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Federal Defender Newsletter

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Edited by Benjamin Galloway , Research & Writing Specialist

SENTENCING COMMISSION VOTES IN FAVOR OF CRACK COCAINE RETROACTIVITY

In an historic vote on December 11, the Commission agreed to allow prisoners serving crack cocaine sentences to seek sentence reductions that went into effect on November 1. Retroactivity will affect 19,500 federal prisoners, almost 2,520 of whom could be eligible for early release in the first year. The U.S. Sentencing Commission has repeatedly advised Congress since 1995 that there is no rational, scientific basis for the 100-to-1 ratio between crack and powder cocaine sentences. The Commission has also identified the resulting disparity as the "single most important" factor in longer sentences for blacks compared to other racial groups.

- **David Porter is Coordinating the Office's Response to the Crack Cocaine Retroactivity Vote**

David Porter has already contacted the probation office and the court to obtain a full and accurate list of all defendants who might be affected by the Sentencing Commission's vote. He will be assisting individuals who may benefit from the Commission's action in filing a motion to modify their sentence pursuant to 18 U.S.C. § 3582(c)(2). If you receive inquiries from former clients or people acting on their behalf, please have them contact David (they may call our office collect, (916) 498-5700).

KIMBROUGH & GALL REAFFIRM THAT SENTENCING GUIDELINES ARE ADVISORY AND REASONABLE SENTENCES BELOW THE GUIDELINES ARE PERMISSIBLE

The Supreme Court ruled 7-2 that the federal guidelines on sentencing for cocaine violations are advisory only, rejecting a lower court ruling that they are effectively mandatory. Judges must consider the Guideline range for a cocaine violation, the Court said, but may conclude that they are too harsh when considering the disparity between punishment for crack cocaine and cocaine in powder form. Justice Ruth Bader Ginsburg wrote the decision in Kimbrough v. U.S. (06-6330). The ruling validates the view of the U.S. Sentencing Commission that the 100-to-1 crack v. cocaine disparity may exaggerate the seriousness of crack crimes.

Ruling in a second Guidelines case, Gall v. U.S. (06-7949), the Court — also by a 7-2

vote — cleared the way for judges to impose sentences below the specified range and still have such punishment regarded as "reasonable." The Justices, in an opinion written by Justice John Paul Stevens, told federal appeals courts to use a "deferential abuse-of-discretion standard" even when a trial sets a punishment below the range.

OTHER SUPREME COURT ACTION

On December 3, the Supreme Court granted certiorari in Rothgery v. Gillespie County, TX, No. 07-440. The case is an appeal from the denial of a civil rights action; the underlying facts stem from a misbegotten prosecution for felon in possession, and the issue is when the right to counsel attaches. The question presented is "whether the Fifth Circuit correctly held--in a decision that conflicts with those of other federal courts of appeals and state courts of last resort--that adversary judicial proceedings . . . had not commenced, and petitioner's Sixth Amendment rights had not attached, because no prosecutor was involved in petitioner's arrest or appearance before the magistrate." Rothgery sued the county in a civil rights lawsuit over the denial of a lawyer at the first hearing. The County opposed the lawsuit, contending that the right to counsel did not attach until he actually had been indicted — a claim ultimately upheld by the Fifth Circuit Court. Rothgery's appeal was supported by 22 law professors urging the Justices to clarify when the right to counsel attaches.

On December 4, the Supreme Court issued a unanimous opinion in Logan v. United States, No. 06-6911. The defendant had previously been convicted of three misdemeanor battery offenses in Wisconsin, and was then charged in federal court with being a felon in possession of a firearm. Under the Armed Career Criminal Act, the three previous convictions qualified as "violent felonies" because they were punishable by a term of more than two years. Accordingly, he was sentenced to a mandatory term of 15 years under ACCA. The district court and the Seventh Circuit rejected his argument that he fell within the "civil rights restored" exemption which excludes from qualification for enhanced sentencing "any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights [i.e., rights to vote, hold office, and serve on a jury] restored." The Court held that the amendment does not cover the case of an offender, like Logan, who retained civil rights at all times, and whose legal status, postconviction, remained in all respects unaltered by any state dispensation.

SUPREME COURT GRANTS CERT IN THREE MORE CRIMINAL CASES --

Raise and Preserve These Issues:

- Burgess v. US (case no. 06-11429)

In this important appeal from the Fourth Circuit (US v. Burgess, 478 F.3d 658 (4th Cir. 2007)), the Supreme Court will be deciding: (1) whether the term "felony drug offense" as used in 21 USC 841(b)(1)(A) , which carries a mandatory minimum of 20 years if the defendant has a prior conviction for a "felony drug offense," must be defined consistent with federal statutes defining both "felony" and "felony drug offense," so as to require that the prior drug conviction be both punishable by more than one year in prison and characterized as a felony by controlling law; and (2) when the court finds that a criminal statute is ambiguous, must it then turn to rule of lenity to resolve ambiguity? Congratulations go out to Mr. Burgess, who appears to have filed his cert petition pro se!

- Indiana v. Edwards (case no. 07-208)

This government appeal raises the issue of

whether a trial court can deny a mentally ill but competent defendant the right to represent himself on the ground that permitting him to do so would deny him a fair trial. The trial court refused to allow the defendant to waive his right to counsel and the Indiana Supreme Court reversed and remanded the defendant's conviction, holding that because the defendant was competent to stand trial, he was also competent to waive his right to counsel. State v. Edwards, 866 N.E.2d 252 (Ind. 2007). The defendant/respondent is represented (against his will?) by Professor Daniel Ortiz of the University of Virginia Law School. An amici brief was filed in support of the state by a number of other states, including Alaska, Florida, Hawaii, Illinois, Kansas, Maine, Nevada, New Hampshire, New Mexico, Ohio and Utah.

- United States v. Ressam (case no. 07-455)

In yet another cert grant from a government appeal, this one out of the Western District of Washington, the Supreme Court will decide whether 18 USC 1844(h)(2)'s 10 year mandatory minimum for carrying an explosive during the commission of a felony requires that the explosives be carried "in relation to" the underlying felony . The Ninth Circuit (US v. Ressam, 474 F.3d 597 (9th Cir. 2007)), FD Tom Hillier and AFPD Laura Mate all agreed that it does, which really ought to have settled the matter. Nonetheless, the Supreme Court will be weighing in on this issue as well. Best of luck to Tom and Laura!

FEDERAL RULES OF CRIMINAL PROCEDURE AMENDED TO PROTECT PRIVACY IN FILINGS

Effective December 1, 2007, the Federal Rules of Criminal Procedure were amended. A new rule, Rule 49.1, was added to protect individuals' privacy with respect to court filings. Basically, most filings that contain an individual's social security number (or taxpayer ID number), birth date, the name of an individual known to be a minor, a financial account number, or the home address of an individual, a party or nonparty making the filing may include only: the last four digits of the SSA or ID number; the year of the individual's birth; the minor's initials; the last four digits of the financial account number; and the city and state of the home address. Any other identifying information should be redacted, or the non-redacted version should be filed under seal. Also, the rule continues to apply on appeal, through newly promulgated Rule 25(a)(5), Federal Rules of Appellate Procedure. For you habeas folks, there is a virtually identical civil counterpart, Rule 5.2, Federal Rules of Civil Procedure.

JUDGE KOZINSKI IS 9TH'S NEW CHIEF

New Chief Judge Alex Kozinski, 57, of Pasadena, has officially taken the helm at the United States Court of Appeals for the Ninth Circuit. His elevation was marked by a symbolic gavel passing ceremony held November 30 at the James R. Browning U.S. Courthouse in San Francisco. His predecessor, Judge Mary M. Schroeder of Phoenix, the first woman to lead the United States Court of Appeals for the Ninth Circuit, concluded her duties as chief judge after seven eventful years leading the nation's busiest federal appellate court.

NEW CUSTODY-ALTERNATIVE PROGRAM

The U.S. Probation Office and the Sacramento County Sheriff's Department have collaborated to open the Center for Corrections Alternative Programs (CCAP) to federal probation clients who have violated conditions of community supervision. CCAP is an intensive, highly-structured, 90-day out-of-custody remedial correctional program that

combines elements of personal accountability, treatment intervention, job skills development, education, and community service. While in CCAP, participants will be on home detention. The program, which will begin in late January, 2008, will initially accept approximately 25 federal probationers. Additional information can be found at the end of this newsletter.

CAROLYN WIGGIN TAKES OVER SUPERVISION OF NON-CAPITAL HABEAS AND APPEALS

The term of David Porter as supervisor of our office's non-capital habeas and appeals unit, a position that is served on a rotating basis, has come to an end. The unit's new supervisor is Assistant Federal Defender Carolyn Wiggin.

CJA PANEL TRAINING

■ The next Sacramento panel training will be held on Wednesday, January 16, 2008 at 5:30 p.m. at 801 I Street in the 4th floor conference room. David Porter and Bruce Locke will be presenting. The topic is Federal Sentencing in Light of Gall and Kimbraugh.

■ The next Fresno panel training will be held on Tuesday, January 15, 2008 from noon - 1 p.m. at the Federal Courthouse. Courtroom to be announced. The presenter and topic are to be announced.

TOPICS FOR FUTURE TRAINING SESSIONS

If you know of a good speaker for the Federal Defender's panel training program, if you would like the office to address a particular legal topic or practice area, or if you would like to be a speaker, please e-mail your suggestions to AFD Melody Walcott at the Fresno office at melody_walcott@fd.org or Senior Litigator AFD Caro Marks at the Sacramento office at caro_marks@fd.org, or AFD Rachelle Barbour, also in Sacramento, at rachelle_barbour@fd.org.

ASSISTANT FEDERAL DEFENDER POSITION AVAILABLE IN THE CAPITAL HABEAS UNIT

The Office of the Federal Defender for the Eastern District of California is now accepting applications for Assistant Federal Defender in the Capital Habeas Unit. At least four years of attorney experience is required. Capital trial or post-conviction experience is preferred. This is a full-time position with federal salary and benefits based on qualifications and experience. The position will remain open until filled.

Applications should be sent to:

Attention: Personnel
Office of the Federal Defender
Eastern District of California
801 I Street, 3rd Floor
Sacramento, CA 95814

or applications may be reached via e-mail CAE_HR@fd.org. No telephone calls or faxes please.

REQUEST FOR CLOTHING & FOOTWEAR DONATIONS

The Clothes Closet is available to all AFDs and panel attorneys. It contains suits, shoes, socks, and shirts that clients can wear for court appearances. We also have some clothes that can be given away when necessary. Donations are greatly appreciated.

Currently, the Sacramento Office has an ***immediate need for women's clothing and footwear*** for clients who are released from

the jail with no street clothes. Please contact Becky Darwazeh to make arrangements to drop off clothing.

If you take borrowed clothes to the jail or U.S. Marshal's Office for your clients, please be put either your name/phone number or our name/phone number on the garment bag so that the facility will contact us for pickup of the items. Please note that you do not have to pay for the cleaning of any items used. The district court has graciously arranged for funds to pay the cleaning costs.

See Becky Darwazeh at the Sacramento Office or Nancy McGee at the Fresno office to make arrangements to pick up or drop off clothes.

ADDRESS, PHONE OR EMAIL UPDATES

Please help us ensure that you receive the newsletter. If your address, phone number or email address has changed, or if you are having problems with the email version of the newsletter or attachments, please call Cynthia Compton at (916) 498-5700. Also, if you are receiving a hard copy of the newsletter but would prefer to receive the newsletter via email, contact Karen Sanders at the same number.

NINTH CIRCUIT OPINIONS

CRIMINAL CASES

Smith v. Patrick **Date:** 12/04/07 **Case Number:** 04-55831 **Summary:** On remand from the Supreme Court, this panel of the 9th Circuit (Pregerson, Canby and Reed) hold again that no reasonable jury should have found the petitioner guilty of assault on a child resulting in death. The injuries to the child were not consistent with the supposed violent shaking. The 9th Circuit finds that AEDPA's deference to state holdings unless it is contrary to a Supreme Court decision does not require an exact lining up of facts, but is rather to be compared to the general holding of the precedent. Here, the Court's precedent was Jackson v. Virginia, 443 U.S. 307 (1979), and "the light most favorable..." articulation. There was no physical evidence in this case to support an assault resulting in death offense.

US v. Zalapa **Date:** 12/05/07 **Case Number:** 06-50487 **Summary:** A failure to object to multiplicitous charges does not waive the right to raise a double jeopardy challenge. Here the defendant was caught with a gun and bullets. The government charged him in a multi-count indictment, with counts two and three alleging possession of an unregistered machine gun and an unregistered firearm with a barrel less than 16 inches, each count falling under the prohibition against possessing such unregistered firearms. The 9th Circuit first found that such a double charge was multiplicitous, as the overall section 5861 punishes individual firearm possession, with the firearm as a unit. The precedent is that two or more sections cannot be attached to one firearm, although many firearms can have specific violations. The 9th Circuit goes on to hold that the objection was not waived as the challenge is to the conviction and sentence under double jeopardy, and not to the form, or the type of proof presented, in the indictment. There is also prejudice.

US v. Betts **Date:** 12/14/07 **Case Number:** 06-50205 **Summary:** This appeal concerned supervised release conditions. The defendant had pled guilty to conspiracy for a scheme that fixed bad credit reporting for a bribe (the defendant worked for one of the credit reporting agencies). As conditions of supervised release, the defendant was barred from working in a position where he

had control of credit, he had to submit to reasonable searches, had to have the probation officer divvy up any "windfalls" in monies (inheritances, lottery winnings etc.), and couldn't drink. The 9th Circuit upheld the first two, finding that there was a connection between his offense (credit fixing), and duty owed to an employer; it upheld the second given the Supreme Court's gutting of the Fourth Amendment for those on probation. The 9th Circuit remanded though on the "windfall" condition, because, although close to a million dollars were owed in restitution, the amount of the windfall to go to restitution must be determined by the court and not the probation officer. As for drinking alcohol, there was no indication of any drinking or drug problem, the offense did not involve alcohol, and the condition seemed to be imposed because the defendant declined to talk about any drug usage to the probation officer per FPD sentencing policy. The 9th Circuit (Kleinfeld joined by Gould and Smith) requires some connection, and so vacated.

US v. Zimmerman **Date:** 12/18/07 **Case Number:** 06-50506 **Summary:** The Justice for All Act of 2004 requires DNA collection from those on probation. The defendant here was ordered to give a blood sample. He protested, arguing that this would violate his religious beliefs and violate the Religious Freedom Restoration Act. The district court held that defendant's beliefs, an amalgamation of Catholicism, Buddhism, and scriptural reading were not religious, and that a sample would have to be given. The 9th Circuit, per curiam, remanded. The 9th Circuit held that defendant's beliefs, as on the record and with its underpinnings, were in fact religious. Whether the beliefs were sincerely held was another matter, and as a question of fact, was an issue the district court could consider. The 9th Circuit pointed out certain transgressions of the defendant in the past that seemed to conflict with his new belief, namely drug abuse, and that tattoos seemed to be at odds with the defendant's professed belief in the complete sanctity of the body and the prohibition in Genesis against shedding blood. Nonetheless, the 9th Circuit notes, people change beliefs. The district court can also see if there is another way to give DNA samples that does not involve blood, and would not impinge upon defendant's religious beliefs (hair/swab?). Finally, the district court can determine, if defendant's beliefs are sincere, and there are no other means of getting DNA without violating religious beliefs, whether there is such a compelling government interest as to require the giving of a sample, and through the least burdensome means.

US v. Berber-Tinoco **Date:** 12/19/07 **Case Number:** 06-50684 **Summary:** In a prosecution for unlawful re-entry into the U.S. after deportation, denial of defendant's motion to suppress statements and fingerprints which were taken pursuant to an arrest by Border Patrol officers is affirmed where: 1) there was reasonable suspicion for the stop; and 2) a judge's violation of Rule 605 of the Federal Rules of Evidence was harmless. This was a stop close to the border for suspicious activity (crime afoot) occasioned by slow driving, in tandem, in a rural area, and pattern of directions. More interesting is the fact that the judge knew the area, and kept on interjecting his observations of the road, and area, and whether there was one or four stop signs. The 9th Circuit (Ikuta joined by Wallace and Nelson), found sufficient reasonable suspicion, but error in the judge using his own personal knowledge. It is one thing for the court to use general knowledge (the shape of a snowman, for example) versus specific knowledge of an area, that he makes part of there record. Nonetheless, the errors under FRE 605 were harmless.

US v. Cohen **Date:** 12/26/07 **Case Number:** 06-10145 **Summary:** Tax protestors were

convicted, and the lead protestor, Schiff, also was pro se, where he managed to get himself cited numerous times for summary criminal contempt. On appeal, the 9th Circuit (Tallman joined by Thomas and Ikuta) addressed mental condition testimony of codefendant Cohen and the contempt convictions of Schiff. The 9th Circuit held that it was prejudicial error for the district court to bar expert psychiatric testimony that Cohen suffered from a mental condition (narcissistic personality disorder) that affected his ability to discern the incorrectness of his views. This condition went to defendant's his mental state, and the ability to form specific intent. The government's argument that Cohen still knew right from wrong was incorrect, as the condition involved an inability to weigh and consider various beliefs, especially when falling under the sway of the codefendant here. The 9th Circuit holding falls in line with past precedent in other tax cases. As for contempt, the 9th Circuit vacates because the district court failed to follow the procedure of filing a form on each conviction, but the 9th Circuit said that upon filing the forms (stating the instances of each contempt act), the court could sentence him to the same punishment.

HABEAS CASES

Humanitarian Law Project v. Mukasey **Date:** 12/10/07 **Case Number:** 05-56753, 05-56846 **Summary:** In a suit challenging the constitutionality of portions of the Antiterrorism and Effective Death Penalty Act (AEDPA) and its 2004 amendment, a partial grant of summary judgment is affirmed where: 1) AEDPA section 2339B(a) does not violate plaintiffs' Fifth Amendment due process rights with regards to its mens rea requirement; 2) that section, which criminalizes the act of knowingly providing "material support or resources" to a designated foreign terrorist organization, is void for vagueness with regards to bans on providing "training," "service," and "expert advice or assistance" in the form of "other specialized knowledge"; 3) an overbreadth challenge failed; and 4) a claim that one provision constituted an unconstitutional licensing scheme also failed.

Byrd v. Lewis **Date:** 12/11/07 **Case Number:** 06-15977 **Summary:** Petitioner, serving twenty-five to life for stealing a car under California's three strike law, gets relief from the 9th (Rawlison and Restani). The petitioner argued that he had "consent" to borrow a friend's car for several days, and when stopped, the radio was gone, belongings were gone, it couldn't go in reverse, and later, couldn't go forward. At trial, the court instructed the jury that an element for a scope of consent defense was that a defendant was not guilty if it was clearly established that the borrowing of a vehicle did not substantially or materially exceed the consent. The petitioner argued, and the 9th Circuit agreed, that the "clearly established" diminished the state's burden of proof beyond a reasonable doubt, the jury asked about the scope, and the state court's harmlessness review was unreasonable. Victor v. Nebraska, 511 US 1 (1994). Wallace dissented, arguing that the state's application of harmlessness was reasonable. (Congratulations E.D. Cal. panel attorney Krista Hart!)

Bradley v. Henry **Date:** 12/19/07 **Case Number:** 04-15919 **Summary:** Denial of habeas relief from a conviction for first degree murder, attempted carjacking, and a weapons offense is reversed. In this en banc opinion, the 9th Circuit (Noonan writing, concurrence by Clifton and dissent by Silverman) found the California appellate courts were objectively unreasonable in affirming a trial court's denial of counsel of choice. This was a murder case. The petitioner had a rocky relationship with various counsel, and there were various

changes, some with her being present, one without. Various trial court judges kept granting continuances, for various reasons. A counsel that wanted to represent petitioner was denied because of payment concerns in a quick hearing. The majority looked at this case through the lens of petitioner's right for counsel of her choice. The majority viewed the repeated instances of denial of representation as a whole, and found it a Sixth Amendment violation. It also argued that the trial court itself was the reason for the delays, not the petitioner's choice of counsel. The concurrences looked at the brusque denial of counsel when the trial court, six weeks before trial, failed to adequately question counsel as to his ability to try the case at the time. In dissent, Silverman (joined by Tallman) looked at this case through the lens of the court, and the exasperation of the judges with the various changes in counsel, and sided with the judges finding that there were enough questions, and track record, that the denial of counsel under the circumstances was not objectively unreasonable.

Center For Corrections Alternative Programs

Purpose of Program:
CCAP is an intensive, highly-structured, 90 day out-of-custody remedial correctional program. The program combines elements of personal accountability, treatment intervention, job skills development, education, and community service. While placed in the CCAP program, the offenders will be on home detention (electronic monitoring mandatory). CCAP will serve as a mid-level intermediate sanction alternative for offenders who have violated conditions of community supervision.

Federal Offender Eligibility:

* Has committed repeated technical violations of supervision, such as violations of reporting or substance abuse treatment requirements, or minor new law violations and prior interventions have been ineffective.

* Does not pose an immediate risk of harm to himself/herself or any other person.

* Is not a registered sex offender (290 PC) or arsonist (457.1PC).

* Has some combination of family, employment, residential, business, or other ties to the community that should be strengthened and would be adversely impacted by incarceration, or placement in an RRC/CCC outside the area.

* Is somewhat responsive to probation officer directions and willing to abide by the rules and requirements of the CCAP.

* Resides in the greater Sacramento area.

* Must sign a Release of Information form that conforms to the requirements of HPPA and authorizes the probation office, the CCAP program and service providers to exchange information relevant to the offender's participation.

Offender's Schedule/Participation:

CCAP is open Monday through Thursday 9am to 9pm. Friday schedule is from 9am to 6pm. Saturday is from 9am to1pm. Each offender will have an individualized schedule developed for them based on their work schedule as well as their treatment and education and structure needs.

Condition For CCAP

The defendant shall participate in and complete the Center for Corrections Alternative Programs (CCAP) for ninety (90) days, to commence as directed by the probation officer, including up to 100 hours of community service, and shall pay costs as determined by the program administrator up to a maximum of $25 per day. The defendant shall follow the rules and regulations of the CCAP.

While placed in the CCAP program, the defendant shall comply with the conditions of home detention. The defendant will remain at his/her place of residence except for employment, CCAP programs and other activities approved in advance by the defendant's probation officer. The defendant will maintain telephone service at his/her place of residence without an answering device, call forwarding, a modem, caller ID, call waiting, or a cordless telephone for the above period. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures as specified by the probation officer. The defendant shall pay the cost of electronic monitoring as determined by the probation officer.

Sacramento County Sheriff Department
Center for Corrections Alternative Programs

Programs and Services

The Sacramento Sheriff Department's (SSD) Center for Corrections Alternative Programs (CCAP) is a collaboration of agencies providing services for those in the judicial system in Sacramento County. Initially there are three organizations incorporated into CCAP; SSD re-entry program for sentenced inmates, Mentally Ill Offenders Crime Reduction Act (MIOCR) treatment program (MIOT), and Federal Probation's Sanction program.

Currently these programs are housed at 4343 Williamsbourgh, Sacramento, CA as a part of the SSD's Work Release Division. A SSD sergeant will be directing and overseeing all of the programs at the facility. Offenders or probationers at the facility are under the authority of law enforcement or probation at all times. Offenders will participate in community restoration projects and are supervised by SSD. All offenders are assigned rehabilitation specialists who will work with them to determine the level of individual programming based on his/her needs. All offenders will be integrated into all programs offered through the CCAP consortium.

The groups and classes available for individuals include job development/readiness, life skills, alcohol and other drugs education, accountability and re-education, parent education, family reunification, basic math and English, GED, conflict management, relapse prevention and process groups. A brief synopsis of each component follows.

Component Descriptions

Job development/readiness/retention:
Sacramento Employment Training Agency (SETA) will provide in-kind services of one job developer for 8 hours weekly. The job developer will provide an overview of what is available to ex-offenders and the services offered by SETA's One Stop Career Centers. He or she will assist the offender in job search and job placement. He or she will also assist the offender in determining vocational training available and support services offered ex-offenders. The offender will be issued SMARTWARE cards that give him/her access to receive services that assist in job search and placement in any of the One Stop Career Centers in the Sacramento County area. In addition, Elk Grove Adult and Community Education (EGACE) will provide classes in Job Readiness/Retention for the offender that provides him/her with interpersonal, job seeking and pre-employment strategies and skills to assist in job placement or job enhancement.

Life skills for offenders in alternative programs
The offender addresses behaviors upon release from incarceration. The emphasis is on the difference in living skills for an offender while in a correctional facility verse while at home with the family and community. The offender is given direction on how to complete probation successfully and to develop healthy lifestyle choices and practices upon reentering the community.

Alcohol and Other Drugs education
The offender is provided with the bio/psycho/social ramifications of chemical dependency and addiction. The Framework for Recovery program is also incorporated into the curriculum to enable the offender to re-program his/her thinking from jail house and drug abuse mentality to one of sobriety and a mainstream lifestyle. Group participation and group processing supports the offender in awareness of his/her self image and thought processes, and how these relate to consequences in his/her life. The offender is given tools and strategies to assist in his/her chemical dependency recovery

Accountability reeducation
The program's objective is to reeducate the offender to utilize equality and non-violence in their communication styles in the home, workplace, and social situations. The offender is provided with information to learn to become accountable for his/her actions and behaviors. The offender continually practices changing communication in a cycle of destruction exercise to a cycle of assertion in his/her everyday life.

Parent education
This course presents valuable information on effective parenting. The offender receives instruction and tools for a variety of disciplining skills. The students are given instruction and exercises for improving his/her self-esteem and his/her children's self-esteem. Offenders practice behaviors that improve communication with his/her children.

Family reunification
This component reeducates the offender on the importance of the entire family unit and how the absence of a parent can cause significant harm to a child. It explains the intricate dynamics of a family and how to successfully reunify with his/her family after incarceration. A model of family group decision making will be incorporated into this component.

Vocational training
Currently, Sacramento City Unified District offers a variety of vocational training courses and programs. CCAP offender's who are qualified to participate in these programs will be offered training to assist them in creating a career path for their future. SETA will also provide training to qualifying offenders in other fields e.g. Truck Driving School, Construction Apprenticeship Program, Cosmetology and On the Job Training (OJT) programs.

Relapse prevention
This class provides the offender with the process of relapse for alcohol and drug dependency so that he/she can prevent relapse when integrated back into society. The offender is given the opportunity to address their deep rooted emotional and behavioral issues that inevitably lead them back to a path of destruction that they find familiar. The purpose of this class is to change that behavior and use new tools to keep from relapsing.

Community restoration projects

Offenders will participate in the Sheriff's Department's community restoration project. This project is intended to serve as restitution to the community by the offender and aides in the revitalization of the community. The Sheriff's Department will coordinate with the local faith-based and non-profit organizations to identify individuals and groups e.g. seniors and disabled persons who need labor intensive services. The offenders will be supervised by a Sheriff's deputy.

GED/English and math skills
This course provides the offender assistance in remedial math and English skills. The offender who needs to obtain a GED will be offered instruction and testing with possible distance learning models for video- and/or on-line-based instruction.

Survivor impact
This component provides a forum to offenders to listen to victims and survivors of alcohol and other drugs abuse and violent offenses. After hearing the presentation, the offenders process what he/she heard and how it relates to the consequences of his/her destructive behavior and how that behavior impacts his/her family, friends and the community as a whole.