

(Rev. 6/5/06)

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
INTERAGENCY AGREEMENT  
FOR THE CREATION OF C.A.R.E.  
(COURT ASSISTED RECOVERY EFFORT)  
FOR HANDLING OF SUPERVISED RELEASE AND PROBATION VIOLATIONS**

***Treatment Services Unit Committee:*** Jonathan Hurtig (Chair), Alicia Howarth, Andrew Laudate, Jeffrey Smith, Joseph LaFratta, Kelly Foster, Larissa Charette, Lisa Dube, Paul Prevey, Sharon Hoskins, Tim King, and Tricia Marcy.

**Mission Statement**

In a cooperative effort of the Court, Probation Office, Federal Public Defender's Office, and the U.S. Attorney's Office, we are committed to providing an alternative court program for individuals on federal supervision. Court Assisted Recovery Effort (C.A.R.E.) will offer a creative blend of treatment and sanction alternatives to effectively address offender behavior and rehabilitation, as well as the safety of our communities.

**Introduction**

According to the Office of National Drug Control Policy, Massachusetts is the primary distribution center for illicit drugs destined for Northern New England. The Massachusetts Department of Public Health, Bureau of Substance Abuse, lists alcohol as the most reported substance abused in the state. Heroin was listed as the second most widely used drug and poses one of the more serious threats to Massachusetts because of its increased potency and ready availability at a low cost making it accessible to anyone seeking it. Today's increased heroin potency allows it to be ingested intranasally (snorted). As a result, many people who would never have considered its use because of the stigma attached to needles/injecting, are experimenting with it. Powder cocaine and crack cocaine continue to pose a close significant threat, and marijuana is the most readily available drug in Massachusetts. Although Methamphetamine, which has ravaged much of the west coast and the mid-west, is still considered a low threat to Massachusetts, there has been increased reported use in Western Massachusetts and in areas of Cape Cod since 2003. All signs point to Methamphetamine's slow, but steady infiltration into the entire New England area. At this time, Methamphetamine is known to be widely abused at rave parties and is popular with young adults between the ages of 18 and 26 in this area.

In addition to the above-mentioned illegal drugs which plague our state, prescription drugs are also a growing major concern. Synthetic opiates such as Percocet, Vicodin and Oxycontin pills are abused and diverted for personal use on a regular basis. Benzodiazepine abuse is also significant, particularly among opiate and methadone abusers. Although the actual number of reported users is low, Oxycontin, the addiction rate of which mirrors that of heroin, has been attributed to the increasing number of pharmacy burglaries and armed robberies which occur in the state. Similarly,

Methamphetamine is linked with the increasing dangers of suburban home based drug manufacturing laboratories.

These trends are becoming more and more prevalent to the population of offenders that are supervised by the U.S. Probation Office in the District of Massachusetts. During our office's presentence investigations, a wealth of information is collected regarding an offender's prior drug history and current use. Based on this information, Judges impose special conditions to address drug addiction. In Fiscal Year 2005, there were 1,300 offenders on supervision at any given time. During this time period 553 offenders on supervision had special conditions to participate in some form of substance abuse treatment. Over 300 positives for illegal substances in our office were documented from a combination of urine collection and defendant-reported use.. In response to this very evident need, the probation office referred 311 offenders to outpatient clinics and 153 to inpatient facilities. Despite our referrals to treatment, participation and commitment to the programs is minimal at best. Consequently, there are often unsuccessful discharges or relapses following graduation. It is also significant that the 2003 National Survey on Drug Use and Health ranks New England as the region's highest in current and past alcohol and illicit drug use. The importance of developing a program for our district, which, when combined with treatment, can attack the drug epidemic from a new angle, may be a key to increasing offenders' successful sobriety.

Studies show drug courts are successful. In 2003, there were more than 1,500 drug courts nationwide, operating or in the planning stages. According to a May 2004 report of the Bureau of Justice Assistance, National Court Institute, drug courts provide numerous benefits to the government, the participant, and the community at large. The National Institute of Justice's 2003 study found of 17,000 drug court graduates nationwide, only 16.4% have been re-arrested or charged with a felony offense.

Drug courts save money. In 2003, the Center for Court Innovation found the State of New York saved \$254 million in incarceration costs by diverting 18,000 non-violent drug offenders into treatment as part of its drug court. The National Institute of Justice reported that the Multnomah County Drug Court in Oregon saves taxpayers \$10 for every dollar spent on Drug Court. Over the last 30-month period, Multnomah County Drug Court has saved \$1.5 million per year.

### **Key Components to a Successful Drug Court Program**

The National Association of Drug Court Professionals has identified ten key components for successful drug courts. The parties agree these elements are essential, and strive to incorporate them as principles underlying C.A.R.E. in the District of Massachusetts.

- 1) Drug courts integrate alcohol and other drug treatment services with justice system case processing.
- 2) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
- 3) Eligible participants are identified early and are promptly placed in the drug court program.

- 4) Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
- 5) Abstinence is monitored by frequent alcohol and other drug testing.
- 6) A coordinated strategy governs drug court responses to participants' compliance.
- 7) Ongoing judicial interaction with each drug court participant is essential.
- 8) Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- 9) Continuing interdisciplinary education promotes effective drug court planning, implementation, and operation.
- 10) Forging partnerships with drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

### **C.A.R.E. Overview**

Participants enter the C.A.R.E. program on a voluntary basis, and are required to enter into a Contract for Participation, and abide by the Contract terms. (*See Attachment 1*). Successful participants will be involved in C.A.R.E. for at least one year. During this year or more, participants will engage in varying levels and modalities of treatment to address issues of substance abuse. C.A.R.E. also involves regularly scheduled court appearances in order to report on participant progress. Failures to abide by the mandates of C.A.R.E. may result in the participant being terminated from the program and returning to traditional supervision

### **Participants**

C.A.R.E. will serve only people who were previously convicted and sentenced in a United States District Court and who are serving a term of supervision.

C.A.R.E. in The District of Massachusetts will begin with 20 participants:

10 participants will be identified by the Probation Office as individuals who are currently struggling with issues of substance abuse. These participants will be educated about the various aspects of C.A.R.E., and will voluntarily participate in the program

Another 10 participants will be identified by the Probation Office as potential participants while still in the pre-release transition stage at the Community Corrections Center within the District of Massachusetts. These individuals will be offered participation in C.A.R.E. while still under BOP supervision, and will visit the program and receive written materials from their Probation Officer (PO) before actual supervision begins. If the person opts to become

a C.A.R.E. participant, the participant will sign the C.A.R.E. Contract on his or her first day of supervision, and immediately begin the program. During this prerelease status, the C.A.R.E. Probation Officer will monitor potential participants and assist in transitional planning. potential participants and assist in transitional planning.

### **Control Group**

In addition to the 20 active participants in C.A.R.E., 20 additional supervisees (district-wide) will be identified by the Probation Office as the C.A.R.E. Control Group. The Control Group will be created for analysis and research purposes. These 20 people will parallel the selected participants in their current status on supervision or pre-supervision, and will be tracked by the Probation Office over a one-year period. Neither the supervisee nor the supervising Probation Officer will know the supervisee is a member of the C.A.R.E. Control Group. This data will be maintained by the designated individual to be identified (i.e.: CUSPO, DCUSPO, Unit Chair, or other). The data collected on this control group will be used to offer a comparison between the success rates of participants in C.A.R.E. and those on traditional supervision.

### **Criteria for Participation in C.A.R.E.**

In order to be eligible to participate in C.A.R.E., participants must (1) be on supervision; and (2) have a documented substance abuse problem. To assist the Probation Office in selecting participants, all potential participants will be given the Texas Christian University Drug Screen (TCU).

### **Selection of Participants**

Selection of participants for C.A.R.E. will be made by the Treatment Services Unit, with input as appropriate from other parties to this agreement.

### **C.A.R.E. Contract**

Each participant's involvement in C.A.R.E. will be confirmed in a written contract to be signed by the Participant and the Probation Office. The contract, as set forth in Attachment 1, explains expectations and obligations of all participants and parties to C.A.R.E.

### **The Role of the Court**

The active involvement of the Court with C.A.R.E. participants is essential. When participants are excelling, the Court will provide encouragement. When participants are in noncompliance or in violation of supervision, the Court, after receiving the recommendation of the C.A.R.E. team, will make a determination as to the appropriate sanction based on the nature of the participant's noncompliant behavior. If appropriate, sanctions should be progressive in terms of severity. When the parties determine that the participant has exhausted his or her opportunities to continue in C.A.R.E., the Court will make the final decision to terminate the participant from C.A.R.E. The

participant then will return to traditional supervision. All participants will appear at least monthly before the same federal judge. To ensure continuity, a team consisting of a Probation Officer, U.S. Attorney, and Federal Public Defender will be assigned to each C.A.R.E. participant and this team will remain with the participant throughout his or her time in the program. Each will appear on the C.A.R.E. Docket. Order of participant appearances on the docket should provide for those who are in compliance to proceed first, while those participants struggling wait until last.

### **Probation Officer Duties**

The C.A.R.E. probation officer (PO) is charged with making appropriate treatment referrals with contract and appropriate noncontract treatment agencies based on the needs of the individual. In preparation for C.A.R.E. appearances, the PO will prepare reports in order to inform the Court of the participants' struggles and achievements. In order to expedite the reporting process, avoid overworking the PO, and create continuity in reporting, a form called the "C.A.R.E. Progress Report" will be utilized. (*See Attachment 2*). The PO will work with the treatment providers to ensure effective communication between the treatment providers and the Court. The Federal Public Defender's Office will be permitted to have access to the treatment provider and treatment records.

When serious problems in supervision arise, the PO will work with the Assistant Federal Public Defender and the Assistant United States Attorney in order to provide immediate intervention and address issues with the Participant. The team efforts will be delineated in the C.A.R.E. Progress Report. The Progress Reports and attachments, if any, are to be distributed by the PO to the Court, the AUSA, and the Assistant Federal Public Defender a full 24 hours before the participant's scheduled court appearance. Scheduling of court appearances will be worked out by the parties to this agreement and may be spread out so that the PO has time to work with the various treatment providers and prepare the Progress Reports with the most current information possible.

The PO's official file shall contain a separate section for C.A.R.E. participants. In this clearly identified section, all C.A.R.E. documents will be retained, including the Contract for Participation, progress reports, treatment records, and results of drug testing.

### **Assistant United States Attorney Duties**

The role of the Assistant U.S. Attorney (AUSA) is unique in this program context. The AUSA's role is to participate in a team effort with the Assistant Federal Public Defender and the PO to encourage the participant's success in the program. The AUSA may report on the participant's progress during the Court appearance. The AUSA should be involved in decisions about program planning both when the participant is succeeding and when he is struggling.

### **Assistant Federal Public Defender Duties**

The Assistant Federal Public Defender (AFPD) is available to assist the PO in encouraging program participants to succeed in treatment, discourage bad decisions and disinterest in the program at their first sign, and to participate in program decisions about proper punishments for participants struggling with the program's requirements. The AFPD role will be less adversarial than in non-C.A.R.E. Court supervision cases.

### *Waivers and Hearings*

In keeping with the program's intent to make it less adversarial and more supportive of the participants, all parties agree conduct which would otherwise constitute a supervision violation will be handled in an informal manner. Except as noted below, all conduct that could otherwise be considered a violation and lead to a supervision hearing will be presented to the Court and the participant through the PO's monthly Progress Report to the Court, or a status report to the Court filed on an expedited basis if the circumstances so warrant. Any "sanction" on such violation, short of a term of incarceration, will be handled through a court directive issued at the Court session in a non-adversarial setting. When the participant, the PO, the AUSA, and the AFPD agree to a particular sanction or treatment intervention, the matter can also be resolved before the participant's next scheduled Court appearance by a modification executed by the participant on an expedited basis.

### *C.A.R.E. Sanctions*

Noncompliant behavior by the participant will result in sanctions. The range of possible sanctions has been drafted broadly to ensure 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 the participant has remained compliant, either before a first violation, or between violations. In addition, an important factor will be whether the participant voluntarily discloses the violation. Dishonesty on the part of the participant will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below, including termination from the program, is available. As a general rule, when there are repeat violations, more serious sanctions will be applied incrementally. Sanctions may include, but are not limited to:

- ◆ Participant receives a judicial reprimand in open court;
- ◆ Participant is ordered to return to court and to observe proceedings for a half or full day (so-called "sit sanction");
- ◆ Participant is ordered to provide an explanation in writing or some other means, for his/her noncompliant behavior, (such as reason for failure to attend treatment, reason for testing positive, triggers that most often cause relapse and why, what participant will do differently this time to avoid another failure). or about someone participant admires and why);
- ◆ Participant is ordered to participate in community service (the site of which will be left to the discretion of the Court and hopefully the Court will discuss with the participant his or her interests and select a community service activity that they may find they actually enjoy, thus encouraging service not as a sanction, but as a fulfilling activity);

- ◆ Participant is ordered to comply with curfew restrictions or home confinement with electronic monitoring (Voice identification monitoring, which is presently being used by our office as a pilot program, may also be utilized);
- ◆ 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.

These sanctions are designed to take a creative approach to altering behavior, while cutting the costs associated with first resorting to a traditional “days in jail” sanction. The sanctions must be completed by the next court appearance, unless the Court allows more time. Assignments are turned in to the PO. If appropriate, all sanctions may be ordered more than once during the course of the program.

Sanctions of up to seven (7) days’ incarceration per finding of noncompliant behavior will be handled in the same, nontraditional manner. A participant will however, have the option of requesting termination from the program and having the matter handled consistent with the dictates of Title 18 U.S.C. §3583. The Court will enter the appropriate order. While the perceived need for a sanction of more than 7 days will ordinarily result in termination from the program, sanctions of more than 7 days’ incarceration may be imposed by the C.A.R.E. Judge in a non-adversarial setting with the understanding that the participant will continue participating in the program with the participant’s written waiver and the consent of all parties.

### **Adversarial Hearings**

Recognizing that circumstances will arise in which a participant is alleged to have violated a term of supervision and the participant believes that he/she is innocent of the allegations, the parties agree that a request for an adversarial hearing on the guilt/innocence question will not automatically result in termination from C.A.R.E. Such hearings are, however, to be limited to the question of guilt/innocence in the “I didn’t do it” sense, rather than an opportunity to offer an explanation for admitted conduct.

### **Program Rewards**

Participants who successfully complete C.A.R.E. earn a one year reduction in their term of supervision. This one year is vested at the time the participant completes C.A.R.E. Those participants who may have well over one year left on their supervision, must still comply with all terms of supervision. If the participant is revoked from supervision for other reasons, he/she will be subject to revocation and incarceration, but any term of supervision imposed following the term of incarceration will be reduced by one year. The participant’s eligibility to receive a one-year reduction in supervision will not preclude additional considerations for reduction in the supervision based on the factors set forth in Title 18 U.S.C. §3564(c) and Title 18 U.S.C. §3583(e)(1).

The C.A.R.E. Graduation will take place at the participant's final, regularly scheduled court appearance. Family members, sponsors, and friends of C.A.R.E. participants, are invited to attend the Graduation. The Court will present graduates with a Certificate of Completion, and other articles of recognition as determined by the Treatment Services Unit and Program Team.

### **Termination Procedures**

The C.A.R.E. Participant may be terminated as successful or unsuccessful, or be administratively discharged.

1. **Successful Termination:** Participants who complete C.A.R.E. will be given a Certificate of Completion, which will close the C.A.R.E. section of the probation file. The participant will then be transferred to traditional supervision.
  
2. **Unsuccessful Termination:** In recognition of the reality of relapse as a part of recovery from drug or alcohol addiction, every effort should be made to continue to work with C.A.R.E. participants. All parties realize, however, that there will be circumstances in which it is appropriate to terminate as unsuccessful a participant from C.A.R.E. Unsuccessful termination may be of two types:
  - (1) **Termination With Return To Regular Supervision** – Termination may result from a participant revoking his interest in C.A.R.E., or by a joint decision that although the participant has not committed a serious violation of the supervision or C.A.R.E. rules, the program is not working. This type of termination from C.A.R.E. occurs simply with a transfer to a supervision caseload without a violation charge or a hearing.
  
  - (2) **Termination With A Formal Violation Charge** – Termination may result from serious or chronic misconduct by the participant. The Court will make the ultimate decision that a participant must be terminated from C.A.R.E. Under these circumstances, the participant will terminate from C.A.R.E., return to a traditional supervision caseload, and may appear before a non-C.A.R.E. Judge for a hearing on the misconduct. Such circumstances may include, but are not limited to:
    - A. New law violations, as ultimately determined by the Court;
    - B. Repeated drug use;
    - C. A chronic pattern of refusal to cooperate with the supervising Probation Officer;
    - D. A chronic pattern of refusal to cooperate with a treatment provider;
    - E. Repeated refusal to cooperate with the Court's sanction or participate in a meaningful manner.

As set forth in this section, upon termination from C.A.R.E. the Probation Office may file a formal violation charge. It will be the policy of the Probation Office not to allege as a formal violation previously addressed conduct that occurred during C.A.R.E.. After the supervisee is no longer affiliated with 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 that occurred during C.A.R.E.

3. **Administrative Discharge:** There may be occasions in which discharge from C.A.R.E. cannot simply be considered successful or unsuccessful. Such circumstances may arise when a participant becomes too ill to participate or has to relocate, and thus participation is no longer practical. In these situations the participant would be administratively discharged and would be welcome to participate again in the event their circumstances change.

## **Attachment 1**

**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

## **ATTACHMENT 2**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
C.A.R.E. PROGRESS REPORT**

Participant: \_\_\_\_\_ Date: \_\_\_\_\_  
Offense of Conviction: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Date of Entry Into Program: \_\_\_\_\_ Date of Expected Program Completion: \_\_\_\_\_  
Current Treatment Provider(s): \_\_\_\_\_

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**Last Appearance**

Date of Last Appearance: \_\_\_\_\_ Sanctions Ordered at Last Appearance? \_\_\_ Yes \_\_\_ No

Were the Sanctions Completed? \_\_\_ Yes \_\_\_ No Prior Program Violations? \_\_\_ Yes \_\_\_ No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attendance at Treatment**

\_\_\_\_\_ No Misses \_\_\_\_\_ Excused Absences \_\_\_\_\_ Unexcused Absences

Is a report from the provider attached? \_\_\_\_\_ Yes \_\_\_\_\_ No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Drug Testing**

\_\_\_ No Positives \_\_\_ Positives disclosed before test \_\_\_ Non-Disclosed Positives \_\_\_ Other

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Compliance With Other Conditions Of Supervision:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Making Strides**

Does Participant have stable housing? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Participant working? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Participant looking for work or in school? \_\_\_\_\_ Yes \_\_\_\_\_ No

Is Participant making good overall choices? \_\_\_\_\_ Yes \_\_\_\_\_ No

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**UNITED STATES PROBATION DEPARTMENT  
DISTRICT OF MASSACHUSETTS  
COURT ASSISTED RECOVERY EFFORT (C.A.R.E.) PHASE SYSTEM**

Prior to beginning C.A.R.E., every participant who is referred needs to be screened to determine C.A.R.E. eligibility. This will ensure that the prospective participant is sufficiently stable to engage in outpatient recovery prior to beginning C.A.R.E.. An offender who is actively using opiates, refusing to participate in drug testing or testing positive, would likely need a greater level of intervention/support to develop stability before entering into the program - - such as inpatient treatment. The Court and the Probation Office should consider the following factors before enrollment of a participant in C.A.R.E.:

**Pre-enrollment stabilization period:** (Prior to beginning C.A.R.E.)

- ▶ Assessment by PO, including home visit to ensure sufficient stability;
- ▶ Completion of a substance abuse evaluation (TCUDS, II);
- ▶ Be referred to treatment services as deemed necessary/court ordered;
- ▶ Submit to random UA's, enrollment in color-code as deemed necessary;
- ▶ Begin self-help group attendance (AA, NA, 12 Step, etc.) and submit verification forms;
- ▶ Complete C.A.R.E. intake application and interview;
- ▶ Attend C.A.R.E. courtroom sessions;
- ▶ Sign participant agreement and attend a C.A.R.E. orientation;
- ▶ Begin the program.

It was decided that the C.A.R.E. program should be able to be completed in a period of twelve (12) months over four (4) phases, each phase consisting of 3 months. It is agreed that the assignments and expectations of each phase should be concrete, clear and applicable to all participants. Each phase should have a specified purpose with distinct, achievable goals that are consistent with the stages of recovery. The phases will encourage participants to develop an understanding of addiction and recognize patterns of use, factors that influence use, and the impact of use on self, family and community. The participant will be challenged to accept responsibility for the impact of their addiction behavior on others, and will be provided access to the tools necessary to facilitate and maintain sobriety. Throughout participation in C.A.R.E., the participant will work toward the development of a community-based sober support network. Finally, the participant will prepare a comprehensive relapse prevention plan prior to graduation from C.A.R.E..

It is recognized that different levels of treatment will be needed for each participant, and therefore, each phase does not identify a specific level of treatment. Rather, it is suggested that there be a requirement noted in each phase that the participant participate in treatment as directed.

Phases suggested are:

- Phase One: Early Recovery;
- Phase Two: Understanding and Taking Responsibility;
- Phase Three: Healthy Decision Making; and
- Phase Four: Relapse Prevention Planning.

## **PHASE ONE: EARLY RECOVERY**

### **Goal:**

Participant will abstain from drug and alcohol use, engage in treatment and stabilize in the appropriate level of treatment services. During this phase, the participant develops an understanding of addiction, patterns of use and of factors that influence use. Participant develops early recovery tools and a foundation of support for recovery.

### **Expectations:**

- ▶ Participate in substance abuse treatment as deemed necessary and attend all sessions;
- ▶ Complete a mental health screening, if deemed necessary, and participate in all mental health treatment as deemed necessary;
- ▶ Attend self-help meetings, (AA/NA/12 Step, etc.) 90 meetings in 90 days, or as directed;
- ▶ Submit verification of self-help attendance;
- ▶ Obtain a self-help group sponsor;
- ▶ Begin a life skills, employment or education program as directed;
- ▶ Complete application for entitlement benefits (Mass Health, etc.) if eligible;
- ▶ Comply with all supervision conditions;
- ▶ Complete one written assignment.

### **Meetings/testing:**

- ▶ 3 meetings with Probation/Court per week, broken down as follows;
  - Monday, Wednesday, Friday reporting schedule;
  - Monday meeting with PO, UA obtained;
  - Weekly Wednesday C.A.R.E. Court appearance, UA option;
  - Friday Probation Office day-reporting, UA obtained;
- ▶ As noted above, 2-3 UAs per week, or as deemed necessary;

### **Written/Oral Assignment:**

**How has drug and/or alcohol use affected my life and what goals do I have for participation in the C.A.R.E. program?**

## **PHASE TWO: UNDERSTANDING AND TAKING RESPONSIBILITY**

### **Goal:**

Demonstrate a commitment to living substance free. Begin to identify and understand adverse consequences of drug/alcohol use, and take responsibility for same. Become involved in a life skills, educational or employment program, or secure a job.

### **Expectations:**

- ▶ Participate in substance abuse treatment as deemed necessary and attend all sessions;
- ▶ Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- ▶ Continue to participate in a life skills, employment or education program as directed;
- ▶ Comply with all supervision conditions;
- ▶ Complete one written assignment.

### **Meetings/testing:**

- ▶ 2 meetings per week with Probation Office which may include field visits;
- ▶ Every other week C.A.R.E. Court appearance;
- ▶ Monday, Wednesday reporting schedule;
  - i.e.: - Monday meeting with PO, UA obtained;
  - Every other Wednesday C.A.R.E. Court appearance, UA option;
  - Office/field contact, UA option.
- ▶ 2 UAs per week, or as deemed necessary.

### **Written/Oral Assignment:**

**How has my drug use affected the significant others in my life or the community?**

## **PHASE THREE: HEALTHY DECISION MAKING**

### **Goal:**

Develop a sober support network to rely upon in making life decisions and dealing with life stress. Complete life skills, employment or educational program. Secure employment.

### **Expectations:**

- ▶ Participate in substance abuse treatment as deemed necessary and attend all sessions;
- ▶ Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- ▶ Complete a life skills, employment or education program;
- ▶ Secure employment;
- ▶ Comply with all supervision conditions;
- ▶ Complete one written assignment.

### **Meetings/testing:**

- ▶ Every other week in-office meetings with Probation Office, or as deemed necessary;
- ▶ Weekly meeting with Probation Office if unemployed;
- ▶ C.A.R.E. Court appearance every three weeks;
- ▶ Enrollment in color-code program (need creation of new color with weekly reporting);

### **Written/Oral Assignment:**

In collaboration with treatment providers and sober support system, complete a writing assignment addressing the following topic:

**What tools and skills have I developed to maintain my sobriety and how do I plan to use those tools to strengthen my recovery during supervision and beyond?**

## **PHASE FOUR: RELAPSE PREVENTION PLANNING**

### **Goal:**

Develop a comprehensive relapse prevention plan and shore-up long-term recovery needs.

### **Expectations:**

- ▶ Participate in substance abuse treatment as deemed necessary and attend all sessions;
- ▶ Attend 2-3 self-help meetings per week, or as directed. Provide verification of attendance;
- ▶ Maintain employment;
- ▶ Comply with all supervision conditions;
- ▶ Complete an approved, written relapse prevention plan;
- ▶ Complete a C.A.R.E. exit interview.

### **Meetings/testing:**

- ▶ Once per month in-office meeting with Probation Office, or as deemed necessary;
- ▶ Once per month C.A.R.E. Court appearance;
- ▶ UA collection per color-code program, (reduction from Phase Three assigned color).

### **Written Assignment:**

In collaboration with treatment providers complete and submit an approved comprehensive relapse prevention plan.

### **Relapse Prevention Plan**

**Non-compliant acts resulting in level reduction (including but not limited to):**

- ▶ Unexcused absences from C.A.R.E. Court sessions;
- ▶ Unexcused absences from PO/office meetings or any scheduled treatment session;
- ▶ Positive alcohol/drug screens;
- ▶ Missed alcohol/drug screens;
- ▶ Attempt or submission of adulterated urinalysis;
- ▶ Refusal to submit urinalysis/stalls;
- ▶ Refusal or failure to comply with referral for increased/intensified treatment;
- ▶ Failure to maintain employment, (participant responsibility);
- ▶ Failure to participate in life skills, employment or education program as directed;
- ▶ Disruptive or disrespectful behavior;
- ▶ Failure to comply with self-help group attendance;
- ▶ Failure to complete written assignments;
- ▶ 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.

**Sanctions (including but not limited to):**

- ▶ Increased reporting;
- ▶ Writing assignments;
- ▶ Increased C.A.R.E. Court attendance;
- ▶ Increase frequency of meetings with Probation;
- ▶ Reduction in phase;
- ▶ Increased frequency of UA collection;
- ▶ Use of alternative drug testing procedure;
- ▶ Curfew;
- ▶ Electronic monitoring;
- ▶ CCC placement;
- ▶ Incarceration of varying length.

**Rewards:**

- ▶ One (1) year supervision reduction;
- ▶ Graduation certificate presented upon program completion;
- ▶ Other rewards to be determined by the Court.

UNITED STATES PROBATION DEPARTMENT  
DISTRICT OF MASSACHUSETTS  
**C**OURT **A**SSISTED **R**ECOVERY **E**FFORT (C.A.R.E.)  
Referral Form

Name: _____	Date: _____
Address: _____ Home ___ or Treatment ___	Sex: Male _____ Female _____
Treatment contact: _____	DOB: _____
Telephone: _____	SSN #: _____
If homeless how long: _____	Marital status: _____
Primary language: _____ Secondary language: _____	Childcare responsibilities: _____ _____
TCU Score: _____	Referring officer: _____

COURT INVOLVEMENT INFORMATION		
Federal Court Status:	Probation: _____	Supervised Release: _____
		Parole: _____
	Other: _____	Please explain: _____
Case #:	Beginning Supervision Date: ___/___/___	Termination Date: ___/___/___
<i>Please attach copy of Supervision Conditions</i>		
Prior substance abuse related violations: _____ _____		
Other court involvement and contact(s): _____ _____		
History of violent offenses: _____ _____		
Previous convictions for arson: Yes ___ No ___ If yes, explain: _____ _____		
Previous convictions for rape or other sex crimes: Yes ___ No ___ If yes, explain: _____ _____		
Active restraining orders: Yes ___ No ___ If yes, explain: _____ _____		

SUSTANCE ABUSE TREATMENT INFORMATION			
Current substance abuse treatment: _____			
Provider contact: _____	Telephone #: _____		
Prior detoxes: _____	Prior residential treatment: _____		
Prior holdings: _____	Prior sober house residency: _____		
Prior outpatient treatment: _____			
Drugs of choice:	First:	Second:	Third:
Last Use: _____	I.V. drug use HX: _____		

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Longest period of recovery: _____
When: _____ How: _____
<i>Please attach copy of TCU Drug Screen</i>

<b>MENTAL HEALTH/MEDICAL/INSURANCE INFORMATION</b>	
Mental health issues: Yes _____ No _____	Diagnosis: _____
Provider contact: _____	Telephone: _____
Current mental health status: _____	
HX suicidal/homicidal ideation/attempts: Yes ____ No ____ If yes, explain _____	
Medical issues: Yes ____ No ____ If yes, explain: _____	
Any physical limitations: _____	
Medications: _____	
Prescribing physician: _____ Telephone #: _____	Primary care physician: _____ Telephone #: _____
Client's employment status: _____ Employer: _____	Monthly income: _____
Health Insurance: Yes _____ No _____	Insurance Provider: _____ ID Number: _____
Veteran: Yes _____ No _____	ID Number: _____

**OTHER**

Cultural & family issues: _____ _____ _____
Client's motivation for recovery: _____ _____ _____
Officer's comments: _____ _____ _____

Court Assisted Recovery Effort (CARE) aids addicts

December 7, 2006 – Vol. 42, No. 17  
Serghino René

It was something different, an unusual scene not often practiced in federal courtrooms.

Ten recovering drug addicts stood before U.S. Magistrate Judge Leo Sorokin, verbally giving their weekly progress report on their success in finding a job, staying clean and keeping out of legal trouble.

Known as the Court Assisted Recovery Effort (CARE), the voluntary program aims to assist drug-addicted individuals just getting out of jail and supervise them in establishing a sober, employed, law-abiding life in an effort to promote public safety and rehabilitation.

The program is one of a kind in the federal system because it involves close supervision and prompt sanctions for slip-ups, as well as incentives integrated with substance abuse treatment and job training. No other federal court has such close judicial oversight of defendants and only two other federal courts even have a similar program.

“We believe judicial involvement is helpful,” said Sorokin. “For the participant, it is an opportunity to obtain assistance in creating and maintaining a sober and law abiding life. As a result, the court is confident that the individual will make a positive contribution to society and be less likely of a threat.”

Originally, the Massachusetts Federal Court approved CARE as a one-year pilot project. The program began in early May, but since the Court has received numerous inquiries regarding the program from representatives from other federal courts around the country, it is expected to continue for years to come.

Assistant Federal Public Defender Catherine Byrne represents the participants each week when they meet with the magistrate.

“I think this is a great program because a lot of these people have a long term problem with drug addiction,” said Byrne. “Through the support offered, many are maintaining sobriety, avoiding probation violations and going back to prison.”

Every Wednesday at 9 a.m., Sorokin meets with the assigned probation officers, the assistant United States attorney, the assistant federal public defender and representatives from the probation’s outside treatment contractors.

“We talk about the status of each participant in the program, possible changes in treatment, compliance problems, sanctions if appropriate, and rewards,” said Sorokin.

By 11 a.m., Sorokin is meeting with participants one by one in open court as they present their employment, drug and legal status. Sanctions are imposed when terms of the program are disregarded. Sanctions have included jail, mandatory community service, writing assignments, attending meetings with recovering addicts, increased supervision and demotion within the program.

To participate, defendants must have been convicted of a federal offense and either be on probation or supervised release, a type of probation for those who have completed their jail sentence.

While there is no statistical information to prove the success of the program, Byrne believes that the proof will come in time.

“It’s a great concept,” said Byrne. “It’s important to see drug addiction as a disease that needs treatment. In the long run, it will help society. People who have succeeded are less likely to go back to criminal conduct.”

## Pilot program pushes ex-convicts away from perils: Judge's sessions part of probation

The Boston Globe  
Shelley Murphy  
November 30, 2006

After serving a 10-year sentence for selling heroin, Angel was back in federal court yesterday, only this time it was voluntary. The recovering addict stood before a federal magistrate judge, giving a weekly progress report on his efforts to find a job, stay off drugs, and keep out of trouble. As one of 10 federal offenders participating in a pilot program aimed at keeping them from relapsing, Angel, who asked that his last name not be used, said it's tough having to go to court every week and face unprecedented scrutiny about whether he's doing the right thing. But, he said, "It was going to be tougher for me if I didn't join the program because I would be back in prison." During his first week in the program, the 52-year-old Roxbury man said, he was jailed for a day when he tested positive for cocaine. "That was a wake-up call for me," he said.

Yesterday, a group of judges, defense lawyers, and prosecutors touted the pilot program - called the Care Assisted Recovery Effort - and a number of other initiatives launched by the US Probation Office in Boston to try to keep recently released federal inmates out of trouble by finding them jobs, working with their families, and offering close judicial supervision. Probation officers have even helped coordinate three job fairs for federal and state inmates in the past eight months. Chief US Probation Officer John M. Bocon said jobs and job training are critical to the success of the program. "We're not looking to get just any jobs," he said, "but sustainable jobs that hopefully lead to careers."

All federal offenders who spend time in prison are supervised by probation after their release, sometimes for years. And Chief US District Judge Mark L. Wolf said too many of them, particularly those with drug problems, end up back in prison. "When these people get out, it's in everybody's best interest that they not commit crimes again," Wolf said. "We're trying to protect the community."

Of the 1,196 federal offenders currently being supervised by the US Probation office in Massachusetts, 533 have substance abuse problems, according to probation officials.

Probation officials in Boston launched the CARE program in May as part of a one-year pilot program, modeled after a similar program created in Oregon and later adopted in Michigan. It's specifically aimed at rehabilitating drug-addicted offenders. The program requires participants to appear before the magistrate judge weekly at first, then every other week, and eventually monthly. Federal prosecutors and lawyers from the Federal Defender Office attend the sessions.

"We're helping people move forward and preventing them from falling back," said US Magistrate Judge Leo T. Sorokin, who presides over the sessions.

The federal offenders face immediate sanctions, such as jail time, for violating terms set by the court. Of 13 federal offenders who agreed to join the program, one quit and two others are facing court proceedings for violating the conditions of their release - meaning they could go back to prison.

Those who graduate from the program are granted a one-year reduction in the time they must spend under probation's supervision.

Anthony, who was sentenced to 5 1/2 years probation for driving a getaway car under the influence of heroin and OxyContin during an unarmed bank robbery, said getting a year shaved off his time was a big incentive to join the program. But, he also said, "I wanted some more structure in my life. I needed the focus on having people who were focused on me."