

Offender Intensive Incarceration Program Referral

The Department of Public Safety and Corrections' Intensive Incarceration Program allows for courts to sentence offenders to programming providing for intense, individualized treatment in a correctional setting. For eligible offenders, the court may as a condition of probation or in lieu of revocation recommend the offender for intensive incarceration programming at the time of sentencing in accordance with La. C.Cr.P. art. 895(B). Additionally, the court may recommend participation for those offenders in a drug division probation program who have had their probation revoked in accordance with La. C.Cr.P. art. 900(A)(6). All recommendations are subject to approval by the Secretary of Corrections.

Offender Eligibility Criteria

- Must be a willing a participant in the program.
- Must be no more than a second felony offender.
- The instant offense is a non-violent felony.
- No convictions for a sex offense as defined in LSA-R.S. 15:541.
- Must be committed to DOC custody for up to 12 months with no diminution of sentence.

DOC Discretionary Suitability Criteria

- Pending felony charges or excessive misdemeanor charges.
- Immigration detainer.
- Pending probation or parole revocation(s).
- Medical or mental health issues precluding safe program participation.
- History of felony battery, assault, aggressive sexual behavior, or aggravated escape.

Suggested Sentencing Language for the Uniform Commitment Order

After imposition of the sentence in accordance with the eligibility criteria above, "the Court hereby orders the defendant to be committed to the Department of Corrections to serve a sentence of not more than 12 months without diminution of sentence in the intensive incarceration program pursuant to LSA-R.S. 15:574.4.4."

Notification Requirements to DOC after Intensive Incarceration Referral

- DOC must be notified of the referral by email at: intensiveincarceration@doc.la.gov
- The notification must state the location to which the offender shall return after program completion.

Offender Reentry Court Program Referral

The Department of Public Safety and Corrections Reentry Court Program allows for judicial referral of eligible offenders to various programs designed to provide offenders with job skills, training, and employment upon completion of the program. The court may recommend offender participation either at the time of sentencing or in lieu of a probation revocation. All recommendations are subject to approval by the Secretary of Corrections.

Offender Eligibility Criteria

- Must be a willing participant in the program.
- The instant offense is a non-violent felony.
- No convictions for a sex offense as defined in LSA-R.S. 15:541.
- Not sentenced as a habitual offender under LSA-R.S. 15:529.1.
- Sentenced to hard labor for at least 10 years with at least 2 years to be served in custody.
- Instant offense shall not be for a crime involving the death of a person.
- No pending felony charges.

DOC Discretionary Suitability Criteria

- Immigration detainer.
- Pending probation or parole revocation(s).
- Medical or mental health issues precluding safe program participation.
- History of felony battery, assault, aggressive sexual behavior, or aggravated escape.
- Conviction for an offense involving the use of a firearm or dangerous weapon.
- Sufficient mental aptitude to obtain a HiSET equivalency degree.
- Sufficient physical ability to fulfill the requirements of vocational training programs.

Suggested Sentencing Language for the Uniform Commitment Order

After imposition of sentence in accordance with the eligibility criteria above, “the Court hereby recommends the defendant for participation in the DOC Offender Rehabilitation and Workforce Development Program pursuant to LSA-R.S. 13:5401.”

Notification Requirements to DOC after Reentry Court Program Referral

- DOC must be notified of the referral by email at: reentrycourt@doc.la.gov

Offender Transitional Work Program Referral

The Department of Public Safety and Corrections Transitional Work Program allows for eligible offenders to begin participation in the Transitional Work Program immediately upon sentencing. The court may recommend offender participation either at the time of sentencing or in lieu of a probation revocation. Participation in the Transitional Work Program may be an excellent option for those offenders with existing employment. All recommendations are subject to approval by the Secretary of Corrections.

Offender Eligibility Criteria

- Must be a willing a participant in the program.
- The instant offense is a non-violent felony.
- No convictions for a sex offense as defined in LSA-R.S. 15:541.
- Not sentenced as a habitual offender under LSA-R.S. 15:529.1.
- Sentenced to hard labor with at least 4 years to be served in custody.
- No pending felony charges or detainers.

DOC Discretionary Suitability Criteria

- Medical or mental health issues precluding safe program participation.
- Escape conviction—either criminally or institutionally—within the last 7 years.
- History of poor work habits, cooperation, or other undesirable occupational behavior.
- History of battery, assault, or aggressive sexual behavior.

Suggested Sentencing Language for the Uniform Commitment Order

After imposition of sentence in accordance with the eligibility criteria above, “the Court hereby recommends the defendant for participation in the DOC Transitional Work Program.”

Notification Requirements to DOC after Reentry Court Program Referral

DOC must be notified of the referral by email at: twprecommendations@doc.la.gov

Offender Mental Health Evaluation Referral

Persons with serious mental illness cycle in and out of the criminal justice system at a rate that is three to four times that of the general population. These persons require evaluation and individualized treatment plans upon entry into the criminal justice system. If an offender is suspected to have mental health concerns, courts are encouraged to specially recommend at sentencing that DOC conduct a mental health evaluation of the offender.

The recommendation by the court must be noted on the Uniform Commitment Order. This recommendation will ensure that offender receives a full mental evaluation and treatment if necessary.

Suggested Sentencing Language for the Uniform Commitment Order

After imposition of sentence, “the Court hereby recommends that the defendant receive a mental health evaluation by DOC.”

Notification Requirements to DOC after Reentry Court Program Referral

DOC must be notified of the referral by email at: mentalhealth@doc.la.gov

Act 389 Substance Abuse Probation Program Referral

The courts may refer certain eligible male and female offenders to the substance abuse probation program within the Department of Public Safety and Corrections whereby offenders with suspected substance abuse issues shall receive intense counseling and treatment regarding their substance abuse problem. For certain possession and possession with intent offenses involving controlled substances, the court may suspend a sentence and order a defendant placed on substance abuse probation with DOC.

Offender Eligibility Criteria

- Charged with felony possession of a controlled substance as defined in LSA-R.S. 40:966(C), 40:967(C), 40:968(C), or 40:969(C)
- Charged with possession with intent to distribute a controlled substance as defined in LSA-R.S. 40:967(A), 40:968(A), or 40:969(A)
- No convictions for a crime of violence as defined in LSA-R.S. 14:2(B).
- No convictions for a sex offense as defined in LSA-R.S. 15:541.
- No opposition by the district attorney.
- Has not previously participated or declined participation in a drug division probation program.

Affirmative Findings to be Made by the Court

- Defendant suffers from addiction to a controlled substance.
- Defendant is likely to respond to the substance abuse program.
- Available program resources are appropriate to meet the needs of defendant.
- Defendant does not pose a threat to community, and treatment is preferable to incarceration.

Suggested Sentencing Language for the Uniform Commitment Order

After making the affirmative findings required by La. C.Cr.P. art. 903.2, the court shall suspend execution of the sentence and place the defendant on supervised probation under the appropriate terms and conditions of the substance abuse probation program.