

III. TERMINATION

Termination from the EERIC program is subject to the discretion of the EERIC Judge following a hearing.

I have read, understood and received a copy of conditions of non-compliance and resulting sanctions.

Signature of Defendant

Date

Signature of Judge

Date

I. NON-COMPLIANCE

The following are some examples of non-compliance that may result in court ordered sanctions or termination from the program:

1. Failure of defendant to keep mandated treatment appointment dates with service provider.
2. Failure of defendant to keep all scheduled court appearance dates.
3. Failure of defendant to consistently remaining drug free as evidenced by repeated positive lab results demonstrating drug use.
4. Failure of defendant to lead a law abiding life as a result of re-arrest/conviction.
5. Failure of defendant to follow instructions of the judge and/or treatment provider.

II. SANCTIONS

The following is a list of some court ordered sanctions that may be imposed as a result of non-compliance:

1. In court verbal admonishment
2. Essays
3. Increased urinalysis frequency
4. Increased court reporting schedule
5. Extending defendant/client treatment period or period under EERIC program
6. Weekend work program
7. Financial penalties
8. Period of incarceration to encourage compliance with drug treatment court mandates

CERTIFICATION OF ATTORNEY

I, _____, hereby certify that I am attorney of record (or am authorized to appear on behalf of the attorney of record) for the above named defendant and that I have explained each and every provision of this contract (numbered 1-22) to him /her, his/her rights and that he/she has freely and knowingly entered into the within CONTRACT.

Defense Attorney

Date

Suffolk County District Attorney

Date

East End Regional Intervention Court Judge

Date

Administered or prescribed as a result of medical emergency. Should a defendant
Require pain management due to a medical condition, injury or surgical procedure
Not resulting from a medical emergency, he/she must request the administration or
Prescription of a non-narcotic pain reliever. _____

20. Defendant understands that getting intoxicated by any substance, including legal substances,
is a sanctionable offence and can result in termination from the EERIC program. Such
legal substances include, but are not limited to, alcohol, synthetic marijuana, bath salts
and inhalants. _____

21. The defendant waives any rights to be present during staff or team meetings. _____

22. The parties to this contract agree that if the defendant complies with the provisions of this
Contract and the treatment plan designed for the defendant, including modifications
Approved by the court, the convictions herein above listed will be disposed of as follows:

Defendant

Date

15. Defendant agrees that in the event of a termination hearing is held,
- a) hearsay evidence is admissible for purposes of establishing a violation of the contract
 - b) the standard of proof is a preponderance of the evidence
 - c) rules applicable to violation of probation hearings (CPL 410.70 (3) and/or CPL 710.60) are applicable.

16. Defendant agrees to allow EERIC personnel to search their person as well as their home and/or vehicle.

17. The defendant understands that the Court may, at its sole discretion, place certain limitations, restrictions and guidelines on the social activities of the defendant. This may include, but shall not be limited to; restricting interaction between defendant and active drug/alcohol users, imposing curfews, restricting defendant's access to certain locations, limiting defendant's attendance at social gatherings, taking control over defendant's employment status and directing defendant not to engage in certain actions or activities when it relates to defendant's rehabilitative process.

18. Any sanction time will not count toward defendant's breakout time.

19. Defendant understands that the use of narcotic pain relievers is prohibited, unless

13. Defendant agrees to keep all appointments required and to participate in programs including:

1. Treatment programs
2. Counseling programs
3. Education programs
4. Vocational programs
5. Day reporting programs
6. Other rehabilitative requirements

14. Defendant agrees that in the event he/she fails to keep any program appointments (in the absence of an explanation satisfactory to the Court), fails to comply with the rules of the treatment providers, tests positive for any non-prescribed drug including alcohol or any prescribed drug that he/she does not have permission of the court to take (with the exception of emergency situations, in which case the use of such drugs shall be disclosed to the court on the next business day) or fails to comply with any other provisions set forth in the contract, the court may immediately make necessary adjustments in requirements and may impose sanctions including jail time and/or termination from the program. A sanction or termination is solely at the discretion of the EERIC Judge following a hearing.

8. Defendant understands that any new arrest while in this program must be reported to the Court and may be grounds for immediate termination from the program. Failure to report a new arrest within ten (10) days may also be grounds for immediate termination from the program.

9. Defendant understands that he/she will be required to discuss with treatment providers and the court his/her drug use and that any statement he/she makes regarding drug use in the treatment program and/or for the purposes of treatment will not be used against the defendant as evidence in any current or future criminal prosecution, however it shall be admissible in the event of a termination proceeding.

10. Defendant understands that Drug Treatment Court is an open court and that his/her case will be discussed in front of other defendants and members of the public that may be in attendance.

11. Defendant understands that if he/she violates any terms of this contract and/or fails to work diligently towards the goals of this program, defendant may be sentenced by the Court and agree that there is no right to appeal to any other court from a conviction sentence of the local Criminal Court or County Court.

12. Defendant agrees to sign reasonable authorizations for the release of information required by the Court. It is understood that any information regarding the defendant's treatment and progress in treatment identifying the defendant will not be released to persons not working for the Court and /or treatment providers without further authorization of the defendant.

1. Defendant hereby voluntarily agrees to enter into the East End Regional Intervention Court (EERIC) program as an alternative to being sentenced in the above plea under conditions summarized below and in the Treatment Plan which will be developed upon completion of defendant's evaluation. _____

Defendant's initials Attorney's initials

2. Defendant agreed to meet or report to the treatment provider (s) as requires and to follow the treatment provider's recommendations. _____

3. Defendant agrees to random testing for drug and /or alcohol use and understands that failure to provide a urine sample or Breathalyzer test may be considered by the Court to be the equivalent of a positive test result. _____

4. Defendant agrees to return to the East End Regional Intervention Court periodically as requested by the court and understands that he/she may have to periodically report to the court for a minimum of six (6) months depending on his/her progress. _____

5. Defendant understands that if he/she misses any court dates, a bench warrant may be issued and he/she may be released from the program and the case reinstated for sentencing .

6. Defendant understands that if he/she is on parole or probation and violates the terms of such, he/she will be in violation of this contract and subject to sanctions and/or possible termination from the program by the Court. _____

7. Defendant understands that he/she must inform the court and treatment provider (s) immediately of any changes in address and phone number and reside in an approved halfway house or inpatient facility whenever required. _____

East End Regional Intervention Court

Drug Treatment Court Contract

State of New York, County of Suffolk

THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff, Case No.
-against

Defendant.

The East End Regional Intervention Court, Suffolk County District Attorney and above named defendant, agree that the defendant shall plead guilty to the following charge(s) in the East End Regional Intervention Court pursuant to the provisions of this contract.

<u>CHARGE(S):</u>	<u>PLEA OF GUILTY TO:</u>	<u>AGREED SENTENCE:</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____