



H.O.P.E., A Reentry Court

I. Mission

In a cooperative effort among the Court, the Probation Office, the Federal Public Defender's Office and the U.S. Attorney's Office, we are committed to providing an alternative court program for individuals who have completed the incarceration component of their federal sentences and are on federal supervision. Titled "Helping Offenders Prepare for reEntry" ("H.O.P.E."), this reentry court will offer a creative blend of treatment and sanction alternatives, delivered in a non-adversarial atmosphere, to effectively address offender behavior and rehabilitation, as well as the safety of our communities.

II. Overview

This is intended to provide a description of and the framework for a reentry court in the District of Rhode Island. As the planning for the H.O.P.E. Court evolves, all participating agencies are committed to striving to model it based on best practices as established in other federal and state systems, but also to remain mindful of the unique aspects of this District. The program is expected to change as experience builds and informs us how to improve. We are also committed to the employment of evidence-based practices, and to develop a method to monitor the efficacy of the H.O.P.E. Court over time and to change the approach based on that input.

The presiding judge – with the aid of an Assistant Federal Public Defender and an Assistant United States Attorney – assists the Probation Office with the supervision of participants by conducting regular court sessions attended by all participants in the program. At the court session, the judge reviews and responds to the achievements and failures of each participant. Based on the results from similar programs in the federal and state judicial systems, we believe that the program has the potential to reduce the number of revocation proceedings before district judges, improve participants' compliance with conditions of supervision, facilitate rehabilitation, and decrease recidivism.

The conduct and activities supervised by the program are those typically handled by the Probation Office without judicial support. The program adds the following: (1) regular oversight of a defendant by a judge; (2) early judicial intervention so that problems are addressed before they develop into violations; and (3) a swift judicial response to each failure by a participant. The program also will offer a blend of treatment, support from community-based resources and sanction alternatives to effectively address participant behavior, rehabilitation, and the safety of

our communities. Where possible, the program will assist participants with education and job skills training.

Participants must agree to participate and be accepted into the program. The program lasts at least one year, and successful completion results in up to a one-year reduction of the term of supervision with the approval of the sentencing judge. Participation is voluntary and each participant must sign a contract acknowledging his/her agreement to participate in lieu of traditional supervision. A sample copy of the contract is **EXHIBIT A**. District judges may alter the agreement for specific participants.

This program is modeled on programs in other federal courts, including those in the District of Massachusetts, the District of Maine, the Northern District of California and the Eastern District of Missouri. It has been developed following a training conducted by the National Drug Court Institute, which was attended by all participating agencies. The H.O.P.E. Court is a cooperative effort of the Court, the Probation Office, the United States Attorney's Office, and the Federal Public Defender's Office.

III. Approach

Certain supervisees have risk factors that increase the likelihood of recidivism while on supervision. The risk factors include but are not limited to youth, early onset of substance abuse or delinquency, prior felony convictions, and previous unsuccessful attempts at treatment or rehabilitation. These supervisees face significant challenges in employment, substance abuse, and developing support networks. The risk factors and challenges are related to an increased likelihood of recidivism, but they also can be addressed through effective intervention. The interventions may include substance abuse and mental health treatment, cognitive behavioral therapy, education and literacy training, and employment and job skills training. The target participants for the re-entry program are supervisees with these high-risk factors who would benefit from effective intervention to address their risk factors and challenges. "High risk" means only "high risk related to re-offending on supervision" and does not mean "dangerous" or "a high risk to society." Risk level is determined by administration of the Post Conviction Risk Assessment (PCRA), a scientific instrument developed by the Administrative Office of the United States Courts that uses evidence-based practices.

The program expects success from participants, but will not automatically expel a participant for failure. A goal of this approach to supervision is that sanctions for violations are developed creatively to avoid disruption and to keep the participant in the community whenever possible. High-risk participants have failed at many programs and have low expectations of themselves; accordingly, the program is designed to continue to expect success and provide resources for success, even if repeated attempts are made.

The program addresses participant behavior with incentives and sanctions. Sanctions are imposed with the goal of keeping the high-risk supervisees engaged in the treatment process until they achieve success. Once successful behavior has been achieved over a time period of at least twelve months, data suggests that the change is well-integrated and supported. This changed behavior best serves the interests and safety of the community.

The program utilizes a philosophy adopted by drug courts, the efficacy of which is well established: regular contact with the judge is instrumental in bringing about change. Ordinarily, a judge's role ends after sentencing, but in a reentry court, the judge directly oversees the person's return to the community and uses the court's authority to impose graduated sanctions, give positive reinforcement, and marshal resources to support the person's reintegration. The judge's engagement in the ongoing process is a significant force in the positive outcome that includes better lives and decreased recidivism for participants (and thus enhanced community safety). *See Model Program Guide Version 2.4*, United States Department of Justice, Office of Juvenile Justice & Delinquency Prevention (2004).¹ The program draws on evidence-based practices associated with successful re-entry. *See What Works and Why: Effective Approaches to Re-entry*, American Correctional Association (2005); *Key Components to a Successful Drug Court Program*, National Association of Drug Court Professionals. Among the practices are the following:

1. Participants will be selected using risk predictors that target high-risk individuals.
2. Participants will be identified early and, with the approval of the sentencing judge, placed promptly in the program, when possible.
3. Case plans will be developed to address participants' individual risk and recidivism factors.
4. Participants' time will be highly structured to achieve accountability. Full-time work or education will be required wherever possible.
5. Substance abuse and mental health services (including cognitive-behavioral treatment methods) will be integrated where appropriate.
6. Education and job skills programs should be provided if possible.
7. The entire team (judge, probation officer, prosecutor, and federal public defender) will provide positive reinforcement and accountability in a non-adversarial manner that protects participants' rights.
8. The program enlists support from external communities: employers, teachers, family mentors, public agencies, service providers, and community-based organizations.
9. Regular feedback is provided to participants both in court and by probation.

¹ It also is cost-effective. In 2011, the average cost of incarceration of a federal inmate was \$28,893.40, while the average annual cost to confine an inmate in a Community Corrections Center was \$26,163. <https://www.federalregister.gov/articles/2013/03/18/2013-06139/annual-determination-of-average-cost-of-incarceration> (viewed on January 16, 2014). The most recent advisory from the Administrative Office of the U.S. Courts contrasts the monthly cost of imprisonment (\$2,412.33) and community confinement (\$2,244.17) with the monthly cost of supervision (\$278.95).

10. Data regarding interventions and progress will be measured against a control group.

IV. The H.O.P.E. Court Team

The H.O.P.E. Court will have a team that consists of the presiding judge, a Probation Officer, an Assistant United States Attorney (“AUSA”), an Assistant Federal Public Defender (“AFPD”), and a treatment provider. The district judge that referred the participant and others from the team member agencies may also participate. The team also will solicit input from a CJA panel attorney who will function as a team member whenever a client participant’s case requires it.

The team members will collaborate on all significant issues, including selecting the appropriate incentives or sanctions for participants and determining whether a participant has succeeded in or should be terminated from the program. The focus of all team members will be to encourage success in the program, discourage bad decisions, and determine graduated sanctions for participants failing to satisfactorily meet the program’s requirements. The contemplated collaboration is non-adversarial, provided that participants’ due process rights must be protected. If the team cannot reach a consensus, the presiding judge shall make the final decision.

a. The Presiding Judge

The presiding judge holds regular hearings with participants – the evidence has established that this is a significant factor in supporting lasting rehabilitation and reducing recidivism. Continuity in the judicial role is important; accordingly only a limited number of judges should be involved in the program. For the H.O.P.E. Court, the parties agree that one magistrate judge shall have primary responsibility, with one district judge able to conduct the Court when she is not available. By agreeing to enter this voluntary program, the participant understands (and the contract to participate acknowledges) that a magistrate judge may act as the presiding judge and consents to the authority and jurisdiction of a magistrate judge.²

In addition to presiding at the sittings of the H.O.P.E. Court, the presiding judge will chair the team meetings and is the ultimate authority in the H.O.P.E. Court. While the presiding judge will work collaboratively with the other team members in assessing matters such as whether to accept an individual for participation, whether to terminate a participant from the Court, the appropriate incentives or sanctions for a participant and determining whether a participant has succeeded in the program, the judge is the ultimate decision-maker on these and all other matters involving the H.O.P.E. Court. If a participant is unable to complete the program successfully,

² Other districts have concluded, and the FJC has confirmed, that the presiding judge may be a magistrate judge. In 2010, the Federal Judicial Center surveyed federal reentry courts and determined that of the 39 programs surveyed, 64 judges served as program judges, including 33 magistrate judges. See Barbara Meierhoefer, Judge-Involved Supervision Programs in the Federal Courts: Summary of Findings from the Survey of Chief United States Probation Officers, 75-SEP Fed. Probation 37, 41 (2011). This Court performed its own national survey of federal reentry courts in July 2014 and identified at least 40 magistrate judges serving as program judges. These surveys show that the defendant’s consent forms the basis for jurisdiction and for the magistrate judge’s authority. All sanctions imposed against defendants in the reentry court are voluntary and based on the defendant’s consent; to the extent the defendant disagrees with the sanction, the defendant can opt out of the reentry court and proceed through the regular process for supervised release and probation.

and there is a subsequent revocation proceeding or new criminal charges filed, the presiding judge will recuse himself/herself from any participation in that matter.

b. The Probation Officer

The Probation Office will staff the H.O.P.E. Court with a Probation Officer and a Supervisory Officer. The Probation Office will identify potential participants, interview them, and make an assessment regarding eligibility based on the objective criteria established by the team.

The Probation Officer will have responsibility for supervising all of the participants in the H.O.P.E. Court. In addition to the Probation Officer's normal responsibilities supervising these supervisees (including day-to-day supervision, immediate interventions when necessary, and developing a case plan to address treatment, employment, education, finances, housing, supervisee objectives, and compliance with terms of supervision), the Probation Officer will prepare an individual Progress Report (attached as **EXHIBIT B**) for each participant and distribute it to team members at least twenty-four hours before each H.O.P.E. Court appearance. He will actively participate in all team meetings and attend all Court sessions, during which he may actively participate by addressing each participant during the colloquy with the judicial officer.

The Probation Officer will facilitate effective communication between treatment and service providers and the team. Upon request, the Probation Office may provide HIPAA protected medical records to the AFPD, the CJA Panel Attorney or the participant's defense attorney. The Probation Officer will encourage members of a participant's support network to attend Court hearings, including employers, teachers, mentors, family members, significant others, treatment specialists, and other service providers.

The Probation Office will maintain a separate clearly-identified section in a participant's file for all H.O.P.E. Court documents including the participant's agreement to participate, progress reports, and other records relating to the H.O.P.E. Court program.

c. Assistant United States Attorney (AUSA)

The AUSA represents the public safety interest, but his focus in the H.O.P.E. Court is to participate in the team effort with the AFPD and the Probation Officer to encourage the participant's success in the program. The AUSA will actively participate in all team meetings and attend all Court sessions, and may comment on the participant's progress during the Court session. During team meetings, the AUSA will participate in the determination of appropriate rewards and sanctions for an individual, whether to admit an individual to the program and whether to terminate a participant from the program. The AUSA should be involved in all decisions about program planning. If a participant is unable to complete the program successfully, and there is a subsequent revocation proceeding or new criminal charges filed, the AUSA on the H.O.P.E. Court team will not participate in those matters.

d. Assistant Federal Public Defender (AFPD)

The AFPD will be a consistent participant in the Program, the voice of the defense perspective, meeting with every participant at intake, coming to every team meeting and every court session. The AFPD will actively participate in all team meetings and attend all Court sessions, and may comment on the participant's progress during the Court session. His role will be to encourage participants to succeed, and to discourage bad decisions and disinterest in the program. The AFPD will not form an attorney-client relationship with the participants although he will talk to them about the program. During the intake discussion, the AFPD will explain that he will not have an attorney-client relationship and that the CJA attorney is available if the participant wishes to have a privileged discussion that will not be reported to the team. During team meetings, the AFPD will participate in the determination of appropriate rewards and sanctions for an individual, whether to admit an individual to the program and whether to terminate a participant from the program. The AFPD should be involved in all decisions about program planning. If a participant is unable to complete the program successfully, and there is a subsequent revocation proceeding or new criminal charges filed, the AFPD will not represent the participant in those subsequent proceedings.

e. CJA Panel Attorney

A CJA panel attorney will be appointed for every serious potential participant. As part of intake, every participant will meet and talk to both the AFPD and the CJA attorney in connection with the decision to sign the contract to enter the H.O.P.E. Court, as an alternative to traditional supervision. The participants will be told that the CJA attorney is available to them in the future if they want to talk to someone about an issue that they want to keep confidential. Otherwise, they can talk to the AFPD, who will report on the conversation to the team. The CJA panel attorney will be informed in any instance where a client has engaged in conduct that may result in the imposition of a sanction that impinges liberty (a period of incarceration or home confinement with location monitoring). In that event, the CJA panel attorney shall advise the client regarding acceptance of the sanction and may, in her/his discretion based on the needs of the client, attend the pre-court team meeting and participate in the discussion of the potential sanction.

f. Treatment Provider

As requested by the Probation Office, the treatment provider will assess the participants to determine what substance abuse and mental health treatment are required. As appropriate (based on the determination of the Probation Office), the treatment provider will deliver services to the participants. The treatment provider will actively participate in all team meetings to report on the participant's progress and will attend all Court sessions. At the team meetings, the treatment provider will assist the team in the determination of appropriate rewards and sanctions for an individual, whether to admit an individual to the program and whether to terminate a participant from the program.

g. Deputy Clerk

The team will be supported by a Deputy Clerk who will attend each court session.

h. Continuity

Continuity is important for each position on the team – it is optimal that each team member is a designated individual who participates consistently. Each team member should have an identified backup available to cover for him or her.

V. Participants

Candidates for the program will be supervisees on supervised release or probation in the District of Rhode Island who are identified by the Probation Office as high-risk, with drug or alcohol abuse-related conditions as a risk factor. The program is not designed for individuals who suffer from severe drug addiction or alcoholism. The selection of a candidate appropriate for participation is initiated by the Probation Office, although other team members may suggest candidates to the Probation Office. If the candidate is found to be eligible and is willing to participate, the Probation Office will refer the candidate to the team for consideration. The final decision whether the candidate will be invited to join the program is made by the judicial officer.

High risk means individuals who are beginning their terms of supervision with PCRA classifications of “Moderate” or “High.” The PCRA, which is administered at or before the onset of supervision, is an actuarial risk and needs assessment tool developed from data collected on federal defendants and offenders. It provides probation officers accurate information regarding predicted case outcomes (successful completion of supervision vs. revocation), and identifies dynamic risk factors and criminal thinking patterns (which allows officers to target interventions at these areas to improve successful outcomes).

Drug or alcohol abuse-related conditions means an offender who has a special condition for drug or alcohol testing/treatment. However, the H.O.P.E. Court is not staffed or structured to address the high needs of individuals suffering from serious addiction; an offender suffering from serious addiction should not be proposed for participation in the program. As part of the selection process for the program, the Probation Office will review, or as appropriate in its discretion procure, a satisfactory assessment of the individual’s drug and alcohol use from the Bureau of Prisons, the treatment provider or a halfway house.

Offenders with a history of violence and firearms are not automatically excluded. Offenders with pending violation charges are not automatically excluded; the decision to exclude will be made on a case-by-case basis depending on the alleged conduct and surrounding circumstances. Offenders with pending violation charges who are not excluded but who are prosecuted by the State may not be able to participate until the pending charges are resolved. Individuals with Axis II personality disorders, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (“DSM-IV”) (and the analogous disorders as described in DSM-V when it becomes applicable), may be excluded. Screening for Axis II personality disorders will occur through referral by Probation for assessment by a licensed mental health practitioner. Individuals convicted of arson and those subject to SORNA reporting requirements are excluded.

The H.O.P.E. Court should strive to identify potential participants as early as possible (for example by working with individuals at a halfway house prior to commencement of supervision).

If possible, potential participants may be encouraged or ordered to come to a session of the H.O.P.E. Court to observe.

While participation in the program immediately upon re-entry is optimal, participants also may be able to join the program during the term of their supervision.

Before the individual has signed the Participation Contract, the Probation Officer will ask the appropriate district judge to refer the participant to the H.O.P.E. Court. If the district judge decides to refer the participant to the H.O.P.E. Court, successful completion of the H.O.P.E. Court program may result in the reduction of up to one year from the participant's term of supervised release or probation, provided that if less than one year is remaining on the participant's term, the sentence may be reduced only by the amount of time remaining.

The total number of participants in the H.O.P.E. Court is capped at ten at any point in time. If there are fewer spaces available in the program than there are eligible candidates, participants will be selected randomly from the pool of eligible candidates who have agreed to participate in the program. Probation will maintain a waiting list so that eligible participants may join the program if spaces become available.

The final decision to participate must be made by the individual, who must sign the participation contract acknowledging his/her agreement to participate in lieu of traditional supervision. Participation in the program is entirely voluntary. While referral to the program for consideration of possible participation may be a condition of supervision, participation itself should never be a condition. Before signing a participation contract, the potential participant must confer with the AFPD and either the H.O.P.E. Court CJA attorney or any other attorney as he or she may choose. Consent to participate may be withdrawn at any time; the withdrawing offender will return to traditional supervision, including to face revocation proceedings if a sufficiently serious violation preceded or triggered the withdrawal.

A participant may be expelled from the program for specified conduct (such as the commission of a crime).

Because entry into the program is determined by objective criteria, recommendations by a judge to enroll a candidate in the program will not lead to automatic admission into the program.

VI. The H.O.P.E. Court Program

a. Length of Participation

Participation will last for a total of twelve months of satisfactory performance. At each sitting of the H.O.P.E. Court, the judge (based on input from the team) will award each participant who has achieved a satisfactory performance for the preceding two week period, credit toward the twelve months for those two weeks. A participant will not get credit for any two-week period of unsatisfactory performance. To successfully complete the program, a participant needs a total of fifty-two weeks of satisfactory performance, with a minimum of three months of gainful activity, such as employment, and sobriety during the final phase of the program.

After twelve months of satisfactory performance, participants will complete the program. At that time, before they advance to general supervision, the H.O.P.E. Court judge will notify the sentencing judge that the participant has successfully completed the program. The sentencing judge (the original sentencing judge if possible) will reduce the original term of supervised release by twelve months for all participants for whom the referral to the H.O.P.E. Court is made unconditional. The participant will then resume traditional supervision until completion. For a participant who has successfully completed the H.O.P.E. Court, the Probation Officer assigned to the H.O.P.E. Court may continue as supervisor in the discretion of the Probation Office.

The progress of participants through the H.O.P.E. Court Program will be broken into phases in accordance with the Phase System attached as **EXHIBIT C**.

b. Pre-Court Team Meeting

The pre-court team meeting is a closed session where confidential information is candidly discussed to achieve the goals of success for each participant in the program and public safety, while protecting the due process rights of the participants. At the meeting, the team members will review the confidential progress reports of the participants and make a determination as to each whether he/she has achieved a satisfactory performance, whether rewards are appropriate, whether sanctions should be imposed and whether there are other issues appropriate for discussion in open court. All team members are encouraged to speak candidly in the team meeting, with the goal of reaching consensus so that the public session of the H.O.P.E. Court is non-adversarial in tone.

c. The H.O.P.E. Court Sessions

Court sessions will be scheduled twice per month at a fixed time. The courtroom will be open to the public, and the proceedings will be recorded. The Court will strike an atmosphere that is more informal than a normal criminal hearing, while maintaining the dignity of the Court. All participants required to attend will be present for the entire session so that everyone sees the presiding judge encouraging positive behavior, affirming the value of individual efforts, and sanctioning any non-compliance with the program's goals. Family members, mentors, employers, teachers, service providers, and other persons in a participant's support network will be encouraged to attend.

All participants will be encouraged to dress appropriately for a court setting, provided that participants who are dressed for work may wear their workplace attire.

Each participant will address the Court individually for at least three, but no more than ten minutes. Any rewards or sanctions should be imposed during the participant's colloquy with the judicial officer. The order of speaking will be set flexibly; for example, one approach is to have participants who are doing well go first to set a positive example.

A participant's statements made in open court during the H.O.P.E. Court will not be used against the participant in a separate revocation proceeding or criminal prosecution (though the

statements may be ground for sanctions by the H.O.P.E. Court). The Probation Office or any law enforcement authority may conduct an independent investigation based on a participant's admissions, and evidence developed as a result of that investigation may be used in any separate proceeding, including a separate federal revocation proceeding or criminal prosecution.

A court security officer will be present at all H.O.P.E. Court sessions, and a deputy United States Marshal will be present at the request of the judge.

d. Participants' Consent to Participate

By signing the participation contract, participants consent to participate in the program, seek employment or education, and abide by the sanctions available to the H.O.P.E. Court judge. They also agree to allow the Probation Office to check their criminal histories for up to 10 years after they successfully complete the program to facilitate an evaluation of the program's effectiveness.

e. Rewards

The primary reward for participation in the program is the opportunity to obtain a modification of the supervised release component of the original sentence by eliminating a year of supervision. In addition, participants who are fulfilling their obligations may have their obligation to appear in Court reduced to once a month. Participant successes are publicly acknowledged by the H.O.P.E. Court Judge. Other rewards and incentives, such as successful completion certificates and special privileges that reduce the amount of supervision, may be used.

f. Sanctions

Sanctions available to the H.O.P.E. Court Judge include those that fall within the statutory authority of the Probation Office under the standard conditions of supervised release, such as increased reporting or more frequent drug testing.³ One of the most effective sanctions is to refuse credit toward the fifty-two weeks of the program for any one or two-week period during which the participant has committed an infraction. Other such sanctions include:

- a. Make a public apology or acknowledgement of conduct in front of the group.
- b. Write an essay on the consequences of the conduct.
- c. Participate in group counseling on the topic.
- d. Perform community service.

³ In this District, defendants with drug testing issues that potentially give rise to mandatory revocation, 18 U.S.C. § 3583(g), are regularly placed in treatment programs and supervised by the Probation Office in accordance with 18 U.S.C. § 3583(d); 18 U.S.C. § 3563(e); the H.O.P.E. Court will continue this practice. See United States v. Hammonds, 370 F.3d 1032, 1038 n.5 (10th Cir. 2004); United States v. Lewis, 424 F.3d 239, 244 (2d Cir. 2005).

By consenting to participate in the program, the participants also agree to accept imposition of a curfew, community service, home or community confinement and imprisonment of up to seven days. The Order of Incarceration is attached as **EXHIBIT D**. Participants retain the right to refuse the sanction. The decision to refuse to accept a sanction will form the basis for termination from the H.O.P.E. Court, and conduct not sanctioned through the H.O.P.E. Court may form the basis for a revocation petition filed by Probation with the sentencing judge or for criminal prosecution. In that event, the judge, AFPD, and AUSA who participated as part of the H.O.P.E. Court that made the decision to terminate will not participate in the subsequent revocation or prosecution.

Conduct that is the subject of a sanction imposed by the H.O.P.E. Court and accepted by the participant may not be the subject of any revocation proceeding or criminal prosecution.

If a participant engages in conduct that the H.O.P.E. Court deems to be grounds for termination from the program, the termination is not to be considered as a sanction imposed by the H.O.P.E. Court and accepted by the participant. Accordingly, the conduct that resulted in the decision to terminate may be the subject of a revocation proceeding or criminal prosecution.

g. Control Group and Program Evaluation

The H.O.P.E. Court should review the program annually for effectiveness.

In addition, the Probation Office will attempt to work with a trained researcher and statistician at an outside university to identify additional similarly-situated supervisees to serve as a control group. Using that control group and other generally-accepted means, the outside researcher will evaluate the program. The control group and the participants will be tracked for at least a three-year period. To the extent possible, the supervising probation officer and the control group supervisees will not know that they are members of the control group.

Exhibit A

H.O.P.E. COURT
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PARTICIPATION CONTRACT⁴

IN THE MATTER OF:

NAME: _____

CASE NO.: _____

I understand that, if I complete fifty-two weeks of satisfactory performance in the H.O.P.E. Court Program, the district judge who imposed my sentence will reduce my total term of supervision by one year, provided that if less than one year of supervised release is remaining when I successfully complete the program, my sentence will be reduced only by the amount of time remaining.

I consent to a United States Magistrate Judge serving as the H.O.P.E. Court Judge.

I voluntarily agree to enter the H.O.P.E. Court Program and to accept the following rules and requirements of the Program:

1. I will not use or possess alcohol or illegal drugs.
2. I will appear in court as required by the H.O.P.E. Court Program, as required by the Probation Officer or as ordered by the Judge. I understand that failure to appear can lead to a warrant for my arrest.
3. I will be honest and truthful and complete in all of my communications with the H.O.P.E. Court team.
4. I will cooperate in the development of my treatment plan, attend all counseling sessions, follow the treatment plan, attend all treatment sessions and follow all rules and regulations of the treatment providers.
5. I will obey all laws, federal, state and local; I understand that if I engage in any criminal act, I may be prosecuted and may be immediately terminated from the H.O.P.E. Court Program.

⁴ This document is a draft participation agreement subject to modification by individual District Judges at their discretion.

6. I will submit urine samples for testing upon request by the H.O.P.E. Court Judge, Probation Officer, or treatment providers. I understand that a missed or refused test will be considered a positive test.
7. I understand that if I am not enrolled in treatment or school/college full-time, I will be required to seek and maintain employment and/or participate in job or vocational training.
8. If enrolled in school/college, I will attend all my classes each day.
9. If employed, I will provide verification of employment to the Judge or the Probation Officer.
10. I understand that if I fail to follow the terms of this contract and/or any court orders, the Judge may impose sanctions upon me which may include but are not limited to:
 - a. Denial of one week or two weeks of credit towards successful completion of the H.O.P.E. Court program for the period during which the infraction occurs
 - b. Community service work
 - c. Additional treatment sessions
 - d. Additional support group meetings
 - e. Additional drug testing and court sessions
 - f. Curfew or other restrictions
 - g. Home confinement and location monitoring
 - h. Residential placement
 - i. Incarceration limited to three days per violation and ten days total over the course of my participation in the H.O.P.E. Court program. Incarceration that is not overnight shall count as a half day; overnight incarceration shall count as one full day.
11. I hereby waive the requirement of the filing of a motion or other pleading and the holding of a hearing prior to the Court imposing sanctions upon me. I agree to follow the sanctions imposed upon me.
12. I agree to allow my case, including my confidential health information to be discussed among the H.O.P.E. Court Program team members and others involved with my participation, for the purpose of monitoring my progress with the Program conditions. I agree to waive the confidentiality described in 42 C.F.R. § 2.32 to authorize the H.O.P.E. Court Program team members and service providers to provide and exchange information with other team members for the purposes of the Program.
13. I agree to waive the confidentiality, as described in 42 C.F.R. § 2.32, of court proceedings to permit other H.O.P.E. Court participants, visitors, and their families to be present.

14. I understand that if I am terminated, or if I decide to terminate myself, from the H.O.P.E. Court Program, I will return to traditional supervision in accordance with the terms of my sentence and that I will lose any progress made towards a potential modification of my sentence. I further understand that I may be subject to revocation proceedings and criminal prosecution for any conduct not sanctioned through the H.O.P.E. Court, which preceded the termination. I understand that, following termination, I may be sentenced on the pending charges and/or violations against me in accordance with applicable law.
15. If I successfully complete the H.O.P.E. Court Program and my sentence is reduced by the elimination of one year of supervised release, I understand that I may still have additional time to spend on traditional supervision. If so, I acknowledge that I will be required to continue to comply with any and all conditions of supervision and that, if I violate the terms of supervision, I will be subject to revocation.
16. I understand that an Assistant Federal Public Defender (AFPD) will participate in the H.O.P.E. Court but that he or she does not have and will not form an attorney-client relationship with me and that any statement I make to the AFPD is not protected by the attorney-client privilege but may be communicated to other H.O.P.E. Court Program team members.
17. I acknowledge that a CJA panel attorney has been appointed to advise me regarding my decision to enter the H.O.P.E. Court Program and that I will have the ongoing right to have confidential attorney-client communications with him/her regarding the H.O.P.E. Court Program.
18. My participation in the H.O.P.E. Court Program does not take away my right to decline to make a statement. If I wish to exercise my right to decline to speak, I understand that I have the right to confidential legal advice from the CJA panel attorney appointed to represent me.
19. I understand that my statements made in open court in H.O.P.E. Court sessions and information disclosed by me regarding treatment to any team member while I am a participant in the H.O.P.E. Court Program will not be used against me in a separate revocation proceeding or criminal prosecution (though the statements may be grounds for sanctions by the H.O.P.E. Court). However, the Probation Office or any law enforcement authority may conduct an independent investigation based on my statements, and evidence developed as a result of that investigation may be used in any separate proceeding, including a separate federal revocation proceeding or criminal prosecution. Information relating to crimes committed on the premises of the program, crimes against program personnel, the abuse or neglect of a child, or a crime involving a substantial risk of death or serious bodily harm is never protected.
20. Conduct that leads to the imposition of a sanction imposed by the H.O.P.E. Court and accepted by me may not be the subject of any revocation hearing or criminal prosecution. I understand that if I engage in conduct that the H.O.P.E. Court deems

to be grounds for termination from the program, the termination is not to be considered as a sanction imposed by the H.O.P.E. Court and accepted by me. Accordingly, I understand that the conduct that resulted in the decision to terminate me from the program may be the subject of a revocation proceeding or criminal prosecution.

- 21. I agree to allow the Probation Office to check on my criminal histories for up to ten years after I successfully complete or are terminated from the program to facilitate an evaluation of the program's effectiveness.
- 22. Prior to signing this contract, I had an opportunity to confer with counsel regarding my decision to participate. I fully understand the terms and conditions of this document. I freely and voluntarily agree to the terms and conditions herein.
- 23. Special conditions or agreements:

Participant's Signature

DATE: _____

Witness

DATE: _____

ENTER:

/s/ Patricia A. Sullivan

Patricia A. Sullivan

United States Magistrate Judge

DATE: _____

Exhibit B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND
PROGRESS REPORT

Participant: _____

Date: _____

Original Offense: _____ Docket#/District Judge: _____

Date of Conviction: _____ Date Supervision Terminates: _____

Date Commenced H.O.P.E.: _____ Highest Education Level: _____

RPI Score: _____ PCRA Risk Level: _____ Risk Factors/Thinking Styles: _____

Current Treatment Provider: _____

Last Appearance

Date of Last Appearance: _____ Sanctions Ordered at Last Appearance? Yes No

Were the Sanctions Completed? Yes No Prior Program Violations? Yes No

Last Completed Phase: _____ Week: _____

Comments:

Attendance at Treatment

No Misses Excused Absences Unexcused Absences

Is a report from the provider attached: Yes No

Comments:

Drug Testing

No Positives Positives disclosed before test Non-Disclosed Positives Other

Comments:

Compliance With Other Conditions of Supervision:

Making Strides

Does Participant have stable housing? Yes No Where: _____

Is Participant working? Yes No Where: _____

Is Participant looking for work or in school? Yes No N/A

Court-ordered Financial Obligation: _____

Is Participant making payments? Yes No _____

Is Participant making good overall choices? Yes No

Comments:

Completing Phase: _____ Week: _____

Sanction:

Exhibit C

UNITED STATES PROBATION DEPARTMENT
DISTRICT OF RHODE ISLAND
HELPING OFFENDERS PREPARE FOR re-ENTRY (H.O.P.E.) PHASE SYSTEM

Prior to beginning H.O.P.E., every participant who is referred needs to be screened to determine H.O.P.E. eligibility. This will ensure that the perspective participant is sufficiently stable to engage in re-entry services prior to beginning H.O.P.E. An offender who is actively using illicit substances, refusing to participate in treatment/testing and regularly testing positive, would likely need a greater level of intervention/support to develop stability before entering into the program -- such as inpatient treatment. The H.O.P.E. Core team members should consider the following factors before enrollment of a participant in H.O.P.E.:

Pre-Enrollment stabilization period: (Prior to beginning H.O.P.E.)

- Assessment by USPO, including a home/RRC visit to ensure sufficient stability;
- Completion of a substance abuse evaluation;
- Be referred to treatment services as deemed necessary/Court-ordered;
- Submit to random ua's, enrollment in color-code as deemed necessary;
- Complete H.O.P.E. intake application and interview;
- Observe H.O.P.E. courtroom sessions;
- Sign participant agreement;
- Begin the program.

It was decided that the H.O.P.E. program should be able to be completed in a period of twelve (12) months over four (4) phases, each phase consisting of 3 months. (Completion times may vary depending on participant's individual progress, as the H.O.P.E. Court team may deny one week or two weeks of credit towards successful completion of the program when an infraction occurs). It is agreed that the assignments and expectations of each phase should be concrete, clear and applicable to all participants. Each phase should have a specified purpose with distinct, achievable goals that are consistent with the stages of re-entry. The participant will be challenged to accept responsibility for the impact of their behavior on others, and will be provided access to the tools necessary to facilitate and maintain a sober, crime-free lifestyle. Throughout participation in H.O.P.E., the participant will work toward the development of a community-based sober support network. Finally, the participant will prepare a comprehensive relapse prevention/safety plan prior to successful completion from H.O.P.E.

Participants may be moved back a phase only if they procure certification of the prior phase through fraud or other undue means.

If the H.O.P.E. Court team determines that a participant's actions will absolutely preclude the participant from successfully completing the phase until the conduct is rectified (for example, in Phase Four, if the participant tests positive because three months of sobriety are required for successful completion), the participant will be required to attend H.O.P.E. Court sessions but may not be allowed to actively participate in the sessions until the H.O.P.E. Court team determines otherwise.

It is recognized that different levels of treatment will be needed for each participant, and therefore, each phase does not identify a specific level of treatment. Rather, it is suggested that there be a requirement noted in each phase that the participant participate in treatment as directed.

Phases suggested are:

- Phase One: Post-release/Initial Reentry Phase;
- Phase Two: Stabilization;
- Phase Three: Understanding and Taking Responsibility; and
- Phase Four: Successful Completion/Maintenance.

PHASE ONE: POST-RELEASE/INITIAL REENTRY PHASE

Goal:

Participant realizes stable residence, employment, and community/family ties and works toward establishing these supports while continuing to be law-abiding and in compliance with conditions of supervision. Participant will abstain from drug and alcohol use, engage in treatment and stabilize in the appropriate level of treatment services. During this phase, the participant will work toward identifying barriers to success and begin eliminating those barriers.

Expectations:

- Participate in substance abuse treatment as deemed necessary and attend all sessions;
- Complete a mental health screening, if deemed necessary, and participate in all mental health treatment as deemed necessary;
- Follow prescribed treatment plan which may include community support groups, and submit verification;
- Begin a life skills, employment or education program as directed;
- Complete application for entitlement benefits (HealthsourceRI, etc.) if eligible;
- Identify community supports with assistance of USPO;
- Comply with all supervision conditions;
- Complete one written assignment.

Meetings/testing:

- 2 meetings with Probation/Court per week, broken down as follows;
 - Monday and Thursday reporting schedule;
 - Monday meeting with PO, UA obtained;
 - Thursday H.O.P.E. Court appearance (bi-weekly), UA optional; Probation Office day-reporting (bi-weekly);
- As noted above, 2 UAs per week, or as deemed necessary.

Written/Oral Assignment:

How has my criminal activity affected my life and what goals do I have for participation in the H.O.P.E. program?

PHASE TWO: STABILIZATION

Goal:

Participant demonstrates a commitment to living a substance free, law-abiding lifestyle through program compliance and continued commitment to goals. Begin to identify and understand adverse consequences of drug/alcohol use as well as cognitive distortions. Become involved in a life skills, educational or employment program, or secure a job. Commence MRT program and coordinate it with substance abuse treatment as appropriate.

Expectations:

- Participate in substance abuse treatment as deemed necessary and attend all sessions;
- Follow prescribed treatment plan which may include community support groups, and submit verification;
- Continue to participate in a life skills, employment or education program as directed;
- Comply with all supervision conditions;
- Commence MRT program;
- Complete one written assignment.

Meetings/testing:

- 1 meeting per week with Probation/Court which may include field visits;
- H.O.P.E. Court appearance (bi-weekly);
- Weekly reporting schedule;
 - Every other week meeting with PO, UA obtained;
 - Every other Thursday H.O.P.E. Court appearance, UA option;
 - Weekly MRT attendance;
 - Office/field contact, UA option.
- 1 UA per week, or as deemed necessary.

Written/Oral Assignment:

What tools and skills have I developed to maintain my sobriety/crime-free lifestyle and how do I plan to use those tools to strengthen my recovery during supervision and beyond?

PHASE THREE: UNDERSTANDING AND TAKING RESPONSIBILITY

Goal:

Develop a pro-social support network to rely upon in making life decisions and dealing with life stress. Complete life skills, employment or educational program. Secure employment. Complete MRT program and address life issues such as family/children, finances, welfare, education, etc.

Expectations:

- Participate in substance abuse treatment as deemed necessary and attend all sessions;
- Follow prescribed treatment plan which may include community support groups, and submit verification;
- Complete a life skills, employment or education program;
- Maintain sobriety;
- Comply with all supervision conditions;
- Complete MRT program;
- Complete one written assignment.

Meetings/testing:

- Weekly meeting with Probation if unemployed, otherwise as needed;
- H.O.P.E. Court appearances (biweekly);
- Enrollment in Color Code Program – reduced testing.

Written/Oral Assignment:

In collaboration with treatment providers and pro-social support system, complete a writing assignment addressing the following topic:

How has my drug use/criminal lifestyle affected the significant others in my life or the community?

PHASE FOUR: SUCCESSFUL COMPLETION/MAINTENANCE

Goal:

Develop a comprehensive relapse prevention/safety plan and identify long-term recovery needs. Take action.

Expectations:

- Participate in substance abuse treatment as deemed necessary and attend all sessions;
- Follow prescribed treatment plan which may include community support groups, and submit verification;
- Maintain employment/3 months of productive activity;
- Maintain 90 days sobriety;
- Comply with all supervision conditions;
- Complete an approved, written relapse prevention/safety plan;
- Complete a H.O.P.E. exit interview.

Meetings/testing:

- Meetings with Probation as deemed necessary;
- H.O.P.E. Court appearances (monthly);
- Enrollment in Color Code Program – reduced testing.

Written Assignment:

In collaboration with your support network, complete an Action Plan, to be reviewed by the H.O.P.E. Core Team, which outlines future goals and plans to maintain a responsible, sober, law-abiding lifestyle.

Action Plan

Noncompliant acts resulting in no time credit towards successful completion of phase (including but not limited to):

- Unexcused absences from H.O.P.E. Court sessions;
- Unexcused absences from PO/office meetings or any scheduled treatment session;
- Positive alcohol/drug screens;
- Missed alcohol/drug screens;
- Attempt or submission of adulterated urinalysis;
- Refusal to submit urinalysis/stalls;
- Refusal or failure to comply with referral for increased/intensified treatment;
- Failure to maintain employment, (participant responsibility);
- Failure to participate in life skills, employment or education program as directed;
- Disruptive or disrespectful behavior;
- Failure to comply with self-help group attendance;
- Failure to complete written assignments;
- Failure to complete a sanction;
- New arrest;
- Failure to comply with court-ordered financial obligations if deemed able;
- Other violation of supervision condition or Court order.

Sanctions (including but not limited to):

- Increased reporting;
- Writing assignments;
- Judicial reprimand;
- Increased H.O.P.E. Court attendance;
- Increase frequency of meetings with Probation;
- Increased frequency of UA collection;
- Use of alternative drug testing procedure;
- Curfew;
- Electronic monitoring;

- CCC placement;
- Incarceration of varying length (No more than 3 days per violation).

Rewards:

- Judicial praise;
- Phase successful completion certificates presented upon completion and Successful Completion certificate upon program completion;
- Reduction of reporting requirements;
- Reduction of drug testing;
- Other rewards to be determined by the Court;
- One (1) year supervision reduction.

Exhibit D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA :
 :
 v. : Cr. No.
 :
 :

SANCTION ORDER IMPOSING INCARCERATION

The above-named Participant in the H.O.P.E. Court Program is hereby ORDERED to surrender to the custody of the United States Marshals Service immediately on _____ and to remain in jail in the custody of the Marshals until:

/___/ He/she is brought back to the H.O.P.E. Court, Two Exchange Terrace, Providence RI, to appear before the undersigned in Courtroom B on _____ at _____ AM/PM when he/she will be released;

/___/ He/she is brought back to the Probation Office, Two Exchange Terrace, Providence RI, on _____ at _____ AM/PM when he/she will be released; or.

/___/ He/she is released from _____ on _____ at _____ AM/PM.

This imprisonment is a sanction imposed under the rules governing the H.O.P.E. Court Program.

So ordered.

ENTER:

/s/ _____

United States Magistrate Judge

DATE: