

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Federal Drug Court Interagency Agreement

Parties

The parties to this interagency agreement are the following federal agencies for the District of Vermont: United States District Court ("the Court"), United States Attorney's Office ("USAO"), United States Probation ("Probation"), and Federal Public Defender's Office ("FPD"), all of whom by executing this agreement have committed to referring selected individuals to the Federal Drug Court ("FDC") program located in Rutland and expected to also be located in Burlington at a future date. The program offers drug abuse treatment, intensive supervision, and sanction alternatives in order to effectively address offender behavior, aid defendants in achieving long-term sobriety, lessen the legal consequences for defendants who succeed in the program, and reduce crime and risk to the community. The minimum benefit for all successful graduates from the FDC is a time-served sentence. The potential additional legal benefits, including a non-felony resolution, are explained in more detail below, and must be approved by the USAO.

Agreement Regarding Underlying Principles

The National Association of Drug Court Professionals ("NADCP") has identified key principles for successful drug court programs. The parties agree to adhere to the following principles and to incorporate them into the implementation of the FDC program:

- The program integrates substance dependency treatment services with justice system case processing.
- Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting offenders' due process rights.
- Eligible participants are usually identified early and promptly placed into the program.
- The program ensures access to a continuum of drug dependency treatment and other rehabilitation services.
- Compliance is objectively monitored by frequent drug abuse testing.
- A coordinated strategy governs the Court's response to participants' compliance and non-compliance.
- Ongoing judicial interaction with each participant is essential.
- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.

- Continuing interdisciplinary education promotes effective program planning, implementation, and operations.
- Forging partnerships among the program's agency participants as well as community-based organizations generates local support and enhances program effectiveness.
- Ongoing case management includes the social support necessary to achieve social reintegration.
- There is appropriate flexibility in adjusting program content, including incentives and sanctions to better achieve successful results with particular groups, such as women and minority ethnic groups.
- Post treatment and after-care services should be established in order to enhance long-term program effects.

FDC Program Overview

The FDC Program requires regular court sessions (usually every other week) at the U.S. District Court, as well as completion of a treatment plan. Depending on their place of residence, participants will be required to attend the court sessions in either the Rutland or the Burlington U.S. District Court. The program will take between twelve and twenty-four months to complete, depending upon the performance of the participant. Each participant will undergo four phases of decreasing intensity and supervision as long as he or she remains compliant with the program requirements. Upon successful completion of the program, a participant will receive a benefit ranging from imposition of a non-incarcerative or time-served felony sentence to a plea to a misdemeanor, or special probation as authorized by 18 U.S.C. § 3607.¹ The USAO must agree to the initial referral of candidate to the FDC. The USAO also determines whether a non-felony resolution is appropriate for a participant.

The FDC program will be voluntary for its participants who, before commencing the program, will be required to enter into a FDC Participation and Consent Agreement (*see* Exhibit One) pursuant to which they agree to participate in the program and comply with its terms and conditions. During their time in the FDC program, participants will attend and participate in regular meetings with their probation officers, attend regularly scheduled court sessions (every two weeks during the first three phases), and varying levels of treatment for their drug abuse problems.

¹ The Special Probation provision of 18 U.S.C. § 3607 allows for expungement of a misdemeanor possession under certain conditions, including that the participant has not violated the term of probation. In the context of the FDC Program, the term of probation for a misdemeanor resolution is typically one year after completion of the FDC. The USAO must approve of resolution through Section 3607 even for defendants who are eligible under the statute.

Participants will be required to sign a form authorizing the release of information from their counselors or treatment providers to their probation officers and FDC Program Team (*see Exhibit Two*). The FDC Program Team consists of the FDC Judge, FDC Assistant United States Attorney (“AUSA”), FDC Panel Attorney, FDC Probation Officer, and the contracted treatment provider (or their designated substitutes). The FDC Program Team will meet regularly to discuss the progress of each participant. Failure to comply with the terms and conditions of the program or of a participant’s treatment plan may result in termination from the FDC Program and sentencing without receiving any benefit of graduation from the program.

Participants

Participants in the FDC Program must be individuals who have been charged in the District of Vermont with a federal crime. Participants will be individuals whose criminal conduct was motivated by drug abuse or dependence.

Prospective participants must be first approved for referral by the USAO. In assessing whether to approve a referral to FDC, the USAO considers a multitude of mitigating and aggravating factors. These factors include, but are not limited to: (1) whether the offense was primarily motivated by addiction; (2) the defendant’s role in the offense, including any leadership role; (3) whether firearms were involved in the offense conduct; (4) the overall offense conduct, including the involvement of violence or potential violence; (5) the defendant’s criminal record; (6) the defendant’s potential for violence; and (7) an estimate of the sentencing guideline range under the U.S. Sentencing Guidelines. This list shall not be interpreted to limit the USAO’s discretion to approve, or reject, a candidate for referral to the FDC. Finally, before the USAO will refer a candidate to the FDC Program, the defendant must be willing to plead guilty to the offense(s) required by the USAO.

The prospective participant must then be approved by the FDC Program Team and the District Court Judge before whom the charges were originally pending. Consistent with the NADCP’s Best Practice Standards, the FDC will target high-risk and high-need offenders—those who are addicted to illicit drugs and are at substantial risk of reoffending or failing to complete a less intensive disposition such as probation. Individuals whose prior records indicate a significant risk of violence will be disqualified, but a history of violence alone will not necessarily disqualify an individual from participating in the FDC program. Nor will candidates be disqualified from participation because of co-occurring mental health conditions, as long as adequate treatment is available.

The FDC Program Team will commit to ensuring that citizens who have historically experienced sustained discrimination or reduced social opportunities because of their race, ethnicity, gender, sexual orientation, sexual identity, physical or mental disability, religion, or socioeconomic status receive the same opportunities as other citizens to participate in the FDC program. *See Adult Drug Court Best Practice Standards: Volume I*, NADCP (2013).

Legal Representation

While participating in FDC, participants will be represented by the FDC Panel Attorney, who shall provide representation to all participants with respect to issues arising within the context of the FDC program. The FDC Panel Attorney shall be a full participant in meetings of the FDC team and shall also be available to consult privately with any participant, particularly on issues concerning potential violations and sanctions.

In the case of participants who succeed in the FDC program, the Panel Attorney shall represent the participant through graduation and sentencing. In the event of a motion for revocation of conditions of pre-trial release, the court will reassign the original defense attorney to the case and that attorney will represent the participant in the revocation hearing and at all subsequent events including sentencing.

FDC Judge

Cases accepted for the FDC Program will be assigned to the FDC Judge in either Rutland or Burlington. This assignment will remain in effect for the remainder of the case even if the participant fails to graduate from drug court. In that event, the FDC Judge will hear any motion to revoke conditions of release and will conduct the sentencing. The Magistrate Judge may also preside at any hearing related to the FDC.

Implementation

If the USAO recommends a defendant for participation to the rest of the FDC Program Team, and the Program Team approves of such participation, the USAO will file a motion for referral to the FDC. The motion for referral to the FDC will go to the judge originally assigned to the case. An order granting the motion transfers responsibility for the case to the FDC Judge. As part of the referral order, the Drug Court Panel Attorney is appointed to represent the participant for purposes of the FDC program. A draft order of referral is attached as Exhibit Three.

It is a condition of participation in the FDC program that participants have already pled guilty to one or more of their charges, as determined by the USAO. Sentencing is postponed during participation in drug court.

Prior to the filing of a FDC referral motion by the USAO, counsel for the defendant must advise the defendant of the program requirements to assist the prospective participant in deciding whether to participate. If the prospective participant decides to participate in the FDC program, he or she will sign the Participation and Consent Agreement (Exhibit One) and the form authorizing release of information from counselors or treatment providers to the FDC Program Team (Exhibit Two). These signed forms must be given to the USAO and Probation prior to filing the referral motion (originals to Probation).

Drug Abuse Treatment Plans

The FDC Program Team will cause each participant to be evaluated and will develop a treatment plan tailored to each participant. Participants will receive treatment for drug abuse regardless of their level of compliance with the program requirements. The FDC will offer a continuum of care for drug abuse treatment, including day treatment, and intensive in-patient and out-patient services. All participants will be required to meet regularly with treatment providers or clinical case managers and to attend self-help or support group meetings. All participants will also receive relapse prevention treatment before graduation, and graduates will follow a continuing care plan. Treatment providers will maintain contact with recent graduates to monitor progress and prevent relapses.

The FDC in Rutland partners with Rutland Mental Health Services (i.e. the Evergreen Substance Abuse Services) to determine appropriate treatment plans and to provide treatment services to participants. The FDC in Burlington partners with the Howard Center to determine appropriate treatment plans and to provide treatment services to participants.

Confidentiality

Records maintained by the FDC concerning a participant's treatment and compliance with drug court requirements are confidential in the same manner as other information obtained in the course of providing pre-trial services. *See* 18 U.S.C. § 3153(c). The FDC Program Team meeting conducted prior to the FDC court session is similarly confidential. Guests such as people involved professionally in drug treatment may be invited to attend the Program Team meetings on occasion. These guests will sign a confidentiality agreement. FDC court hearings are open to the public and any information disclosed at those hearings is not confidential.

The Four Phases of the FDC Program

The FDC program envisions that each participant will progress through four phases of treatment. The FDC Judge will determine, after consulting with the FDC Program Team, when a participant may advance to a later phase. If the participant is compliant throughout, it should usually take no longer than twelve months to complete the four phases and graduate.

Phase One will focus on attaining sobriety and engaging in treatment. The participant will develop an understanding of the process of addiction and will recognize triggers and patterns of abuse. The participant will acknowledge responsibility for his or her actions, and will demonstrate a commitment to maintaining a drug-free lifestyle. At all phases, participants are expected to comply with the terms and conditions of the program. To complete Phase One, participants are expected to: abstain from drug use; participate in treatment as directed; comply with any conditions of the participant's treatment plan; and maintain sobriety for no less than sixty consecutive days.

Phase Two focuses on lifestyle changes such as employment and healthy decision-making. The participant will develop a community-based support network and demonstrate progress in making significant decisions and in coping with stressors. To complete Phase Two, participants are expected to: abstain from drug use; make an effort to obtain a GED, if needed; make reasonable efforts to obtain employment or enroll in an educational program; advance in treatment; develop a community support network; and maintain sobriety for no less than ninety consecutive days.

Phase Three focuses on maintaining a healthy, employed lifestyle and on relapse prevention. To complete Phase Three, participants are expected to: maintain employment or enrollment in an educational program; advance in treatment; develop a long-term continuing treatment and relapse prevention plan; and maintain sobriety for no less than ninety consecutive days.

Phase Four (120 days) concludes the program with decreased frequency of contact and monitoring. The principal feature of Phase Four is that the participant attends the court session once every four weeks unless otherwise ordered.

Role of the FDC Probation Officer

Pre-Trial Services will designate a FDC Probation Officer who will supervise each participant or assign another FDC Probation Officer to each participant. The FDC probation officers will oversee the supervision of participants, refer participants to counseling and treatment providers, and monitor the participants' progress. The probation officers will report on the participants' progress to the FDC Program Team in advance of each court session.

The nature of the probation officers' role requires immediate and effective communication with treatment providers and with the FDC Program Team. If supervision problems arise or if probation officers find a compliance violation, they must notify the AUSA and the FDC Panel Attorney. The probation officers will report violations to the FDC Program Team at the next team meeting.

As supervision monitors, the probation officers will maintain records and track their participants' progress. The probation officers will maintain individual FDC case files for each participant. The case file will include progress reports, drug testing results, any sanctions imposed by the FDC Judge, counseling and treatment records, and any other records related to the participants' progress through the FDC program. The probation officers will make available the file of any participant to the FDC Judge, Panel Attorney, and USAO. A participant's case file will also be available to any other judicial officer who assumes responsibility for the participant's criminal case.

FDC probation officers will also maintain supervision over any participants who have graduated but continue to serve a sentence of probation or supervised release. The probation officer who supervises a graduate need not be the same officer who supervised the individual as a participant, but he or she should be

familiar with the FDC program and with the graduate's background and progress through the program.

Participation in FDC does not rule out a proceeding under 18 U.S.C. § 3148 for revocation of pre-trial release. A hearing concerning the alleged violation of conditions shall be scheduled before the FDC Judge or before another judicial officer if the FDC Judge is unavailable.

Role of the FDC Judge and Court Sessions

The FDC Judge will hold a court session for each participant no less than once every two weeks during the first three phases of the program. In the fourth phase, the frequency of court sessions may be reduced at the FDC Judge's discretion. The FDC Judge will attend regular meetings with the FDC Program Team or staff at which each participant's progress is reported on and reviewed.

The FDC Judge will devote time and attention to each participant during the court sessions. When a participant excels in the program, the FDC Judge will provide encouragement. The judge may give token incentives, such as gift cards to local coffee shops, to participants to reward their successes.

When a participant is in noncompliance with the program, the FDC Judge will give the participant the opportunity to be heard, will confer with the other members of the FDC Program Team, and will determine an appropriate sanction. The FDC Judge will guarantee the participants' Due Process rights at all court sessions and hearings and throughout every phase of the program. A participant who denies that he or she is in noncompliance with the program may request a hearing before the FDC Judge or designee. The hearing will be conducted in the same manner as a revocation hearing under 18 U.S.C. § 3148.

Sanctions will be commensurate with the level of non-compliance. Possible sanctions include:

- Judicial reprimand
- Written assignment (for example, write out an explanation for your non-compliant behavior and describe a plan to correct it)
- Curfew
- Geographic and associational restrictions
- Community Service
- Incarceration
- Termination from the FDC Program

The FDC Judge will also determine, after consulting with the FDC Program Team, when a participant may advance to the next phase of the program. The FDC Judge will use the objective guidelines described above for determining phase advancement, such as maintaining sobriety for a certain length of time, completing

a treatment regimen, maintaining employment, etc. Supervision will be reduced at each phase, but participants may be reverted to a prior phase for infractions.

Finally, the FDC Judge will determine, after conferring with the FDC Program Team, when a participant may graduate from the program. A participant may graduate no earlier than twelve months after commencing the program, with a possibility of extending the program length to twenty-four months or longer, if exceptional circumstances are present in the judgment of the FDC Program Team. At the participant's final court session, the FDC Judge will present him or her with a certificate of completion. Soon thereafter, the Court will hold a sentencing hearing in which the defendant will receive, at the very least, a time-served sentence, or possibly in some cases, with the consent of the USAO, a non-felony resolution. These sentences usually include an additional period of supervised release.

Termination from Drug Court

Although the majority of FDC participants graduate successfully, some do not. Conduct such as committing new drug offenses, dishonesty, repeated failure to comply with treatment or conditions of release may be grounds for termination and have led to the termination of participants and their sentencing on the charge(s) to which they previously pled guilty.

The process of termination occurs in the context of a motion for revocation of post-plea release pursuant to 18 U.S.C. § 3148. Participants in the FDC program must be eligible for pre-trial release. The revocation of pre-trial release disqualifies a participant from participation in drug court. A participant who is the subject of a motion for revocation receives the same due process protection including notice, representation, and an opportunity to participate in the revocation hearing as any other federal defendant. Revocation of conditions of release until sentencing will result in termination from the FDC program. Termination occurs through an order issued by the FDC judge at the conclusion of the revocation hearing.

Termination from drug court usually occurs in the following manner:

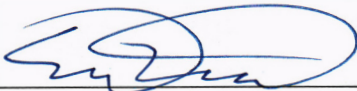
1. The Government files a motion for revocation of an order of release pursuant to 18 U.S.C. § 3148.
2. The FDC district judge may issue a sealed warrant for arrest of the participant.
3. After a participant's arrest, the original counsel for the participant will be notified of the pending revocation motion and is responsible for representing the participant with the assistance of the FDC Panel Attorney
4. If the revocation motion results in the detention of the participant until sentencing, the FDC judge will order the termination of the participant from the FDC program at the conclusion of the revocation hearing.

5. The revocation hearing shall be conducted in accordance with due process requirements for notice, legal representation, and an opportunity to oppose the motion in the same manner as with any revocation motion.
6. Following revocation and termination from the FDC Program, the Probation Office shall complete the Pre-Sentence Report and the FDC judge will schedule a sentencing hearing.

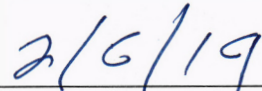
Role of the FDC Assistant United States Attorney and FDC Panel Attorney

Both the FDC AUSA and the FDC Panel Attorney (or their designated substitutes) will participate in the FDC Program Team meetings and discussions about the participants' progress. They will encourage the participants to excel in the program and discourage noncompliance. They will participate in discussions with the probation officers and FDC Judge about appropriate rewards and sanctions for participants. The AUSA and FDC Panel Attorney will remain in communication with the probation officers supervising participants, and will help determine how to address infractions when they are brought to their attention. The role of the AUSA and FDC Panel Attorney is less adversarial than in a traditional criminal proceeding.

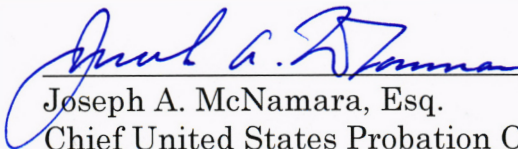
AGREED ON BEHALF OF:



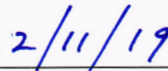
Geoffrey W. Crawford
Chief Judge
United States District Court
District of Vermont



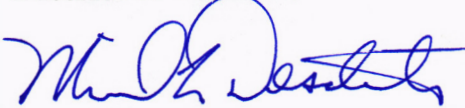
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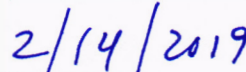
Joseph A. McNamara, Esq.
Chief United States Probation Officer
District of Vermont



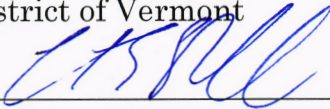
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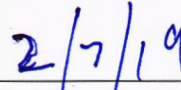
Michael L. Desautels, Esq.
Federal Public Defender's Office
District of Vermont



Date



Christina E. Nolan, Esq.
United States Attorney
District of Vermont



Date

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

Federal Drug Court Participation and Consent Agreement

Name: _____

Case Number: _____

You have been invited to participate in the District of Vermont's Federal Drug Court ("FDC") program. We believe that you can succeed in this program and we look forward to working with you in overcoming your drug dependence. Participation in this intensive supervision program is entirely voluntary. By signing this form, you agree to participate in the program and fully comply with the counseling requirements as well as court orders issued under the program.

If you successfully complete the program, i.e. graduate, you will benefit by obtaining, at least, a time-served (non-incarcerative) sentence. The legal benefit for which you are eligible will be determined at the end of your participation in the program. The U.S. Attorney's Office must approve of any non-felony resolution based on your drug court participation. The overview of the program and the behavior we expect from you are set forth below. Please read this agreement carefully and consult with your lawyer before signing it.

FDC Program Overview

The FDC program will last a minimum of twelve months, with the possibility that it may be extended for up to twenty-four months or, when there are exceptional circumstances present, longer. The core of the program is two-fold. It requires regular court sessions at the U.S. District Court (in either Rutland or Burlington), as well as completion of a drug treatment plan. In addition, to successfully complete the program you must either be employed or enrolled in an education program, and you must have stable housing.

After an initial evaluation, a comprehensive treatment plan will be developed for you. It will include at a minimum regular meetings with U.S. Probation Officers and submitting to regular drug testing. Your treatment program may also include participation in a detoxification program and in-patient or out-patient substance abuse treatment. The U.S. Probation Officer assigned to you will assist you in complying with your plan. He or she will also provide assistance with vocational or housing needs.

The program will proceed in four phases of decreasing intensity. Phase One through Three usually requires attendance at court sessions every two weeks. Phase Four may require fewer court sessions and decreased supervision if the FDC judge, in consultation with the FDC Program Team, determines is appropriate in light of your progress. If you successfully complete your treatment plan and comply with the FDC program requirements, you will be eligible to graduate from the program.

What You Can Expect from the U.S. Probation Office

- You will be thoroughly evaluated and an appropriate treatment plan will be developed for you.
- Your probation officer will work with you to identify the problems you are facing and will propose referrals and resources.
- You will receive long-term, intensive personal attention from your probation officer.

What You Can Expect from the Court

- The FDC Judge will meet regularly with the other members of the FDC Program Team—your probation officer, the Assistant U.S. Attorney, the Drug Court Panel Attorney (who represents FDC participants), and the Clerk of the U.S. Court—to discuss your behavior and performance.
- The Judge will give you personal attention at regular court sessions; during the first three phases of the program, the court sessions will be held every two weeks.
- The Judge will discuss your positive progress and your setbacks openly with you. The Judge may give you a token gift, such as a gift card to a local coffee shop, to reward you for your successes.
- The Judge may impose sanctions for any misconduct. Sanctions may include:
 - Judicial reprimand
 - Written assignment (for example, write out an explanation for your non-compliant behavior and describe a plan to correct it)
 - Curfew
 - Geographic and associational restrictions
 - Community Service
 - Incarceration (usually for relatively short periods of time, depending on type of misconduct)
 - Termination from the Program and incarceration

What We Expect from You

- You must comply with the conditions of supervision.
- You must be honest.
- You must not use drugs.
- You must commit no violations of federal, state, or local law.
- You must obey the instructions of the Judge and of your probation officer.

- You must show up for meetings with your probation officer and for your court sessions, and you must be open and honest about your behavior.
- You must agree to sign release of information forms allowing your probation officer to speak with and receive information from your counselor(s) or medical treatment provider(s) about your progress.
- You must submit to drug testing as required.
- You must communicate regularly with your attorney and let him or her know when you are having trouble complying with the program requirements.
- By the end of the program, you must either be employed or enrolled in an educational program.
- By the end of the program, you must have stable housing.
- You must keep an open mind about your capacity to change, grow, and overcome your drug dependence.

Some people may not complete the FDC program for various reasons, including, continued drug abuse, dishonesty, reoffending, and/or failing to make sufficient progress towards the other goals of the program. If this happens, the judge will discuss the problem with you in court at the regular drug court sessions and may impose a sanction. If non-compliance with the FDC program continues, you may face termination from the program.

Termination from the program, for example, may be triggered when the U.S. Attorney's Office files a motion for revocation of your conditions of release (often filed with a request for an arrest warrant). These conditions of release are what permit you to live in the community while your case is pending before the court. If a motion for revocation is filed, your original lawyer will be reassigned to your case. You and your lawyer will receive notice of the basis on which revocation is sought as well as an opportunity to testify, to call witnesses or to offer mitigating evidence in a hearing before the judge. If your conditions of release are revoked and you are held in prison pending sentencing, you will be terminated from the FDC Program.

I have read and acknowledge that I understand the above terms and conditions of my participation in the FDC program and I agree to fully comply with the terms and conditions.

Participant

Date

I have advised my client of all of the terms and conditions of the FDC program and I believe that my client fully understands those terms and conditions, and knowingly and voluntarily seeks permission to participate in the FDC program.

Attorney for Participant

Date

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

FEDERAL DRUG COURT

**AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION
REGARDING SUBSTANCE ABUSE TREATMENT AND COUNSELING**

I, _____, the undersigned, have voluntarily agreed to participate in the Federal Drug Court ("FDC") in the District of Vermont. As a condition of my participation in the FDC program, I hereby authorize any and all substance abuse treatment, counseling, and any other programs to which I may be referred as part of the FDC program to release confidential information in their records, possession, or knowledge to the following members of the FDC Program Team: (a) United States District Court for the District of Vermont; (b) United States Probation and Pre-Trial Services for the District of Vermont, as well as any research partner working with Pre-Trial Services to evaluate the FDC program; (c) the panel attorney; and (d) the United States Attorney's Office for the District of Vermont.

The confidential information I hereby authorize to be released to the FDC Program Team will include, without limitation: date of entrance to the program or treatment; attendance records; drug testing results; type, frequency, and effectiveness of therapy (including psychotherapy notes); type and dose of medication; response to treatment; test results; date of and reason for withdrawal from the program or treatment; and prognosis.

I understand that, subject to any exceptions to confidentiality that may apply through federal or state law, the FDC program team will use the confidential information herein released only to evaluate my progress in the FDC program and my compliance or non-compliance with the terms and conditions of the FDC program, including the imposition of any sanctions (examples of sanctions are referenced in the Participation and Consent Agreement). The confidential information may also be used to evaluate the effectiveness of the FDC Program as a whole.

I understand that this authorization will remain valid until my termination or graduation from the FDC program. I understand that confidential information disclosed pursuant to this authorization may subsequently be used by members of the FDC Program Team to initiate or support an action alleging violation of the terms or conditions of my release, prepare a presentence report, make a recommendation regarding sentencing, and determine the appropriate sentence, as a result of which the information may no longer be deemed confidential and may no longer be protected by federal or state law.

I understand that I have the right to revoke this authorization to release confidential information, in writing, at any time by sending notification to the United States Probation and Pre-Trial Services Officer assigned to supervise me in the FDC program. I understand that if I revoke this authorization to release

confidential information before I complete the FDC program, it may be considered a violation of the FDC program terms and may result in my termination from the program.

I have read this authorization to release confidential information, have discussed it with my attorney, understand its terms, and by signing below, I agree to it.

Signature

Date

I am the attorney representing the individual signing this authorization to release confidential information in connection with the FDC program and have discussed the terms of this authorization with this individual. I believe this individual understands the terms of this authorization and that this individual's agreement to sign this authorization is knowingly and voluntarily made.

Signature

Date

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA)
)
 v.) Criminal No.
)
xxxxxx,)
)
 Defendant.)

DRAFT ORDER OF REFERRAL TO DRUG COURT

The Government has filed an unopposed motion for an order of referral of the defendant to the Federal Drug Court program ("FDC") in [Burlington or Rutland]. The Drug Court Team, including the U.S. Probation office, supports the motion.

The Court grants the order of referral and refers the case to the FDC program based on the parties' agreement on the following points:

1. The defendant suffers from drug addiction and such addiction played a significant role in her/his participation in the alleged offense conduct.
2. The defendant would likely benefit from treatment and rehabilitation under the supervision of the FDC program.
3. If the defendant succeeds in the FDC program, she/he will be entitled to a benefit to be determined by the FDC judge and the other members of the FDC team. The benefit could include a probationary sentence or dismissal of the charges. The United States Attorney's Office must agree to any dismissal of the charges based upon participation in the FDC program.

During the period of referral to the FDC, the judge assigned to the FDC shall conduct all hearings related to the FDC as well as any hearing related to a possible violation of conditions of release filed pursuant to 18 U.S.C. § 3148.

Upon completion or termination from the FDC program, the defendant shall remain assigned to the FDC judge for further proceedings, including sentencing.

Representation of defendant by _____, the defense attorney currently assigned to represent defendant pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. § 3006a, is hereby terminated. _____ [Drug Court Panel Attorney], Esq. is assigned as substitute counsel to represent the defendant during the time of participation in drug court.

Dated at Burlington, in the District of Vermont, this ____ day of _____.

xxxxxx
Judge
United States District Court