

United States District Court for the District of New Hampshire

LASER Docket

Law Abiding. Sober. Employed. Responsible.

ADMISSION CRITERIA

A defendant may be admitted to the LASER Docket program only if the following criteria are satisfied and/or only if authorized by the United States Attorney for the District of New Hampshire:

1. The defendant did not use violence or credible threats of violence or possess a firearm, dangerous weapon, or body armor (or induce another to do so) in connection with the charged offense.
2. The charged offense did not result in death or bodily injury to another person.
3. The offense did not involve any conduct codified in Title 18, United States Code, Chapters 109A, Sexual Abuse, 109B, Sex Offender and Crimes against Children Registry, 110 Sexual Exploitation and Other Abuse of Children, and 110A Domestic Violence and Stalking.
4. The defendant was not an organizer, leader, manager, or supervisor of others in the commission of the charged offense.
5. The charged offense did not involve drug quantity amounts specified in Title 21, United States Code, Sections 841 (b)(1)(A) and (B) unless the defendant is "safety valve" eligible or is otherwise authorized by the United States Attorney.
6. The applicable sentence exposure is not greater than sixty (60) months in a controlled substance offense and not greater than eighteen (18) months in a white collar offense.
7. The defendant did not engage in obstruction of justice, intimidation or retaliation against a potential witness.
8. The defendant's criminal history does not include a serious violent offense, including but not limited to: any offense which has as an element the use, attempted use, or threatened use of physical force against another person; involves conduct that presents a serious potential risk of physical injury to another person; stalking; sex offenses; and child sex exploitation offenses. However, these exclusions do not necessarily preclude defendants who have limited criminal histories involving simple assault (non-domestic), criminal threatening, or other petty offenses.
9. The defendant did not abuse a position of public or private trust, or use a special skill in a manner that significantly facilitated the commission or concealment of the charged

offense. However, these exclusions are not intended to preclude defendants who exercised limited discretionary judgment or whose special skill is tangential to the commission of the charged offense.

10. The defendant is not a member of a criminal street gang, or a member of any group espousing violence against the United States.
11. The commission of the charged offense and/or the defendant's criminal history demonstrates that the charged offense or offense history was motivated by the defendant's substance abuse and/or addiction as verified by a Licensed Alcohol and Drug Abuse Counselor.
12. The defendant has limited community corrections failures.
13. The defendant has limited prior substance abuse treatment failures.
14. The defendant volunteers to participate in the LASER Docket program.
15. The defendant has no acute mental illnesses or disorders.
16. The defendant has transportation to appear as required.
17. The defendant is a citizen of the United States or is lawfully present in the United States and a resident of the State of New Hampshire.
18. The defendant enters a timely plea of guilty to the charged offense(s) and fully accepts responsibility by truthfully disclosing all information known to him/her concerning his/her participation in the charged offense(s).
19. A defendant charged with, or involved in, a conspiracy is not excluded from the LASER Docket program. However, such a defendant will be admitted to the program only if the United States Attorney determines it to be in the best interests of the United States, considering the circumstances of the offense and the defendant's role therein.

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FOUR-PHASE PROGRAM

The LASER Docket is a Court re-entry program for those defendants whose qualifying crimes are attributable to drug abuse and/or addiction. It is a collaborative effort among the United States District Court (USDC), United States Attorney's Office (USAO), United States Probation Office (USPO), and the Federal Defender's Office (FDO) aimed at transforming criminal defendants into law-abiding, sober, employed and responsible citizens.

The LASER Docket team, consisting of representatives of the USAO, USPO, FDO, and the USDC, has determined that participants should complete the program requirements in four (4) phases over twelve (12) months. The requirements for successful completion of each phase are concrete, clear and universally applicable. Each phase entails specific goals with a number of distinct, achievable expectations that are consistent with each stage of recovery. Successful participants will gain an understanding of the process of addiction, recognize triggers and patterns of use and abuse, and appreciate the impact of addiction on themselves, their family, and society. Participants will accept responsibility for their conduct and acquire the necessary tools to achieve a sober, law-abiding lifestyle. Participants will be required to develop a community-based sober support network and a comprehensive relapse prevention plan as a condition of graduation from the LASER Docket program.

Pre-Enrollment Period - Orientation

Each prospective participant is required to obtain an evaluation by a licensed alcohol and drug abuse counselor (LADC) before admission to PHASE ONE. This evaluation is intended to determine whether the prospective participant is stable enough to successfully engage in outpatient treatment. An offender who is actively using illicit drugs, tests positive for the presence of illicit drugs, or refuses to participate in drug testing will require a greater level of intervention/support to attain stability before admission to the LASER Docket program. The admission process is as follows:

- A referral is made by USAO, USPO, FDO, or Magistrate Judge;
- An evaluation is completed by a LADC;
- Referral report is completed by USPO (includes intake application, interview, and home visit);
- Team review to determine eligibility;
- Attend/observe courtroom session;
- Final acceptance into program by the United States Attorney (if pretrial defendant);
- Agreement is executed.

PHASE ONE - Limited Early Recovery (30 days)

Goals:

The participant will abstain from drug and alcohol use, engage in treatment and stabilize in the appropriate level of treatment services. The participant develops an understanding of the process of addiction, begins to recognize triggers and patterns of use and abuse. The participant develops early recovery tools and a foundation of support for recovery.

Expectations:

- Abstain from drug/alcohol use;
- Obtain LADC evaluation to determine appropriate level of treatment;
- Participate in treatment as directed;
- Comply with rules and regulations of treatment;
- Participate in the sweatpatch drug testing program;
- Comply with supervision conditions, rules and regulations of LASER Docket program;
- Weekly court appearance;
- Minimum of one (1) USPO visit;
- Remain law-abiding;
- Maintain sobriety for no less than ten (10) consecutive days before transition to PHASE TWO.

PHASE TWO - Early Recovery (60 days)

Goals:

The participant will demonstrate a commitment to living substance free identifying and understanding the adverse consequences of drug and/or alcohol use. The participant will acknowledge responsibility for his/her conduct. The participant will enter a life skills, educational or employment program, or secure employment.

Expectations:

- Abstain from drug/alcohol use;
- Participate in mental health/substance abuse treatment as directed;
- Comply with rules and regulations of treatment;
- Participate in the sweatpatch drug testing program;
- Comply with supervision conditions, rules and regulations of LASER Docket program;
- Obtain assessment of life skills, education, employment, and financial status;
- Make effort to obtain GED/vocational certificate (if applicable);
- Weekly court appearance;
- Minimum of one (1) USPO visit;

- Demonstrate commitment to living substance free;
- Remain law-abiding;
- Maintain sobriety for no less than thirty (30) consecutive days before transition to PHASE THREE.

PHASE THREE - Healthy Decision Making (120 Days)

Goals:

The participant will develop a community-based sober support network upon which to rely in making significant decisions and coping with stressors. The participant will complete a life skills, employment or educational program, or secure employment.

Expectations:

- Abstain from drug/alcohol use;
- Participate in mental health/substance abuse treatment as directed;
- Comply with rules and regulations of treatment;
- Advance in treatment;
- Drug testing, USPO office visits and home visits decrease;
- Comply with supervision conditions, rules and regulations of LASER Docket program;
- Participate in programs to address life skills, education and employment options;
- Maintain/seek employment or continue education, as applicable;
- Develop a monthly budget;
- Perform community service unless employed full time;
- Seek primary care physician;
- ✓ • Develop community-based sober support network;
- ✓ • Bi-weekly court appearance;
- Minimum of one (1) USPO field visit;
- Remain law-abiding;
- Maintain sobriety for no less than seventy(70) consecutive days before transition to PHASE FOUR.

PHASE FOUR - Relapse Prevention Planning/Maintenance (150 Days)

Goal:

Develop a comprehensive relapse prevention and long-term recovery plan.

Expectations:

- Abstain from drug/alcohol use;
- Participate in mental health/substance abuse treatment as directed;
- Comply with rules and regulations of treatment;
- Comply with supervision conditions, rules and regulations of LASER Docket program;
- Maintain employment or educational/vocational plan;
- Engage in positive social leisure activities as sober adult;
- Develop comprehensive relapse plan;
- Complete and submit an approved relapse prevention plan;
- Set long-term recovery goals;
- Monthly court appearance;
- Bi-weekly USPO visit (either office or field) ;
- Remain law-abiding and responsible;
- Plan for alumnus/a participation in LASER Docket program;
- Maintain sobriety for entire 150 days (remain in PHASE FOUR until 150 consecutive days of sobriety).

U.S. District Court for the District of New Hampshire

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PARTICIPANT AGREEMENT

I, _____, am seeking permission to participate in the District of New Hampshire's LASER Docket program. I understand that if I am accepted into the LASER Docket program, I must fully comply with the counseling requirements and other court orders set forth below and in the order Setting Conditions of Release. I understand that failure to comply with the terms of this agreement or the Court's orders, may result in modification and/or termination from the LASER Docket program and/or revocation of pre-trial release.

_____ I agree to commit no other violations of federal, state, or local law;

_____ I agree not to use drugs or alcohol;

_____ I agree to obey all instructions of the judicial officer of the U.S. District Court and the U.S. Probation Officer;

_____ I agree to provide the U.S. Probation Officer with my logins and passwords for any social network groups to which I belong;

_____ I agree to abide by the following Medical Protocol conditions:

The defendant shall utilize one pharmacy and shall advise the probation officer of the name and address of the designated pharmacy.

The defendant shall utilize one hospital (unless transported by emergency personnel and unable to designate the hospital to which he/she is transported) and shall advise the probation officer of the name and address of the designated hospital.

The defendant shall select a primary care physician to manage his/her medical care (if needed) and shall notify the probation officer of the name, address, and phone number of the designated physician within one week of obtaining services.

The defendant shall notify the probation officer within twenty-four (24) hours of any modifications in his/her prescribed medication and prior to filling the modified prescription (except in an emergency).

The defendant shall execute releases of information allowing the probation officer to access his/her medical records maintained by hospitals, doctors, and pharmacies.

The defendant shall notify all health care providers of the specifics of his/her substance abuse addiction.

_____ I agree to submit to drug testing as directed by the judicial officer of the U.S. District Court and the probation officer and I will refrain from the use of poppy seeds and/ or poppy seed products.

_____ I agree to immediately enroll in the following substance abuse treatment program, and to abide by the rules and regulations of that program until clinically discharged:

_____ I agree to sign a release of information to allow the probation officer to speak with my counselor and/or receive treatment reports on a regular basis;

_____ I understand and agree that I will be required to obtain a sponsor and attend self-help groups during my time in the LASER Docket program, in addition to any counseling sessions that I am required to attend;

_____ I understand and agree that I will be required to complete homework assignments given to me by the Court and/or the probation officer and to complete them in a timely manner;

_____ I understand that if I violate any of the terms or conditions of my programming, supervision and treatment, or if I fail to appear for any LASER Docket review hearing, then sanction(s) may be imposed upon me, up to and including termination from the program.

I have read and acknowledge that I understand the above terms and conditions of my participation in the LASER Docket program and I agree to fully comply with those terms and conditions.

Participant

Date

I have advised my client of all of the terms and conditions of the LASER Docket program and I believe that my client fully understands those terms and conditions, and knowingly and voluntarily seeks permission to participate in the LASER Docket program.

Attorney for Participant

Date

I recommend the above-named individual for participation in the LASER Docket program for the District of New Hampshire.

Assistant United States Attorney

Date

I recommend the above-named individual for participation in the LASER Docket program for the District of New Hampshire.

U.S. Probation Officer

Date

I approve the above-named individual for participation in the LASER Docket program for the District of New Hampshire.

Honorable Joseph N. Laplante
United States District Judge
District of New Hampshire

Date

United States District Court for the District of New Hampshire

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PARTICIPANT OVERVIEW

I. INTRODUCTION

You have been recommended to participate in the LASER Docket program, a federal court reentry program for those whose qualifying crimes are attributable to drug abuse and/or addiction. Your primary goal and motivation throughout this process should be your sobriety. If you successfully complete the requirements of the LASER Docket program you may be eligible for one or more of the following benefits:

- A motion for a downward departure or variance based upon extraordinary post conviction rehabilitation;
- A reduction in charge to a lesser offense in the discretion of the United States Attorney's Office;
- A recommendation for a non-guideline sentence; and/or,
- A reduction in the term of supervised release or probation.

II. LASER DOCKET BASICS

Your participation in the LASER Docket program will last at least one year. Before admission to the program you must attend a LASER Docket hearing, participate in an interview with the United States Probation Office (USPO), and undergo a substance abuse evaluation. You must agree to meaningfully participate in all recommended treatment. You will be required to retain a sponsor and attend self-help meetings.

If you are admitted into the program you will be supervised by a member of the USPO assigned to the LASER Docket program, rather than a "traditional" probation officer. You will submit to random drug testing as directed by the USPO or treatment provider. In addition to actively engaging in treatment, your compliance with the general conditions of supervision will be required.

You will establish clearly defined goals and commit to achieving them. You will be furnished reading materials that will assist you to cope with problems, become more self-

sufficient in resolving issues of daily living, and teach necessary skills to become law-abiding, sober, and employed. The LASER Docket team has chosen specific journals, e.g., "Responsible Thinking/Healthy Personality, Self-control, and Skills for Successful Living," that will complement the goals of the program. These materials address anti-social behavior, low self-control, criminal personality, and criminal peers. By using these materials, in conjunction with other treatment and supervision techniques, we hope to mitigate your likelihood of recidivism and facilitate your reentry as a law-abiding, sober, employed and responsible member of the community.

III. LENGTH OF LASER DOCKET

You will be required to complete the LASER Docket program requirements in approximately twelve (12) months over four (4) phases. If you struggle in treatment but remain dedicated to recovery, then you may be given extensions to complete the applicable phase of treatment and still receive one or more case resolution benefits.

IV. COURT APPEARANCES

You will be required to appear before the United States District Judge responsible for the LASER Docket program to evaluate your progress. The number and frequency of your appearances before the Court will vary depending on your progress through the four phases of the program. Progress reports from the USPO and the treatment provider will be provided to the Court prior to your appearances. These reports will inform the Court about your participation in programming, treatment and supervision, or other successes/problems you may experience. Every effort will be made to ensure that your required appearance before the Court does not conflict with any employment or treatment programming.

V. VIOLATIONS AND SANCTIONS

Non-compliance by you with programming, supervision and treatment will result in sanction(s). Violations and sanctions ordinarily will be addressed at the regularly scheduled LASER Docket hearing. The Court will decide whether a particular LASER Docket sanction is appropriate. Sanctions and modifications in connection with treatment may be handled on an expedited basis. Non-compliance with supervision and/or treatment may also be addressed outside the presence of the Court if all team members agree.

The range of possible sanctions is broad enough to ensure that the sanction is commensurate with the violation. Generally, repeated violations will result in more serious sanctions. Factors that will influence the type of sanction imposed include, but may not be limited to, your honesty about the non-compliant behavior, the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before an initial violation or between violations. Sanctions may include, but are not limited to:

- A judicial reprimand (oral or written) in open court;
- An order to complete a written assignment;
- An order to comply with curfew restrictions or home confinement with or without location monitoring;
- An order to complete a term at a community corrections center;
- An order to spend up to seven (7) days in confinement; and/or,
- Termination from the program with or without the filing of a formal violation.

An important factor in determining the number and severity of sanction(s) will be whether you voluntarily disclose the violation. If you disclose and/or admit to a violation, you may be permitted to satisfy the applicable sanction(s) and remain in the program. Dishonesty will result in enhanced sanction(s) and possible termination from the program. Depending upon your behavior you may be sanctioned more than once during the course of the LASER Docket program. When expedited action is required, sanction(s) or adjustment in supervision and treatment may be imposed without an appearance before the Court. The USPO report at your next appearance will inform the Court whether you satisfied the sanction(s) imposed. Your failure to satisfy the sanction(s) imposed may result in added sanction(s) or termination from the LASER Docket program.

You may challenge the validity of an alleged violation in Court. However, the only permissible Court challenge is a claim of actual innocence of the alleged violation. If you request a hearing to challenge the validity of an alleged violation, the defense attorney assigned to the LASER Docket program will assist you. The Court will decide whether the allegation is true. It is important to understand that the USPO is not required to wait until your next scheduled Court appearance to address problems in programming, supervision, or treatment. If you fail to comply with USPO directions, the USPO will contact you to address the problem. If you commit a major violation, a warrant for your arrest will immediately issue. In the event an arrest warrant is issued, a formal motion for revocation of release will be filed and you will be subject to termination from the LASER Docket program.

VI. TERMINATION FROM THE LASER DOCKET PROGRAM

Grounds for termination from the LASER Docket program include, but are not limited to, failure to comply with the conditions of supervision, failure to meaningfully participate in treatment, repeated technical violations of general conditions of release, failure to appear for Court as required, repeated drug use, or the commission of a crime. If you are terminated from the LASER Docket program you will return to "regular" supervision and your pre-trial release may be revoked after a hearing. The United States Magistrate Judge presiding over the revocation hearing will be fully informed of your conduct, including your successes, failures,

violation(s) and sanction(s) imposed during your participation in the LASER Docket program.

VII. GRADUATION AND BENEFIT(S)

Upon successful completion of the LASER Docket program, the team will make one of the following recommendations to the US District Court Judge:

- A motion for a downward departure or variance based upon extraordinary post conviction rehabilitation;
- A reduction in charge to a lesser offense in the discretion of the United States Attorney's Office;
- A recommendation for a non-guideline sentence; and/or,
- A reduction in the term of supervised release or probation.