

FACTS# _____

**DISTRICT COURT OF THE VIRGIN ISLANDS
U.S. PROBATION/PRETRIAL SERVICES OFFICE
CONTRACT FOR PARTICIPATION IN REENTRY COURT**

Name:

Today's Date:

Offense of Conviction:

Date of Conviction:

Sentence/Special Conditions:

Sentence Expiration Date:

INTRODUCTION

You have been invited to participate in the Reentry Court Program of the District of the Virgin Islands. Participation is entirely voluntary, and there will be no negative consequence if you do not wish to participate. If you successfully complete the Reentry Court Program, your term of supervision will be shortened by one year.

THE REENTRY COURT PROGRAM BASICS

The Reentry Court Program will last *at least* one year. Participants in the Reentry Court Program will be under the supervision of a Reentry Court Probation Officer (PO), rather than a traditional probation officer. Participants agree to abstain from alcohol and drug use, to participate in a drug, alcohol, psychological, and/or psychiatric evaluation if recommended, and to engage in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the PO or treatment provider. In addition to the requirements of actively engaging in treatment, you will also be required to comply with the general conditions of supervision.

You will be assigned an attorney from the Federal Public Defender's Office (AFPD) who is assigned to the Reentry Court Program. In the Reentry Court Program, the Federal Public Defender's Office will be permitted to have access to the treatment provider and treatment records. An Assistant United States Attorney (AUSA) will also be assigned to the Program. Both the AFPD, and the AUSA will work with the PO in order to provide additional support and encouragement for your sobriety, and other supervision issues in an effort for you to succeed in the program.

LENGTH OF REENTRY COURT PROGRAM

The program will last *at least* one year. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions in the Program to complete their term of treatment and may still be rewarded with up to one-year reduction in supervision.

COURT APPEARANCES

At least once per month, at a time to be determined, you will be required to appear before the Reentry Court Judge to evaluate your progress. Each effort will be made to ensure the time of the appearance does not conflict with your employment or treatment programming. The PO, AFPD, and the AUSA will be present. Progress reports from your PO and your treatment provider will be provided to the Court and attorneys. These reports will describe both successes and problems you have experienced on supervision, either treatment related, or otherwise.

SUPERVISION VIOLATION & SANCTIONS

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled Reentry Court calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the parties.

If a monthly Progress Report contains an allegation of noncompliance, you may choose to agree that the allegation is true and waive the traditional projections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The Reentry Court Judge will decide whether a Reentry Court sanction is appropriate. As noted above, noncompliance can also be handled outside the presence of the Reentry Court Judge if all parties agree.

Noncompliant behavior by you, the Participant, will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the violation. Dishonesty on your part 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. Sanctions may include, but not limited to:

- Participant receives a judicial reprimand in open court;
- Participant is ordered to return to court and observe proceedings for a half or full day(referred to as “sit sanction “);
- Participant is ordered to provide an explanation for his/her noncompliant behavior, either in writing or some other means;
- Participant is ordered to participate in community service; Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring;
- Participant is terminated from the Program with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of the Program.

If you admit to the violation, you may be able to complete the sanction and remain in the program. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The PO's report at the next Reentry Court appearance will inform the Reentry Court Judge whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in added sanctions, or termination from the Program.

If you wish to contest the sanction allegation, you may do so. The only permissible contested sanction hearing in the Reentry Court, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, the AFPD will assist you in contesting the allegation. The Reentry Court Judge will ultimately decide whether the allegation is true. It is important to note the PO need not wait until your scheduled Reentry Court appearance to address problems in supervision. If you fail to abide by the directions of the PO, the PO will contact you to address the problem. Minor violations may be dealt with by either the PO, or by a team including the PO, AFPD and the AUSA. If you commit a major violation, a warrant will immediately be issued for your arrest.

TERMINATION FROM THE REENTRY COURT PROGRAM

You may be terminated from the program if you fail to participate in treatment and supervision-including repeated technical violations of general conditions of supervision, failure to make your Reentry Court appearances, or a new law violation. If you are terminated from the Reentry Court Program, you will return to regular supervision status, and may face a violation hearing.

If the Probation Office chooses to pursue a formal violation hearing, it will be the policy of the Probation/Pretrial Services Office not to allege as a formal violation conduct that occurred during the Reentry Court Program that was previously addressed. After the Participant is outside of the Reentry Court Program context, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during the Reentry Court Program.

You may also voluntarily discontinue the program and return to traditional supervision status. If the Program is discontinued voluntarily, you will not face an allegation of violation unless it is determined that serious violations of supervision have occurred.

A) GRADUATION & ONE YEAR REDUCTION IN SUPERVISION TERM

Upon successful completion of the Reentry Court Program, your total term of supervision will be reduced by one year. After completing the Reentry Court Program, most participants have an additional amount of time to spend on traditional supervision. If this is true for you, you will be required to continue to comply with any and all conditions of supervision. If you violate the terms of your supervision, you will be subject to revocation, but any term of supervision imposed following the term of incarceration will be reduced up to one year.

**B) GRADUATION AND DISMISSAL OF PENDING SUPERVISED
RELEASE/PROBATION VIOLATION HEARING/PETITION**

Upon successful completion of the Reentry Court Program, the supervised release/probation allegations against you will be formally dismissed and your total term of supervision will be reduced up to one year.

AGREEMENT

Participant:

I, _____, have read, or someone has read to me, this Agreement and I understand the basic workings of the Reentry Court Program. I voluntarily agree to participate in the Reentry Court Program. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

Signature

Date

Judge:

I, _____, the Reentry Court Judge in the District of the Virgin Islands Reentry Court Program accept the above named Participant into the Reentry Court Program.

Signature

Date

Representative of the Federal Public Defender

The Assistant Federal Public Defender represents the Participant in the District Court of the Virgin Islands Reentry Court Program accepts the above named Participant into the Reentry Court Program.

Signature

Date

Representative of the United States Attorney's Office

The Assistant United States Attorney representing the government in the District of the Virgin Islands Reentry Court Program accepts the above named Participant into the Reentry Court Program.

Signature

Date

Representative of the United States Probation Office

The Probation Officer assigned to the District Court of the Virgin Islands Reentry Court Program accepts the above named person into the Reentry Court Program.

Signature

Date