

Intensive Reentry Program
Western District of Michigan
Approved by the Court
March 2005

Purpose and Program Description

The purpose of an intensive reentry program is to decrease the incidence of crime and drug use for offenders in the highest risk categories by adopting procedures found effective in drug court models. The ultimate goal for the program is safer communities.

The Western District of Michigan is large geographically. District court judges are housed in Grand Rapids, Lansing, and Kalamazoo. Due to the random assignment of criminal cases, any one judge may be assigned a criminal defendant that resides anywhere in the district. For purposes of the program, local social service providers and employers will be asked to participate. To encourage the necessary type of participation and collaboration, the program will need to be confined to a certain geography in close proximity to a willing district judge. There also should be a local halfway house that can be used for sanctions. The identified population for which the program experiment may be conducted is in Benton Harbor with Judge Enslin. The program would require that when the sentencing judge is different than the one identified for the reentry program, that the sentencing judge allow an administrative transfer of jurisdiction to Judge Enslin.

The risk level presented by each offender is calculated through the Risk Prediction Index, developed by the Federal Judicial Center. The index is a prediction instrument used to estimate the likelihood of recidivism. Testing has shown it to be a good predictor of risk. Elements of the index include number of prior arrests, use of weapon, employment, drug or alcohol use, and education. Each case is assigned a risk level with zero (0) being the lowest risk and nine (9) the highest.

Between October 1, 2001, and September 30, 2003, the following numbers of offenders were released to the Benton Harbor area with the corresponding risk (RPI) levels and corresponding revocation rates as of January 2005.

<u>RPI Levels</u> 0 - 1 -2		<u>RPI Levels</u> 3 - 4 - 5		<u>RPI Levels</u> 6 - 7 - 8 - 9	
<u>Released</u>	<u>Revoked</u>	<u>Released</u>	<u>Revoked</u>	<u>Released</u>	<u>Revoked</u>
1	0 (0%)	7	1 (14%)	9	4 (44%)

Of the five that were revoked, one was revoked in a 6-month period following release, two were revoked between 6 and 12 months following release. The remaining two were revoked between 12 and 24 months following release.

The Benton Harbor caseload for this period was significantly weighted with high risk levels.

<u>RPI Level</u> 0 - 1 -2	<u>RPI Level</u> 3 - 4 - 5	<u>RPI Level</u> 6 - 7 - 8 - 9
7 %	41%	43%

Using the above distribution of cases by RPI level, the number of releasees expected in Benton Harbor between October 2005 and September 2007 are estimated below.

RPI Level 0 - 1 - 2	RPI Level 3 - 4 - 5	RPI Level 6 - 7 - 8 - 9
0	3	5

The current Benton Harbor caseload consists of the following number of cases per the RPI category.

RPI Level 0 - 1 - 2	RPI Level 3 - 4 - 5	RPI Level 6 - 7 - 8 - 9
2	8	5

Targeting the high risk category (6-9), the use of individuals currently on supervision to begin the program will ensure a peer group of five at the outset of the initiative. The program may grow to ten or more offenders.

This is a reasonable number for an intensive reentry program and will allow one officer to be involved with the entire caseload, thereby assuring some consistency in program implementation. It is also sufficient to observe the efficacy of the program.

Comparison Groups and Evaluation

The Allen County, Indiana, State Reentry Court was a voluntary program as it offered the possibility of earning time off the incarceration sentence. A federal court program could not offer such an incentive without involvement from the Bureau of Prisons, but the federal court program could offer the prospect of early termination from supervision. Such a program for federal offenders may not attract many volunteers if participation is not mandatory. In fact, those individuals that need the program the most may be the most reluctant to *volunteer*. For purposes of the program, I recommend that all offenders that have been released to and will be releasing to Benton Harbor with an RPI score of 6 to 9 be mandatorily enrolled in the reentry program. In addition, the team may decide to enroll offenders with lower RPIs based on characteristics of a particular case.

The prospect of early termination can still be an offered incentive. Should the program be completed successfully, a two-year release date can be promised to releasees at the onset. Comparison groups for evaluation can be those released to other parts of the district without reentry program involvement or those released prior to the initiation of reentry program. Revocation rates can be compared among the participating and non-participating groups. Other comparisons that can assist with program evaluation include incidents of positive drug tests and technical violations. By keeping the program test population small, data collection from files for evaluation becomes more feasible.

	<u>Experimental Group</u>	<u>Comparison Group</u>	<u>Comparison Group</u>
	Intensive Reentry Program	Non Reentry Program releasees	Previous releases in selected geography prior to reentry program
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	All other cases released from prison to supervision in W/MI between 10/1/05 and 9/31/07 with a RPI of 6 to 9	Individuals released from prison to supervision in selected geographic area 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	Termination of supervision at 24 months for successful completion of reentry program	Possible early termination recommended at discretion of officer and court	Possible early termination recommended at discretion of officer and court
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 weekly prior to release, extending to approximately monthly for the duration of the program	Oversight provided by sentencing judge when noncompliance occurs	Oversight provided by sentencing judge when noncompliance occurs

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	Intensive Reentry Program	Non Reentry Program releasees	Previous releases in selected geography prior to reentry program
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
Sanctions for Violations	<p>Verbal warning by judge, with assignment of tasks presented at reentry court hearings</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>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</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</p>

	<u>Experimental Group</u>	<u>Comparison Group</u>	<u>Comparison Group</u>
	Intensive Reentry Program	Non Reentry Program releasees	Previous releasees in selected geography prior to reentry program
Supervision Upon completion	<p>After completion of program and before the 24-month mark, supervision completed by the officer, according to Monograph 109</p> <p>At 24-month mark, early termination request will be provided if successful completion of reentry program and adherence to all other conditions of release. This excludes sex offenders, for whom no early termination may be requested</p>	N/A	N/A

Key Components of a Reentry Court

1. Commitment by judicial officer, probation officer, treatment provider, government counsel, and federal public defender (reentry team) to appear for reentry court hearings and support the mission of the reentry court while fulfilling their assigned duties.
2. Prompt handling of violation conduct with predetermined sanctions for violations unless unusual circumstances exist.
3. Commitment by reentry team to collaborate with each other regarding reentry plans for offenders to achieve success.

Intake

All participants will be oriented to the program by the Court and probation officer. The assigned officer will be involved in the prerelease planning of offenders up to 120 days prior to the projected release date. As such, the officer may become aware of particular case facts that would obviate a need for additional special conditions to aid successful reentry. The first reentry program court hearing will occur approximately 30 days prior to release at which time the Court will review the

release plan with the reentry team. The participant will return every one to four weeks to review progress. A weekly or biweekly court date, perhaps in the early evening to avoid conflict with employment, will be set aside of reentry hearings. If possible, a court location in Berrien County would be advantageous to participation by employers and community service providers.

Compliance Review

Noncompliance hearings will be handled at the reentry court hearing following the noncompliance, unless a warrant was issued in the interim, in which case, the offender will be seen promptly by the reentry judge or magistrate judge for setting of bond or detention. The case will be set for hearing at the next reentry court date if feasible. A key component of the program is the aspect that participants will expect certain sanctions for noncompliant conduct. To a large extent, the sanctions are predetermined unless the Court finds an unusual factor exists that should result in a different response.

The following chart will be used to orient participants and guide the Court in imposing sanctions. The chart includes a non exhaustive list of noncompliance actions and menus of responses that could occur as a result of the first, second, and third offenses. At least one of the actions will be chosen for each instance of noncompliance. The program seeks to deal with technical violations without revocation through sanctions and support. New law violations, unless petty, would result in revocation.

Non-Compliance	First Offense	Second Offense	Third Offense
Failure to Appear for Court or with Probation Officer as Directed by the Probation Officer	Warrant issued Weekend served at halfway house, no movement	Warrant issued 30 days halfway house Reevaluation of treatment plan	Warrant issued Revocation followed by re-release
Failure to Appear for Assessment or Orientation	18 hours community service work per week until employed	Halfway house placement until employed for two consecutive weeks	
Failure to Appear for Treatment, Class or Support Group Meetings (unexcused)	Reevaluate treatment plan Double hours of community service	Halfway house placement until community service hours are completed	
Failure to Job Search	Verbal warning from Court, 18 hours community service work	Halfway house placement until a certain level of fine and restitution payment is achieved	
Positive Drug Test or Diluted Sample, Excessive Use of Alcohol or Use of Alcohol When Prohibited, Tampering with Sample, Failure to Provide Alcohol or Drug Test Sample	36 hours community service work 48 hours community service work		
Failure to Complete Disciplinary Community Service Work			
Willful Failure to Pay Criminal Monetary Penalties			
Unauthorized Travel			
Changing Residence Without Permission			

Any subsequent violation of halfway house rules would normally lead to a revocation, followed by re-release. New criminal conduct, unless petty in nature, would typically result in the issuance of a warrant and revocation. No supervision would follow if the defendant is convicted of new offenses that will include a community supervision component of at least two years.

In all other instances, re-release back to the program is necessary to monitor behavior of the most noncompliant of our population until resources (time) are exhausted.

The probation officer will facilitate the sanctions ordered by the Court in prompt fashion. Special arrangements will be made with the Bureau of Prisons (BOP) to facilitate immediate placement into the halfway house. The provider/monitor of halfway house services or a community-based service program will become a member of the reentry team whenever that sanction is in effect.

Noncompliance of any type will be verbally reported by the probation officer at the reentry hearing, except in the case where warrant or revocation is utilized or anticipated. In those cases, the officer will file a Petition, Probation Form 12C, with the Court. No dispositional reports are prepared for these hearings; however, the officer will prepare worksheets regarding sentencing options under the statute and U.S.S.G. policy statements. Of particular concern in dealing with participants of this program is the tallying and acknowledgment of time a participant may spend in official detention that is not credited toward any sentence. In some cases, if a warrant is issued for failure to appear in court and the participant spends two days in jail pending a hearing with the end result of his/her supervision not being revoked but instead modified to include halfway house placement, there will be two days credited by the BOP to any prison sentence he/she may subsequently receive on supervision. Therefore, great care must be taken by the officer to track the number of days of detention not credited toward a sentence. The officer will then make that information available to the Court and reentry team at the revocation hearing.

Implementation Issues

1. Selection of reentry team participants.
2. Development of process and procedure for program, including arrangements made with BOP for immediate halfway house placement.
3. Orientation of reentry team.
4. Development of community service work site, employment referrals, etc.
5. Assure adequate resources (staffing and treatment contracts).
6. Exploration of possible court hearings in Berrien County.

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