

United States District Court for the District of New Hampshire

LASER Docket

Law Abiding. Sober. Employed. Responsible.

I. INTRODUCTION

You have been recommended to participate in the LASER Docket program, a federal court program for those whose qualifying crimes are attributable to drug abuse and/or addiction. our 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 obtain 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 ten (10) 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 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.