



ECRJC Courts Community Conferencing Consent to Participate

The undersigned individuals agree to voluntarily participate in the ECRJC Courts Community Conferencing Program. Specific identifying information about the victim, the offender and of community representatives will not be released by any participant to outside parties without the consent of all participants. However, the facilitator will report to appropriate authorities if information revealed during the conference indicates any of the following:

- Someone is being physically harmed
- Someone is in danger of being physically harmed
- Exculpatory evidence: evidence that tends to prove an accused innocent of the charges leveled against him or her

Should the victim and the offender reach an agreement, the agreement will be reduced to writing and the parties present during the conference, with the exception of the facilitator, will be asked to sign and date the agreement. Copies of the agreement will be given to each person who signs. Copies will also be given to the Court, the District Attorney's Office, Defense Attorney, and the referral source.

If no agreement is reached, the discussion that transpired during the conference will not be reported to the Court or to any outside parties, unless there is a need to report, as stated above. All discussions shall remain confidential and will not be used as admissions and may not be reported or subpoenaed in evidence.

In order to maintain program integrity, it is further agreed that the individual parties will not subpoena the facilitator, the facilitator's case files, or community representatives for any future legal proceedings that may arise relating to the particular case that is the subject of this community conference.

The ECRJC Courts Community Conferencing Program will maintain records of the agreement and notes of compliance related to the progress and ultimate outcome of the agreement. Furthermore, the written agreement along with the socio-geographical data may be used to study the program without reference to the individual parties.

- The offender acknowledges that they have been represented by an attorney throughout the criminal proceedings.
- The offender acknowledges that they understand their responsibility to disclose their involvement in the matter that is the focus of the facilitation.
- It is understood by all the parties that no statements made by the defendant nor any records made during the course of these proceedings nor any information obtained as the result of the defendant's participation will be used in the prosecution in Court.
- It is understood by all the parties that any written statements produced as part of this facilitation will not be discoverable nor required to be provided to defense counsel as Rosario material in the event of the necessity of a trial.
- It is understood by all parties that none of the witnesses in the prosecution of the offense will be questioned or cross-examined, by either counsel, concerning any of the information which was disclosed during the facilitation.
- Finally, the offender agrees that they are waiving their right to a speedy trial pursuant to Criminal Procedure Law Section 30.30 while the matter is adjourned to be reviewed and resolved through the Program.

Please sign and date this column

Print name

Address

Date: _____

Please sign and date this column

Print name

Address

Date: _____

Date: _____

Date: _____
