services that do not meet the criteria. The U.S. Probation Officer has the discretion to identify these participants. As soon as the office is notified of pending releases to the Benton Harbor area, the officer will calculate the risk prediction score to identify the participant.

Once the participant is identified, the officer will inform Judge Enslin to arrange transfer of jurisdiction of the case locally if necessary, via memo to the Court.

The U.S. Probation Officer will request that the participant complete a financial affidavit for appointment of counsel which will also be forwarded to the Court. Appointment of Federal Defender will be made as warranted.

3. Orientation of Participants

The officer, in prerelease planning, will meet with the identified participant at the halfway house prior to release. The participant will be informed of the program and its benefits to his/her reentry. A copy of a program acknowledgment will be presented to the participant for review. The participant will be scheduled to appear at the monthly court hearing prior to his/her scheduled release. At the participant's request, an appointment with counsel may be arranged prior to the hearing. At that hearing, the participant will be introduced to the Intensive Reentry Team and the acknowledgment will be reviewed with all. The participant will be asked to sign the acknowledgment. Each participant is advised that the Intensive Reentry Program is designed to give them an increased opportunity for success on supervised release.

The acknowledgment will explicitly state the conditions of supervision, the expectations of the program, the possible sanctions and rewards. Completion of the program (12 months of satisfactory participation), will result in a removal to regular supervision. After an additional 12 months of satisfactory performance on supervision, early termination of supervised release will be recommended to the Court. It is expected that, through this program, these participants will have achieved profitable full time employment, compliance with conditions, abstinence and sobriety, and positive connections with community and family over a 24 month period (all indicators of successful reentry). Depending upon the term of supervised release originally imposed, the amount of supervised release that a successful participant will not have to serve will vary.

An example of the acknowledgment follows.

If after consultation with defense counsel, the participant refuses to sign the acknowledgment and not wish to be involved in the Intensive Reentry Program, the participant will be required to appear before Judge Enslin and explain reasons for the refusal. Disposition will be at the discretion of the Court.

4. Roles of the Intensive Reentry Team Members

Participants of the Intensive Reentry Project Team

- Judge
- probation officer
- treatment provider
- halfway house case manager
- Government prosecutor
- Defense counsel

Role of the Judge

- convener of reentry project team
- final decision maker regarding rewards and sanctions

Role of Probation Officer

- provide information regarding the conduct of each releasee
- provide recommendations commensurate with the mission
- encourage attendance of family, employers, and significant others at each court session

Role of Treatment Provider

- provide information and recommendations regarding the treatment of each releasee

Role of Halfway House Case Manager

- provide information regarding the conduct of each releasee and recommendations regarding placement at the halfway house

Role of the Government Counsel

- assure proper procedure in court process
- assist with presentation of evidence to the Court when necessary
- provide notice to victims of hearings as required under the *Justice for All Act*
- provide recommendations to the Court regarding dispositions commensurate with the mission of the project

Role of Defense Counsel

- assure protection of defendant's rights
- provide effective representation of defendant in any revocation or modification hearing
- provide recommendations to the Court commensurate with the mission of the project and the best interest of the client

5. Monthly Court Hearings

The monthly court hearings will be held in the Berrien County courthouse. In addition to the Intensive Reentry Team members, the participant's family, employers, mentors and other support persons will be encouraged to attend.

Structure of the hearings:

- (1) Pledge of Allegiance and remarks about the purpose of the reentry project.
- (2) Orientation of any new participant, including introductions to participants and a formal signing of an agreement to abide by conditions and the rules of the program.
- (3) Review of the status of each participant; including remarks by all team members and any present employer, family member, or significant other. Provision of reward by judge for those making satisfactory progress. Upon the admission or finding of a violation, a sanction is imposed after each team member gives a recommendation.
- (4) Closing remarks by the judge.

6. Violation Reporting

Violations noted by the officer will be reported either orally at the monthly progress hearing or in writing via Prob12c, Petition for Warrant or Summons for Offender Under Supervision.

Violations reported orally at monthly progress report are those of a minor nature, such as missed treatment appointments, failure to report information to probation officer, and other technical violations that are not likely to require modification or revocation of supervision in order to sanction. The sanction for these types of violations shall include a unsatisfactory progress report (no reward provided).

More serious violations will be reported in writing via Prob 12c as soon as practical after discovery. These include all new law violations and serious technical violations, such as positive drug tests and missed drug testing. Unless the community is at risk due to the participant's behavior, or there is a need to assure immediate compliance, a summons will be issued for the participant to appear for hearing on the violation at the next monthly progress hearing. Should a warrant be issued in order to bring about immediate compliance or to assure the safety of the community, then the participant should be brought as soon as possible to a Magistrate Judge at which time a decision is made whether to release or detain the participant pending the violation hearing. The probation officer will make a recommendation regarding release or detention commensurate with the mission of the project. If the participant is released pending the hearing, the hearing will be scheduled to occur at the next monthly progress hearing. If violation is uncontested, the hearing will be held during the progress hearing. If the violation is contested, the hearing will be set to occur in Kalamazoo. The results of the hearing will be announced at the next monthly progress hearing, whether or not the participant is present.

Sanctions resulting from a violation may include either modification of the term and/or conditions of supervision, or revocation of supervision and reimposition of supervised release to follow imprisonment. Participants will be expected to return to the Intensive Reentry Program upon re-release and begin the program anew.

A sanction that includes adding a condition regarding halfway house placement shall be imposed immediately following the hearing whenever possible. In order to expedite the placement, KPEP and BOP Community Corrections Managers will keep copies of the presentence report and other designation materials belonging to program participants in anticipation of the need for immediate placement. The violation report will be faxed by the Probation Office to the BOP as soon as possible. An amended judgment will be prepared as soon as possible. Admission to the halfway house can occur in two working days.

7. Record Keeping/Reports/Documents

The AUSA, Federal Defender, the Court and the BOP will be provided a copy of the original presentence report on each participant.

The probation officer will keep a running record of the monthly progress hearing outcomes and events (violations, rewards, sanctions). A copy of this record will be made available to all team members for use at the monthly progress hearing.

The probation officer will also prepare a brief report outlining the statutory and guideline provisions pertinent to each violation reported to the Court via Prob 12c.

8. Program Completion

Upon the accumulation of 12 monthly rewards, a graduation ceremony will be held at the monthly progress hearing. A certificate of completion will be awarded by the Court. Thereafter, the participant will be transferred to a regular supervision caseload for an additional 12 months of supervision. Violations that occur during the next 12 months will normally cause the participant to forfeit the opportunity for early termination of supervised release. Exceptions to this may only be made with the concurrence of the Court. Revocations that occur during this time frame will result in reimposition of supervised release and the expectation that the participant will begin the program anew upon release. After successful completion of the second 12 months of supervision, an early termination recommendation will be presented to the Court.

9. Evaluation

At the end of the first 12 months of the program (October 2006), a process evaluation and a preliminary outcome evaluation will be conducted. At the end of 24 months (October 2007), the outcome evaluation will be finalized. The Chief U.S. Probation and Pretrial Services Officer will be responsible for assuring the completion of the evaluations and will elicit the assistance of the Federal Judicial Center and/or local universities as appropriate.

A process evaluation assesses how closely the actual activity in the program adheres to the policy and procedures created for the program. It is very descriptive in nature. Information will be gathered via written survey of the program team members and program participants.

An outcome evaluation will involve tracking of number of violations, including the type and when it occurred, then comparing the total participants' outcome with previous supervised releasees to the Benton Harbor area, prior to the initiation of the program. A comparison can also be made with supervised releasees of similar RPI scores in the Grand Rapids area. The following chart depicts the characteristics of the comparison groups.

	<u>Experimental Group</u> Intensive Reentry Program	<u>Comparison Group</u> Non Reentry Program releasees (same RPI in the Grand Rapids area)	<u>Comparison Group</u> Previous releasees in selected geography prior to reentry program (with the same RPI)
Definition of Group	Individuals released from prison to supervision in Benton Harbor with a RPI of 6 to 9 between 10/1/05 and 9/31/07	Individuals released from prison to supervision in Grand Rapids with a RPI of 6 to 9 between 10/1/05 and 9/31/07	Individuals released from prison to supervision in selected geographic area with a RPI of 6 to 9 between 10/1/03 to 9/31/05
Program Duration	Total duration of program to last 12 months or the expiration of supervision, with possible extension past the 12-month time period due to non-compliance	Court ordered term	Court ordered term
Program Incentives	Early termination of supervision for successful completion of reentry program and 12 months following completion	Possible early termination recommended at discretion of officer and court	Possible early termination recommended at discretion of officer and court

	<u>Experimental Group</u> Intensive Reentry Program	<u>Comparison Group</u> Non Reentry Program releasees	<u>Comparison Group</u> Previous releasees in selected geography prior to reentry program
Supervision Parameters	Intensive supervision at the outset, decreasing activity with compliance, based on Monograph 109, but decisions made in collaboration with reentry team	Purpose driven supervision based on Monograph 109	Purpose driven supervision based on Monograph 109
Judicial Oversight	Reentry program judge provides judicial oversight on a regular basis, starting prior to release, and monthly for the duration of the program	Oversight provided by sentencing judge when noncompliance occurs	Oversight provided by sentencing judge when noncompliance occurs
Clinical Services	Substance abuse and mental health services, employment referral services, faith-based mentoring provided by reentry team	Substance abuse and mental health services, employment referral services provided by officer or contractual agency	Substance abuse and mental health services, employment referral services provided by officer or contractual agency
Requirement of Treatment Provider	Provision of services, consultation with court and probation officer, attendance at reentry court hearings	Provision of services, consultation with court and probation officer	Provision of services, consultation with court and probation officer

	<u>Experimental Group</u> Intensive Reentry Program	<u>Comparison Group</u> Non Reentry Program releasees	<u>Comparison Group</u> Previous releasees in selected geography prior to reentry program
Sanctions for Violations	<p>Verbal warning by judge, with assignment of tasks presented at reentry court hearing</p> <p>Modifications to include: -community service work -arrest warrant (resulting in jail time pending hearing) -halfway house placement -electronic monitoring (home detention)</p> <p>Extension of program duration</p> <p>Revocation with or without reinstatement of supervision</p>	<p>Verbal warning at violation hearing</p> <p>Modifications to include: -community service work -arrest warrant (resulting in jail time) -halfway house placement -electronic monitoring (home detention)</p> <p>Extension of supervision</p> <p>Revocation with or without reinstatement of supervision</p>	<p>Verbal warning at violation hearing</p> <p>Modifications to include: -community service work -arrest warrant (resulting in jail time) -halfway house placement -electronic monitoring (home detention)</p> <p>Extension of supervision</p> <p>Revocation with or without reinstatement of supervision</p>
Supervision Upon Completion	<p>After completion of program and 12 months of supervision completed by the officer, according to Monograph 109</p> <p>Early termination request will be provided if successful completion of reentry program and adherence to all other conditions of release for 12 months following release. (This excludes sex offenders with a diagnosis of pedophilia for whom no early termination may be requested.)</p>	N/A	N/A