



INTENSIVE TREATMENT COURT WESTERN DISTRICT OF MISSOURI

PARTICIPANT AGREEMENT

I, _____, wish to participate in the Western District of Missouri's Intensive Treatment Court Program (ITC). I understand that if I am accepted into the Program, I must fully comply with all program requirements, court orders, the conditions of my bond, and the terms of this agreement. I understand that failure to comply with any of these may result in the imposition of sanctions or, ultimately, in termination from the program. I also understand that any misconduct I may commit while I am in the program could result in bond revocation.

If I am accepted and approved for the ITC program, I understand, know, and agree that I will comply with the following requirements and any others that may be imposed as part of my acceptance into the ITC program:

General Requirements

- The program will last between 24 to 36 months depending on the rate of your progress in the program.
- Participation in the ITC program is a condition of your bond, plea agreement, or any other supervision ordered by the court.
- Honestly and candidly interact with the program's presiding judge, the supervising U.S. Probation Officer(s), and other members of the program team. **Dishonesty and lack of candor will be sanctioned.**
- Regularly appear before the program's presiding judge to evaluate your progress, with appearances ranging from bi-weekly to quarterly.
- Be either working, volunteering, or attending school at all times while you are participating in the ITC program.

Treatment-related Requirements

- Submit to all treatment related evaluations as directed by your supervising U.S. Probation Officer(s).

- Enroll in and successfully participate in any substance abuse treatment or counseling program, which may include urinalysis, sweat patch, or Breathalyzer testing, as approved by the Probation Office, and pay any associated costs as directed by the Probation Office.
- Not consume or possess alcoholic beverages or beer including 3.2 percent beer, at any time, and not be present in any establishment where alcoholic beverages are the primary items for sale.
- Successfully participate in the Remote Alcohol Testing Program, as directed by the Probation Office, for a period of up to 36 months. Pay all or part of the costs of participation in the Remote Alcohol Testing Program as directed by the court and/or the probation officer.
- Not use any mood-altering or mind-altering drugs or alcohol, even if those substances are legally available.
- Not participate in Medicated Assisted Treatment (MAT), and not fill any narcotic prescription, including pain killers, without first notifying the treating physician of my substance abuse history and seeking approval from the ITC team.
- Use prescription medication only in the manner in which it has been prescribed to you. You agree that you will use over-the-counter medication only in keeping with that medication's directions. If your health care provider prescribes alternate instructions for using over-the-counter medication, you will report those alternate directions to your supervising U.S. Probation Officer(s) as soon as possible, but in any event, within 24 hours.
- Participate in Alcoholics Anonymous, Narcotics Anonymous, or another court approved self-help program as directed by the program's presiding judge or your supervising U.S. Probation Officer(s).
- Associating with other people who are engaged in substance use or exposing yourself to passive inhalation or secondhand smoke is a violation of the rules of the program and will be sanctioned accordingly.
- Failure to provide a test specimen or providing an insufficient volume of urine for analysis is an infraction of the rules of the program and will be sanctioned accordingly. You will be given a sufficient time (up to one hour) to deliver a urine specimen and allowed to drink up to 8 ounces of water in the presence of staff.
- The ingestion of excessive amounts of fluids can result in a diluted urine sample, and I understand that my urine sample will be tested to ensure that the sample is not diluted. Continued diluted drug tests will be treated as a compliance/dishonesty issue, but not

as a positive drug test. Dishonesty is the most severe misconduct and will be addressed significantly and appropriately.

- Sanctions will be imposed for providing diluted, adulterated, or substituted drug or alcohol test specimens, or attempting to do so.
- Failure to comply with drug testing requirements will be viewed by the Court as the submission of a positive test result.
- Failure to admit to use of a drug or substance following the results of a positive test for use will be viewed by the Court as a dishonesty issue and will result in the imposition of at least two days in custody.

Standard Requirements

- There are basic behavior expectations that must be met while you are in the program. These behavior expectations are the tools used by the ITC program team to stay informed about and ultimately improve your conduct.
- You must not commit another federal, state, or local crime. You may be immediately terminated from the program if you are charged with any such violations.
- You must not unlawfully possess a controlled substance.
- You must refrain from any unlawful use of a controlled substance.
- You must participate in an approved program for domestic violence if ordered.
- You will receive instructions from the court or the probation officer about how and when to report, and you must report to your probation officer or court as instructed.
- You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- You must answer truthfully the questions asked by your probation officer.
- You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 24 hours of becoming aware of a change or expected change.
- You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

- You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 24 hours of becoming aware of a change or expected change.
- You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- You must follow the instructions of the probation officer related to the conditions of supervision.
- You must submit your person, and any property, house, residence, office, vehicle, papers, computer, other electronic communication or data storage devices or media and effects to a search at any time, conducted by a U.S. Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; you shall warn any other residents that the premises may be subject to searches pursuant to this condition
- You shall dress appropriately when in court, treatment sessions and when reporting to your supervising U.S. Probation Officer(s). Shoes must be worn at all times. Hats are not allowed. Gang attire is not allowed. Clothing bearing drug or alcohol related themes or promoting or advertising alcohol or drug use is considered inappropriate. Sexually suggestive clothing is inappropriate. Sunglasses may not be worn inside the Court or at a treatment facility unless medically approved.

- You shall execute any and all release forms as directed by the U.S. Probation Officer(s) or the court to include a confidentiality waiver.
- You shall notify all health care providers, including but not limited to, physicians, nurses, hospitals, emergency rooms and urgent care providers, of the specifics of your substance abuse addiction, particularly before those health care providers prescribe any medication to you.
- You shall allow your supervising U.S. Probation Officer(s) to access and monitor any and all of your social media accounts including, but not limited to, Facebook, Twitter, Snapchat, and Instagram.
- You shall allow your supervising U.S. Probation Officer(s) to access and monitor your educational records, including any online accounts that allow you to check your interim and final grades.
- You shall report any of the following as soon as possible to your supervising U.S. Probation Officer(s), but in any event, within 24 hours:
 - any contact with law enforcement personnel, including arrests, questioning, or traffic stops;
 - any changes in your home address, phone number(s), employment, and educational pursuits;
 - the loss of your mobile telephone;
 - any contact you have with health care providers, including but not limited to visits with physicians, nurses, hospitals, emergency rooms, and urgent care providers.
 - any medications that have been prescribed to you.
- Not associate with any program participants outside of the status hearings, drug treatment sessions, and self-help meetings, unless your supervising U.S. Probation Officer(s) expressly permits you to do so in advance.

PHASE 1 (only):

- Earn 10 positive weeks
- Document job search effort (if unemployed)
- If unemployed after 45 days begin community service hours and participate in Job Club (can advance to Phase 2 if doing community service and Job Club)
- Create a resume and develop an employment strategy
- Must contact the community resource specialist weekly
- Successfully participate in all recommended treatment
- Finalize the treatment plan
- Attend biweekly ITC hearings to earn credit

- Identify a specific goal to be accomplished during this phase and make strides toward the goal
- Weekly face to face contact with the USPO
- Adhere to bond and ITC conditions/requirements
- Clean drug tests for 35 consecutive days
- Treatment Assignment – Personal Inventory (Information from childhood to instant offense. How did you get here?)
- Life skills (i.e., GED)
- The participant will successfully participate in Moral Recognition Therapy (MRT) and follow all recommendations made by the treatment provider related to attendance and phase completion of the program. Further, the participant will bring their MRT book with them to court sessions and be prepared to discuss their progress during the session.
- Develop a budget plan with the Community Resource Specialist
- 1 - \$50 gift card upon completion of Phase 1

PHASE 2 (only):

- Earn 13 positive weeks
- Must be employed prior to phase advancement. Does not earn weeks while unemployed (Document job search effort if unemployed)
- Must contact the community resource specialist bi-weekly
- Successfully participate in all recommended treatment
- Work with ITC team to develop/execute plan to overcome barriers to success
- Attend biweekly ITC hearings to earn credit
- Comply with substance abuse treatment plan
- Assess progress toward identified goal (If completed, identify a specific goal to be accomplished during this phase and make strides toward the goal)
- Biweekly face to face contact with the USPO
- Bring a guest to an ITC hearing
- Adhere to bond and ITC conditions/requirements
- Clean drug tests for 45 consecutive days
- Identify and participate in a pro-social activity that supports the recovery plan
- Treatment assignment – Thinking Error / Prosocial Report (Choices and building support)
- 1 - \$50 gift card upon completion of Phase 2

PHASE 3 (only):

- Earn 10 positive weeks
- Must be employed prior to phase advancement. Does not earn weeks while unemployed and must attend bi-weekly ITC hearings if unemployed (Document job search effort if unemployed)
- Must contact the community resource specialist monthly
- Successfully participate in all recommended treatment
- Develop and present a comprehensive relapse prevention plan

- Attend ITC hearings to earn credit (Bi-weekly attendance reduced to monthly once relapse prevention plan is presented)
- Biweekly face to face contact with USPO
- Assess progress toward identified goal (If completed, identify a specific goal to be accomplished during this phase and make strides toward the goal)
- Adhere to bond and ITC conditions/requirements
- Clean drug tests for 60 consecutive days
- Identify and participate in a pro-social activity that supports the recovery plan
- Treatment assignment – Relapse Prevention Plan
- 1 - \$50 gift card upon completion of Phase 3

PHASE 4 (only):

- Earn 19 positive weeks
- Must be employed prior to phase advancement. Does not earn weeks while unemployed and must attend bi-weekly ITC hearings if unemployed (Document job search effort if unemployed)
- Must contact the community resource specialist monthly
- Successfully participate in all recommended treatment
- Complete 25 hours of community service
- Attend ITC hearings to earn credit (monthly unless directed otherwise)
- Monthly face to face contact with USPO
- Assess progress toward identified goal (If completed, identify a specific goal to be accomplished during this phase and make strides toward the goal)
- Adhere to bond and ITC conditions/requirements
- Clean drug tests for 133 consecutive days
- Identify and participate in a pro-social activity that supports the recovery plan
- Treatment assignment – Short-term and long-term goals (Life Map)
- 2 - \$50 gift cards upon completion of Phase 4

PHASE 5 (only):

- Earn 52 positive weeks
- Must be employed prior to graduate. Does not earn weeks while unemployed and must attend bi-weekly ITC hearings if unemployed (Document job search effort if unemployed)
- Must contact the community resource specialist quarterly
- Successfully participate in all recommended treatment
- Attend ITC hearings to earn credit (quarterly unless directed otherwise)
- Attend graduation ceremony/sentencing hearing
- Contact with USPO reduced to quarterly (at minimum, additional contact based on risk and need or at PO's discretion)
- Assess progress toward identified goal (If completed, identify a specific goal to be accomplished during this phase and make strides toward the goal)
- Adhere to bond and ITC conditions/requirements

- Clean drug tests for 365 consecutive days
- Identify and participate in a pro-social activity that supports the recovery plan
- Develop and present graduation speech
- 1 - \$150 gift card upon completion of the program (graduation)

Incentives

- Participants who abide by all the program rules, follow treatment requirements, and otherwise make progress, are eligible to receive incentive awards. Types of incentive awards include, but are not limited to:
 - Verbal praise/applause from the Judge and the ITC program team
 - Decreased frequency of court sessions
 - Early promotion to next phase level – phase acceleration
 - Picture with the Judge
 - Graduation certification
 - Clothing assistance
 - Reduction in substance abuse testing
 - Cards signed by the Judge and/or the ITC program team
 - Award of extra week(s) toward completion of ITC
 - Tickets to local events
 - Gift card for phase advancement

Sanctions

- Sanctions are designed and intended to help the participant by encouraging him/her to reflect on negative behavior, stay away from people and places that get them into trouble, and become involved in the participant's community.
- The imposition of a sanction will be based on the nature of the participant's non-compliant behavior and, if appropriate, will be progressive in terms of severity. An increase in treatment level is not considered a sanction but rather, is a means to help a participant overcome their addiction.
- With the approval of the ITC presiding judge, a participant may be allowed to continue participation in the program following imposition of an incarceration sanction.
- Program violations and sanctions ordinarily will be handled on the regularly scheduled court calendar. The Court, however, may schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis, with or without the consent of the parties. If a progress report contains an allegation of non-compliance, and the participant admits that the allegation is true, there will be no hearing to determine whether the allegation is true. The Judge will decide whether a program sanction is appropriate. If a progress report

contains an allegation of non-compliance, and the participant denies the allegation (other than a positive drug test), the Judge may hold a hearing. If the Judge determines the participant has been non-compliant or otherwise violated the terms of the participant agreement, the Judge may terminate participant from the ITC program and revoke participant's bond.

- Non-compliant behavior by the participant will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors which will influence the type of sanction employed include the seriousness of the violation, the number of violations, and the amount of time the participant has remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether the participant voluntarily discloses the violation; **dishonesty will result in enhanced sanctions.** Participants are encouraged to be honest in the court session. The United States agrees it will not use participant statements made in ITC in its case-in-chief in any new criminal actions which might be brought against the participant.¹ This does not apply to statements about or relating to a participant's involvement in a homicide or any other act of violence.
- Depending on these factors, any of the sanctions listed below, including termination from the program, may be used. As a general rule, when there are repeat violations, more serious sanctions will be applied.
- Sanctions may include, but are not limited to, the following:
 - Verbal warning
 - Judicial reprimand
 - Written reprimand
 - Writing assignment
 - Community service (community service hours imposed as a sanction do not count toward the community service hour requirement of Phase IV)
 - Increased meetings with supervising probation officer(s)
 - Watch one or more sentencing hearings
 - Increased drug testing
 - Curfew
 - Loss of privileges and earned weeks
 - Reduction in phase level
 - Electronic monitoring
 - Residential re-entry center placement

¹ The United States reserves the right; however, to utilize such statement in cross-examination and/or impeachment of the participant should the participant appear as a defendant or witness in any future judicial proceedings. Further, this agreement with the United States cannot bind other local or state governments.

- Jail time
 - Termination from the program
- If appropriate, sanctions may be ordered more than once during the course of the program. If there is an admission to a violation, the participant may be able to complete the sanction and remain in the program. When expedited action is appropriate, a sanction or adjustment in treatment may be imposed without an appearance before the Court. The Probation Office will inform the Judge at the next court session whether the participant properly completed the sanction ordered at the last appearance. Sanctions should be completed by the next Court session, unless the Court authorizes additional time. Failure to complete ordered sanctions may result in added sanctions or termination from the program.
 - The Probation Office need not wait until the scheduled Court session to address compliance problems in the program. If the participant fails to abide by a condition of supervision and/or an ITC requirement, the Probation Office will not address the violation with the participant without first notifying the participant's ITC attorney. Also, the participant will have the option of requesting the presence of the participant's ITC attorney during the discussion of the violation with the Probation Office. If a participant commits a major violation, an arrest warrant can be immediately issued; however, the Probation Office will not discuss any law violation with the participant unless the participant's ITC attorney is present.

Termination

- The Court will make the ultimate decision on whether a participant must be terminated from ITC. Termination from the program may occur for a variety of reasons, to include things such as, for example, failure to participate in treatment and supervision, repeated technical violations of general or standard conditions of supervision, repeated drug use, a chronic pattern of refusal to cooperate with either the Probation Office or a treatment provider, violence or threatened violence to another participant, failure to attend Court sessions, or a new law violation.
- Participants terminated from the program will face the termination consequences set forth in their plea agreement and will not receive the benefit for successfully completing the program set forth in their plea agreement. If termination is based on a new law violation, and the Probation Office chooses to pursue the filing of a formal charge, the Probation Office, as a matter of policy, will not allege as a formal violation any conduct that occurred during the program that had been previously addressed by the ITC program team.
- A participant may also voluntarily discontinue the program, or the participant and the ITC program team may jointly decide that although the participant has not committed a serious violation of supervision or ITC rules, or is otherwise subject to termination for cause, the program is not working for the participant. In such a case, the

participant will proceed to sentencing without receiving the benefit for successful completion set forth in the plea agreement.

- There may be occasions in which discharge from ITC cannot be considered successful or unsuccessful. Such circumstances could include things such as the participant becomes too ill to participate, or has to relocate and participation is no longer practical. In these situations, the participant may be administratively discharged and will proceed to sentencing without the benefit of successful completion set forth in the plea agreement.

Release of Information

- A Progress Report will be provided to the Court detailing the participant's conduct in the program. This report will include: the participant's success or difficulty with treatment; results of drug and alcohol testing; compliance with conditions of bond, pretrial release, and the participant agreement; and, the participant's educational, employment, and housing status. By voluntarily agreeing to participate in ITC, the participant consents to a disclosure of this information to all ITC Team Members including the Judge, U.S. Probation Officer, Treatment Provider, Assistant U.S. Attorney(s), a representative from the Federal Public Defender's Office, Community Resource Representatives, and Program Evaluator. During the staffing meetings, one representative from the U.S. Probation Office, the treatment provider, the U.S. Attorney's Office, and the Federal Public Defender's Office, will make recommendation regarding sanctions to be imposed for participant violators. However, the Judge can access information from all available sources.
- All hearings conducted during sessions of ITC will be held in open court. Friends, relatives, and employers of the participants and the general public may be present in the courtroom.

Court Appearances

- Court sessions will normally be conducted by the ITC program judge or another U.S. District Court judge. If a district court judge is unavailable, a U.S. Magistrate Court judge may be designated to conduct the court session and fulfill the role of the Court. The participant consents to a proceeding before a U.S. Magistrate Court judge during any ITC program session.

After-care or Follow-up Requirements

- Upon successful completion of the program or upon completion or termination of any term of supervised release or probation, you agree that the program may require you to undergo criminal record checks for up to three (3) years but only for the purposes of program evaluation.

Signatures and Agreement to Comply with Program Requirement

I have read this Participant Agreement, or it has been read to me, and I understand the terms and conditions of my participation in the program. I have also read the Phase Requirements document, or it has been read to me, and I understand the terms and conditions in it. I agree to fully comply with these terms and conditions in both these documents. By agreeing to participate in the program, I consent to the disclosure of my confidential information to all program team members; I also consent to the disclosure of confidential information during program hearings as appropriate. I understand that information provided by me during program hearings is not protected by any privilege, and could be used against me in future court proceedings. I understand that my failure to appear for any program-related hearings may result in the issuance of a warrant for my arrest. I understand that any member of the program team may petition - at any time - for my termination from the program, however, the decision regarding termination rests in the sole discretion of the program's presiding judge. I understand that this is a voluntary program. By agreeing to participate in the program, I agree that I will abide by all of the program's rules.

Participant

Date

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

Attorney for Participant

Date

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

U.S. Probation Officer, Western District of Missouri

Date

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

U.S. Attorney's Office, Western District of Missouri

Date

Honorable Beth Phillips
United States District Court Chief Judge
Western District of Missouri

Date