

02/23/16

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

**SUPPORT COURT
PARTICIPANT'S AGREEMENT**

Name:

Offense Charged/Conviction:

Sentence (if applicable):

Supervision Conditions:

MISSION STATEMENT

The United States District Court for the District of Connecticut has developed a Support Court Team to positively influence participants who struggle with drug and alcohol addiction. We will connect participants with treatment, employment, educational resources, and pro-social organizations in the community. The Support Court Judge will address participants' behavior through meaningful incentives and timely sanctions. The Team, recognizing the nature of substance addiction, will treat participants with dignity and respect, to promote a rehabilitative atmosphere that empowers participants to lead law-abiding lives.

INTRODUCTION

You have been accepted into the Support Court Program. Your participation is entirely voluntary, and there will be no negative consequences resulting from a decision not to participate.

The program will last *at least* one year. Participants in the program will be under the supervision of a Support Court Program Probation Officer. Participants agree to take part in a drug and alcohol treatment evaluation and in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the Probation Officer or the treatment provider. Participants agree to disclose to any medical practitioner from whom they seek medical treatment that they are a Support Court participant, have a history of chemical addiction and, unless absolutely medically necessary to treat an illness or injury, shall not be prescribed medication containing a narcotic or addictive drug. In addition to actively engaging in treatment, compliance with all mandatory, standard, and special conditions of supervision will also be required.

Participants will be assigned an attorney from the Federal Defender's Office. This Federal Defender will be a member of the Support Court team and will be permitted to have access to the treatment provider and treatment records. An Assistant U.S. Attorney (AUSA) will also be assigned to the Support Court team. Both the Federal Defender and the AUSA will work with all members of the Support Court team to provide support and encouragement for sustained sobriety and success in the program.

LENGTH OF PROGRAM

Participation in the Support Court Program will be for a minimum of one year. Participants who struggle in treatment but remain dedicated to their recovery and the program may be given extensions to the program to complete their treatment and still be rewarded with up to a one-year reduction in supervision. Post-conviction participants who successfully complete the program may receive up to a one-year reduction to their term of probation or supervised release.

SUPPORT COURT ATTENDANCE

Either weekly or every other week, based on the achievement of program and treatment goals, participants will be required to attend Support Court meetings with the Support Court Team to evaluate their progress. Every effort should be made by the participant to ensure that the time of the meetings does not conflict with employment or treatment programming. In addition to the Support Court Judge, the Probation Officers, Federal Defender, AUSA, and a treatment provider representative will be present. Progress reports from the Probation Officer and the treatment provider will be provided to the Support Court Judge and attorneys. These reports will describe both successes and problems on supervision, treatment-related and otherwise.

PRO-SOCIAL COMMUNITY INVOLVEMENT

Participants may be referred to secular, faith-based, and/or 12 Step pro-social organizations including Alcoholics Anonymous and Narcotics Anonymous. By signing this agreement, the participant voluntarily agrees to participate in any such program directed by members of the Support Court Team. Support Court participants may also be required to perform community service at any time including weekends.

PROGRAM VIOLATIONS AND SANCTIONS

Program violations and sanctions will ordinarily be handled at the regularly scheduled Support Court meetings. The Support Court Judge, however, can schedule a meeting at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with consent of the parties. If a Progress Report contains an allegation of drug use or other noncompliance, a participant may admit or deny the allegation. Even if the participant denies the allegation, there will be no formal hearing on whether the allegation is true. The Support Court Judge will decide whether a program sanction is appropriate. The imposition of Support Court sanctions will not protect a participant from also facing a supervision violation hearing before the judge assigned to the criminal proceeding.

Noncompliant behavior by a participant will result in program sanctions. The range of possible program sanctions has been drafted broadly to ensure that some level of sanction is available for every violation. Factors that will influence the type of program sanction employed will include, but are not limited to: the seriousness of the violation, the number of violations, the amount of time in compliance (either before the first violation or between violations), and personal integrity and accountability. An important factor will be whether the violation is voluntarily disclosed by the participant. Dishonesty on the part of a participant will result in enhanced program sanctions. Depending on these factors, any of the program sanctions listed below, including termination from the Support Court Program, are available. As a general rule, program sanctions will be progressive in nature and, with repeat violations, more serious program sanctions will be applied. All program sanctions will be imposed by the Support Court Judge.

Sanctions may include, but are not limited to:

- Verbal reprimand
- Increased reporting
- Community service
- Phase evaluation and adjustment
- Loss of week in phase
- Overnight/day detention (maximum of two days in a row/seven days total)
- Suspension
- Termination from Support Court

If appropriate, a particular sanction may be ordered more than once during the course of the program. Unless terminated from Support Court, the participant will be able to complete the sanction and remain in the program. The Probation Officer's report at the next Support Court meeting will inform the Support Court Judge whether the participant properly completed the program sanction ordered at the last appearance. Failure to complete ordered

sanctions may result in increased program sanctions or termination from the Support Court Program.

It is important to note that the Probation Officer need not wait until a scheduled Support Court meeting to address problems in supervision. If a participant fails to abide by and adhere to the directions of the Probation Officer, the Probation Officer will contact the participant to address the issue. Minor violations may be dealt with either by the Probation Officer, or by the team, including the Probation Officer, Federal Defender and the AUSA, but program sanctions may be imposed only by the Support Court Judge. If a participant commits a major violation, the Judge who is presiding over the criminal case may consider a charged violation, issue a summons arrest or and make any decisions about modifying or terminating pretrial release, probation, or supervised release

TERMINATION FROM THE SUPPORT COURT PROGRAM

Termination from the Support Court Program may occur due to failure to participate in treatment and supervision, including repeated technical violations of general conditions of supervision, failure to attend Support Court meetings or to comply with Support Court requirements, disruption of Support Court, negative attitude or failure to progress, or a new violation of law. Participants terminated from the program return to regular supervision status. Participants may face revocation proceedings either before or after termination. Participation in the Support Court Program does not prevent or preclude the Judge who is handling the criminal case from modifying or revoking pretrial release or probation or supervised release.

A participant may also voluntarily withdraw from the program and return to traditional supervision status. Voluntary withdrawal from Support Court is not in itself a violation of supervision, but participation in the program does not protect the participant from violation proceedings.

SUCCESSFUL GRADUATION FROM SUPPORT COURT

If you are a post-conviction participant, upon successful completion of the Support Court Program, the total term of supervision (probation or supervised release) may be reduced by up to one year, at the discretion of your sentencing Judge. After completing the Support Court Program, most participants will have a period of time remaining on supervised release or probation and will spend the remaining term on traditional supervision status. Full compliance with all conditions will be expected. If there are subsequent violations of supervision, the participant will be subject to revocation proceedings.

If you are a pretrial participant, upon successful completion of the Support Court Program, the sentencing Judge may take your Support Court participation into consideration in the resolution of your criminal case.

AGREEMENT:

PARTICIPANT:

I, _____, have read, or have had read to me, this Agreement and the Participant Orientation Packet. I understand the requirements and expectations of me as a participant of the Support Court Program. I voluntarily agree to participate in this program. I understand I may withdraw my voluntary participation at any time and return to traditional supervision.

I authorize the release of information, which will include substance abuse and mental health history and legal and medical information, to the Support Court Team. I understand that the Support Court is open to the public so there might be occasions when the public will hear information relating to my treatment.

Participant's Signature

Date

**U.S. Probation Officer
Support Court**

Date

**Assistant Federal Defender
Support Court**

Date