



Accountability, Treatment, and Leadership (ATL) Court

CONTRACT FOR PARTICIPATION

Name: _____

Docket Number: _____

Offense(s): _____

INTRODUCTION

You are participating in the Accountability, Treatment, and Leadership (ATL) Court. Participation is entirely voluntary, but it will require you to enter a guilty plea to one or more of the criminal charges currently pending against you in the case referenced above. The Court will need to make a final determination as to whether to accept your guilty plea and plea agreement before you can begin participation in the ATL Court. If the Court accepts your guilty plea and plea agreement, and you thereafter successfully complete all of the ATL Court activities, then (as specified in the plea agreement pursuant to which you enter your guilty plea(s)):

- those guilty plea(s) will be vacated and the criminal charge(s) against you in the case referenced above will be dismissed with prejudice;
- guilty plea(s) to the felony charge(s) will be vacated, the felony charge(s) against you will be dismissed with prejudice, you will enter a guilty plea to misdemeanor charge(s), and you will receive a sentence for those misdemeanor charge(s) that does not include a term of imprisonment;
or
- those guilty plea(s) to felony charge(s) will remain as previously entered, you will be convicted of the felony charge(s), and you will receive a sentence for those charge(s) that does not include a term of imprisonment.

ATL COURT BASICS

Your participation will last at least 12 months but no more than 24 months. Your case will be transferred to an ATL Judge before whom you will enter a guilty plea pursuant to a plea agreement with the United States Attorney's Office for the Northern District of Georgia (USAO). If the ATL Judge accepts your guilty plea and plea agreement, it will constitute final approval for your entry into the ATL Court which will include a period of supervision by an ATL Court probation officer (USPO). You will continue to be represented by an attorney during the program and through the conclusion of your criminal case. If, for some reason, you need a different attorney at any point during the program or before the end of your case,

you may raise that issue with the ATL Judges, and they will hold a hearing with you and your current attorney regarding that issue. You must continue to comply with the order setting conditions of your release. You will undergo various evaluations, if deemed necessary by the USPO, to include, but not limited to, substance abuse and mental health. You will participate in any and all treatment and testing recommended by the USPO. In addition to the requirements of actively engaging in any treatment and testing for substance abuse issues, you are also required to participate in programs designed to address the underlying causes of criminal activity. The USPO may periodically contact collateral individuals to verify information provided by you.

You will be in Phase I for a minimum of 6 months but not to exceed 12 months. If you fail to advance to Phase II within 12 months, or if you fail to achieve the requirements of Phase II within 12 months of entering that phase, you will be terminated from the ATL Court and will proceed to sentencing before an ATL Judge on the felony charges to which you entered a guilty plea.

An Assistant United States Attorney (AUSA) will be assigned to the ATL Court, as well as a staff attorney from the Federal Defender Program, Inc. (FDP) or another attorney appointed by the ATL Court to represent you. Both the FDP staff attorney and AUSA will work with the USPO to provide additional support and encouragement to you for your success in the ATL Court. Members of the ATL Court Team will include the ATL Judges, USPOs, FDP and/or other defense attorneys, USAO staff (including AUSAs), and any research partner evaluating the ATL Court. In order to receive the benefit set out in the plea agreement, you must comply with the requirements of this contract and all of the expectations and requirements of the ATL Court Participant Handbook.

ATL COURT APPEARANCES

At least once per month, at a time to be determined, you will be required to appear before an ATL Judge to evaluate your progress. The USPO, FDP/defense attorney, and AUSA will be present, as well as possibly treatment and/or other program providers. Progress reports from the USPO will be provided to an ATL Judge, the FDP/defense attorney, and the AUSA prior to each ATL Court appearance. Those reports will describe both successes and problems you have experienced.

ATL COURT TREATMENT AND COUNSELING PROGRAMS

An important part of the ATL Court will be your participation in substance abuse treatment, mental health treatment, counseling programs, and/or other programs addressing the underlying causes of criminal activity, as determined necessary by the USPO and the other members of the ATL Court Team. You understand the USPO will be expected to share information regarding your participation and progress in any treatment and/or counseling programs with all of the members of the ATL Court Team. Treatment and other program providers may also be present at ATL Court appearances and will be expected to discuss your participation and progress with all of the members of the ATL Court Team. To enable treatment and other program providers to freely share information regarding your participation and progress in substance abuse treatment, counseling, and other programs, by signing this contract you knowingly and voluntarily waive your right to confidentiality with those treatment providers.

LIMITED USE OF STATEMENTS MADE DURING PROGRAM APPEARANCES

Another important part of the ATL Court is your complete honesty during your ATL Court appearances. You understand that statements you make during the ATL Court sessions may be considered by an ATL

Judge when imposing sentence on you after successful completion of the ATL Court or after unsuccessful termination from the program. To encourage your honesty, the USAO has agreed as follows:

- (A) Except as otherwise provided in subparagraph (C) below, in any criminal prosecution that may be brought against you by the USAO, the USAO will not offer, in evidence in its case-in-chief, any statements you make or any documents or other information you provide during your ATL Court appearances (collectively ATL Court statements). This applies to statements you make or documents you provide after your guilty plea has been entered and accepted. It does not apply to statements you make during the entry of your guilty plea.
- (B) ATL Court statements will not be used in determining the applicable guideline range at sentencing.
- (C) Notwithstanding the USAO's agreement set forth in subparagraphs (A) and (B) above, the USAO may use:
 - (i) information derived directly or indirectly from ATL Court statements for the purpose of obtaining and pursuing leads to other evidence, which evidence may be used for any purpose, including any criminal prosecution of you; and
 - (ii) ATL Court statements and all evidence obtained directly or indirectly from ATL Court statements for the purpose of cross-examination should you testify, or to refute or counter at any stage of any proceeding (including during the USAO's case-in-chief in any criminal prosecution) any evidence, argument, statement or representation offered by or on your behalf in connection with that proceeding.

The USAO's agreement in subparagraph (A) above is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities. If the USAO receives a request from another prosecutor's office for access to information contained in your ATL Court statements, the USAO will only furnish that information on the condition that the requesting office honor the provisions of this portion of the Contract for Participation regarding the Limited Use of Statements Made During Program Appearances. Moreover, the USAO's agreement in subparagraph (A) above is limited to ATL Court statements and does not apply to any statements made or documents or other information provided by you at any other time, whether oral, written, or recorded, or to the statements made in the plea agreement and during the guilty plea hearing.

ATL COURT SUPERVISION VIOLATIONS AND SANCTIONS

ATL Court supervision violations and sanctions will ordinarily be addressed on the regularly scheduled ATL Court calendar. The ATL Judges, however, can schedule an appearance at any time. Sanctions and modifications regarding treatment and other programs may also be handled on an expedited basis with the consent of the parties and the ATL Judges.

If a progress report contains an allegation of non-compliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on pretrial supervision when they are accused of violating supervision. If you do so, there will be no hearing on whether the allegation is true, and an ATL Judge will decide whether a sanction is appropriate. As noted above, non-compliance may be handled on an expedited basis outside the presence of the ATL Judges if all parties agree.

Non-compliance with the conditions of the ATL Court may result in sanctions. The range of possible sanctions has been drafted broadly to assure some level of sanction is available for every type of violation. Factors that will influence the type of sanction 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 violation. Dishonesty on your part will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below—including termination from the ATL Court—is available. Where there are repeat violations, more serious sanctions will be applied. If appropriate, sanctions may be ordered more than once during the course of the ATL Court.

Sanctions may include, but are not limited to:

- Verbal reprimand or warning delivered by the judge in open ATL Court proceedings
- Enhanced counseling sessions (including inpatient treatment, if appropriate)
- Enhanced drug testing
- Order to complete community service
- Order to submit a written assignment (for example, write out an explanation for your non-compliant behavior and describe a plan to correct it)
- Curfew restriction for up to 30 days
- Order to complete a term of home confinement (with conditions that may include participation in the location monitoring program)
- Dropping from Phase II to Phase I of the ATL Court
- Order to complete a term of up to 30 days at a residential re-entry center
- Order to spend up to 7 days in jail
- Termination from the ATL Court

If you admit to the violation, you may be able to complete the sanction and remain in the ATL Court. When expedited action is appropriate and both the ATL Court Team and participant agrees, a sanction or adjustment in treatment can be imposed through a modification without an appearance before an ATL Judge. The USPO's report at the next ATL Court appearance will inform the ATL Judge whether you properly completed the sanction ordered at the last appearance. Failure to complete ordered sanctions may result in additional sanctions or termination from the ATL Court program.

If you wish to contest the violation allegation, you may do so, and your attorney will assist you in doing so. The ATL Court AUSA will handle all contested hearings in the ATL Court and an ATL Judge will ultimately decide whether the allegation is true. Bear in mind, however, that if the ATL Judge considers your objection to be frivolous, he or she may take that into consideration when imposing sanctions.

It is important to note the USPO need not wait until your scheduled program appearance to address problems in supervision. If you fail to abide by directions of the USPO, or if the USPO believes you have committed a violation of your supervision, the USPO has discretion to address the violation with you directly or wait to raise the matter at the next ATL Court appearance. The USPO alone can impose adjustments such as daily reporting, increased community visits, enhanced drug testing or counseling (including inpatient treatment), or non-sanction based written assignments. If necessary, the USPO is able to ask an ATL Judge to issue a warrant for your arrest.

TERMINATION FROM THE ATL COURT

You may be involuntarily terminated from the ATL Court if you violate the terms of the ATL Court. Such violations include ***but are not limited to***: failing to attend ATL Court, failing to participate actively in the ATL Court, engaging in repeated drug use, and committing a new criminal offense. Final decisions regarding involuntary termination will be made by the ATL Judges. The decision to terminate you from the ATL Court is not appealable. If you are involuntarily terminated from the ATL Court, you will return to regular pretrial supervision and your case will be set for sentencing before the ATL Judges. The ATL Judges will order a presentence report to be completed by the U.S. Probation Office in preparation for sentencing. In imposing sentence, an ATL Judge will not have to provide the benefits that successful completion of the ATL Court would have afforded you. ***The only way you are guaranteed that benefit is by successfully completing the ATL Court program activities.***

You may also voluntarily discontinue your participation in the program at any time. If you voluntarily discontinue, you will return to regular pretrial supervision, and your case will be set for sentencing before an ATL Judge. A presentence report will be ordered and completed by the U.S. Probation Office in preparation for sentencing. In imposing sentence, the ATL Judge is not required to give you the benefit set out in the plea agreement. The only way you are guaranteed that benefit is by successfully completing the ATL Court program activities.

Whether your termination from the ATL Court is voluntary or involuntary, the ATL Judges can consider all conduct that took place during your participation in the ATL Court, including successes, failures, and sanctions when imposing a sentence. Termination from the ATL Court (whether such termination is voluntary or involuntary) will not be a basis for you to withdraw your guilty plea.

COMPLETION OF THE ATL COURT

If you are determined to have a substance abuse problem, you must demonstrate at least six months of continuous sobriety in order to successfully complete the program.

The ATL Judges and other members of the ATL Court Team will determine when you have successfully completed the program, and when that occurs, you will receive the benefits specified in your plea agreement, as set forth on page 1 of this contract.

TRACKING RESULTS FOR THREE YEARS

Successful participants agree to keep their personal contact information updated and accurate with the U.S. Probation Office for three years after successfully completing the ATL Court for the purposes of tracking their success. Participants agree that during the three-year period after successful completion of the program, researchers and/or the U.S. Probation Office may run record checks on them solely for purposes of tracking the success of the ATL Court.

AGREEMENT TO PARTICIPATE

Participant:

I, _____, have read, or someone has read to me in the language I best understand, this contract. I have discussed this contract with my attorney and I understand its terms. I have also discussed with my attorney the ATL Court program details, and I understand how the program works. I voluntarily agree to participate in the ATL Court subject to the terms set forth in this contract. I understand I can revoke my voluntary participation in the ATL Court at any time and that, if I do, my criminal case will be set for sentencing before an ATL Judge without any obligation to provide me the benefits of successful completion of the ATL Court. I also understand that I can be involuntarily terminated from the ATL Court for committing violations including for violating the order setting conditions of release. I hereby waive any right to appeal any decision made to terminate my participation for any reason.

Signature

Date

Printed Name

Attorney of Record

Date

Printed Name

Defendant’s Defense Attorney:

I, _____, a defense attorney representing Defendant, have discussed the ATL Court and this contract with the participant and the participant’s attorney in the underlying criminal matter. I believe that the participant understands the ATL Court and the terms of this contract, and that the participant’s agreement to participate in the ATL Court subject to the terms of this contract is knowingly and voluntarily made.

Defense Attorney:

Date

ATL Court Assistant United States Attorney:

I, _____, the Assistant United States Attorney representing the United States Attorney's Office for the Northern District of Georgia in the ATL Court, agree to the terms of this contract on behalf of the USAO and accept the above-named participant into the ATL Court subject to the terms of this contract.

ATL Court AUSA: _____ Date _____

ATL Court U.S. Probation Officer:

I, _____ the Probation Officer assigned to the ATL Court, accept the above-named participant into the ATL Court subject to the terms of this contract.

ATL Court PO _____ Date _____