

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

IN RE:

REENTRY SUPERVISED RELEASED COURT  
ALTERNATIVE (“RESCATE”) PROGRAM

Misc. No. 21- 214 (GAG)

**ORDER**

WHEREAS each year the Federal Bureau of Prisons releases approximately 50,000 offenders who complete their sentence of imprisonment into communities across the United States. These individuals must subsequently serve a term of supervised release, which may range from one to several years.

WHEREAS of the five United States Probation Offices within the judicial districts that comprise the First Circuit, the District of Puerto Rico supervises the largest number of such individuals. In turn, the United States District Court for the District of Puerto Rico annually conducts a very high number of supervised release revocation proceedings.

WHEREAS the United States District Court for the District of Puerto Rico and its Probation Office, the United States Attorney and the Federal Public Defender have an enormous interest in reducing the recidivism rate among individuals in supervised release. Said goal ultimately promotes rehabilitation and reentry to the community, increases public safety and is cost effective.

WHEREAS the collective experience of state and federal courts across the Nation demonstrates that effective post-incarceration reentry programs represent one of the possible solutions to help reduce recidivism rates. The United States District Court for the District of Puerto Rico, thus, formally announces its sponsorship of the joint initiative led by the United States Attorney’s Office in partnership with the Federal Public Defender and United States Probation Office, establishing a post-conviction reentry pilot program: RESCATE (Reentry Supervised Released Court Alternative). The RESCATE program aims to eliminate re-arrest rates of qualifying participants, promote community safety by means of intensive supervision, and provide

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qualifying participants with work and other significant opportunities during their reentry into the community.

WHEREAS the RESCATE program will serve participants with a moderate to high-risk of recidivism classification who have been sentenced in the United States District Court for the District of Puerto Rico, and who currently serve or will commence a supervised release term. The RESCATE program is completely voluntary. Qualified individuals will be pre-selected by the United States Probation Office, which is in charge of their supervision, and making appropriate treatment and other referrals based on the particularized needs of each participant.

WHEREAS the initial RESCATE program pilot group will have 8 participants, whose cases will be reassigned temporarily to the docket of the reentry judge overseeing the program. The program is a yearlong one and is divided into three phases. The participants will attend monthly court hearings where their progress reports prepared by the United States Probation Office will be discussed and goals will be set. The hearings will be presided by a district or magistrate Judge assigned by the Chief Judge for each group. An Assistant Federal Public Defender (or CJA panel attorney as determined by the presiding judge in particular cases) will represent the participants, and an Assistant United States Attorney, in turn, will represent the United States. Both counsel in a team effort are responsible for encouraging participation and compliance within the program, as well as respect for the law.

WHEREAS the judge assigned to each group of RESCATE participants may extend the duration of the program, after consultation with all the reentry team members. The judge shall have authority to impose necessary conditions and sanctions when a participant fails to comply with program rules. This includes discharge from the RESCATE program if rules are violated repeatedly or upon new criminal conduct.

WHEREAS, statements made by the participants during reentry court hearings, team meetings, as well as to the probation officer, shall not be used during any supervised release revocation proceeding, with the exception of statements regarding new criminal conduct. If a formal revocation proceeding is commenced as to a participant, the case will be returned to the docket of the sentencing judge for further proceedings.

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WHEREAS participants serving three years of supervised release will receive a minimum one-year reduction of their term. Participants serving five or six years of supervised release will receive a minimum two-year reduction of their term. Participants serving seven or eight years of supervised release will receive a minimum three-year reduction of their term. This shall not preclude the further reduction or termination of a supervised release term as permitted by statute.

WHEREAS The RESCATE pilot program will launch on June 2021, lasting one year as to each participant. Upon conclusion, the Court and team members will evaluate the overall success of the program. If deemed successful, a new group of participants will be selected, and the program will become permanent in the District of Puerto Rico.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, this 30<sup>th</sup> of April 2021.



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Gustavo A. Gelpí  
Chief, US District Judge