

TESTIMONY BEFORE THE
SUBCOMMITTEE ON CRIME AND DRUGS
BY CHIEF JUDGE HARVEY BARTLE III
OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

November 5, 2009

I am grateful to the Senate Judiciary Subcommittee on Crime and Drugs for its interest in the re-entry program of the United States District Court for the Eastern District of Pennsylvania and for the opportunity to testify before the Subcommittee about the formation, operation, and success of this program.

In a word, the purpose of our program is to help those who have completed their prison sentences to re-enter society as productive and law-abiding citizens and in this way to reduce recidivism and enhance public safety in the community we serve.

Not surprisingly, our court has been deeply concerned with the number of repeat offenders in our country generally and in Philadelphia and other areas of our district in particular. As you know, all convicted felons in the federal system must serve a term of supervised release, usually three to five years, once they are released from prison. During that period, these offenders are under the supervision of a federal probation officer. As federal judges, my colleagues and I must deal on a regular basis with those who violate the terms of their supervised release. If the violation is also a crime as is often the case, the court is likely to revoke the supervised release and send that individual back to prison with, of course, additional cost to the taxpayer. Then there are those who have

completed their supervised release, are later convicted of new federal crimes, and again are incarcerated. Consequently, our court decided that it was time to look for innovative ways for us to try to cope more effectively with this recurring problem of recidivism.

In the early part of 2007, a working group consisting of Judge Anita B. Brody of our court and representatives of the U.S. Attorney's Office, the Federal Defenders Association, our Probation Office, the criminal defense bar, and the U.S. Marshal, with my enthusiastic support, began its efforts to formulate a court re-entry program. Input was obtained from as many groups involved in law enforcement and the criminal justice system as possible to devise a realistic program that would not increase the drain on the federal treasury. At the same time, we wanted something that would make a real difference. Our court, after full consideration, voted unanimously in the fall of 2007 to institute our re-entry program now in place. Since then, the program has achieved an unprecedented and ongoing level of cooperation within the criminal justice system.

This program has intensive court involvement. We are fortunate to have two superb Magistrate Judges, Timothy R. Rice and L. Felipe Restrepo, to oversee and participate in the program in a hands-on manner. This is in addition to their other responsibilities. We owe them both a deep debt of gratitude.

The candidates for the program are Philadelphia residents on supervised release who usually score 5, 6, or 7 (on

a scale of 0 to 9), that is, medium to high risk, on Federal Probation's Risk Prediction Index for future crime. Initially, the probation officers will screen the candidates and recommend those suitable for participation, with input from the U.S. Attorney's Office and the Federal Defender. No candidate, however, is placed in the program unless he or she is willing to participate. The program typically lasts for one year with intensive efforts to provide a candidate with training and employment if necessary, and to offer guidance and assistance with other aspects of life in which the individual needs help. To aid the candidates, the program has developed partnerships with the local bar association, universities, law schools, and career training and placement centers. There is a probation officer specifically designated to the program, as well as an Assistant United States Attorney and an Assistant Public Defender.

For any who do not comply with the strictures of the program, the Magistrate Judge may deprive a candidate of credit for a certain period of time in the program and also impose a curfew, halfway house confinement, up to seven days' imprisonment, or drug treatment. If a serious infraction occurs, the individual can be evicted from the program and referred to the sentencing judge for further action.

The only incentive that is offered, in addition to the intensive assistance given to each ex-offender, is a reduction of one year in the term of supervised release if the program is

completed successfully and the judge who sentenced the individual agrees to the reduction.

The Magistrate Judge holds sessions of the re-entry court twice a month at which time all current participants in the program appear as a group. Beforehand, the Magistrate Judge has met privately with the probation officer, an Assistant United States Attorney, and a public defender to review the progress in each case. At the court session, each participant approaches the lectern and has a conversation with the Magistrate Judge. Family members and friends are encouraged to attend, and each session, of course, is open to the public. At the court session the Magistrate Judge listens, encourages, offers advice, and, if necessary, imposes certain sanctions. Finally, there is always the all-important "graduation" event in the courthouse for those completing the course. Usually, the sentencing judge attends and at that time formally signs the order reducing the term of supervised release. On one occasion, Mayor Michael Nutter of Philadelphia spoke. Family members and friends are always in the audience. It is a very uplifting experience for all concerned, as I can attest from having participated in several graduations.

Since its inception, our re-entry program has been a great success. As of July, 2009, 76 former offenders have either graduated or are currently participating in the program. Only 12 or 16% have had their supervised release revoked based on new criminal activity or other violations. The revocation rate is well below the 47.4% rate for the period 2003-2008 for the same

category of high risk ex-offenders. The program also saves significant taxpayer dollars. In 2008 it was estimated that the annual cost of incarcerating a person in the federal system was \$25,894 and \$3,743 for a year of supervised release. This program in our District has saved the Government, we estimate, over \$380,000. Finally, we have enlisted Temple University to study the long-term success rate of the program.

The United States District Court for the Eastern District of Pennsylvania strongly endorses this re-entry program and highly recommends it to our sister federal courts. We find it to be an innovative effort which not only greatly assists former offenders to become integrated into society as law-abiding citizens but also helps to reduce recidivism and enhance public safety with the added benefit that it saves taxpayer dollars.

Again, thank you very much for the opportunity to appear today before the Senate Judiciary Subcommittee on Crime and Drugs.