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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

**INTERAGENCY AGREEMENT
DRUG REENTRY ALTERNATIVE MODEL (DREAM)**

COME NOW the United States District Court for the Western District of Washington, the United States Probation and Pretrial Services Office, the United States Attorney's Office, and the Federal Public Defender's Office for the Western District of Washington, and hereby, commit to providing qualified individuals, who have agreed to participate in DREAM, a comprehensive court program that blends treatment and sanction alternatives pre-adjudication to effectively address offender behavior, rehabilitation, and the safety of the community. By their respective signatures below, the parties to this Interagency Agreement agree as follow:

1. **DREAM Overview.** DREAM is a post-plea/pre-adjudication program in which the participant enters a guilty plea and his/her sentencing is held in abeyance while the participant completes the program. Participants will also execute a DREAM contract pursuant to which they agree to participate in the program and abide by the governing terms of the program as set forth therein. Participants will be involved in DREAM for at least 12 months, though the term of involvement may be extended as necessary to a maximum of no more than 24 months. As such, the program is intended to be flexible, working at each individuals' pace with an understanding that the process to recovery may be a slow track.

Successful completion of the DREAM program leads to dismissal of the charge(s). If a participant is terminated from the program, the sentence is imposed by

1 the District Court Judge overseeing the DREAM program, pursuant to the previously
2 entered plea and plea agreement.

3 2. **Underlying Principles.** A comprehensive court program for substance
4 abusers will not only help individuals by changing their substance use behavior, but also
5 create the greatest safety for the community, impact the most lives through rehabilitation
6 and save the most money for the courts, Bureau of Prisons and the community in future
7 crime costs. The parties agree the following ten principles are essential to achieving
8 these goals and the operation of an effective post-plea/pre-adjudication court and are,
9 therefore, the guiding principles underlying the DREAM program:

- 10 A. Integration of substance abuse treatment with justice system case
11 processing, i.e., incorporate social services and treatment programs
 under the traditional guise of the court system;
- 12 B. Use of a non-adversarial approach, in which the prosecution and
13 defense counsel promote public safety while protecting the right of
 the participant to due process;
- 14 C. Early identification and prompt placement of eligible participants;
- 15 D. Access to a continuum of treatment, rehabilitation;
- 16 E. Frequent testing for alcohol and illicit drugs;
- 17 F. A coordinated strategy among the judge, prosecution, defense and
18 treatment providers to govern offender compliance;
- 19 G. Ongoing judicial interaction with each participant;
- 20 H. Monitoring and evaluation to measure achievement of program
 goals and gauge effectiveness;
- 21 I. Continuing interdisciplinary education to promote effective
22 planning, implementation, and operation; and
- 23 J. Partnerships with public agencies and community-based
24 organizations to generate local support and enhance drug court
 effectiveness.¹

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26 ¹ See U.S. Dept. Of Justice, Office of Justice Programs, *Drug Courts: The Second Decade* 3 (2006).

1 3. **The Executive Review Team.** The inaugural review team will include
2 United States District Court Judge Ricardo S. Martinez, Chief United States Probation
3 Officer Connie Smith, Assistant United States Attorney Kerry Keefe, Assistant United
4 States Attorney Robert Westinghouse, and Assistant Federal Public Defender Jennifer E.
5 Wellman. At all times, the Executive Review Team will include at least one
6 representative of the Court, the U.S. Attorney's Office, the Federal Public Defender's
7 Office and the U.S. Probation and Pretrial Office.

8 The primary duties of the review team or their designated substitutes will be to
9 staff prospective participants for admission, as well as to monitor, support and assist
10 participants in their progress and hoped for graduation from the program. Other duties
11 include the assessment and approval of treatment providers, living and work
12 opportunities for participants, as well as to review any needed program changes.

13 4. **Eligibility Criteria.** The parties agree that eligibility requirements must
14 be objective and fair, and include the following for the DREAM pre-adjudication
15 program:

- 16 A. Currently charged with an offense in the Western District of
17 Washington for any offense except possession of a firearm during
18 the commission of the alleged offense, felon in possession, sexual
 offenses or history thereof, or a serious violent offense or history
 thereof;
- 19 B. The criminal conduct appears motivated by substance abuse issues;
- 20 C. The person is a lawful resident or citizen of the United States and
21 resides within the Western District of Washington;
- 22 D. No more than two prior felony convictions, both of which also
23 appear to have been motivated by substance abuse issues; and no
 other felony offenses;
- 24 E. The person is willing to accept responsibility for the offense and
25 willing to, prior to graduation, provide the government with all
 information and evidence the defendant has concerning the offense
26 or offenses that were part of the charges alleged;

- 1 F. Any mental health conditions must be manageable; and
2 G. The participant may not work as an informant for the government
3 during his/her participation in DREAM.

4 Eligibility does not guarantee enrollment in the program. In order to participate
5 in the program, the potential participant must be approved for participation by the
6 Executive Review Team and thereafter, execute the requisite DREAM contracts, as
7 described below in paragraph 5(B). Decisions of the Executive Review Team are not
8 appealable.

9 **5. Referral Process.**

10 A. Identification and Preliminary Selection of Participants

11 A referral to the DREAM program should be made as early as possible, but in any
12 event, no later than before litigation of pretrial motions. Referrals made should reflect
13 an individual for whom it is believed a period of intensive supervision, coupled with
14 programs intended to address the root causes of his/her criminal conduct will be more
15 effective than a criminal sentence in decreasing the likelihood of recidivism.

16 The initial identification of prospective participants may be done by U.S.
17 Probation and Pretrial Services, the prosecutor and/or defense counsel representing the
18 prospective participant. If the prosecutor indicates that it is open to acceptance of the
19 defendant to the program should eligibility criteria be met, the prospective participant
20 may be referred to the DREAM Executive Review Team for possible selection as a
21 DREAM program participant.

22 Proceeding further in the DREAM program will require unanimous agreement by
23 the DREAM Executive Review Team. In making that decision, the DREAM Executive
24 Review Team agrees that the eligibility criteria is intended to be broadly defined so as to
25 allow those who need and want treatment, access to the program. The Executive Review
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1 Team may consider the defendant's criminal record, reported substance
2 abuse/dependence history, mental health history, willingness and ability to participate in
3 the program, as well as all other relevant factors to determine suitability for the program.

4 B. Procedures Following Approval for Participation by the DREAM
5 Executive Review Team

6 The DREAM program is voluntary and requires the waiver of certain
7 constitutional rights. Therefore, the prospective DREAM participant must have
8 sufficient time to obtain discovery, investigate the facts and carefully and thoroughly
9 evaluate the choices presented before entering a plea agreement and the program
10 contract necessary to participate in the DREAM program. The following steps
11 encourage that process and will be completed after the DREAM Executive Review
12 Team has selected a prospective participant for the program:

13 **Step 1.** *Appointment of the Federal Public Defender's Office for DREAM*
14 *purposes.* If the defendant is determined to be suitable for the DREAM program, the
15 DREAM program Assistant Federal Public Defender will be appointed to represent the
16 prospective participant for purposes of the DREAM program. The prospective
17 participant will continue however, to be represented by his/her original counsel in the
18 underlying criminal case for purposes of determining whether to enter a guilty plea in
19 that case as required for participation in the DREAM program. After his/her admission
20 to the DREAM program, original defense counsel will represent the participant during
21 the requisite statement to the government regarding all information the participant has
22 concerning the offense or offenses that were part of the original charges.

23 The DREAM program defense counsel will advise the prospective participant and
24 his/her attorney regarding the requirements of the DREAM program, the terms of the
25 DREAM program contract, as well as the waiver of confidentiality for treatment
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1 program information required for participation in the DREAM program. The DREAM
2 defense counsel may be present for the requisite statement to the government regarding
3 all information the participant has concerning the offense or offenses that were part of
4 the original charges.

5 **Step 2. Plea Agreement and DREAM Contract.** Defense counsel and the
6 prosecutor shall negotiate a plea agreement containing terms acceptable to the
7 prosecutor and the prospective participant to at least one of the criminal charges pending
8 against the prospective participant. If the offense of conviction includes a restitution
9 obligation, the agreement will include a commitment by the prospective participant to
10 begin paying restitution as directed during the DREAM program and an agreement by
11 the prospective participant to consent to an order of restitution in favor of specified
12 victims for any remaining restitution before the dismissal of the criminal charges. The
13 plea agreement will incorporate the terms of the DREAM program contract and the
14 waiver authorizing access to treatment information. The prosecutor and the participant
15 further agree that the plea agreement will be entered into pursuant to Federal Rule of
16 Criminal Procedure 11(c)(1)(C) to the extent that it will bind the DREAM Judicial
17 Officer, upon a participant's successful completion of the DREAM program, to accord
18 the participant the benefits for successful completion of the program specified in the plea
19 agreement, i.e., dismissal with prejudice of the criminal charges against the prospective
20 participant. If the participant is terminated from the program based upon unsuccessful
21 completion, the participant will be sentenced in accordance with the Sentencing
22 Guidelines, 18 U.S.C. § 3553(a), any applicable statutory, mandatory minimums, and
23 consistent with the terms of the written plea agreement.

24 The DREAM program contract will articulate expectations and obligations of the
25 prospective participant and the other members of the DREAM program team, including,
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1 but not limited to, the expectations and obligations of the prospective participant to
2 undergo a drug and alcohol evaluation/assessment and follow all treatment
3 recommendations, as well as to provide the government with all information he/she has
4 concerning the offense or offenses originally charged.²

5 **Step three.** *Transfer to the DREAM Judicial Officer.* The DREAM Executive
6 Review Team, through correspondence from the DREAM Probation Officer, will seek
7 approval of a transfer of the prospective participant's case from the originating District
8 Judge to the DREAM Judicial Officer.³ The correspondence will explain the DREAM
9 Executive Review Team's reasons for recommending participation in the DREAM
10 program, and a brief summary of the anticipated plea agreement. If rejected, the case
11 will proceed in the usual course before the originating District Court. If approved, the
12 originating District Court will execute an Order transferring the defendant's case for all
13 purposes to the DREAM Judicial Officer.

14 **Step four.** *Initial Appearance Before the DREAM Judicial Officer.* Once a
15 defendant's participation in the DREAM program has received approval from the
16 originating District Judge and the case transferred to the DREAM Judicial Officer, the
17 Probation and Pretrial Services Office will arrange for the participant to make an initial
18 appearance before the DREAM Judicial Officer. The initial hearing before the DREAM
19 Judicial Officer will be conducted in open court, in the presence of the DREAM
20 Executive Review Team and the participant's original defense counsel, and consist of
21 the following:

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23 ² As noted below, no statement made in DREAM court may be used against a participant in the
24 government's case-in-chief in any future proceeding, nor may any admission be used to file additional drug
charges.

25 ³ If an indictment has not been returned, an Information consistent with the terms of the proposed Plea
26 Agreement shall be filed in anticipation of the defendant's participation in DREAM.

- 1) Ensuring that the prospective participant's involvement in the DREAM program is voluntary, as confirmed by the participant's oral representations and the DREAM program contract to be signed by the prospective participant, as well as each member of the DREAM program team;
- 2) Ensuring the defendant understands his/her constitutional rights and the terms of the Plea Agreement executed by the prospective participant, defense counsel and the prosecutor;
- 3) Entering an Appearance Bond, if the participant is in custody, for the sole purpose of allowing the participant to engage in the DREAM program and including any and all conditions of release deemed appropriate by the DREAM Judicial Officer; and,
- 4) Ensuring the defendant understands and executes a waiver authorizing the DREAM program team access to treatment program information regarding successes and failures in any program to which the participant is referred or enrolled in as part of the DREAM program, for the sole purpose of participating in the monitoring and evaluation of a participant's progress in the DREAM program or for assessing sentencing recommendations following a participant's unsuccessful completion of the DREAM program.

Step 5. After each of the above documents are executed before the DREAM Judicial Officer, the prospective participant will enter a guilty plea(s) before the DREAM Judicial Officer. Upon acceptance of the guilty plea, the District Court will stay the sentencing proceedings, including the preparation of a presentence report.

Once each of these five steps is taken, the prospective participant is a participant in the DREAM program. At that time, the participant's original defense counsel is relieved of any further responsibilities with the exception of representing the participant in the requisite meeting with the government in which, prior to graduation, the participant must provide all information known by the participant about the offense or offenses originally charged.

1 **6. Immunity Granted to All Statements Made in DREAM Program.**

2 An essential component of the DREAM program is every participant's complete
3 candor with the DREAM Judicial Officer and the other members of the DREAM
4 program team.

5 Accordingly, the United States Attorney's Office agrees that the DREAM
6 Program Contract will include a provision that statements made, documents and other
7 information provided by the participant during and/or in relation to any and all DREAM
8 program proceeding(s) shall not be used against the participant during the government's
9 case-in-chief in any future proceedings.

10 The United States Attorney's Office also agrees that the statement provided to the
11 government about all evidence and information the participant has concerning the
12 offense or offenses that were part of the charged conduct cannot be used by the
13 government to require further cooperation of the participant and thereby, demand his/her
14 withdrawal from the DREAM program, or to file additional charges against the
15 participant, except as the basis for a prosecution for perjury or making of a false
16 statement.

17 If, however, the participant is terminated from the program, the United States may
18 pursuant to 18 U.S.C. § 3661, provide the contents of the statement given by the
19 participant to the Court. This statement may not, pursuant to U.S.S.G. § 1B1.8, be used
20 to determine the appropriate sentencing guidelines range. It may be used for
21 impeachment purposes only.

22 **7. Respective Roles of the DREAM Executive Review Team.**

23 All of the parties to this agreement recognize that an essential component of the
24 DREAM program is a collaborative or "team" approach to determine what is in the best
25 interests of each participant. "Best interests" looks beyond the narrow focus on the
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1 particular charges and instead focuses on the overarching issue of the participant's
2 sobriety. This approach is reflected in the respective roles of the Executive Review
3 Team throughout the course of the DREAM program for each participant:

4 A. Role of the DREAM Program Judicial Officer

5 Initially, the DREAM program will operate with a single District Court Judge or
6 a single District Court Judge paired with a single Magistrate Judge. While expansion of
7 the number of participants or other events may result in the need for participation by
8 additional judicial officers, the parties agree that the essential need for continuity in the
9 judicial role mandates that a limited number of judicial officers be involved.

10 The parties also agree that the active involvement of the program Judicial Officer
11 with participants in the DREAM program is essential. When participants are excelling in
12 the program, the DREAM Judicial Officer will provide encouragement. When
13 participants are in noncompliance with the DREAM program, the DREAM Judicial
14 Officer, after receiving the recommendation of the other members of the Executive
15 Review Team, will make a determination as to the appropriate sanction based on the
16 nature of the participant's noncompliant behavior.

17 If appropriate, sanctions should be progressive in terms of severity. When the
18 DREAM Executive Review Team determines that a participant has exhausted that
19 participant's opportunities to continue in the DREAM program, the DREAM Judicial
20 Officer will make the final decision to terminate the participant from the DREAM
21 program and proceed to sentencing. The DREAM Judicial Officer acknowledges that
22 sincere attempts to participate in the DREAM program should not be penalized.

23 B. Role of the DREAM Program Probation Officer.

24 The DREAM Probation Officer will be charged with overseeing supervision of
25 the DREAM participants and making appropriate treatment referrals with contract and
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1 appropriate non-contract treatment and other program agencies based on the needs of
2 individual participants as determined by the DREAM Probation Officer and the
3 DREAM Judicial Officer. The DREAM Probation Officer will also work with treatment
4 and other program providers to ensure effective communication between the treatment
5 and other program providers and the DREAM program team.

6 In preparation for DREAM court appearances, the DREAM Probation Officer
7 will oversee the preparation of reports to inform the parties of the participant's struggles
8 and achievements. To expedite the reporting process, avoid overworking the Probation
9 Officer, and create continuity in reporting, a standardized "DREAM Program Progress
10 Report" will be used. For each participant, the DREAM Probation Officer or
11 designated substitute, will distribute a DREAM Program Progress Report, along with
12 any attachments, to the DREAM Judicial Officer, Assistant Federal Public Defender,
13 and Assistant United States Attorney(s) at least a full 24 hours before each scheduled
14 DREAM program court appearance.

15 When serious problems in supervision arise, the Probation Officer will
16 immediately notify the Court and seek guidance on action to be taken, including, but not
17 limited to authorization to arrest the participant.

18 The Probation Officer will also maintain, within each participant's U.S. Probation
19 and Pretrial Services file, a separately delineated section that will constitute the
20 "DREAM Program File" for each participant. This DREAM Program File will include
21 the participant's DREAM program contract, all DREAM Program Progress Reports for
22 the participant, treatment and other program records for the participant, results of drug
23 testing for the participant, and all other records relating to the participant's progress
24 through the DREAM program. The DREAM Program File for any participant will be made
25 available to the DREAM Judicial Officer, Assistant Federal Public Defender, and Assistant
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1 United States Attorney(s), or a designated substitute(s), as necessary for implementation
2 of the DREAM program. The DREAM Program File for each participant will otherwise
3 remain a part of the participant's U.S. Probation and Pretrial Services file and
4 confidential.

5 C. Role of the DREAM Program Assistant United States Attorney(s):

6 The role of the United States Attorney's Office in the DREAM program is to
7 participate in a team effort with the DREAM Executive Review Team to encourage each
8 participant's success in the DREAM program and to participate in DREAM program
9 decisions about proper punishments for participants struggling with the program's
10 requirements.

11 The Assistant United States Attorney(s) will be involved in decisions about
12 program planning both when a participant is succeeding and when a participant is
13 struggling; may be called on to report on a participant's progress during a DREAM
14 program appearance; and should be prepared to provide assistance to the other members
15 of the DREAM Executive Review Team in determining whether a participant's
16 continued participation in the DREAM program is warranted. Like the other team
17 members, the DREAM Assistant United States Attorneys' role is expected to be non-
18 adversarial.

19 The DREAM Assistant United States Attorney(s) or a designated substitute(s), is
20 also responsible for scheduling and taking the statement of culpability concerning the
21 offense or offenses originally charged, in the presence of the original defense counsel.
22 The fact that the defendant may not have any relevant or other information to provide or
23 that the government is already aware of, will not preclude a determination by the
24 DREAM Executive Review Team that the participant has complied with this
25 requirement. The prosecutor agrees that the overarching objective of the statement is the
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1 participant's sincere intent to achieve sobriety and participate in DREAM. Use of the
2 participant's statements is governed by the terms of the Drug Reentry Alternative Model
3 (DREAM) Contract and Agreement to Continue Sentencing, pp. 5 through 6.

4 If the participant is terminated from the program, the participant understands that
5 the statement may be provided to the Court, pursuant to 18 U.S.C. § 3661, and that such
6 statement cannot, pursuant to U.S.S.G. § 1B1.8, be used to determine the applicable
7 sentencing guideline.

8 D. Role of the DREAM Program Assistant Federal Public Defender.

9 The role of the DREAM Assistant Federal Public Defender is to participate in a
10 team effort with the DREAM Judicial Officer, Assistant United States Attorney(s), and
11 the Probation Officer to encourage each participant's success in the DREAM program,
12 discourage bad decisions and disinterest in the DREAM program at their first sign, and
13 participate in DREAM program decisions about proper punishments for participants
14 struggling with the program's requirements.

15 The DREAM Assistant Federal Public Defender should be involved in decisions
16 about program planning both when a participant is succeeding and when a participant is
17 struggling; may be called on to report on a participant's progress during a DREAM
18 program appearance; and, should be prepared to provide assistance to the other members
19 of the DREAM Executive Review Team in determining whether a participant's
20 continued participation in the DREAM program is warranted. The Assistant Federal
21 Public Defender's role is also expected to be non-adversarial.

22 **8. DREAM Program Proceedings.**

23 Participants agree to a minimum of 12 months in the DREAM program and may
24 spend as long a 24 months in DREAM court. The time spent in DREAM court is
25 divided into stages and varies based on each participant's circumstances and progress.
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1 However, from the outset, participants will appear at least monthly before the same
2 DREAM Judicial Officer and the other members of the DREAM program team.

3 To ensure continuity, only the DREAM program's Probation Officer, Assistant
4 Federal Public Defender and the Assistant United States Attorney(s), constituting the
5 DREAM Executive Review Team, or their designated substitutes, will be involved in the
6 DREAM program and will appear for each DREAM program session.⁴

7 The order of participant appearances at each DREAM court session will be set by
8 the DREAM Judicial Officer as deemed most beneficial to the participants, with the
9 understanding that, ordinarily, absent being excused by the DREAM Judicial Officer,
10 participants will be expected to remain through the appearances of at least some of the
11 other participants at the particular DREAM program session.

12 To effectuate the parties' intent that the DREAM program be less adversarial and
13 provide as much support as possible to participants, all parties agree that conduct that
14 might otherwise constitute a violation of the terms of an Appearance Bond or the
15 DREAM program rules may be handled in an informal manner. In particular:

16 (a) all conduct that might be considered a violation will be presented to the
17 DREAM Judicial Officer, the other members of the DREAM program
18 team, and the participant through the Probation Officer's regular DREAM
19 Program Progress Report, or a status report to the DREAM Judicial
20 Officer filed on an expedited basis if the circumstances so warrant; and

21 (b) absent a determination that termination from the DREAM program is
22 justified in accordance with paragraph 10 below, any sanction for such a
23 violation, so long as it is within the range of sanctions set forth in
24 paragraph 8 below, will be handled through

25 (i) a directive issued by the DREAM Judicial Officer at a regular
26 DREAM court session in a non-adversarial setting; or

24 ⁴ Protecting the participants's constitutional rights remains a goal throughout the DREAM process.
25 Therefore, if the Federal Public Defender's Office has a conflict of interest with a participant, the DREAM
26 Judicial Officer will appoint private counsel from the Criminal Justice Act Panel and the DREAM Assistant
Federal Public Defender will be screened from the case, as contemplated by the Rules of Professional Conduct.

1 (ii) if the participant, the DREAM Judicial Officer, Probation
2 Officer, Assistant United States Attorney(s) and Assistant Federal
3 Public Defender all agree to a particular sanction or treatment
4 intervention, on an expedited basis before the participant's next
5 scheduled DREAM court appearance by means of a modification
6 executed by the participant and the DREAM Judicial Officer,
7 Probation Officer, and Assistant Federal Public Defender.

8 For each participant, after each DREAM court appearance, the DREAM Judicial
9 Officer will issue a DREAM Program Status Report, reflecting actions taken and
10 scheduling that participant's next DREAM program appearance.

11 **9. DREAM Program Sanctions**

12 The DREAM program anticipates that participants may struggle during treatment
13 and may relapse. Noncompliant behavior, including a relapse, will result in sanctions.
14 However, consistent with the overarching goal of participant success, the range of
15 possible sanctions is generally flexible to insure that some level of sanction is available
16 for every type of violation.

17 Factors that will influence the type of sanction employed include the seriousness
18 of the violation, the number of violations, and the amount of time the participant has
19 remained compliant, either before a first violation, or between violations. In addition, an
20 important factor will be whether the participant voluntarily discloses the violation.
21 Dishonesty on the part of the participant will result in enhanced sanctions. Depending
22 on these factors, any of the sanctions listed below – including termination from the
23 DREAM program – will be available.

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- Termination from the DREAM program. If terminated, the government may move the Court to detain the participant pending sentencing.

These sanctions are intended to take a creative approach to altering behavior, while cutting the costs associated with first resorting to a traditional "days in jail" sanction. Sanctions imposed should be completed by the participant's next DREAM program appearance, unless the DREAM Judicial Officer allows more time. The participant may be required to report on performance of the sanction at his/her next DREAM program appearance.

The DREAM Probation Officer or designated substitute, will monitor compliance with imposed sanctions and report on compliance in a regular DREAM Program Progress Report, or, if circumstances warrant, in a status report to the DREAM Executive Review Team filed on an expedited basis.

A participant faced with any sanction will have the option of requesting termination from the DREAM program and proceed to sentencing.

10. **Adversarial Hearings.**

Recognizing that circumstances may arise in which a participant is alleged to have violated a term of the DREAM program rules and the participant believes that he or she is innocent of the alleged conduct constituting the violation, the parties agree that a request for an adversarial hearing on whether the participant in fact committed the alleged conduct will not automatically result in termination from the DREAM program. Such adversarial hearings are, however, to be conducted only to determine the question of whether the participant in fact committed the alleged conduct, and not as an opportunity for the participant to offer a proffered explanation for admitted or undisputed conduct.

1 11. **Termination based upon Unsuccessful Completion of DREAM**

2 **Program.**

3 In recognition of the reality of a relapse as a part of recovery from drug or alcohol
4 addiction and/or in addressing underlying causes of criminal activity, every effort should
5 be made to continue to work with participants. All parties realize, however, that there
6 will be some circumstances in which it is appropriate to terminate a participant from the
7 DREAM program as unsuccessful. Termination may be either voluntary or involuntary
8 and, in either circumstance, will result in the participant proceeding to sentencing before
9 the DREAM Judicial Officer on the charge(s) to which the participant entered a guilty
10 plea or pleas without receiving the benefits provided for successful completion of the
11 DREAM program in the participant's plea agreement.⁶

12 Before imposing sentence, the DREAM Judicial Officer, the United States
13 Attorney's Office, the Assistant Federal Public Defender, and the United States
14 Probation Office, will have access to and may consider for purposes of sentencing the
15 participant's DREAM Program File, which will document all successes, failures, and
16 sanctions that occurred during the DREAM program. The program's Assistant Federal
17 Public Defender and Assistant United States Attorney(s) may make recommendations as
18 well. As noted above, in making a recommendation, the parties should not recommend a
19 longer sentence than what would have been imposed if the standard plea was taken
20 simply as a means to "set an example" for other drug court participants.

21 The originating District Judge will be notified of the participant's
22 Termination from the DREAM program by correspondence from the Probation Officer.

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24 ⁶ Circumstances giving rise to involuntary termination of this type may include: (1) new law violations,
25 as ultimately determined by the DREAM Judicial Officer; (2) repeated drug use; (3) a chronic pattern of refusal
26 to cooperate with the DREAM Probation Officer; (4) a chronic pattern of refusal to cooperate with a treatment
or other program provider; (5) repeated refusals to cooperate with the DREAM program's sanctions or to
participate in the DREAM program in a meaningful manner.

1 **12. Program Benefits.**

2 During the DREAM program, rewards may be offered to recognize participant
3 progress, such as certificates and public accolades before other DREAM participants.
4 More substantial rewards may also be provided to aid participants in improving their
5 personal situations. For example, free bus passes may assist participants in
6 transportation to their DREAM court obligations. Rewards may also include elimination
7 of location monitoring and curfew, decreased urinalysis testing and officer contacts or
8 other achievement recognitions. Such rewards, however, are not guaranteed.

9 Whether a participant has successfully completed the DREAM program will be
10 determined by the DREAM Judicial Officer in consultation with the other members of
11 the DREAM Executive Review Team subject to the minimum requirement that a
12 participant will have demonstrated at least six months of continuous sobriety. A
13 participant who is determined to have successfully completed the DREAM program will
14 receive the benefits specified in the participant's plea agreement, i.e., the withdrawal of
15 the participant's previously-entered guilty plea being dismissed with prejudice.

16 **13. DREAM Program Graduation.**

17 DREAM program graduation will take place at the participant's final, regularly
18 scheduled DREAM court appearance. In addition to participants, the originating District
19 Judge, family members, sponsors, and friends will be invited to attend the graduation.
20 The DREAM Judicial Officer will present graduating participants with a

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1 Certificate of Completion, and other articles of recognition as determined by the
2 DREAM Judicial Officer and the other members of the DREAM Executive Review
3 Team.

4 The Certificate of Completion will close the DREAM Program File section of the
5 participant's U.S. Probation and Pretrial Services file. The DREAM Judicial officer will
6 also issue an order vacating the guilty plea and dismissing with prejudice the criminal
7 charges pending before the originating District Judge at the time of the guilty plea.

8 **14. Modification and Supplementation of Interagency Agreement.**

9 The parties recognize that as the DREAM program is implemented, modification
10 or supplementation of this Interagency Agreement may be necessary. Any modification
11 or supplementation of this Interagency Agreement will be in writing, and may be made
12 by the DREAM Executive Review Team only upon the consent of all members of that
13 team and with agreement by the DREAM Judicial Officer that the proposed modification

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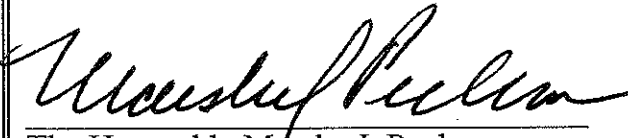
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1 does not need to be referred to the United States District Court for the Western District
2 of Washington for review and approval.

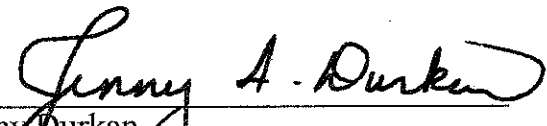
3 IT IS SO AGREED on this 9th day of August 2012.

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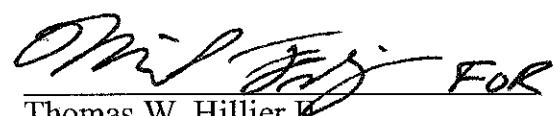
6 The Honorable Marsha J. Pechman
7 Chief United States District Court Judge
8 United States District Court for the
9 Western District of Washington

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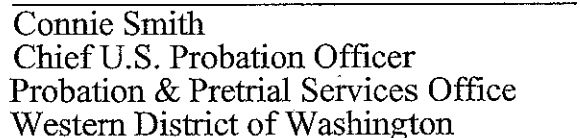
6 The Honorable Ricardo S. Martinez
7 United States District Court Judge
8 United States District Court for the
9 Western District of Washington

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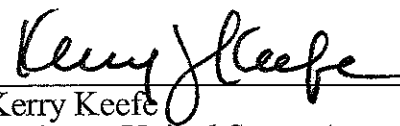
11 Jenny Durkan
12 United States Attorney
13 United States Attorney's Office
14 Western District of Washington

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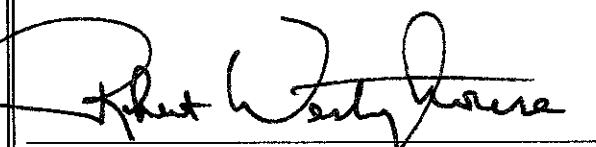
11 Thomas W. Hillier
12 Federal Public Defender
13 Federal Public Defender's Office
14 Western District of Washington

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16 Connie Smith
17 Chief U.S. Probation Officer
18 Probation & Pretrial Services Office
19 Western District of Washington

15 

16 Kerry Keefe
17 Assistant United States Attorney
18 United States Attorney's Office
19 Western District of Washington

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21 Robert Westinghouse
22 Assistant United States Attorney
23 United States Attorney's Office
24 Western District of Washington

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21 Jennifer E. Wellman
22 Assistant Federal Public Defender
23 Federal Public Defender's Office
24 Western District of Washington

