

Criminal Conduct Protocol

The following protocol was established on February 28, 2008 by the working group for the Re-Entry Program (Supervision to Aid Re-Entry or "STAR") to address the issue of criminal conduct by program participants.

1. In all cases involving criminal conduct, the Probation Office shall notify the District Court Judge who has jurisdiction to resolve the underlying issue. 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 the Re-Entry Program's bi-weekly sessions, unless otherwise ordered by the District Court Judge or the Re-Entry Program judge.

2. 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:

A. The sanction for any such criminal conduct will be determined by the District Court Judge, and not by the Re-Entry Program judge. However, the Re-Entry Program judge retains discretion to impose sanctions for other conduct that arises during the participant's involvement in the Re-Entry Program.

B. A participant shall receive no weekly credit toward completion of the Re-Entry Program'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, the participant will have credit restored if the District Court Judge or the Probation Office determines no criminal conduct occurred.

3. 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:

A. If the participant accepts responsibility for the underlying criminal conduct and admits the conduct, the Re-Entry Program judge will impose an appropriate sanction. No further punishment will be imposed for the conduct, and the Probation Office will not recommend revocation to the District Court Judge. During the term of any sanction, the participant shall earn no weekly credit toward completion of the Re-Entry Program's one-year term; or

B. If the participant contests the underlying criminal conduct, the participant shall receive no weekly credit toward completion of the Re-Entry Program's one-year term during the pendency of the criminal charges. 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, the participant will have credit restored if the District Court Judge or the

Probation Office determines no criminal conduct occurred. Otherwise, any restoration of credit is left to the discretion of the the Re-Entry Program judge.

4. A participant's failure to comply with the standard conditions of supervised release that require candor to the Probation Office and timely reporting of law enforcement contact shall constitute grounds for imposition of a separate and additional sanction by the Re-Entry Court judge.