



UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA  
COURT-ASSISTED RECOVERY EFFORT (CARE)

**CONTRACT FOR PARTICIPATION**

Name/PACTS #: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Case No. and Presiding Judge: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Sentence Imposed/Special Conditions: \_\_\_\_\_

\_\_\_\_\_

Date Supervision Commenced: \_\_\_\_\_ Scheduled Expiration Date: \_\_\_\_\_

Current Probation Officer: \_\_\_\_\_

Assigned CARE Probation Officer: \_\_\_\_\_

Supervision Issues to Date: \_\_\_\_\_

\_\_\_\_\_

**INTRODUCTION**

You have been recommended for participation in the Western District of Oklahoma Court-Assisted Recovery Effort (CARE) Program. Participation in this program is completely voluntary, and there will be no negative consequences if you choose not to participate. Successful completion of the program entitles you to apply to receive up to one year off your term of supervision. The final decision as to whether you will receive a reduction in your term of supervision is entirely up to the judge assigned to your criminal case, and while successful completion of CARE will be viewed favorably it does not guarantee that your term of supervision will be reduced.

**PROGRAM OVERVIEW**

CARE is a court-assisted supervision program structured to provide intense ongoing support for your effort to recover from drug or alcohol addiction. You will be assigned a Probation Officer who has been designated to participate in CARE and you will remain under the supervision of that officer while in the program. In order to be in compliance with program rules, you must agree to abstain from alcohol and drug use, consent to an alcohol and drug evaluation, and participate in all required treatment. You will also be required to submit to random drug testing as directed by the probation officer. During your time in CARE, you must follow all general conditions of supervision, any special conditions the judge imposed when you were sentenced, and all the requirements imposed as part of the CARE Program. In the CARE Program, you must appear regularly in court to discuss your progress with the CARE judge and other CARE team members.

The CARE Team is made up of a presiding judge, your probation officer, an attorney from the Federal Public Defender's Office (AFPD), and an attorney from the United States Attorney's Office (AUSA) who have been assigned to the team as part of their official duties. All members of the team are committed to

your success. They will meet regularly, together with your treatment providers, to discuss your progress and the best ways to help you achieve your goals of completing the program and attaining long-term sobriety.

Although the AFPD will represent you as long as you are in the program, you should know that the AFPD will act differently than you may expect. Specifically, the AFPD will generally act in a nonadversarial manner with the other members of the team, including the AUSA. That is, the AFPD will not always fight to get you out of trouble. In fact, there may be many instances in which the AFPD will agree with the rest of the CARE Team that you should receive a sanction -- including up to seven days in jail or even being removed from the program -- if you do not comply with the program's requirements. The AFPD will also attend meetings with the rest of the CARE Team in which she will discuss your progress -- both positive and negative -- in an open, honest way. In those conversations, the AFPD may share information with the CARE Team that you might otherwise expect your lawyer would not share with a judge or a prosecutor, including information about you that is negative. By joining the program, you are specifically agreeing that you understand this unique role that the AFPD will play and that you agree to that form of representation.

You should also know that, during the program, members of the CARE Team will receive information about your progress in treatment, including information related to your activities in counseling and, when appropriate, your medical care. The CARE Team members need that information to ensure that you are progressing toward your goals of successfully completing the program and attaining long-term sobriety. Because that information may be private, CARE Team members will not share it with others. By joining the program, you are specifically agreeing that you understand that the CARE Team members will have access to this type of information and that you agree to that access. By signing this agreement, you are waiving your right to keep private any type of substance abuse, mental health, or healthcare treatment that you receive while in CARE but understand that the information in regard to your treatment will only be shared among CARE Team members.

The CARE Manual sets forth the specific requirements you must complete to graduate from the program. Among others, you must complete the Moral Reconciliation Therapy Program through the Probation Office and 40 hours of community service prior to graduating from the program. Your probation officer will give you the full details of when and how you will complete this service.

### **LENGTH OF THE PROGRAM**

It will take at least one year for you to complete the program. Participants who struggle with relapse and/or treatment requirements, but remain committed to the program, may be given additional time to complete the CARE Program, at the discretion of the judge, and may still be eligible to apply for a reduction in the term of supervision if they ultimately complete the program.

### **COURT APPEARANCES**

In the first phase of the program, you will be required to appear before the designated CARE Judge twice a month. As you progress through CARE and demonstrate that you are maintaining sobriety and stability, the number of required court appearances will decrease. Every effort will be made to ensure that the time of your court appearance does not conflict with your employment or treatment sessions. The probation officer, AFPD, and AUSA will be present for court proceedings. Progress reports from your probation officer and information supplied by the treatment provider will be provided to the Court and attorneys. These reports will detail both successes and problems encountered while in the CARE Program.

## **SUPERVISION VIOLATIONS AND SANCTIONS**

Supervision violations and sanctions will typically be dealt with on the regularly scheduled CARE docket. The Court, however, can schedule an appearance at any time to address violations immediately. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with the consent of the probation officer, AFPD and AUSA.

If a progress report contains an allegation of non-compliance, you may choose to agree that the allegation is true. If you do, there will be no hearing as to whether the allegation is true. Instead, the CARE Judge will consult with the probation officer, AFPD and AUSA to decide whether a sanction is warranted and, if so, what that sanction should be. The CARE Judge, however, makes the final decision. In deciding what sanction you will receive, the CARE Judge will consider the seriousness of the violation, the number of total violations while in CARE, the amount of time you have remained compliant either before a first violation or in between violations, and your willingness to voluntarily admit to the violation and speak about it honestly. Dishonesty on your part will result in greater sanctions. Possible sanctions may include, but are not limited to, the following:

- Judicial reprimand in open court
- Return to the U.S. Courthouse to observe other court proceedings
- Provide a written paper examining non-compliant behavior
- Complete additional community service at a site directed by the Court
- Comply with curfew restrictions or home confinement with electronic monitoring
- Reside and appropriately participate in a community corrections center for a period of time determined by the court
- Changes in current outpatient treatment plan
- Placement in short term inpatient treatment (up to 90 days)
- Placement in long term inpatient treatment (up to 6 months)
- Serve jail time up to 7 days
- Demotion to earlier phase or moved back in current phase
- Termination from the CARE Program

The same sanction may be applied by the Court more than once during the course of the program. By agreeing to join this program, you are waiving any rights you may have to appeal the sanctions imposed by the CARE Judge.

In limited circumstances, you also have the right to contest an allegation of non-compliance. In the CARE Program, you can only contest the allegation if you are actually innocent, that is to say, you did not commit the violation. If you wish to have a hearing to assert your actual innocence, the AFPD will assist you in contesting the allegations. The CARE Judge will receive evidence and hear arguments from all parties and ultimately decide if the allegation is true. By joining the program, you are waiving any rights you may have to appeal the CARE Judge's ruling as to whether you, in fact, committed a violation that you claim you did not commit. Because your honesty is crucial to your success in this program and in achieving sobriety, if the CARE Judge determines that you actually committed a violation that you have denied (meaning that you falsely denied it), you will most likely be removed from the program. By agreeing to join this program, you are waiving any rights you may have to appeal the decision to remove you from the program.

It should be noted that the probation officer will start to address any non-compliance issue before your formal appearance before the CARE Judge. Minor violations will be dealt with by either the probation officer or the CARE team. If you commit a major violation, a warrant will immediately be issued for your arrest.

## **TERMINATION FROM THE PROGRAM**

You can be terminated from the program in two ways:

1. **Voluntary Termination:** Because CARE is a voluntary program, you can choose to end your involvement in the program at any time. If you voluntarily leave the program, you will be transferred back to traditional supervision. If you have unaddressed violations of the terms of your supervised release when you terminate, the probation officer may file a petition to revoke your supervised release based on those unaddressed violations. If you voluntarily quit the program, you will not be eligible to apply for a reduction in the term of supervision, regardless of the amount of time you spent in the program.
2. **Judicial Termination:** The CARE Judge can also terminate you from the program for serious and/or repeated violations or misconduct. If that happens, you will return to traditional supervision and may appear before the judge presiding over your criminal case for a violation hearing. Reasons for this type of termination include but are not limited to:
  - a) new violations of the law;
  - b) chronic drug and/or alcohol use;
  - c) refusal to cooperate with the supervising probation officer;
  - d) refusal to cooperate with the treatment provider;
  - e) refusal to cooperate with court-ordered sanctions;
  - f) absconding from the program or supervision;
  - g) refusal to submit a urine sample, providing a urine sample from a source other than directly from the participant's body, possession of a device used to facilitate the providing of a urine sample other than directly from the participant's body, and providing samples that are determined to be diluted (adulterated by unnatural means);
  - h) falsely denying drug or alcohol use; and
  - i) violation of other program requirements.

If you are terminated for alleged violations, the probation office can file a petition to have your term of probation or supervised release revoked; however, if you have prior violations that were dealt with as part of CARE, the probation office will not use those violations as the basis for its petition. Your presiding judge will, however, be advised of all your conduct while in the CARE Program, both positive and negative, and may use that conduct in deciding whether to revoke your supervised release or probation and return you to prison or impose other criminal penalties.

As stated above, by agreeing to join this program, you are waiving any rights you may have to appeal the decision to remove you from the program.

## **GRADUATION**

Once you have successfully completed the criteria for each phase of the program, you will become a candidate for graduation from CARE. You will meet with the CARE Team to develop a transition plan. At the time of graduation, you can request a reduction of up to one year in your term of supervision. If at the time of graduation you still have time left on your term of supervision, you will return to traditional supervision through the probation office and, during that time, will be subject to the terms and condition set by your judge and the probation office.

**AGREEMENT TO PARTICIPATE IN THE WESTERN DISTRICT OF OKLAHOMA  
COURT-ASSISTED RECOVERY EFFORT (CARE)**

***Participant:***

I, \_\_\_\_\_, have met with an officer with the United States Probation Office and have had the requirements of the CARE Program explained to me in detail. I am fully aware that the program is reward and sanction driven and that I am subject to being sanctioned by the court for violating program rules and the terms of supervision. I understand that my participation in the CARE Program is voluntary and that I can withdraw from the program at any time and return to traditional supervision. The probation officer provided me with ample opportunity to ask questions about the program and my participation in the program and to consult with the AFPD about the program before signing this. By joining this program, I am also agreeing to the modified representation described above and to the many waivers identified above. I am waiving those rights with full knowledge of what they are and the pros and cons of doing so. Those waivers are completely voluntary.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Judge:***

The presiding judge over the Western District of Oklahoma CARE Program accepts the above-named participant into the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Representative of the United States Attorney:***

The designated Assistant U.S. Attorney representing the government in the Western District of Oklahoma CARE Program accepts the above-named participant into the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Representative of the Federal Public Defender:***

The designated Attorney from the Federal Public Defender's Office representing the participants in the Western District of Oklahoma CARE Program accepts the above-named participant into the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

***Representative of the United States Probation Office:***

The designated probation officer assigned to the Western District of Oklahoma CARE Program accepts the above-named participant into the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date