

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**RUTLAND 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 Rutland Federal Drug Court (“RFDC”) program that will offer 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.

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 RFDC 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 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.

RFDC Program Overview

The RFDC program requires regular court sessions at the U.S. District Court in Rutland as well as completion of a treatment plan. The program will take between nine and eighteen months to complete, depending upon the initial treatment plan and 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 sentence to dismissal of the drug-related charges. The RFDC Program Team will determine the benefit each participant will be entitled to upon successful completion of the program. The USAO must agree to any dismissal of charges.

The RFDC program will be voluntary for its participants who, before commencing the program, will be required to enter into a RFDC Participation and Consent Agreement (Exhibit 1) pursuant to which they agree to participate in the program and comply with its terms and conditions. During their time in the RFDC program, participants will attend and participate in regular meetings with their probation officers, attend regularly scheduled court sessions (every two weeks during the first phase), and varying levels of treatment for their drug abuse problems. Participants will be required to sign a form authorizing the release of information from their counselors or treatment providers to their probation officers (Exhibit 2). Participants will also be required to sign a speedy trial waiver (Exhibit 3). The RFDC Program Team—the RFDC Judicial Officer, RFDC Assistant United States Attorney (“AUSA”), RFDC Panel Attorney, RFDC Probation Officer, and contracted treatment provider (or their designated substitutes)—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 RFDC program and sentencing without receiving any benefit of graduation from the program.

Participants

Participants in the RFDC program must be individuals who have been charged in the District of Vermont in a charging instrument presented by the USAO with a federal crime or crimes. Participants will be individuals whose criminal conduct is believed to have been motivated by drug abuse or dependence. Participants must be approved for participation by the RFDC Program Team and the district court judge before whom the charges against the participant were originally pending.

Consistent with the NADCP’s Best Practice Standards, the RFDC 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 RFDC program. Nor will candidates be disqualified from participation because of co-occurring mental health conditions, as long as adequate treatment is available. The RFDC 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 RFDC program. *See Adult Drug Court Best Practice Standards: Volume I*, NADCP (2013).

Legal Representation

While participating in RFDC, participants will continue to be represented by their original defense attorneys. Because it is impractical for every participant's defense attorney to attend every RFDC session, the RFDC team will also include an RFDC Panel Attorney who shall provide representation to all participants with respect to issues arising within the context of the RFDC program. The RFDC Panel Attorney shall be a full participant in meetings of the RFDC team and shall also be available to consult privately with any participant, particularly on issues concerning potential violations and sanctions. Upon completion of RFDC (or discharge from the program), representation shall return exclusively to the original defense attorney.

RFDC Judicial Officer

Cases accepted by the RFDC team will be assigned for purposes of drug court participation to the District Judge in the Rutland federal courthouse. The case will remain on the list of cases assigned to the original judge and will return to that judge for final disposition upon completion of participation in drug court. While a participant is engaged in drug court, the RFDC judicial officer shall hear any violation of conditions of release as well as any hearing related to violations of the RFDC agreement. The Magistrate Judge may also preside at any hearing related to the RFDC.

Implementation

The process of referral to RFDC begins with a motion by the participant's attorney filed with the consent and approval of the AUSA. The AUSA may also initiate this process by advising the participant's attorney that the office would approve a referral to RFDC and would give its consent to a motion. Prior to the filing of a motion, counsel for the defendant shall notify Probation who will advise both the AUSA and the defense attorney about whether Probation would support the motion to refer the case to RFDC.

The motion for referral to drug court will go to the judge originally assigned to the case. An order granting the motion will have the effect of transferring responsibility for the case to the RFDC Judicial Officer for all issues related to participation in drug court and compliance with conditions of release while a person is participating in drug court. With the exception of hearings related to drug court participation and violation of conditions of release, the case shall remain assigned to the original judge. A draft order of referral is attached as Ex. 4.

Once the judge originally assigned to the case grants the motion for a referral to RFDC, the prospective participant will be notified and the RFDC Judicial Officer will appoint the drug court panel attorney to represent the participant for purposes of the RFDC program. If the participant is already represented by an attorney, that attorney will continue to represent him or her for all other purposes. After being advised of the program requirements and consulting with his or her attorney, the prospective participant will decide whether or not to participate.

The attorney representing the prospective participant will obtain a speedy trial waiver (Exhibit 3) for the time necessary for prospective participants to complete the program. If the prospective participant decides to participate in the RFDC program, he or she will sign the Participation and Consent Agreement (Exhibit 1) and the form authorizing release of information from counselors or treatment providers to the RFDC Program Team (Exhibit 2). The prospective participant will then attend a meeting at which the remaining parties to the Participation and Consent Agreement will sign it as well.

For participants who have not pled guilty, the order of referral to the RFDC will include a stay of the pending criminal charge(s) against the participant and exonerate the participant from paying any existing bail. For participants who have pled guilty, the clerk's office will continue any existing hearings. The order of referral will also include a provision excluding time spent in the RFDC program from the operation of Speedy Trial deadlines.

Drug Abuse Treatment Plans

The RFDC 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 RFDC 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. RFDC will partner with Rutland Mental Health Services to determine appropriate treatment plans and to provide treatment services to participants.

Confidentiality

Records maintained by the RFDC 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. sec. 3153(c)(1). The RFDC treatment group meeting conducted prior to the RFDC court session is similarly confidential. RFDC court hearings are open and public and any information disclosed at those hearings is not confidential.

The Four Phases of the RFDC Program

The RFDC program envisions that each participant will progress through four phases of treatment. The RFDC Judicial Officer will determine, after consulting with the RFDC Program Team, when a participant may advance to a later phase.

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 thirty 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 seventy 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 150 consecutive days.

Phase four concludes the program with decreased frequency of contact and monitoring.

Role of the RFDC Probation Officer

Pre-Trial Services will designate a RFDC Probation Officer who will supervise each participant or assign another RFDC probation officer to each participant. The RFDC 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 RFDC 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 RFDC Program Team. If supervision problems arise or if probation officers find a compliance violation, they must notify the AUSA and the RFDC Panel Attorney. The probation officers will report violations to the RFDC 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 RFDC case files for each participant.

The case file will include progress reports, drug testing results, any sanctions imposed by the RFDC Judicial Officer, counseling and treatment records, and any other records related to the participants' progress through the RFDC program. The probation officers will make available the file of any participant to the RFDC Judicial Officer, 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.

RFDC probation officers will also maintain supervision over any participants who have graduated but continue to serve a sentence of probation. 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 RFDC program and with the graduate's background and progress through the program.

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

Role of the RFDC Judicial Officer and Court Sessions

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

The RFDC Judicial Officer will devote time and attention to each participant during the court sessions. When a participant excels in the program, the Judicial Officer will provide encouragement. The Judicial Officer 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 Judicial Officer will give the participant the opportunity to be heard, will confer with the other members of the RFDC Program Team, and will determine an appropriate sanction. The Judicial Officer 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 RFDC judicial officer or designee. The hearing will be conducted in the same manner as a revocation hearing under F.R.Cr.P. 32.1.

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 RFDC program.

The Judicial Officer may terminate participants from the RFDC program if they can no longer be managed safely in the program or if they repeatedly fail to comply with the terms and conditions of the program. The Judicial Officer will provide a termination hearing at the participant's request. Such a hearing shall be conducted in a manner similar to a detention hearing under 18 U.S.C. sec. 3142(f) except that the deadlines for scheduling a detention hearing do not apply.

The Judicial Officer will also determine, after consulting with the RFDC Program Team, when a participant may advance to the next phase of the program. The Judicial Officer 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 Judicial Officer will determine, after conferring with the RFDC Program Team, when a participant may graduate from the program. A participant may graduate no earlier than nine months after commencing the program, with a possibility of extending the program length to eighteen months. At the participant's final court session, the Judicial Officer will present him or her with a certificate of completion. A graduate is entitled to the benefit contained in the Participation and Consent Agreement.

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

Both the RFDC AUSA and the RFDC panel attorney (or their designated substitutes) will participate in the RFDC 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 Judicial Officer about appropriate rewards and sanctions for participants. The RFDC AUSA and RFDC 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 RFDC panel attorney is less adversarial than in a traditional criminal proceeding.

AGREED ON BEHALF OF:

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

Date

[Name and Title]
United States Probation and Pre-Trial Services
District of Vermont

Date

[Name and Title]
Federal Public Defender's Office
District of Vermont

Date

[Name and Title]
United States Attorney's Office
District of Vermont

Date

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**RUTLAND FEDERAL DRUG COURT
PARTICIPATION AND CONSENT AGREEMENT**

Name: _____

Case Number: _____

You have been invited to participate in the District of Vermont's Rutland Federal Drug Court ("RFDC") 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, you will benefit by obtaining at the least a non-incarcerative sentence such as probation and at most dismissal of the charges against you. The benefit for which you are eligible will be determined at the conclusion of the program by the RFDC judge and the other members of the RFDC team including a U.S. Probation Officer, a federal prosecutor, a treatment provider, and a defense attorney assigned to assist all participants in the RFDC (the "Panel Attorney").

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.

RFDC Program Overview

The RFDC program will last a minimum of nine months, with the possibility that it may be extended for up to eighteen months. The core of the program is two-fold. It requires regular court sessions at the U.S. District Court in Rutland, as well as completion of a 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 three phases of decreasing intensity. Phase one requires court sessions every two weeks. Subsequent phases will require fewer court sessions and decreased supervision as the court and your probation officer find necessary in light of your progress. If you successfully complete your treatment plan and comply with the RFDC program requirements, you will be eligible to graduate from the program. Upon graduation you will be entitled to the benefit promised you by the RFDC program team.

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 judge will meet regularly with the other members of the RFDC program team—your probation officer, the U.S. Attorney, the Panel Attorney, , a treatment provider, and a representative of 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 phase one of the program, the court sessions will be held every two weeks.
- The judge will discuss your progress and setbacks. The judge may give you a token incentive to reward you for your successes.
- The judge may impose sanctions for any misconduct. 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 RFDC program.
- The judge will provide you with a formal hearing concerning sanctions at your request. You will be represented by your attorney at the hearing.

What We Expect from You

- You must comply with the conditions of supervision;
- 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.

How This Program Affects Your Rights

Under the Fifth and Sixth Amendments to the United States Constitution, you have the right not to incriminate yourself, to have the effective assistance of an attorney, and to have a judge who is fair and impartial and not influenced by facts outside the record. You will not have to give up these rights in order to participate in the RFDC.

The RFDC program is unlike a traditional adversarial court or probation hearing. , The judge, the other members of the RFDC and you will be working together informally to find the treatment you need to stay drug-free and out of trouble.

You will have legal assistance at every hearing. Because it is impractical for your original attorney to appear twice per month, you will receive assistance from the Panel Attorney who is assigned to assist all participants in the RFDC. Your original attorney remains assigned to your case and you may also call on him or help for assistance or advice if you feel you need it.

The hearings in RFDC will be public and recorded. You may request that your friends or relatives attend.

The judge will know more about you through regular meetings. You will also be required to say more to the judge about yourself than you normally might. The Federal Rules of Evidence which restrict the types of information that the judge can consider will not apply. This means that the judge will better understand your situation and may be better able to help you to complete the program. It also means that you may be more vulnerable to sanctions or punishment should you violate the conditions of the program.

You will be expected to speak openly and honestly. You still have the right to remain silent when accused of a crime or of violating the conditions of supervision. Agreeing to participate in this program does not affect your right to remain silent. However, failure to be open and frank with the judge may result in your termination from the RFDC and your return to the normal court process.

You may be punished for violations of the conditions of the program.

Participation in the RFDC program is always voluntary. You have the right to withdraw from the RFDC program at any time. You will return to the normal court process before the original judge to whom your case was assigned.

Some people may not complete the RFDC program because they continue to abuse drugs, reoffend, or fail to make sufficient progress towards the other goals of the program. If this happens, the judge will discuss the problem with you in court and offer you a termination hearing if you wish. At that hearing you will have an opportunity to testify, to call witnesses, and to be represented by an attorney. If the judge decides that termination is appropriate, your case will return to the normal track for resolution before the judge to whom your case was originally assigned. If you have previously pled guilty, the case will be scheduled for sentencing. If you have not pled guilty, the case will be scheduled in the normal course. If your case was transferred to RFDC by a different judge, you will return to that original judge for further proceedings.

I have read and acknowledge that I understand the above terms and conditions of my participation in the RFDC 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 RFDC program and I believe that my client fully understands those terms and conditions, and knowingly and voluntarily seeks permission to participate in the RFDC program.

Attorney for Participant

Date

I recommend the above-named individual for participation in the RFDC program.

U.S. Probation Officer

Date

I recommend the above-named individual for participation in the RFDC program.

Assistant U.S. Attorney

Date

I approve the above-named individual for participation in the RFDC program.

United States District Judge
District of Vermont

Date

Exhibit 2

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**RUTLAND FEDERAL DRUG COURT
AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION REGARDING
SUBSTANCE ABUSE TREATMENT AND COUNSELING**

I, _____, the undersigned, have voluntarily agreed to participate in the Rutland Federal Drug Court ("RFDC") in the District of Vermont. As a condition of my participation in the RFDC 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 RFDC program to release confidential information in their records, possession, or knowledge to the following members of the RFDC 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 RFDC program; (c) the Federal Public Defender's Office for the District of Vermont; and (d) the United States Attorney's Office for the District of Vermont.

The confidential information I hereby authorize to be released to the RFDC 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 RFDC program team will use the confidential information herein released only to evaluate my progress in the RFDC program and my compliance or non-compliance with the terms and conditions of the RFDC program, and to evaluate the effectiveness of the RFDC program as a whole.

I understand that this authorization will remain valid until my termination or graduation from the RFDC program. I understand that confidential information disclosed pursuant to this authorization may subsequently be used by members of the RFDC Program Team to initiate or support an action alleging violation of the terms or conditions of my diversion, to 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 RFDC program. I understand that if I revoke this authorization to release confidential information before I complete the RFDC program, it may be considered a violation of the RFDC 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 RFDC 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

Exhibit 3

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**RUTLAND FEDERAL DRUG COURT
SPEEDY TRIAL WAIVER**

United States v. [Defendant's Name]
Case No. [Case No.]

I am the defendant in the above-captioned criminal case. I have discussed with my attorney, and understand: (a) I have a right to have my case proceed to trial within the time period specified by federal statute, 18 U.S.C. § 3161; (b) the nature and conditions of the Rutland Federal Drug Court ("RFDC") program; (c) I have been invited to participate in the RFDC program; (d) my participation in the RFDC program will take no less than nine (9) months and no more than eighteen (18) months; and my participation will require that my case be referred to the RFDC program judicial officer if I am not already before him/her.

Understanding all of this: (a) I want to participate in the RFDC program; (b) I want my case referred to the RFDC program judicial officer, if necessary; and (c) I agree that the length of time that I participate in the RFDC program may be excluded from the time period set by statute within which my criminal case would otherwise have to proceed to trial. I have discussed with my attorney, and I understand, that by agreeing to this, I am waiving a right accorded me by statute to have my trial begin within a specified time period. I am waiving this right knowingly and voluntarily because I want to participate in the RFDC program, and not for any other reason.

Defendant/Participant

Date

I am _____'s attorney. I have carefully and thoroughly discussed with my client this Speedy Trial Waiver, including, in particular: (a) my client's right to have the criminal case against my client proceed to trial within the time period specified by federal statute, 18 U.S.C. § 3161; (b) the nature and conditions of the Rutland Federal Drug Court ("RFDC") program; (c) that my client has been invited to participate in the RFDC program; (d) that my client's participation in the RFDC program will take no less than nine (9) months and no more than eighteen (18) months and will require that my client's case be referred to the RFDC program judicial officer, if necessary; and (e) that by executing this Speedy Trial Waiver, my client will be waiving a right accorded my client by statute to have the trial in this criminal case begin within a specified time period. I believe that my client is executing this Speedy Trial Waiver knowingly and voluntarily because my client wants to participate in the RFDC program, and not for any other reason. I concur in my client's waiver of his/her speedy trial rights as set forth in this Speedy Trial Waiver.

Attorney for Defendant/Participant

Date

Exhibit 4

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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

ORDER OF REFERRAL TO DRUG COURT

The Government has filed an unopposed motion for an order of referral of the defendant to the Rutland Federal Drug Court program ("RFDC"). The U.S. Probation office supports the motion.

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

1. The defendant suffers from drug addiction and such addiction played a significant role in her participation in the alleged offense conduct.
2. The defendant would likely benefit from treatment and rehabilitation under the supervision of the RFDC program.
3. If the defendant succeeds in the RFDC program, she will be entitled to a benefit to be determined by the RFDC judge and the other members of the RFDC 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 RFDC.

During the period of referral to the RFDC, the judicial officer assigned to the RFDC shall conduct all hearings related to the RFDC 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 RFDC program, the defendant shall return to the judicial officer originally assigned to the case for all further proceedings. The sentencing shall be continued until this time.

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. sec. 3006a, is hereby terminated. Natasha Sen, 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 _____, 2015.

xxxxxx

Judge

United States District Court