



**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: \_\_\_\_\_

Sentence Imposed/Special Conditions: (Original) –  
Date Supervision Commenced:

Scheduled Expiration Date:

Current Probation Officer:  
Assigned CARE Probation Officer:

Supervision Issues to Date:

**Introduction**

Congratulations! You have been recommended for participation in the Western District of Oklahoma Court-Assisted Recovery Effort Program (CARE). Participation in this CARE Program is voluntary. Successful completion of the CARE Program entitles you to apply to receive up to fifty percent off your original term of supervision. Your assigned judge will decide if you will receive a reduction in your supervision.

**1. CARE Program Overview.**

CARE is a court-assisted supervision program structured to provide intense ongoing support in your effort to recover from drug or alcohol addiction. You will be assigned a CARE Probation Officer and you will remain under his or her supervision while in the CARE Program.

**A. Responsibilities as a CARE Program participant.**

Before you join the CARE Program, you must agree to have your conditions of supervision modified to include a search condition, which will remain in effect for the duration of your supervision regardless of your participation in the CARE Program.

To comply with the CARE Program rules:

- you agree to abstain from alcohol and drug use;
- you consent to an alcohol and drug evaluation;
- you participate in all required treatment, including a Cognitive Behavioral Therapy program;
- you will complete a financial literacy class; and
- you will complete the CARE Program's community service requirements.

You must also:

- submit to random drug testing as directed by your probation officer; and
- submit undiluted urine samples for testing.

And you must follow:

- all general conditions of supervision;
- any special conditions your sentencing judge imposed; and
- all the CARE Program's requirements.

And, you must appear regularly in court to discuss your progress with the CARE Team. Your probation officer will give you the details of when and how you will complete this service.

## **B. The CARE Team.**

The CARE Team is made up of a presiding judge, your treatment provider, your probation officer, an attorney from the Federal Public Defender's Office, and an attorney from the United States Attorney's Office. All team members are committed to your success. They will meet regularly with your treatment provider to discuss your progress and determine the best ways to help you achieve your goals of completing the CARE Program and attaining long-term sobriety.

## **C. The Federal Public Defender Office's role on the CARE Team.**

An attorney from the Federal Public Defender Office will attend all of the CARE sessions as a member of the CARE Team. The attorney will not be appointed by the Court to represent you, so the Public Defender will not be able to keep what you say secret. The Public Defender will not always fight to get you out of trouble. There may be instances in which the Public Defender will agree with the rest of the CARE Team that you should receive a sanction if you do not follow the CARE Program's rules. The Public Defender will also attend meetings with the rest of the CARE Team in which it will discuss your progress – both positive and negative – in an open, honest manner. In those conversations, the Public Defender

may share information with the CARE Team that you might otherwise expect your lawyer would not share with a judge or a prosecutor. By joining the CARE Program, you are agreeing that you understand this unique role of the Public Defender.

#### **D. CARE Team's confidentiality.**

When CARE Team members receive information about your treatment progress, they will not share it with others. This information includes 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 CARE Program and attaining long-term sobriety. **When you join the CARE Program, you agree that you understand that the CARE Team members will have access to this type of information. 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.**

#### **2. Length of the CARE Program.**

The CARE Program will take at least one year to complete. Participants who struggle with relapse and/or treatment requirements, but remain committed to the CARE Program, may be given additional time to complete the CARE Program.

#### **3. Court Appearances.**

In phases one and two of the CARE Program, you must appear before the CARE Judge twice a month. In phases three and four, that number will decrease to once a month. Progress reports from your probation officer and information supplied by the treatment provider will be provided to the Court and attorneys.

#### **4. Supervision Violations and Sanctions.**

Supervision violations and sanctions will be heard on the regularly scheduled CARE docket. The Court may also require you to come to court at any time to address violations.

If a progress report contains an allegation that you broke a rule, you may admit that the allegation is true. If so, there will be no hearing as to whether the allegation is true. Instead, the CARE Judge will consult with the CARE Team to decide whether a sanction is necessary and, if so, what that sanction should be. The CARE Judge makes the final decision. Dishonesty on your part will result in greater sanctions. Possible sanctions may include:

- Judicial reprimand in open court;
- Return to the U.S. Courthouse to observe other court proceedings;
- Provide a written paper examining non-compliant behavior;
- Additional drug testing;
- 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 an earlier phase or moved back in the current phase; and
- Termination from the CARE Program.

The Court may impose a similar sanction more than once during the course of the CARE Program. By joining the CARE Program, you waive any rights you may have to appeal such sanctions.

You may contest a reported violation of a rule. If you wish to have a hearing to assert your innocence, the Public Defender will help you. The CARE Judge will receive the evidence and hear arguments from all parties and decide if the allegation is true. By joining the CARE Program, you waive any rights you may have to appeal the CARE Judge's ruling as to whether you committed a violation. If the CARE Judge determines that you actually committed a violation that you have denied (meaning that you falsely denied it), the CARE Judge may remove you from the CARE Program. **By joining the CARE Program, you waive any rights you may have to appeal the decision to remove you from the CARE Program.**

If you commit a major violation, the Court will immediately issue an arrest warrant.

## **5. Termination from the CARE Program.**

There are three ways that you might leave the CARE Program:

**A. Voluntary termination:** Because CARE is voluntary, you can choose to end your involvement in the CARE Program at any time. If you voluntarily leave the CARE 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. Quitting early means you cannot apply for a reduction in the term of supervision.

**B. Judicial termination based upon eligibility requirements:** The CARE Judge can terminate you from the CARE Program based upon information indicating that you are not eligible or not appropriate for continued participation in the CARE Program. For example, if you develop a serious mental illness that hurts your ability to benefit from the CARE Program's rigorous focus on substance abuse treatment, the Judge may decide to terminate you from the CARE Program in favor of other forms of supervision by the probation office. In such circumstances, you are not being terminated because you broke a CARE Program rule. But, this kind of termination means you are not eligible to apply for a reduction in the term of supervision based on your involvement in CARE.

**C. Judicial termination for cause:** The CARE Judge can also terminate you from the CARE Program for serious and/or repeated violations or misconduct. If this happens, you will return to traditional supervision and may appear before the judge presiding over your criminal case for a violation hearing. Possible reasons for this type of termination include:

- 1) new violations of the law;
- 2) chronic drug and/or alcohol use;
- 3) dishonesty with the Court or CARE Team;
- 4) refusal to cooperate with the supervising probation officer;
- 5) refusal to cooperate with the treatment provider;
- 6) refusal to cooperate with court-ordered sanctions;
- 7) absconding from the CARE Program or supervision;
- 8) 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 or adulterated by unnatural means;
- 9) falsely denying drug or alcohol use; and
- 10) violation of other CARE Program requirements.

If you are terminated for breaking CARE Program rules, the probation office can file a petition to have your term of probation or supervised release revoked. If you have prior violations that were handled as part of CARE, the probation office will not use those violations as the basis for its petition. The CARE Team will inform your assigned judge of all your conduct during the CARE Program, both positive and negative. Your assigned judge may use that information in deciding whether to revoke your supervised release or probation and return you to prison, or impose other criminal penalties.

By agreeing to join the CARE Program, you are waiving any rights you may have to appeal the decision to remove you from the CARE Program.

## **6. Graduation.**

When you finish the CARE Program's fourth phase, you will become a candidate for graduation. And, you will meet with the CARE Team to develop a transition plan. At graduation, you may request a reduction of up to fifty percent in your term of supervision. If at graduation you still have time left on your term of supervision, you will return to traditional supervision through the probation office. During that time, you will be subject to the terms and conditions set by your judge and the probation office.

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

***Participant:***

I, Sarah Baker (print your name), have met with an officer of the United States Probation Office who has explained to me the CARE Program's rules. I am aware that the CARE Program is reward and sanction driven and that I may be sanctioned by the Court for breaking the CARE Program's rules and the terms of supervision. I understand that my participation in the CARE Program is voluntary and that I may withdraw from the CARE Program at any time and return to traditional supervision. The probation officer provided me with ample opportunity to ask questions about the CARE Program and my participation in the CARE Program and to consult with the Public Defender about the CARE Program before signing this agreement. By joining the CARE Program, I am agreeing to the modified representation described above, to the modification of my conditions of supervision to include a voluntary consent to search, and to the waivers identified above. I waive those rights with full knowledge of what they are and the pros and cons of doing so. My 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 CARE 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 CARE 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 CARE 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 CARE Program.

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Signature

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Date