

PACTS#: _____

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
COURT ASSISTED RECOVERY EFFORT (CARE) PROGRAM
PARTICIPANT AGREEMENT**

Name: _____

Today's date: _____

Original supervised release expiration date: _____

INTRODUCTION

You have been invited to participate in the CARE program. Whether you participate in CARE is up to you. The CARE program is a completely voluntary program, and you can withdraw at any time. If you successfully complete CARE, your term of supervision may be shortened by up to one year.

WHAT IS CARE?

CARE stands for Court Assisted Recovery Effort. The CARE program is for people who are on probation or supervised release who have a history of substance abuse problems. The program's emphasis is on stabilizing, treating, coaching and assisting participants in developing positive prosocial supports so that they can maintain a sober, employed and law-abiding lifestyle.

In order to help participants achieve these goals, the CARE program offers incentives and support from a judge, probation officers, attorneys, and treatment providers. The program also imposes sanctions for illicit substance use, violating conditions of supervision or CARE program expectations, or getting into difficulties while under supervision.

WHAT ARE THE REQUIREMENTS OF CARE?

The CARE program is designed to be completed in approximately twelve months over four phases. Each week that a participant is enrolled in the program, they have the ability to earn credit, so long as they are in compliance with their conditions of supervision and the expectations of the program. Phase 1 through Phase 3 are designed to last twelve (12) weeks each. Phase 4 is designed to last sixteen (16) weeks. These time frames can be reduced if a participant earns extra credit for accomplishments (program incentives), or they can be extended due to not earning credit or losing credit for noncompliance (program sanctions). The four phases of the CARE program are:

Phase One: Early Recovery

Phase Two: Understanding and Taking Responsibility

Phase Three: Healthy Decision Making

Phase Four: Relapse Prevention/Recovery Life Style Planning

Participants must attend court sessions. The sessions are at 11:00 a.m. every 1st and 3rd Wednesday during Phases 1 through Phase 3 Week 8. When a participant gets past Phase 3 Week 8, they come only to the session on the 1st Wednesday of the month. Participants may be told to report to court for an emergency CARE session if the CARE team decides that is necessary.

Those who have been selected to participate in the CARE program must participate in and successfully complete an assessment. This assessment is done by the Suffolk Community Corrections Center (Boston CCC). The purpose of the assessment is to find out what services the participant needs. Based on the assessment, the participant may be referred to Boston CCC for a combination of services, which may include things like cognitive behavioral treatment, and substance use disorder treatment, educational support programs, job development programs, and life skills training programs. Participants referred to programming through the BCCC and/or other treatment programs must follow the rules of the program. A participant may also be subject to sanctions for not obeying the rules of the BCCC or other treatment programs. The sanctions might include community service, enhanced drug and alcohol screening, electronic monitoring, and/or day reporting.

Participants need different levels of treatment. Therefore, the program requires that each participant engage in treatment as directed through ongoing clinical assessment and team review. Participants agree to submit to drug testing as directed by the program. Participants will almost always be required to obtain a sponsor/mentor and attend self-help meetings. Participants agree to submit to all drug tests required by the CARE program (even if the number of tests exceeds the limit on drug testing set out in a participant's judgment). When a participant enters the program, they are required to provide a list of all current medications they are taking, and update that list as new medications are prescribed.

In addition to the requirements of actively engaging in treatment, participants must comply with the general conditions of supervision. Participants agree to not use alcohol at all during their participation in the program, even if this is not a condition of their probation or supervised release.

Participants are required to complete written presentations at the beginning and end of each phase, prepare a comprehensive relapse prevention plan prior to graduation from the program, and complete an exit questionnaire upon completion, voluntary withdrawal, or termination from the CARE program.

HOW LONG DOES THE PROGRAM LAST?

The CARE program has been designed to last approximately one year. During the course of this year, participants will be under the supervision of the U.S. Probation Officer (U.S.P.O.) assigned to the CARE team. Participants are also represented by an appointed defense attorney, who is a member of the CARE team.

In addition to the U.S.P.O. and the defense attorney, the CARE team consists of a judge, an attorney from the United States Attorney's Office (A.U.S.A.) and treatment professionals. The CARE team works in collaboration with participants to provide additional support, encouragement, and accountability for their sobriety and overall success in CARE.

At the beginning of each phase, participants are given an assignment. They write an essay and then read it in court during the CARE session. When participants graduate from one phase to the next, they are recognized for their achievement and they read an assignment they have prepared in court. After a participant has presented their assignment to the group, they should submit the completed assignment to the judge who will keep the document until the participant's graduation from the CARE program.

WHAT IS THE COURT SESSION LIKE?

At each CARE court session, the U.S.P.O., the defense attorney, the A.U.S.A., the judge, and the participants are present. The judge calls each person up and talks to them in front of the group about how they are doing, and about issues that may have come up since their appearance at the last CARE court session. Participants are encouraged to speak about their successes and their problems.

HOW DO PEOPLE PROGRESS THROUGH THE PROGRAM?

Participants must successfully complete all four phases of the CARE program to graduate and receive one year off their supervision. Each week that a participant is enrolled in the program, they have the ability to earn credit, so long as they are in compliance with their conditions of supervision and the expectations of the program. If a participant does not follow the program rules, he or she will not earn credit for that week.

Acts that will result in sanction (including but not limited to):

- Unexcused absence from CARE Court session
- Unexcused absence from meeting with PO
- Unexcused absence from any scheduled treatment session
- Positive alcohol/drug screen
- Missed alcohol/drug screen
- Attempt to submit or submission of adulterated or diluted urinalysis
- Refusal to submit urinalysis/delaying submission of urinalysis
- Failure to comply with referral for increased/intensified treatment
- Failure to secure and maintain employment (if participant is responsible for failure)

- Failure to participate in life skills, employment or education program as directed
- Disruptive or disrespectful behavior
- Failure to complete written assignment
- Failure to complete a sanction
- New arrest
- Failure to comply with court-ordered financial obligations if deemed able
- Other violation of supervision condition or court order

Overview of Sanctions (including but not limited to):

- Verbal Reprimand
- Increased reporting to Probation
- Increased CARE court session attendance, including but not limited to, attending emergency CARE sessions
- Increased frequency of meetings with Probation
- Reduction in phase, no credit earned, loss of weekly credit, and/or placed on pause
- Increased frequency of UA collection or use of an alternative drug testing procedure
- Community Service
- Curfew, home detention, RRC placement, and/or periods of incarceration at varying lengths*

*sanctions are determined on a case by case basis, but are designed to increase in severity to address each new program violation or multiple instances of noncompliance

When a participant is placed on pause, they will be expected to attend CARE sessions while their instance of noncompliance and/or sanction is pending, but they will not receive credit. When they are removed from pause and return to the program as a participant, the CARE team will determine how much credit they should receive for the time they were in the program while on pause. Factors such as the length of time a person was on pause and the reasons they were put on pause will affect this decision.

The main goal of the program is for participants to achieve extended sobriety. With this goal in mind, the program requires that each participant remain substance free for the final 32 weeks of their time in the program. As a result, anyone that tests positive for drugs or alcohol after they have progressed past Phase 2 Week 8, will be returned to Phase 2 Week 8, without exception. This requirement applies to all participants, regardless of how far along a participant is in the program at the time of relapse.

EARNING EXTRA CREDIT

There are certain accomplishments for which participants can earn extra credit:

Accomplishments

Reward

Presentation of Week 1 Assignment	1 week extra credit
Completion of pre-approved CBT program	2 weeks extra credit
Gaining initial employment	1 week extra credit
Sustaining same employment for 6 months	1 week extra credit
Helping another CARE participant obtain employment	1 week extra credit
Obtaining GED	2 weeks extra credit
Repeated AA/NA/Self Help attendance (# of meetings TBD)	2 weeks extra credit
Obtaining a Sponsor (sponsor must come to session)	1 week extra credit
18 weeks without a missed, diluted, or +UA	2 weeks extra credit
Obtaining advanced degree or certificate	2 weeks extra credit
Phase completion	Certificate earned
Successful program completion	Up to 1 year off TSR
Other unspecified accomplishments (determined by the CARE team)	TBD extra credit

Whether a person gets credit for one of the above-listed accomplishments is up to the CARE team. Some of the requirements are subjective, and the CARE team reserves the right to decide whether a participant should receive credit. The CARE team will impose rewards that are tailored to individual circumstances and the performance history of the participant.

WHAT ARE THE REQUIREMENTS FOR BEING EMPLOYED?

While in the CARE program, participants must be employed or pursuing an education. If the participant has progressed to Phase 3 Week 8 and has not secured employment or pursued an education, they will remain on pause at Phase 3 Week 8 until they have become employed or are actively participating in educational programming. Medical issues that make it difficult for a participant to work will be handled on a case-by-case basis. In order to graduate from CARE, a participant must be employed for twelve weeks in Phase 4. In some special circumstances, this requirement can be fulfilled by a participant's involvement in community service in lieu of employment.

ARE THERE OTHER REQUIREMENTS FOR GRADUATING?

Participants in Phase 4 who are approaching graduation must strictly obey all the rules of the program and conditions of supervision. Any violation of the rules may result in a delay in graduation.

WHAT HAPPENS AT GRADUATION?

Graduations take place on the first meeting of the month (when all participants are in court). If a participant completes CARE in the middle of a month, they will graduate at the beginning of the next month. A participant's family members, friends, and sponsor often attend their graduation. At graduation, the judge who sentenced the participant will often appear and speak to the participant in front of the group. The participant will also present their Aftercare Life Plan.

Upon successful graduation, termination, or voluntary withdrawal from the CARE program, the participant will be required to complete an exit interview with a member of the CARE team to provide feedback on their experiences while participating in the program. For participants that have successfully graduated from the program, their one (1) year off of supervision will not be filed with the court until their exit interview has been completed.

After graduation, participants are encouraged to periodically return to CARE sessions and receive support or share their experiences with the group. Frequently, participants who have graduated from CARE and are still under supervision will visit the program and share their experiences with the group. Occasionally, some former participants who are still under supervision may relapse or have difficulties. Those individuals may choose to come back to CARE for a "tune up" to help them maintain sobriety and get back on track.

WHAT EFFORTS ARE MADE TO PROTECT THE PRIVACY OF THE PARTICIPANTS?

Confidentiality

Every effort is made to protect the participants' privacy. The CARE team will have access to information about participants, such as their presentence reports, and information about their progress in the CARE program. Participants' personal history and progress will be discussed by the team in private meetings that are held right before the CARE sessions. Occasionally, visitors may attend the private meetings for educational purposes, such as visitors from other judicial districts who are interested in the CARE program, or academic researchers who are doing studies about the CARE program. Anyone who attends the staff meetings is informed that whatever is discussed there is strictly confidential and may not be repeated outside the staff meeting. Nothing will ever be published in any academic paper that names any of the participants, unless they have consented in advance.

The CARE court sessions are public and may be attended by members of the public, family members, and others who are interested in the CARE program. During the sessions, participants are asked to share their personal stories, their struggles, and their successes with the group.

Medical treatment

Sometimes CARE participants get prescriptions from their doctors for drugs that are addictive or have street value. The CARE program discourages the use of these drugs but understands that in extreme cases they may be medically necessary. If a participant has a prescription for such a drug, they will need to sign a release so that the prescribing doctor can talk to their U.S.P.O. about their medical condition (including mental health issues) and their past history of drug abuse. If a participant abuses prescription drugs or does not allow the U.S.P.O. to speak to the prescribing doctor about the use of prescription drugs, that person may be terminated from the program.

If a person is taking a prescribed drug or any other substance that will appear in their urine, they must tell their U.S.P.O. prior to giving the sample what drugs may be present. It is not acceptable, for example, to test positive for amphetamines and then tell the U.S.P.O. that one has taken a cold medication after the results come back. This can result in not earning credit for a week and, depending on the drug, other sanctions may be imposed.

After graduation

Participants are asked to sign a release allowing U.S. Probation to give an academic researcher their contact information, so that the researcher can contact them after they graduate or leave the program. Participants do not have to sign this release, it is entirely voluntary. If they sign it, after they are finished with CARE and perhaps after they are finished with supervision, the Probation Office may provide a researcher with their names and addresses, so that the researcher can contact them to ask them about their experience in CARE. Even if they sign the release, and a researcher is given their name and contact information, when they are contacted they do not have to respond. It is entirely up to them. No one will hold it against them if they do not sign the release or if they do not respond to the researcher.

CARE DEFENSE COUNSEL

The CARE defense counsel does not have a traditional attorney/client relationship with participants. Although CARE defense counsel observes all of the professional rules and ethical duties owed to a CARE participant, the program's collaborative nature, and emphasis on the participant's success in sobriety mean that defense counsel's representation will not be as adversarial as in a conventional criminal proceeding. For this reason, participants should meet with the CARE defense counsel before starting the program to discuss the attorney/client relationship and also to discuss any questions or concerns about the program or this Agreement. Participants will attend an intake meeting with defense counsel within two weeks of starting the program. At this meeting, counsel and the participant will further discuss the role that defense counsel will take in representing the participant and working with the CARE team. During the program, participants should stay in touch with defense counsel about their progress, and should immediately contact them about any legal issues that arise during their participation in the program.

SUPERVISION VIOLATIONS & SANCTIONS

Supervision violations and sanctions will ordinarily be handled during the CARE session. The judge, however, can schedule an appearance at any time. If a U.S.P.O. is alleging that a participant has not complied with the rules of CARE, the participant may choose to agree and waive the protections and procedures that people on supervision usually have. The judge will decide whether a program sanction is appropriate. Non-compliance can also be handled without involving the CARE judge if all parties agree. Factors that influence the type of sanctions employed include the seriousness of the violation, the number of violations, and the amount of time the participant has been following the rules. In addition, an important factor will be whether the participant is truthful about the violation. Dishonesty may result in worse sanctions.

While participants are in CARE, they are on supervision and must still comply with all the conditions of supervision. CARE is not a “safe haven” for people who violate their conditions of supervision. If a participant cannot follow the conditions of their supervision, they will be suspended or terminated from CARE, and a violation petition will be filed before the District Court Judge. If a participant in CARE commits a major violation, such as committing a new crime, a warrant may be issued for their arrest.

TERMINATION FROM CARE

Participants may be terminated from CARE if they fail to participate in treatment, fail to follow the rules of CARE, or violate the conditions of their supervision. If a participant is terminated from CARE, they will return to regular supervision status. They may face a violation hearing before the District Court Judge, if they have violated the conditions of their supervision. If the Probation Office chooses to pursue a formal violation charge before the District Court, any conduct that happened during CARE that was addressed and/or sanctioned in CARE will not be a basis for violation of that person’s conditions. After the participant is outside of CARE, however, the District Court Judge 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 CARE.

Participants may voluntarily withdraw from the program and return to traditional supervision status at any time, even if they are facing a sanction in the CARE program. If the participant voluntarily withdraws from the CARE program while facing a sanction, the violation conduct which caused the need for a sanction will be brought before the District Judge in a formal violation proceeding.

AGREEMENT

Participant:

I, _____, have read, or someone has read to me, this Agreement and I understand the rules of the CARE program. I voluntarily agree to participate in CARE. 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 CARE accepts the above-named person into the CARE program.

Signature

Date
