

Superior Court Drug Intervention Program Contract
Superior Court of the District of Columbia ~ Pretrial Services Agency for the District of Columbia

Participant Name _____ Docket Number _____ PDID Number _____

[Court or PSA staff to check the eligible option below]

FELONY AMENDED SENTENCING AGREEMENT (ASA)

After completing Drug Court successfully, I understand that I will be convicted and sentenced as if I had been charged with a misdemeanor instead of a felony offense. I understand that if sentenced to a term of supervised probation, I may be required to participate in a sanction and incentive program (CSOSA STAR HIDTA Program) for continuing treatment or aftercare services.

MISDEMEANOR DIVERSION

After completing Drug Court successfully, I understand that my case will be dismissed by the United States Attorney's Office (USAO).

NON-DIVERSION/NON-ASA (FELONY OR MISDEMEANOR)

After completing Drug Court successfully, I understand my successful completion will be considered favorably if I am convicted and sentenced by the Drug Court judge. I understand that if sentenced to a term of supervised probation, I may be required to participate in a sanction and incentive program (CSOSA STAR HIDTA Program) for continuing treatment or aftercare services.

Court Attendance

I agree to attend all Drug Court review and sanctions hearings, as well as any other Drug Court hearing for which I have received written or verbal notice. Unless excused by the Drug Court judge or my Pretrial Services Officer (PSO), I agree to attend Drug Court review hearings as follows:

- Phase 1: At least once every two weeks
- Other Phases: At least once monthly

I understand that, as a response to infractions, I may be required to attend sanction hearings in addition to my scheduled review hearings. Although I may not have received written notice for a sanction hearing, I understand that I am required to attend such hearings if so directed by a representative of the Pretrial Services Agency for the District of Columbia (PSA) or the Drug Court judge. I understand that, in response to infractions, I may be required by the Drug Court judge to attend additional review hearings each month. If I fail to attend any Drug Court hearing, I understand that a warrant may be issued for my arrest and additional sanctions may be imposed.

I understand that I am to report for my review hearing at the scheduled time and remain until the group of participants assigned to that time period have been reviewed and dismissed by the Drug Court judge. I understand that this time period may last up to 3 hours. I understand that I will be given treatment group credit for attending my regularly scheduled review hearing as long as I remain for the entire session. However, I will not be given group credit for attending sanction hearings, jury box sanctions, or extra review hearings scheduled by the Drug Court judge in response to an infraction.

Abstinence from Substance Use and Drug Testing

I agree to abstain from the use, possession, distribution, or manufacturing of all illicit drugs and alcohol while participating in Drug Court. Illicit drugs include substances that are illegal, used other than as prescribed, or prescribed to someone else. It also includes natural, synthetic, or hybrid substances that are intended to alter mood or perception even if possessed or consumed legally. If I am unsure if a substance is prohibited or not, I agree to consult with a PSO and Drug Court defense attorney before ingesting that substance.

Some medications prescribed by a physician for medical conditions alter mood or perception and/or cause positive drug tests. While sometimes necessary, these medications may interfere with the effectiveness of addiction treatment and interfere with my recovery efforts. Therefore, I agree to inform my medical provider of my addiction treatment so that he/she may consider effective alternatives that may be available to treat my medical condition. I agree also to notify a PSO and Drug Court defense attorney if I am prescribed mood or perception altering medication. As soon as possible after being prescribed such medication, I agree to sign a release of medical information form to allow a representative of

PSA to exchange with my medical care provider information regarding my addiction treatment, the medical condition for which I am being treated, and the medication prescribed.

I agree to submit to all random and other drug tests as required and as directed by the Drug Court judge or a PSO. I understand that I may be required by the Drug Court judge or a PSO to submit to an observed drug test at any time. If I have used illicit drugs or alcohol, I agree to disclose this information to my PSO, the Drug Court judge, and in treatment group even if I haven't tested positive for that drug. Self-reported substance use is subject to sanction. However, by acknowledging substance use before testing positive, I understand that my honesty may result in receiving a lesser sanction than I would have received if I had not self-reported.

I understand that while participating in Drug Court, I will be placed in random drug testing and must telephone PSA Monday through Saturday to determine if I am required to report for drug testing. I understand that I must report and submit a urine sample within the operating hours posted at the PSA Drug Testing and Compliance Unit (DTCU). I agree to avoid drinking excessive amounts of fluid (i.e., water-loading) or ingesting substances prior to testing that may intentionally or inadvertently mask or mimic illicit substance use.

I understand that I must telephone PSA the next business day after I am scheduled to test to receive my results or learn of my sanction for failing to report for testing as required. A negative or residual test result will contribute to my phase advancement and may result in additional reward. Failing to report for testing, failing to submit a sample, testing positive, water-loading and all other substance use infractions will result in a response to include sanctions and/or enhanced treatment. Submitting a bogus or altered sample will result in stringent sanctions and may be followed by immediate discharge. When I call in following my scheduled test day, a PSA representative will indicate the day and time that I am to report to a PSO and/or Court to address the substance use infraction.

Treatment Participation

I agree to participate fully in substance use treatment as recommended by PSA following my assessment. This treatment may include intensive outpatient treatment, 30 to 45 days of residential treatment readiness services followed by 30 to 90 days of residential treatment, inpatient detoxification, peer support groups and/or other support services. I understand that if I am placed in residential treatment while in Drug Court Phase 1, I usually will be placed in Drug Court Phase 2 after successfully completing residential treatment, regardless of the length of that treatment. If I am placed in residential treatment in a later Drug Court phase, I usually will return to the beginning of that phase once I successfully complete residential treatment. If participating in PSA Support, Treatment, and Addiction Recovery Services (PSA STARS), I will participate in intensive outpatient treatment groups as follows:

- Phases 1 and 2: Three days per week for 3 hours each day (9 hours) for at least 6 weeks
- Phase 3: Two days per week for 3 hours each day (6 hours) for at least 6 weeks
- Phase 4: One day per week for 3 hours and 1 hour-long outside peer support group (4 hours) for at least 6 to 9 weeks (length of time will vary depending on when the next graduation ceremony is scheduled)

In addition to treatment groups, my treatment will include individual counseling, workbook assignments, monthly graduation ceremonies, and referrals to job placement and other social services. Also, I may receive incentives and sanctions related to my treatment participation as summarized below in the *Incentives and Sanctions* section. I understand that if I miss a treatment session without being excused by my PSO, I must contact PSA the following day to determine if I am subject to sanction.

Responses to Behavior

I agree to participate fully in all required activities and to discuss with a PSO, the Drug Court defense attorney, and/or the Drug Court judge if I am having difficulty meeting any of the requirements. I understand that in addition to helping resolve my substance use problems and improve my quality of life, I also may receive other incentives to reward and encourage my positive choices. These incentives may include, for example, verbal or written acknowledgement from my peers, my PSO, or the Drug Court judge; small items to symbolize my progress such as key chains, bookmarks, pens, daily planners; being excused early from review hearings; and financial assistance to cover the approximate cost for one day of commuting to and from treatment or Court. These incentives are not entitlements and are subject to funding availability. I understand that I am required to fully participate in Drug Court even if incentives are not provided.

I understand that I am subject to sanctions and treatment responses for illicit drug or alcohol use, missing treatment groups, and other infractions. These include treatment responses such as workbook assignments, additional

treatment/support groups, and residential treatment, as well as sanctions such as re-orientation sessions, written assignments, additional court hearings, community service, spending days in the jury box or cellblock, and up to 4 nights in DC Jail. The specific sanction imposed will be based on a) the number of infractions I committed previously; b) my current treatment phase; c) my treatment participation; and in some cases the Drug Court team's staffing recommendation. Some sanctions and treatment responses will be imposed by the PSO and others will be imposed by the Drug Court judge during a Drug Court sanction or reviewing hearing.

If I have been accused mistakenly of committing an infraction or if I believe I am being sanctioned incorrectly, I agree to discuss this with my PSO, the Drug Court defense attorney and/or the Drug Court judge. Sanctions/responses imposed by PSOs may be appealed by requesting a meeting with a PSA supervisor/clinical manager. Sanctions/responses imposed by the judge may be subject to challenge at a subsequent Drug Court hearing. If I appeal a positive or water-load test result and I am eligible for a cell-block or jail sanction, a challenge hearing may be scheduled and will be attended by a PSA drug testing laboratory representative. If the test result is confirmed as positive at the challenge hearing, I understand that I am subject to additional sanction for dishonesty, which could include additional nights in DC jail

Phase Advancement/Graduation/Termination

To advance through and complete Drug Court successfully, I understand that I must:

- Participate in Drug Court for at least 24 weeks;
- Achieve all substance use-related treatment plan goals and objectives, including those encouraging personal commitment to abstinence from substance use and long-term recovery;
- Meet all treatment requirements, which include both attending and participating fully in all treatment activities (e.g., groups, individual sessions, graduation ceremonies, workbook assignments, etc.);
- Attend at least 36 groups in both Phases 1 and 2; 24 groups in Phase 3; and 18 groups in Phase 4;
- Attend the monthly graduation ceremonies (unless excused by the Drug Court judge or my PSO);
- Serve all sanctions;
- Achieve at least 6 consecutive weeks without substance use infractions during each phase of treatment;
- Avoid substance use infractions within the 12 weeks prior to Drug Court graduation;
- Attend all required Drug Court hearings and have no unexcused missed court appearances within the 12 weeks prior to Drug Court graduation; and
- Avoid papered re-arrests within the 12 weeks prior to Drug Court graduation.

I understand that I am eligible to be considered for participation in the next graduation ceremony after I have met all of the completion requirements. However, my graduation is not effective until that ceremony. Therefore, I agree to continue to participate fully in treatment, drug test, and meet all other program requirements until the date of that ceremony.

I understand that I may withdraw from Drug Court at any time; however, before I do so, I may be required to serve the recommended sanctions for any infractions before my withdrawal. I understand that the Court may terminate me from Drug Court for failing repeatedly to participate in treatment or for committing especially serious infractions (e.g., submitting bogus urine samples, fighting). If I am in violation of my release conditions upon withdrawal or termination, I may be held in contempt of court or my conditions of release may be revoked resulting in detention in the DC Jail or other penalty. Finally, I understand that while any new arrest may result in termination, termination is highly likely to result if I receive: 1) a charge that is not allowed in Drug Court; 2) any charge that leads to my being held without bond for greater than 14 calendar days; or 3) if the new charge results in my having three or more open cases.

A Drug Court representative has explained Drug Court to me and I have discussed other options available to me with a Drug Court or other defense attorney, and I willingly agree to enter and participate fully in Drug Court.

Defendant's Signature

Date

Defense Counsel's Signature

Date

PSA Representative's Signature

Date