

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

**SOBRIETY TREATMENT and EDUCATION PROGRAM
PARTICIPANT AGREEMENT AND WAIVER**

Name: _____

Offense of Conviction: _____

Sentencing Date: _____ Supervision Start Date: _____

Supervision Expiration Date: _____

Sentence/Special Conditions: _____

INTRODUCTION

You have been invited to participate in the Sobriety Treatment and Education Program [STEP] in the Eastern District of Washington. Your participation is entirely voluntary, and there will be no negative consequence if you do not wish to participate. If you successfully complete the STEP program, your term of supervision will be shortened by one year.

PARTICIPANT EXPECTATIONS

Participants will be expected to remain clean and sober and abstain from using or possessing drugs and alcohol. Participants will also be expected to seek and maintain stable employment and housing, strive toward meeting all family responsibilities and financial obligations, and to learn effective coping and life skills. Participants come from different backgrounds and have different challenges, thus, each participant's treatment regimen and expectations will be tailored to those individual needs.

THE STEP PROGRAM REQUIREMENTS

The STEP program requires the completion of four phases. Each phase has specific expectations, meeting and testing requirements, and a written assignment that must be completed. Attachment A is a Summary of the STEP Four Phases. You will be expected to demonstrate specific behaviors in order to progress from one phase to the next. For example you must demonstrate honesty and timely compliance with program requirements to move from Phase I to Phase II.

While participating in the STEP program, you will be under the supervision of a probation officer (PO). You will agree to abstain from using or possessing drugs and alcohol and agree to the testing frequency that is set out in the Summary of the STEP Four Phases, which is more frequent than you might have on regular supervision. You will also agree to participate in drug and alcohol evaluations, and in any and all recommended treatment. A mental health evaluation may be required, and you will agree to follow any recommended treatment. You will be required to be actively engaged in treatment and complete all program requirements, as well as to comply with all your other general conditions of supervision.

THE STEP TEAM MEMBERS

The STEP program is administered by the STEP Team comprised of a U. S. District Judge/Magistrate Judge, a U.S. Probation Officer (PO), an Assistant U. S. Attorney (AUSA), and a Federal Defender or an Assistant Federal Defender (FD/AFD). Your relationship with the FD/AFD will be different than with prior attorneys who legally represented you. **You will not have an attorney client relationship, your communications will not be confidential, and the Federal Defender/Assistant Federal Defender will not provide you with legal advice while you are enrolled in the STEP program.** The FD/AFD will work with the STEP Team in order to provide support and encouragement for your sobriety and success in the program. All members of the STEP Team and the Team's support staff will have access to your treatment provider records.

LENGTH OF STEP PROGRAM

The program will last *at least* one year. Each of the four phases of the program requires a minimum of three months to complete. Participants who struggle with compliance with program requirements, but remain dedicated to recovery, may be allowed to remain in the program longer than one year in order to complete the program.

COURT APPEARANCES

At least once per month you will be required to appear before the STEP Team in open court to evaluate your progress. During Phase I you will be required to appear twice per month. Efforts will be made to ensure the time of the appearance does not conflict with your employment or treatment programming. The Judge, PO, AUSA, FD/AFD, and treatment provider will be present. Progress reports from your PO and your treatment provider will be provided to the Judge, the AUSA and the FD/AFD. These reports will describe both successes and problems you have experienced while on supervision, either treatment-related, or otherwise.

REWARDS FOR COMPLIANCE

The STEP Team will reward you for demonstrating the specific behaviors required for each

phase of the program. The rewards may be intangible - like words of commendation, or tangible like gift certificates or a chance to win a larger prize. Successful completion of the program will be rewarded with the one-year reduction in supervision.

SUPERVISION VIOLATIONS/NON-COMPLIANCE CONSEQUENCES - WAIVER OF RIGHTS

Under regular supervision when violations are alleged, a person has a right under 18 U.S.C. § 3583(e) and Federal Rule of Criminal Procedure 32.1 to an initial appearance, preliminary hearing and a detention hearing if held in custody, a probable cause hearing, and a revocation hearing prior to having the person's conditions of supervision modified or before being revoked and sentenced to a term of imprisonment. The person also has a right to be represented by counsel and have an opportunity to make a statement and produce evidence to contest any alleged violations. **You are waiving your rights under these laws while participating in the Sobriety Treatment and Education Program.** There will be no hearing on whether any allegation of non-compliance is true.

If a monthly STEP Program Progress Report contains an allegation of non-compliance, the STEP Team will decide whether it is accurate and whether a STEP consequence is appropriate. Allegations of non-compliance and decisions regarding consequences will ordinarily be handled at the regularly scheduled STEP session. The Court, however, can schedule an appearance at any time. Additionally, consequences and modifications regarding treatment may be handled on an expedited basis without an appearance before the STEP Team. The PO's report at the next STEP appearance will inform the STEP Team whether you properly completed the consequence ordered at the last appearance. Failure to complete ordered consequences may result in added consequences, or termination from the program.

Non-compliant behavior by you, the participant, will result in consequences. There is no limit to the number of times that any particular consequence (e.g. community service, placement at a residential reentry center, jail) may be imposed on a participant during the course of his/her participation in the program. The range of possible consequences has been drafted broadly to assure that some level of consequence is available for every violation. Factors which will influence the type of consequence employed include the seriousness of the violation, the number of violations, and the amount of time you have remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether you voluntarily disclose the non-compliance. Dishonesty on your part will result in enhanced consequences. Depending on these factors, any of the consequences listed below - including termination from the program - is available. As a general rule, when there are repeat violations, more serious consequences will be applied. Consequences may include, but are not limited to:

- writing assignment;
- reading assignment;
- increased contact with the PO including possible day reporting;
- increased frequency of UA/alcohol testing;
- increased STEP Court attendance;
- returning to court and observing criminal proceedings for a half or a full day;
- participation in community service (the site and extent of which will be left to the discretion of the STEP Team);
- compliance with curfew restrictions or home confinement with electronic monitoring;
- reduction in phase;
- completion of a term at a residential reentry center (RRC);
- spending up to, but not more than, 7 days in jail;
- termination from the program with or without filing of a formal violation allegation.

If a jail consequence is ordered and you are then going to be placed at a Residential Reentry Center (RRC) or in an inpatient treatment program, you may be held in jail for additional time until a bed is available.

If you miss a UA you should contact the PO immediately to schedule a makeup UA.

If a UA is presumptively positive you will be asked if you have used illegal drugs or alcohol. If you admit use, any laboratory test to confirm it is not at your expense. If you deny use and the laboratory test to confirm the results is positive, you will be responsible to pay for the cost of the test.

If it comes to the attention of any STEP Team member that there is a suspicion or allegation that you have engaged in serious criminal conduct, as opposed to non-compliance with

specific STEP program requirements, the STEP Team will be so advised. The Team will ask that conflict free counsel be appointed to represent you. Your communication with that attorney will be confidential. However, any statements you make to a STEP Team member, (including the FD/AFD), or in the STEP program, is not confidential and may be used against you. Termination from the STEP program will likely result. Violations of the law, committed while you are participating in the STEP program, are subject to separate prosecution by state and federal authorities and may also form the basis for the revocation of your federal supervision.

If you abscond from supervision or fail to appear as instructed by the STEP Team, a warrant for your arrest may be issued. After you are arrested, you may be held in custody until the next scheduled STEP session which may exceed 7 days. If you are gone for 30 days or you are arrested on the warrant in another district, you will be terminated from the STEP program and returned to regular supervision status.

TERMINATION FROM THE STEP PROGRAM

You may be terminated from the program if you fail to participate in treatment and supervision - including repeated technical violations of general conditions of supervision, failure to make your STEP appearances, or a new law violation. If you are terminated from the STEP program, you will return to regular supervision status, and may face a violation hearing. If you return to regular supervision for any reason, your waiver of rights as part of participating in the STEP program will no longer apply. If the U.S. Probation Office chooses to pursue a formal violation charge, it will be the policy of the probation office not to allege as a formal violation, conduct that occurred during the STEP program that was previously addressed. After you are outside of the STEP program however, the Court presiding over the violation hearing will be advised of all conduct that took place during the period of supervision, including your successes, failures, and consequences which occurred during the STEP program. You may also voluntarily discontinue your participation in the STEP program at any time and return to regular supervision status. If the program is discontinued voluntarily, you will not face an allegation of violation unless it is determined that serious violations of supervision have occurred.

GRADUATION AND ONE-YEAR REDUCTION IN SUPERVISION TERM

In order to graduate you must have

- A minimum of 12 months in STEP
- Completion of MRT
- Completion of Phase Four
- Six calendar months clean and sober with no un-excused UA or other testing

- Stable employment or educational program for 3 months
- Stable housing
- Payment of all fees incurred during STEP

Upon successful completion of the STEP program, your total term of supervision will be reduced by one year. If your term of supervision has not expired, you will be required to continue to comply with all conditions of supervision until your supervision is completed. If you violate the terms of your supervision, you will be subject to revocation.

STEP PROGRAM RESEARCH

Research studies will be ongoing to evaluate this program. Some otherwise confidential information about you may be disclosed to third parties who are conducting the research. Under no circumstances will this statistical data or information include your name, address, or other personal identifying information.

Recidivism will be measured for research purposes. By agreeing to participate in this program you are giving the program permission to search for you in criminal databases after you are no longer in the program or on supervision.

PHOTOGRAPHS/VIDEOS

Occasional photographs will be taken or videos will be made that may include you. By agreeing to participate in this program you are giving the program permission to use the photographs or videos for any lawful purpose.

ATTACHMENT A SUMMARY OF STEP FOUR PHASES

PHASE I - EARLY RECOVERY

Expectations:

- Actively participate in substance abuse treatment as deemed necessary and attend all sessions;
- Complete a mental health screening, if deemed necessary, and participate in all mental health treatment as deemed necessary;
- Attend self-help meetings, 90 meetings in 90 days if unemployed, or as directed;
- Submit verification of self-help attendance;
- Obtain a self-help group sponsor;
- If unemployed obtain an employment and education assessment as directed;
- Complete application for entitlement benefits (GAU, etc.) if eligible;
- Comply with all supervision conditions; and
- Complete one written assignment.

Meetings/testing:

- 1-2 contacts with Probation/Court per week, or as directed;
- Two STEP Court appearances per month; and
- 2 -3 random UAs per week, or as deemed necessary; random tests for alcohol use.

Written Assignment:

- 1) How has drug and/or alcohol use affected my life and what goals do I have for participation in the STEP program?
- 2) Complete anonymous participant survey

Required Specific Behaviors during Phase I:

- 1) Honesty
- 2) Timely compliance with program requirements

PHASE II - UNDERSTANDING AND TAKING RESPONSIBILITY

Expectations:

- Actively participate in substance abuse treatment as deemed necessary and attend all sessions;
- Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- Continue employment or participate in an employment or education program as directed;
- Comply with all supervision conditions; and
- Complete one written assignment.

Meetings/testing:

- 1-2 contacts with Probation/Court per week, or as directed;
- One STEP Court appearances per month; and
- 2 random UAs per week, or as deemed necessary; random tests for alcohol use.

Written Assignment:

- 1) How has my drug use affected the significant others in my life or the community?
- 2) Complete anonymous participant survey

Required Specific Behaviors during Phase II:

- 1) Honesty
- 2) Timely compliance with program requirements
- 3) Abstinence
- 4) Provide for identified immediate needs such as needs for employment, housing, health, etc. in legal and safe manner
- 5) Establish stable housing

PHASE III - HEALTHY DECISION MAKING

Expectations:

- Actively participate in substance abuse treatment as deemed necessary and attend all sessions;
- Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- Complete an employment and educational assessment related to future goals;
- Maintain employment or participate in educational program;
- Comply with all supervision conditions;
- Present a written plan for meeting financial obligations; and
- Complete one written assignment.

Meetings/testing:

- Every other week contacts with Probation Office, or as deemed necessary;
- One STEP Court appearance per month; and
- 4 random UAs per month, or as deemed necessary; random tests for alcohol use.

Written Assignment:

1) In collaboration with treatment providers and sober support system, complete a writing Assignment addressing the following topic:

What tools and skills have I developed to maintain my sobriety and how do I plan to use those tools to strengthen my recovery during supervision and beyond?

2) Complete anonymous participant survey

Required Specific Behaviors during Phase III:

- 1) Honesty
- 2) Timely compliance with program requirements
- 3) Abstinence
- 4) Provide for identified immediate needs such as needs for employment, housing, health, etc. in legal and safe manner
- 5) Maintain safe housing
- 6) Establish sober support network including a community sponsor

PHASE IV - RELAPSE PREVENTION PLANNING

Expectations:

- Actively participate in substance abuse treatment as deemed necessary and attend all sessions;
- Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- Maintain employment and/or educational program;
- Comply with all supervision conditions;
- Make regular payments in compliance with the plan to meet financial obligations;
- Complete an approved, written relapse prevention plan; and
- Complete anonymous participant survey.

Meetings/testing:

- Once per month contact with Probation Officer, or as deemed necessary;
- One STEP Court appearance per month; and
- 2-4 random UAs per month, or as deemed necessary; random tests for alcohol use.

Written Assignment:

- 1) In collaboration with treatment providers complete and submit an approved comprehensive Relapse Prevention Plan
- 2) Complete anonymous participant survey

Required Specific Behaviors during Phase IV:

- 1) Honesty
- 2) Timely compliance with program requirements
- 3) Abstinence
- 4) Provide for identified immediate needs such as needs for employment, housing, health, etc. in legal and safe manner
- 5) Maintain stable housing
- 6) Maintain sober support network including a community sponsor
- 7) Develop comprehensive relapse prevention plan
- 8) Develop goals for furthering education and employment opportunities
- 9) Provide for needs for socialization and recreation in legal and safe manner

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

STEP PARTICIPANT AGREEMENT AND WAIVER

Participant:

I, _____, have read, or someone has read to me, the Sobriety Treatment and Education Program Participant Agreement and Waiver. I understand the basic workings of the Eastern District of Washington's STEP program. I voluntarily agree to participate in the STEP program and waive my rights under 18 U.S.C. § 3583(e) and Federal Rule of Criminal Procedure 32.1 while participating in the program. I understand that the Federal Defender's Office participates as a Team member in the STEP program but does not represent me as my attorney. I understand I can revoke my voluntary participation at any time and return to regular supervision. I understand for purposes of study or review of this program, some otherwise confidential information may be disclosed to third parties. Under no circumstances will this statistical data include my name, address, or other personal identifying information. I give permission to the program to access criminal databases after I am no longer in the program or on supervision to measure my recidivism. I give the program my permission to use photographs/videos of me according to the terms of this agreement.

Signature

Date

Sobriety Treatment and Education Program Team:

As a member of the Eastern District of Washington's STEP Team, I accept the above-named participant into the STEP program.

U.S. District Judge/Magistrate Judge

Date

Assistant U.S. Attorney

Date

Federal Defender/Assistant Federal Defender

Date

STEP U.S. Probation Officer

Date