

Attachment B
Protocols
PROTOCOLS GOVERNING THE OPERATION OF RENEW-CAMDEN

INTRODUCTION

This document contains the protocols that govern the operation of ReNew-Camden, the federal reentry court in the District of New Jersey – Camden Vicinage. These protocols have been identified by the ReNew-Camden Team, which includes the United States District Court, U.S. Probation (“Probation”), the Federal Public Defenders (“Federal Defenders”) and the United States Attorney’s Office (“USAO”) for the District of New Jersey, as the best practices for ReNew-Camden. They may only be changed upon the consensus of all ReNew-Camden Team Members.

PROTOCOLS

Incentives

The ReNew-Camden Team employs incentives to encourage positive behavioral change in participants. Incentives reward compliant behavior, honesty, progress in a participant’s reentry plan, successes in recovery, positively assisting fellow participants and development of risk-management skills.

Types of incentives include, but are not limited to:

- a. Verbal recognition of improvement or success by the Judge;
- b. Restoring lost credit toward completion;
- c. Additional credit toward completion;
- d. Permission to leave court early;
- e. Gift certificates;
- f. Refreshments & snacks;

- g. Certificates of advancement/ achievement;
- h. Providing extra services;
- i. Graduation from the ReNew-Camden Program; and
- j. Other appropriate rewards determined by the probation officer or the Court on a case-by-case basis.

ReNew-Camden will apply rewards as predictably and consistently as possible.

Probation will make a non-binding recommendation to the U.S. District Court Judge with jurisdiction over a participant's supervised release that a participant who successfully completes the program receives a one-year reduction in his/her term of supervision at the time of graduation from ReNew-Camden. This one-year reduction is vested at the time the participant graduates from the program. Understanding that most participants may have well over one year left on their supervision, those participants must still adequately comply with all previously imposed terms of supervision.

A participant's eligibility to receive a one-year reduction in supervision will not preclude additional considerations for reduction in the supervision based on the factors set forth in 18 U.S.C. § 3564(c) and 18 U.S.C. § 3583(e)(1).

ReNew-Camden will conduct a graduation ceremony to mark participants' completion of the program. In addition to participants, family members, sponsors, and friends are invited to attend the graduation. The Court will present graduating participants with a Certificate of Completion, and other articles of recognition as determined by the ReNew-Camden Team.

Sanctions

Noncompliant behavior by the participant will result in sanctions. Factors that will influence the type of sanction imposed include the seriousness of the violation, the number of violations, and the amount of time the participant has remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether the participant voluntarily discloses

the violation. Dishonesty on the part of the participant will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below – including termination from the program – is available. As a general rule, when there are repeat violations, more serious sanctions will be applied incrementally. Sanctions may include, but are not limited to:

- a. Judicial reprimand;
- b. Loss of credit toward a participant's completion of the program;
- c. Writing assignment, sometimes with presentation for all participants;
- d. An increase in reporting requirements and/or an increase in the frequency of urine testing;
- e. A curfew or geographic and associational restrictions, including limiting the places that a participant may go or persons with whom her/she may associate;
- f. Community service;
- g. Observing a day in Court;
- h. Home confinement with electronic monitoring;
- i. Placement in a halfway house;
- j. Imprisonment for up to seven days;
- k. Termination of participation in the program; and
- l. Other appropriate sanctions determined on a case-by-case basis.

These sanctions are designed to take a creative approach to altering behavior, while cutting the costs associated with first resorting to a traditional “days in jail” sanction. ReNew-Camden will apply these sanctions in as predictable and consistent a manner as possible. The sanctions must be completed by the next court appearance unless the Court allows more time.

Authority of ReNew-Camden Team Members Regarding New Violations of Criminal Law

Neither the terms of this Protocol nor the USAO's participation in ReNew-Camden shall restrict the discretion of the USAO concerning charging decisions, case strategy or sentencing recommendations on new violations of criminal law

committed by ReNew-Camden participants. Further, nothing in this document shall restrict the authority of either Probation or the USAO to file a petition asserting that a ReNew-Camden participant has violated a condition of his/her supervised release, without having previously brought the violation to the attention of the participant during ReNew-Camden. How ReNew-Camden will address violations of supervised release is further detailed below.

The Federal Defenders representatives in ReNew-Camden will not serve as counsel to individual program participants. Participants will be advised prior to entering the program that they have no attorney-client relationship with the Federal Defenders representatives arising out of their participation in the program. If the need arises, upon request by a participant, the USAO or the Federal Defenders, the Court can appoint separate counsel to participants.

Criminal Conduct

In all cases involving new criminal conduct allegedly committed by a ReNew-Camden participant, Probation shall notify the District Court Judge who has jurisdiction over a participant's supervised release. Unless a participant is detained for the underlying criminal conduct or supervised release is revoked by the District Court Judge who imposed the federal sentence, the participant shall continue to attend ReNew-Camden's bi-weekly sessions, unless otherwise ordered by the District Court Judge or the ReNew-Camden's Court.

The following applies to conduct constituting a Grade A or Grade B violation, as defined in § 7B1.1 of the Sentencing Guidelines, i.e., conduct punishable by more than one year in prison:

- i) The sanction for any such criminal conduct will be determined by the District Court Judge who has jurisdiction over a participant's supervised release, and not by the ReNew-Camden Court. However, ReNew-Camden Court retains discretion to impose sanctions for other conduct violating the program's rules that arises during the participant's involvement in ReNew-Camden.

- ii) A participant shall receive no weekly credit toward completion of ReNew-Camden's one-year term pending resolution of the underlying criminal charges and revocation petition. If the participant continues to attend the bi-weekly sessions and maintains satisfactory progress in re-entry during the pendency of the underlying criminal charges and any appeal *de novo*, the participant will have credit restored if the District Court Judge, Probation or the Court of Appeals determines no criminal conduct occurred.

The following applies to conduct constituting a Grade C violation, as defined in § 7B1.1 of the Sentencing Guidelines, i.e., conduct punishable by one year or less in prison:

- i) If the participant accepts responsibility for the underlying criminal conduct and admits the conduct, ReNew-Camden's Judge or Judges will impose an appropriate sanction. No further punishment will be imposed for the conduct, and Probation will not recommend revocation to the District Court Judge who has jurisdiction over a participant's supervised release. During the term of any sanction, the participant shall earn no weekly credit toward completion of ReNew-Camden's one year term; or
- ii) If the participant contests the underlying criminal conduct, the participant shall receive no weekly credit toward completion of ReNew-Camden's one-year term during the pendency of the criminal charges and any appeal. If the participant continues to attend the bi-weekly sessions and maintains satisfactory progress in re-entry during the pendency of the underlying criminal charges and any appeal, the participant will have credit restored if the District Court Judge, Probation or the Court of Appeals determines no criminal conduct occurred. Otherwise, any restoration of credit is left to the discretion of ReNew-Camden's Judge or Judges.

A participant's failure to comply with the standard conditions of supervised release that require candor to Probation and timely reporting of law enforcement

contact shall constitute grounds for imposition of a separate and additional sanction by ReNew-Camden's Judge or Judges.

Termination Procedures

A participant may be terminated as successful (at graduation) or unsuccessful.

Successful Termination (Graduation): Participants who complete ReNew-Camden will be given a Certificate of Completion, which will close the ReNew-Camden section of his or her supervision file at Probation. The participant will then transfer to traditional supervision and to the supervision of a non-ReNew-Camden Probation Officer for the remainder of the term of his/her supervised release.

Unsuccessful Termination: Every effort should be made to continue to work with ReNew-Camden participants. All parties realize, however, that there will be some circumstances in which it is appropriate to terminate as unsuccessful a participant from ReNew-Camden. Unsuccessful termination may be of two types:

- i) Termination With Return to Regular Supervision – A participant may decide, after discussion with the court to leave the program. This type of termination from ReNew-Camden occurs through a transfer to traditional supervision without a violation charge or a hearing.
- ii) Termination With a Formal Violation Charge – Termination may result from serious or chronic misconduct by the participant. The ReNew-Camden Judge or Judges will make the ultimate decision that a participant must be terminated from ReNew-Camden. Under these circumstances, the participant will terminate from ReNew-Camden, return to traditional supervision, and may appear before a District Court Judge for a hearing on the misconduct. Such circumstances may include, but are not limited to:
 1. New violations, as ultimately determined by the ReNew-Camden Judge or Judges;

2. Repeated drug use;
3. A chronic pattern of refusal to cooperate with the supervising Probation Officer;
4. A chronic pattern of refusal to cooperate with a service provider; and
5. Repeated refusal to cooperate with ReNew-Camden's sanctions or participate in a meaningful manner.

As set forth in this section, upon termination from ReNew-Camden, Probation may file a formal violation charge. It will be the policy of Probation not to allege as a formal violation conduct (1) that occurred during participation ReNew-Camden and (2) which was previously addressed and resolved through the ReNew-Camden program. Termination from ReNew-Camden after *new* violations have been alleged does not mean those violations have been "previously addressed," and thus formal violations may proceed as alleged. The District Court Judge presiding over the violation hearing for a terminated participant will be advised of all conduct that has occurred during the period of supervision, including successes, failures, and sanctions during the participant's involvement in ReNew-Camden.