

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF GUAM  
CONTRACT FOR PARTICIPATION IN THE  
DRUG OFFENDER RE-ENTRY PROGRAM

**INTRODUCTION**

You have been invited to participate in the Drug Offender Re-Entry (D.O.R.E.) program of the District of Guam. Participation is voluntary, and there will be no negative consequence if you decide not to participate. If you successfully complete the D.O.R.E. Program, your term of supervision shall be reduced by one year.

**THE D.O.R.E. BASICS**

The D.O.R.E. program will last at least one year. You will be under the supervision of a U.S. Probation Officer (PO) assigned to the D.O.R.E. team rather than a traditional probation officer. You agree to participate in a drug and alcohol evaluations, and in any and all treatment recommended. You also agree to submit to drug testing as directed by the PO or treatment provider. In addition to the requirements of actively engaging in treatment, you shall also be required to comply with the general conditions of supervision.

You will be assigned an attorney from the Federal Public Defenders Office (FPD), or another attorney if the FPD has a conflict. In the program, your attorney will have access to the treatment provider and treatment records. The United States Attorney (USA) represented by an Assistant United States Attorney (AUSA) will also be part of the program. Both your attorney and the AUSA will work with the PO in order to provide additional support and encouragement for your sobriety and success in the program.

**LENGTH OF D.O.R.E. PROGRAM**

The program will last at least one year. If you struggle in treatment, but remain dedicated to recovery, you may be given extensions in the program to complete treatment and will be rewarded with the one-year reduction in supervision.

**COURT APPEARANCES**

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

## SUPERVISION VIOLATIONS & SANCTIONS

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled D.O.R.E. program 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 Judge will decide whether a program sanction is appropriate. As noted above, noncompliance can also be handled outside the presence of the Judge if all parties agree.

Noncompliant behavior by you 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 that 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 disclosed the violation. Dishonesty 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. Sanctions may include, but are not limited to:

- You can receive a judicial reprimand in open court;
- You can be ordered to return to court and observe proceedings for a half or full day (called "sit sanction");
- You can be ordered to provide an explanation for noncompliant behavior, either in writing or some other means (such as why you failed to attend treatment or tested positive, or about the thing that most often causes you to relapse and why, or about what you will do differently this time so that you will not fail again, or about someone you admire and why);
- You can be ordered to participate in community service;
- You can be ordered to comply with curfew restrictions;
- You can be ordered to comply with electronic monitoring;
- You can be ordered to complete a term of intermittent confinement under the custody of the U.S. Marshal Service;
- You can be terminated from the program with or without filing of a formal violation.

If appropriate, sanctions may be ordered more than once during the course of the D.O.R.E. program.

If there is an admission to the violation, you may be able to complete the sanction and remain in the program. 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 Judge whether you properly completed the sanction ordered at

the last appearance. Failure to complete ordered sanctions may result in added sanctions, or termination from the program.

If you wish to contest the sanction allegation, you may do so. The only permissible contested sanction hearing, however, is a claim of actual innocence of the alleged violation. If you wish to have a contested hearing, your attorney will assist you in contesting the allegations. The Judge will ultimately decide whether or not the allegation is true. It is important to note the PO does not need to wait until your scheduled Court appearance to address problems in supervision. If you fail to abide by the directions of the PO, the PO will contact you to address the problem. Minor violations may be dealt with by either the PO, or by the D.O.R.E. team which includes the PO, your attorney and the AUSA. If you commit a major violation, a summons or warrant will be issued.

### **TERMINATION FROM THE D.O.R.E. PROGRAM**

You may be terminated from the program if you fail to participate in treatment and supervision – including repeated technical violations of general conditions of supervision, failure to make your Court appearances, or a commission of a new offense. If you are terminated from the program, you will 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 the D.O.R.E. program which was previously addressed. After termination from the program, 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 the D.O.R.E. program.

You may also voluntarily discontinue the program and return to traditional supervision status. If the program is discontinued voluntarily, you 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 the D.O.R.E. program, your total term of supervision shall be reduced by one year. After completing the D.O.R.E. program, you may have an additional amount of time to spend on traditional supervision and shall be required to continue to comply with any and all conditions of supervision. If you violate the terms of your supervision and are facing revocation, any term of supervision imposed following the term of incarceration shall be reduced by one year.

**AGREEMENT**

*Participant:*

I, \_\_\_\_\_ have read, or someone has read to me, this Agreement and I understand the Drug Offender Re-Entry program. I voluntarily agree to participate in the Drug Offender Re-Entry program. I understand I can revoke my voluntary participation at any time and return to traditional supervision.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Judge:*

I, \_\_\_\_\_, the Judge in the District of Guam's D.O.R.E. program, accepts the above-named Participant into the D.O.R.E. program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Representative of the United States Attorney:*

I, \_\_\_\_\_, the Assistant United States Attorney representing the government in the District of Guam's D.O.R.E. program, accepts the above-named Participant into the program.

*Participant's Attorney:*

I, \_\_\_\_\_, representing the Participant in the District of Guam's D.O.R.E. program, accepts the above-named Participant into the program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*Representative of the United States Probation Office:*

The Probation Officer, accepts the above-named person into the D.O.R.E. program.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date