

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DRUG TREATMENT COURT PROGRAM**

**Participant Overview**

**I. Introduction**

Congratulations on your selection for participation in the Drug Treatment Court Program, the Western District of Virginia's federal drug court. The recommendation process is not an easy one, and your referral to the program speaks to our belief in your ability to successfully complete it. This overview is designed to help you decide whether to accept the referral and, if so, what you should expect while participating in the program.

The Drug Treatment Court Program works with people who have substance abuse and/or dependence problems. The program combines the efforts of the U.S. District Court, the U.S. Attorney's Office, the Federal Public Defender's Office, the U.S. Probation Office, and community treatment providers. You will receive access to a combination of community supervision, substance abuse treatment counseling, random drug testing, and pro-social community activities. Although no outcome is guaranteed, the U.S. Attorney's Office will take into consideration in fashioning its sentencing position the fact that you successfully completed the Drug Treatment Court Program. Depending on the circumstance, the government may reduce your charges to a lesser offense, recommend a non-guideline sentence, or dismiss the charges entirely. If you successfully complete the Drug Treatment Court Program as a post-conviction defendant, the court may dismiss your violation charge(s) and you may receive a one-year reduction in your term of supervised release or probation.

You should know that the Drug Treatment Court Program is completely voluntary. You can accept or decline participation in it. If you choose to participate in this program, you must be willing to commit to the entire program and abide by its rules, including its sanction and termination procedures. The program is difficult. It will often be inconvenient and will demand discipline and sacrifice. Regaining control of your life, in body and mind, is worth your hard work and sacrifice. And your path through the program will be supported by people who not only care about your future but have the expertise to help you change it.

Lastly, the Drug Treatment Court Program is built on trust and credibility. Your success in the program is tied directly to your commitment to complete honesty and disclosure. We expect that you will make mistakes during your time in the Program. However, even when you make mistakes, you can always control your own truthfulness. The presiding judge's harshest sanctions are often reserved for those times when participants fail to tell the truth. Accepting responsibility for your mistakes will change your life; hiding your mistakes will only hold you back.

We hope you choose to join the Drug Treatment Court Program.

## **II. Team Members**

The Drug Treatment Court Program team consists of the presiding judge, court staff, defense counsel, volunteer mentors, and representatives from the U.S. Attorney's Office, the Federal Public Defender's Office, the U.S. Probation Office, the U.S. Marshals Service, and treatment providers. Other individuals or entities may be asked to join the team from time to time, as deemed necessary for assisting with fulfilling program goals. All team members play important roles, as outlined below.

**Presiding Judge:** The presiding judge's job is to encourage you in your progress through the Drug Treatment Court Program. You will appear before him or her on a regular basis to discuss your efforts in the Program. The presiding judge will give you encouragement and reward when you have made good choices and will advise and sanction you when you make mistakes.

**Supervising Probation Officer:** The supervising probation officer will coordinate and manage your participation in various rehabilitation and treatment programs and will be responsible for reporting to the presiding judge and the team about your progress. The supervising probation officer will meet with you at both regularly scheduled and unscheduled times during your time in the program. He or she is your greatest resource.

**Assistant U.S. Attorney:** The assistant U.S. attorney assigned to the Drug Treatment Court Program plays an active part in your rehabilitation. He or she believes that you can be successful. As part of the team, he or she will offer insight into ways the program can work best for you.

**Assistant Federal Public Defender or Defense Counsel:** Many participants who join the Drug Treatment Court Program opt to be represented by the assistant federal public defender for purposes of drug court only. If you choose this option, the assistant federal public defender assigned to the Drug Treatment Court Program will represent you in drug court, while your current attorney will continue to represent you in all matters relating to your criminal case. Whether you are represented by the assistant federal public defender or by your current attorney, you will have an attorney who looks out for your best legal and personal interests. He or she works closely with the rest of the Drug Treatment Court Program to ensure that you receive the help that you need.

**Treatment Providers:** During the Drug Treatment Court Program, you may be required to attend counseling sessions, substance abuse programs, job training, self-help meetings, personal money management programs, community service activities, and more. The treatment providers who staff these activities are experts in providing the help you need and are trained to help you make better choices. The treatment provider may prescribe

medication assisted treatment (“MAT”), and help identify detox facilities, inpatient and outpatient centers, and additional support services, as appropriate.

**Mentors:** A volunteer mentor works with you to achieve your program goals. Your mentor or mentors will help you develop critical life skills, such as applying for and interviewing for jobs, obtaining GEDs and high school degrees, living healthily, and improving your finances. You may also work with a Certified Peer Recovery Specialist, who is in long-term substance abuse recovery and has received training to mentor people suffering from addiction.

**Court Staff:** Members of the courthouse staff support the Drug Treatment Court Program in a number of ways. They work closely with the rest of the team to ensure that you receive the help that you need.

### **III. Program Overview**

The Drug Treatment Court Program is designed to last at least one year. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions to complete their term of treatment. Participants may enter the Drug Treatment Court Program as either pretrial or post-conviction defendants. Pretrial defendants may be admitted to the program after they have pleaded guilty to federal charges but before they are sentenced on those charges. Post-conviction defendants may be admitted to the program after they have been charged with a violation of their supervised release but before they have been sentenced on that violation.

Judges, defense attorneys, probation officers, assistant U.S. attorneys, and members of the Drug Treatment Court Program team may refer defendants to the program by submitting a referral form. This form includes questions about a defendant’s charges, criminal history, and substance abuse. These questions do not automatically qualify or disqualify a defendant from participating in the Drug Treatment Court Program, but help inform the team whether he or she would be a good fit. Based on the recommendation of the U.S. Probation Office, and with the agreement of the U.S. Attorney’s Office and the Federal Public Defender, the presiding judge makes the final decision about whether to accept referred defendants into the Drug Treatment Court Program.

Prior to being accepted into the Drug Treatment Court Program, defendants must attend a program hearing, participate in an interview with the supervising probation officer, and undergo a substance abuse assessment. Once accepted into the Drug Treatment Court Program, participants are under the supervision of the United States Probation Officer assigned to the Drug Treatment Court Program. Participants take part in all recommended treatment. Participants set goals for themselves and strive to achieve these individualized goals. Participants also submit to drug testing as directed by the supervising probation officer or the presiding judge. In addition to actively engaging in treatment, participants must comply with the general conditions of supervision.

The Drug Treatment Court Program is made up of three phases. The phases are designed to allow each participant to establish a sober and law-abiding lifestyle. The phases encourage participants to develop an understanding of their substance abuse or dependence by recognizing patterns of use, factors that influence use, and the impact of use on themselves, their families, and their communities. While each phase has a specific purpose with distinct and achievable goals, the participants work throughout the program toward the development of a community-based sober support system. Each participant must successfully complete all levels in order to graduate from the program.

### **Phase One – Early Recovery**

**Phase Length:** Approximately four (4) months

**Goals:** Participants abstain from drug and alcohol use, engage in treatment and stabilize in the appropriate level of treatment services. Participants develop an understanding of addiction, patterns of use, and factors that influence use. Participants establish early recovery tools and a foundation of support for recovery.

**Expectations for Participants:**

- Abstain from use of all mood- or mind-altering drugs or alcohol, even if those substances are legally available, except as prescribed;
- Comply with the instructions of medical health professionals, particularly if receiving medication-assisted treatment (“MAT”);
- Do not commit any crimes or acquire any criminal charges;
- Comply with all bond or supervised release conditions;
- Attend all Drug Treatment Court Program court hearings, which occur at least biweekly during Phase One;
- Participate in substance abuse treatment as directed;
- Attend weekly meetings with supervising probation officer;
- Attend at least three self-help meetings weekly and submit verification;
- Submit to drug and alcohol testing as ordered by the presiding judge or as deemed appropriate by the supervising probation officer;
- Submit to community and/or home visits as deemed appropriate by the supervising probation officer;
- Develop a plan to comply with any court-ordered restitution and, if possible, begin making payments;
- Perform community service, or engage in another productive activity approved by the designated Drug Treatment Court Treatment Provider staff, for a minimum of eight hours per week;
- Complete and submit for approval a phase report that reflects on progress in the program and sets goals for the next phase;

- Maintain sobriety for at least two consecutive months prior to moving into Phase Two; and
- Complete other requirements as determined by the designated treatment provider, the presiding judge, or supervising probation officer.

## **Phase Two – Primary Treatment & Continued Care**

**Phase Length:** Approximately five (5) months

**Goals:** Participants begin to identify and understand adverse consequences of drug/alcohol use and take responsibility for same. Participants continue abstinence and continue to build a sober support network in the community.

### **Expectations for Participants:**

- Abstain from use of all mood- or mind-altering drugs or alcohol, even if those substances are legally available, except as prescribed;
- Comply with the instructions of medical health professionals, particularly if receiving medication-assisted treatment (“MAT”);
- Do not commit any crimes or acquire any criminal charges;
- Comply with all bond or supervised release conditions;
- Attend all Drug Treatment Court Program court hearings, which occur at least once per month;
- Participate in substance abuse treatment as directed;
- Attend regular meetings with supervising probation officer;
- Attend at least three self-help meetings weekly and submit verification;
- Submit to drug and alcohol testing as ordered by the presiding judge or as deemed appropriate by the supervising probation officer;
- Submit to community and/or home visits as deemed appropriate by the supervising probation officer;
- Seek and secure full-time employment/community service or enroll in and attend a full-time educational/vocational program, or a combination of both, or an acceptable alternative, as deemed appropriate by the designated treatment provider personnel and the supervising probation officer, or as directed by the court;
- If offered and deemed necessary, participate in an available life-skills or comparable program, as directed by U.S. Probation Office;
- If offered and deemed necessary, participate in an available personal finance or comparable program, as directed by U.S. Probation Office;
- Identify personal wellness activity and begin weekly participation;
- Begin or continue making payments towards any court-ordered restitution;
- Complete and submit for approval a phase report that reflects on progress in the program and sets goals for the next phase;

- Maintain sobriety for at least three consecutive months prior to moving to Phase Three.
- Maintain stable housing, as directed and approved by the supervising probation officer; and
- Complete other requirements as determined by the designated treatment provider, the presiding judge, or supervising probation officer.

### **Phase Three – Relapse Prevention Planning**

**Phase Length:** Approximately three (3) months

**Goals:** Participants secure long-term recovery needs and develop and finalize a relapse prevention plan.

#### **Expectations for Participants:**

- Abstain from use of all mood- or mind-altering drugs or alcohol, even if those substances are legally available, except as prescribed;
- Comply with the instructions of medical health professionals, particularly if receiving medication-assisted treatment (“MAT”);
- Do not commit any crimes or acquire any criminal charges;
- Comply with all bond or supervised release conditions;
- Attend Drug Treatment Court Program court hearings once per month;
- Participate in substance abuse treatment as directed;
- Attend at least three self-help meetings weekly and submit verification;
- Submit to drug and alcohol testing as ordered by the presiding judge or as deemed appropriate by supervising probation officer;
- Submit to community and/or home visits as deemed appropriate by the supervising probation officer;
- Maintain full-time employment or community service commitments or full-time student status;
- Continue weekly personal wellness activity;
- Complete any court-ordered restitution;
- Complete and submit for approval a relapse-prevention plan which includes continued recovery goals;
- Maintain sobriety for at least five consecutive months prior to moving graduating from the Drug Treatment Court Program;
- Maintain stable housing, as directed and approved by the supervising probation officer; and
- Complete other requirements as determined by the designated treatment provider, the presiding judge, or supervising probation officer; and

- Participate in alumni group, as directed by the court, the treatment provider, or the supervising probation officer for the last thirty (30) days.

### **Graduation and Alumni Group: Achievement and Giving Back**

Participants who successfully complete all phases of the Drug Treatment Court Program, and also demonstrate sustained recovery, personal responsibility, and reduced public risk, will be recognized at a formal graduation ceremony. Graduates will have the opportunity to support their sustained recovery, act as mentors for other Drug Treatment Court Program participants, and/or contribute to the ongoing success of the Program through their involvement as alumni in the alumni group.

### **IV. Drug Treatment Court Hearings**

Participants regularly appear before the presiding judge to evaluate their progress. Every effort is made to ensure that the time of the appearance does not conflict with employment or treatment. At Drug Treatment Court Program hearings, both the supervising probation officer and other team members report on the participant's progress. These reports describe both successes and problems experienced on supervision, which may be treatment related or otherwise.

### **V. Incentives and Rewards**

Participation in the Drug Treatment Court Program offers many rewards. Most importantly, participants receive substance abuse treatment and regain hope for a sober and crime-free life. The U.S. Attorney's Office will take into consideration in fashioning its sentencing position the fact that a participant successfully completed the Drug Treatment Court Program. Depending on the circumstance, the government may reduce the charges to a lesser offense, recommend a non-guideline sentence, or dismiss the charges entirely. The United States is under no obligation, however, to take any of these actions, and no outcome is guaranteed. Post-conviction participants who successfully complete the Drug Treatment Court Program may have the violation charge(s) against them dismissed and may receive a one-year reduction in their term of supervised release or probation.

As participants advance through the program, they may receive additional rewards during the drug court hearings. These rewards may include, but are not limited to:

- Applause and verbal praise;
- Written recognition or certificates of achievement;
- Reduced frequency of court appearances;
- Reduced drug testing;
- Elimination of curfew, home detention, or location monitoring;

- Reduction of travel limitations, increased driving privileges, or permission for a move to less restrictive housing options;
- Promotion to next phase;
- Recovery materials; and
- A graduation certificate upon program completion.

## **VI. Violations and Sanctions**

Sanctions are imposed on participants who engage in misconduct as a way of deterring future misconduct. Violations of any type will be reported to the presiding judge. Sanctions are imposed with progressive severity. Misconduct and resulting sanctions may be addressed in the regularly-scheduled drug court hearings or at separate status conferences held by the presiding judge. Violations will be addressed at hearings as quickly as possible. Factors which will influence the type of sanction imposed include the participant's honesty about the misconduct, the seriousness of the violation, and the participant's conduct throughout the course of the program. In addition, an important factor will be whether participants voluntarily disclose the violation. The following is a non-exhaustive list of behavior that the Drug Treatment Court Program team considers to be sanctionable misconduct:

- Dishonesty with members of the Drug Treatment Court Program team, including the presiding judge, supervising probation officer, and treatment provider;
- Unexcused absence from court hearings, meetings with the supervising probation officer, or meetings with the treatment provider;
- Positive alcohol or drug test results;
- Missed alcohol or drug test or refusal to submit to urinalysis testing;
- Submission or attempted submission of an adulterated urine sample;
- Failure to maintain employment, community service, or student status as directed;
- Failure to comply with conditions of bond or supervised release;
- New arrest;
- Failure to comply with court-ordered restitution; and
- Unacceptable behavior as reported to the Drug Treatment Court team and considered by the presiding judge.

The following is a non-exhaustive list of sanctions that the presiding judge may impose in response to sanctionable misconduct:

- Verbal or written reprimands;
- Writing assignment to describe and understand the events leading to the violation or misconduct, with formal presentation of assignment in court;
- Increased frequency of attendance at drug court hearings;
- Increased meetings with supervising probation officer and/or treatment provider;

- Increased drug and alcohol testing;
- Increased length of phase;
- Community service hours;
- Curfew or home confinement with or without location monitoring;
- Placement in a residential re-entry center, halfway house, or sober house;
- Placement in an in-patient or out-patient addiction treatment program;
- Days spent in custody of the U.S. Marshal's Service;
- Incarceration of varying length, generally no more than seven days;
- Revocation of bond; and
- Termination from the program.

## **VII. Termination**

There are four different ways in which participants are terminated from the Drug Treatment Court Program.

### **Successful Termination**

Successful termination occurs when a participant completes the program successfully. Successful termination is recognized with a graduation ceremony, and participants are awarded a Certificate of Completion. Pre-adjudication participants may proceed to disposition of their cases as the court deems appropriate.

### **Unsuccessful Termination With Return to Original Presiding Judge**

This type of unsuccessful termination occurs when the participant has not committed a serious violation of program rules, but is not succeeding in the program. The participant may also have become a threat to public safety or program integrity. Termination may occur at the participant's request or upon the joint recommendation of the Drug Treatment Court Program team. Pre-adjudication participants terminated under this section proceed to sentencing by their original presiding judge. Post-conviction participants are transferred back to traditional supervision without a violation charge.

### **Unsuccessful Termination With a Formal Violation**

This type of unsuccessful termination occurs when the participant has committed a serious violation of the program rules and the presiding judge determines that participation in the Drug Treatment Court Program is no longer possible. The participant may also have become a threat to public safety or program integrity. The participant is returned to traditional supervision and generally faces a violation hearing before a magistrate judge or district judge.

The following is a non-exhaustive list of the types of misconduct that may result in unsuccessful termination with a formal violation:

- Criminal conduct;
- Repeated drug use;
- Repeated failure to cooperate with the supervising probation officer;
- Repeated failure to cooperate with the treatment provider;
- Failure to comply with sanctions ordered by the presiding judge; and
- Repeated failure to comply with the program's rules, orders from the presiding judge, and/or directions given by the supervising probation officer.

It is the policy of the U.S. Probation Office not to allege conduct that has already been addressed within the Drug Treatment Court Program as a formal violation. After the criminal defendant has been terminated from the program with a formal violation, however, the U.S. Probation Office will advise the judge presiding over the violation hearing of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions that occurred while the defendant participated in the program.

### **Administrative Discharge**

Administrative discharge occurs when participation in the Drug Treatment Court Program is no longer practical for reasons such as long-term illness or the need for a participant to relocate. This type of termination is considered neither successful nor unsuccessful. Participants are returned to their traditional supervision, but may be permitted to return to the program at a later date in the event their circumstances change.