

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
CONTRACT FOR PARTICIPATION IN C.A.R.E.**

Name: _____ Today's Date: _____
Offense of Conviction: _____ Date of Conviction: _____
Sentence Expiration Date: _____ Sentence/Special Conditions: _____

INTRODUCTION

You have been invited to participate in C.A.R.E. Participation is entirely voluntary, and there will be no negative consequence if you do not wish to participate. If you successfully complete C.A.R.E., your term of supervision will be shortened by one year.

THE C.A.R.E. BASICS

C.A.R.E. will last *at least* one year. Participants in C.A.R.E. will be under the supervision of a C.A.R.E. Probation Officer (PO), rather than a traditional probation officer. Participants agree to take part in a drug and alcohol evaluation, and in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the PO or treatment provider. In addition to actively engaging in treatment, compliance with the general conditions of supervision will also be required.

Participants will be assigned an attorney from the Federal Public Defenders' Office (AFPD) who is a member of the C.A.R.E. team, and who will be permitted to have access to the treatment provider and treatment records. An Assistant U.S. Attorney (AUSA) will also be assigned to C.A.R.E. Both the AFPD and the AUSA will work with the PO in order to provide additional support and encouragement for sobriety and success in C.A.R.E.

LENGTH OF C.A.R.E.

C.A.R.E. will last *at least* one year. Participants who struggle in treatment, but remain dedicated to recovery, may be given extensions in C.A.R.E. to complete their term of treatment and still be rewarded with the one-year reduction in supervision.

COURT APPEARANCES

At least once per month, at a time to be determined, participants will be required to appear before the C.A.R.E. Judge to evaluate progress. Every effort will be made to ensure the time of the appearance does not conflict with employment or treatment programming. The PO, AFPD, and AUSA will be present. Progress reports from the PO and treatment provider will be provided to the Court and attorneys. These reports will describe both successes and problems experienced on supervision, either treatment-related, or otherwise.

SUPERVISION VIOLATIONS & SANCTIONS

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled C.A.R.E. calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the parties. If a monthly Progress Report contains an allegation of noncompliance, you may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when they are accused of violating supervision. There will be no hearing on whether the allegation is true. The C.A.R.E. Judge will decide whether a program sanction is appropriate. As noted above, noncompliance can also be handled outside the presence of the C.A.R.E. Judge if all parties agree. Noncompliant behavior by you, 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 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 C.A.R.E. is available. As a general rule, when there are repeat violations, more serious sanctions will be applied. Sanctions may include, but are not limited to:

- Participant receives a judicial reprimand in open court;
- Participant is ordered to return to court and observe proceedings for a half or full day (so-called “sit sanction”);
- Participant is ordered to provide an explanation for noncompliant behavior, either in writing or some other means (such as why participant failed to attend treatment or tested positive, or about the trigger that most often causes participant to relapse and why, or about what participant will do differently this time to prevent relapse, or about someone participant admires and why);
- Participant is ordered to engage in community service (the site of which will be left to the discretion of the Court. Hopefully the Court will discuss with the participant his or her interests and select a community service activity that the participant actually enjoys, thus encouraging service as a fulfilling activity, rather than a sanction,);
- Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring (we may also utilize voice identification monitoring which is presently being used by our office as a pilot program at this point);
- Participant is ordered to participate in a day reporting program;
- Participant is ordered to complete a term at a community corrections center, such as the Coolidge House;
- Participant is ordered to spend up to seven (7) days in jail;
- Participant is terminated from C.A.R.E. with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of C.A.R.E. If there is an admission to the violation, the participant may be able to complete the sanction and remain in C.A.R.E. When expedited action is appropriate and the parties agree, a sanction or adjustment in treatment can be imposed through a modification and without an appearance before the Court. The PO’s report at the next Court appearance will inform the C.A.R.E. Judge whether the participant properly completed the sanction ordered at the last appearance. Failure to complete ordered

sanctions may result in added sanctions, or termination from C.A.R.E. Participant may contest the sanction allegation, if desired. The only permissible contested sanction hearing in C.A.R.E., however, is a claim of actual innocence of the alleged violation. If a contested hearing is requested, the AFPD will assist the participant in contesting the allegations. The C.A.R.E. Judge will ultimately decide whether the allegation is true. It is important to note the PO need not wait until the scheduled Court appearance to address problems in supervision. If participant fails to abide by the directions of the PO, the PO will contact participant to address the problem. Minor violations may be dealt with by either the PO, or by a team including the PO, the AFPD and the AUSA. If a participant commits a major violation, a arrest warrant will immediately be issued.

TERMINATION FROM C.A.R.E.

Termination from C.A.R.E. may occur because of failure fail to participate in treatment and supervision, including repeated technical violations of general conditions of supervision, failure to make your Court appearances, or a new law violation. Participants terminated from C.A.R.E. return to regular supervision status, and may face a violation hearing. If the Probation Office chooses to pursue a formal violation charge, it will be the policy of the Probation Office not to allege as a formal violation conduct that occurred during C.A.R.E. and that was previously addressed. After the participant is outside of C.A.R.E., however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, including successes, failures, and sanctions which occurred during C.A.R.E.

A participant may also voluntarily discontinue the program and return to traditional supervision status. If the program is discontinued voluntarily, the participant will not face an allegation of violation unless it is determined that serious violations of supervision have occurred.

GRADUATION & ONE YEAR REDUCTION IN SUPERVISION TERM

Upon successful completion of C.A.R.E., total term of supervision will be reduced by one year. After completing C.A.R.E., most participants have an additional amount of time to spend on traditional supervision, and will be required to continue to comply with any and all conditions of supervision. If the terms of supervision are violated, the participant will be subject to revocation, but any term of supervision imposed following the term of incarceration will be reduced by one year.

AGREEMENT

Participant:

I, _____, have read, or someone has read to me, this Agreement and I understand the basic workings of C.A.R.E. I voluntarily agree to participate in C.A.R.E. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

Signature Date

Representative of the United States Probation Office:

The Probation Officer assigned to C.A.R.E. accepts the above-named person into C.A.R.E.

Signature Date