D-START Program Pilot Project
(Deferred Sentencing To Advance Rehabilitation & Treatment)
U.S. District Court for the District of Oregon

The D-START (Deferred Sentencing To Advance Rehabilitation & Treatment) Program will be a post-guilty plea program in U.S. District Court of the District of Oregon for select individuals that focuses on drug and mental health treatment, access to resources, alternative sanctions, restorative justice, and incentives to effectively address offender behavior, rehabilitation, and the safety of the community.

The twenty-four month D-START pilot project will launch in 2022, and will build on the success of the District Court's Reentry Court and CAPS program. Individuals selected for D-START will enter a guilty plea under a plea agreement that requires participation in the D-START Program and specifies the benefit to be received if the program is completed successfully: either a dismissal of the federal charges or a sentence that does not include a further term of imprisonment.

Participants in D-START are subject to pretrial supervision. There will be two "tiers" of participants in the program: Tier I will be for defendants who are high risk; Tier II will be for defendants who are low risk, but for whom a federal criminal conviction would cause a substantial hardship. Participants will be required to attend regular meetings with the D-START program team (the defense attorney, representative from the United States Attorney's office, United States Pretrial Services officer, and the D- START magistrate judge), but the frequency of the meetings will be determined based on the tier of the participant.

All participants will create an individualized success plan as they enter the program, with the goal of providing the appropriate amount of supervision and support based on individual risks and needs. Participants may be required to participate in relevant programs designed by the D-START team to address the causes of the defendant's criminal conduct. Such programs can include substance abuse and/or mental health treatment, employment or education programs, and restorative justice programs. Program participation may extend for up to two years.

Defendants who fail to successfully complete the program proceed to sentencing before the assigned district judge on the charges to which they entered guilty pleas.

D-START is a collaborative partnership among the United States District Court, United States Pretrial Services Agency, Federal Public Defender's Office, the United States Attorney's Office, and various community-based treatment providers and organizations.

D-START Case Trajectory

Criminal Case Initiated:

- The defendant is charged and arraigned in federal court.

The Defendant Identified as Possible D-START Participant:

- Pretrial, the defense attorney, the USAO, or the Court identifies the defendant as a possible participant in D-START.
    - Pretrial completes an interview and risk assessment (in the normal course of the release process).
    - The defense attorney completes and submits a D-START application pursuant to the instructions at or.fd.org/content/dstart.

The D-START Team Reviews the Application:

- The D-START team will review all applications on a quarterly basis. Applications will be reviewed on the second Tuesday of October, January, April, and July. To be considered, applications must be received by the last day of the month before the quarterly consideration (e.g., to be considered on the second Tuesday in October, the application must be received by the last day of September).
- Pretrial will prepare a short report about each application received.

The USAO Determines If D-START Offer Will Be Extended:

- After hearing feedback from the D-START team through the application review process, the USAO D-START coordinator, in collaboration with the assigned AUSA, determines whether a D-START offer will be extended.
- One of three D-START offers will be extended:
    - Dismissal of charges upon graduation from D-START;
    - Dismissal of felony charges, plea to a misdemeanor with a non-incarceration sentence upon graduation from D-START; or
    - Felony conviction with a non-incarceration sentence upon graduation from D-START.

The Defendant Enters a Rule 11(c)(1)(C) Plea:

- The defendant enters a Rule 11(c)(1)(C) plea in front of the Article III judge.
- The plea agreement will specify which of the three benefits the defendant will receive upon graduation from the D-START program (dismissal, misdemeanor, or non-incarceration sentence). The plea agreement will also specify that if terminated from D-START, the defendant will proceed to open sentencing, where the AUSA can recommend, and the court can impose, any lawful sentence.

The Defendant Enters D-START:

- The D-START participant's case will be transferred to the D-START magistrate judge.
- The D-START team will revise and approve the participant's success plan based on evidence-based practices.
- The D-START participant will be represented by the D-START defense attorneys for the limited purpose of D-START.

D-START Phases/Sanctions/Rewards:

- The D-START participant will meet regularly with the D-START judge and D-START team members.
- The D-START participant will engage in relevant treatment, programming, and community service or restorative justice work.
- The D-START participant will work to move through the D-START program phases.
- The D-START judge will use sanctions and rewards, after consultation with the D-START team, in response to the behavior of the D-START participant.

D-START Graduation or Termination:

- The D-START judge will determine, based on the D-START success plan and after consultation with the D-START team members, whether the participant graduates or is terminated from D-START.
- Upon graduation, the D-START participant's case will be transferred to the Article III judge for sentencing based on the agreed benefit in the Rule 11(c)(1)(C) plea.
- Upon termination, the D-START participant's case will be transferred to the Article III judge for open sentencing.