SUPERVISION MANUAL

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INTRODUCTION

The purpose of this Orientation Manual is to clearly convey the definitions, procedures, and requirements which constitute Supervised Release and Probation.

As part of your sentence, you will be supervised in the community by a United States probation officer. U.S. probation officers serve as officers of the court and are responsible for the supervision of all persons conditionally released to the community by the courts, Parole Commission, Federal Bureau of Prisons, and military authorities. Their supervision mission is to: execute the sentence by developing supervision activities intended to ensure that you remain in compliance with all conditions established by the court and the Parole Commission; control risk by developing activities that detect and deter criminal behavior and; promote law-abiding behavior by utilizing all suitable methods, consistent with those specified by the court or Parole Commission, to help you change the behavior that contributed to your criminality and aids you in reintegrating into the community.

Generally, the probation officer assigned to your case will be based on the geographic area in which you live and/or whether you have a special condition such as a substance abuse or mental health condition. Your supervision officer will keep detailed records of his/her contact with you and will be your primary contact person while you are under the supervision of the court. Please note that your probation officer is governed by certain rules of confidentiality and cannot disclose any non-public information contained in your file without the permission of the court. Your case is also reviewed every six months by a supervisor whose role it is to approve and monitor assessment decisions by assigned officers.

While on supervision, you will be required to adhere to the mandatory and standard conditions of supervision. Additionally, there may be special conditions ordered by the Court. What follows is an explanation of the mandatory conditions, the standard conditions, and an overview of some of the more common special conditions imposed by the Courts.

If you have questions regarding any aspect of your supervision, do not hesitate to contact your probation officer for clarification. We hope you have a successful and productive supervision experience.

CONTACT INFORMATION

Office Hours: Monday through Friday, 8:30 a.m. to 5:00 p.m.

This District has two staffed offices. Following are the addresses and phone numbers for the two offices.

U.S. Probation
11 Elmwood Avenue, 4th Floor
P.O. Box 432
Burlington, VT 05402-0432
Telephone: (802) 652-3000 OR (800) 552-6933
Fax: (802) 652-3014
Web site: www.vtp.uscourts.gov

U.S. Probation
204 Main Street, 2nd Floor
P.O. Box 339
Brattleboro, VT 05302–0339
Telephone: (802) 652-3000 OR (800) 552-6933
Fax: (802) 254-0268
Web site: www.vtp.uscourts.gov

Please note that due to increased security, you will require a photo ID to enter the building. One will be issued to you by your probation officer. You will also require this ID if you do your drug testing off-site.

PHONE EXTENSIONS

ADMINISTRATION

Joseph A. McNamara, Chief U.S. Probation Officer.....802-951-0623

Ronald P. Tetu, Deputy Chief U.S. Probation Officer (Supervision).....802-951-0617

Michael J. Lemon, Supervising U.S. Probation Officer (Investigations).802-951-0634

John P. Bendzunas, Supervising U.S. Probation Officer (Pretrial).....802-951-0619

SUPERVISION OFFICE

Douglas Cowher, U.S.P.O. (Brattleboro).....802-254-0653

Parish Gibson, U.S.P.O……..802-951-0639

Daniel Mangan, U.S.P.O.....802-951-0635

David Sem, Sr. U.S.P.O.....802-951-0622

Louis Stazi, U.S.P.O.....802-951-0631

MANDATORY CONDITIONS OF SUPERVISION

1. WHILE ON PROBATION/SUPERVISED RELEASE, THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME. THE DEFENDANT SHALL NOT ILLEGALLY POSSESS A CONTROLLED SUBSTANCE.

If there is any evidence to believe that you have committed a crime, regardless of whether or not you've been charged or convicted, it may result in revocation of your supervision.

With regard to the second clause, you should be aware that the word "possession" has two meanings: a) actual possession means having physical control of the drug, such as it being in your pocket, on your person, or in a bag you are carrying; b) constructive possession has two essential elements: 1) knowledge that the contraband exists in a particular location, and 2) access to the contraband in that particular location (e.g. you are in the passenger's seat in the front of a car, and you know that the driver has cocaine or another controlled substance in the glove compartment.

NOTE: You should be aware that Title 18, United States Code, Sections 3565(b) and 3583(g) provide that supervision must be revoked if a person on probation or supervised release is in possession of a controlled substance.

2. THE DEFENDANT SHALL NOT POSSESS A FIREARM, DESTRUCTIVE DEVICE, OR ANY OTHER DANGEROUS WEAPON.

Federal law forbids persons with a felony conviction to possess firearms, ammunition, or explosives. Similar to the mandatory condition for controlled substances, the word "possession" has two meanings: actual and constructive. Possession of a firearm is defined as your ability to have access to a firearm. If you live with someone who has a firearm and you have access to it, you are considered to be in constructive possession and in violation of this condition.

Questions relative to the restoration of the right to possess firearms should be directed to the Bureau of Alcohol, Tobacco and Firearms (ATF).

NOTE: You should be aware that Title 18, United States Code, Sections 3565(b) and 3583(g) provide that <u>supervision must be revoked</u> if a person on probation or supervised release is in possession of a firearm.

3. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS AFTER BEING PLACED ON SUPERVISION, AND AT LEAST TWO PERIODIC TESTS THEREAFTER.

This applies to offenses committed after September 13, 1994, whether or not the underlying conviction was for a drug offense.

This condition may be suspended at the time of sentencing. If this condition was ordered as part of your supervision, your probation officer will instruct you regarding your participation.

4. THE DEFENDANT SHALL COOPERATE IN THE COLLECTION OF DNA AS DIRECTED BY THE PROBATION OFFICER.

Pursuant to recent amendments to 18 U.S.C. §3563(a), 18 U.S.C.§ 3583 (d), and 18 U.S.C. §4209, you will be required to provide a DNA sample if you have been convicted or have a previous conviction for certain federal and/or military offenses. Your probation officer will inform you if you have a qualifying offense which requires collection and will make arrangements for you to collect a sample.

Failure to cooperate in collection is a Class A Misdemeanor under 18 U.S.C. §14135(a)(5).

STANDARD

CONDITIONS

OF

SUPERVISION

1. THE DEFENDANT SHALL NOT LEAVE THE JUDICIAL DISTRICT WITHOUT THE PERMISSION OF THE COURT OR PROBATION OFFICER.

The Judicial District is defined as the state of Vermont. You are not allowed to leave the state of Vermont without permission from the probation officer.

Travel Within the District: Any absence from your residence for more than 72 hours should be approved in advance. If your absence is to secure another residence, you **must** obtain advance permission. Permission may be granted verbally or in writing for this kind of travel.

Travel Outside the District: All requests for travel within the United States should be made, at least two weeks in advance, using the Request for Permission to Travel form (sample attached). Please note that there are certain areas in the country with specific requirements or restrictions regarding travel.

Travel Outside the Country: Any international travel must be approved by the Court. Approval from the country to which you wish to travel may also be required. Your request must be submitted at least six weeks in advance, using the Request for Permission to Travel form (sample attached).

Travel may be denied at the discretion of your probation officer. Among some of the reasons to deny travel are the following:

a. You are not compliant with any of the conditions of your supervision.

b. Your conviction or past criminal behavior involved extensive travel.

c. Your travel is unverifiable.

d. Your travel would interfere with Court-ordered treatment.

e. You are not current with your fine, restitution or community service obligation.

f. You have pending criminal charges.

g. Your travel presents a risk to a third party.

As a general policy, you will not be allowed to travel outside of the district during the first 60 days of supervision.

2. THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER IN A MANNER AND FREQUENCY DIRECTED BY THE COURT OR PROBATION OFFICER.

There are two parts to this condition, the first having to do with physical, telephonic or electronic reporting to the probation officer; the second with reporting to him/her in writing via a written monthly report.

Reporting in Person, Telephonically or Electronically:

In order to maintain knowledge of your current status and situation, your probation officer will have periodic contact with you. The manner and frequency in which you will be required to report will be determined by your probation officer.

Reporting in Writing:

You may also be instructed to submit monthly documentation of your status in the form of a Monthly Supervision Report (forms, sample and instructions attached). All spaces must be completed, even if the information does not apply to you. You must sign and date the report, acknowledging that the information is complete, correct and truthful. **This report must be submitted between the first and the fifth of each month.** Inclusion of information on the written monthly report does not release you of the responsibility of reporting information verbally, such as police contact, as required. You must attach **copies** of your pay stubs to the report each month, along with any additional documentation that the report or the probation officer requires. If you have questions regarding the completion of this form, ask your probation officer for clarification.

3. THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.

During the course of your supervision, you will be asked questions by your probation officer regarding your status and situation. At times, your probation officer may need to verify this information through outside sources. Therefore, it is imperative that you answer all of these questions truthfully and completely.

Additionally, your probation officer may instruct you on a variety of issues related to the compliance with your conditions.

4. THE DEFENDANT SHALL SUPPORT HIS OR HER DEPENDENTS AND MEET OTHER FAMILY RESPONSIBILITIES.

During the course of your supervision, the probation officer will contact family members or significant others to verify that you are meeting your family responsibilities.

If you have court-ordered obligations for support, your probation officer will require you to provide documentation that you are in compliance.

5. THE DEFENDANT SHALL WORK REGULARLY AT A LAWFUL OCCUPATION UNLESS EXCUSED BY THE PROBATION OFFICER FOR SCHOOLING, TRAINING, OR OTHER ACCEPTABLE REASONS.

One of the most important factors to successful completion of supervision is regular employment. It has been found that individuals who work consistently tend to adjust to and complete their supervision.

A lawful occupation includes payment on a regular basis, with deductions for Federal, State, and Social Security taxes, if appropriate. In many cases, it may not be acceptable to receive cash payments for employment. Self-employment should be discussed with your probation officer, and will be approved on an individual basis. Be advised that if you are self-employed, you are required to file a quarterly Statement of Earnings and submit payments to the Internal Revenue Service.

The probation officer may periodically contact you or your employer in order to verify employment.

6. THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER AT LEAST TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT.

Any changes in employment or residence should be discussed with your Probation Officer prior to making the change. You should not quit your job unless you have been offered another job. If you become unemployed, you will be required to seek employment immediately and keep track of your progress. The Probation Officer may also need to verify the reason for termination of employment. Similarly, the Probation Officer will need to approve the new residence prior to your relocation.

7. THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY CONTROLLED SUBSTANCE OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN.

If you have a special condition for substance abuse treatment, you will be required to abstain from alcohol. Excessive use of alcohol refers to any use of alcohol that negatively affects your employment, your relationships, or your ability to comply with the conditions of your supervision.

Additionally, no narcotic substances or paraphernalia, unless prescribed by a physician, should be taken or possessed by any person under supervision, including the medications of friends and family members. The use of non-prescribed medication which results in a positive urinalysis will result in notification to the Court for further action. Make sure to supply your Probation Officer with information on all of the prescription medications that you take.

8. THE DEFENDANT SHALL NOT FREQUENT PLACES WHERE CONTROLLED SUBSTANCES ARE ILLEGALLY SOLD, USED, DISTRIBUTED, OR ADMINISTERED.

You should leave any location in which you have reason to believe illegal drugs may be present. If you choose to remain in that environment, you may be found in possession of a controlled substance, which may result in the revocation of your supervision.

9. THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY PERSONS ENGAGED IN CRIMINAL ACTIVITY AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY, UNLESS GRANTED PERMISSION TO DO SO BY THE PROBATION OFFICER.

Association is defined as any planned contact or communication with someone in person, in writing, on the telephone, or through a third party.

If there is someone you wish to associate with who has a felony conviction or is engaged in criminal activity, including family members, relatives, co-workers, significant others, or friends, you must obtain specific permission from your Probation Officer to associate with that person. Permission for criminal association cannot be after the fact. You must have permission prior to the association. Your Probation Officer will instruct you as to the permissible parameters of that association. You are encouraged to discuss with your Probation Officer anyone who has a prior arrest history in order to determine their appropriateness for association.

In the event you have contact with a person having a felony conviction, you will have to report this on your Monthly Supervision Report. If you are approached by a known felon, immediately contact your Probation Officer.

10. THE DEFENDANT SHALL PERMIT A PROBATION OFFICER TO VISIT HIM OR HER AT ANY TIME AT HOME OR ELSEWHERE AND SHALL PERMIT CONFISCATION OF ANY CONTRABAND OBSERVED IN PLAIN VIEW OF THE PROBATION OFFICER.

Throughout the course of your supervision, the Probation Officer will visit you in your home, place of employment, and elsewhere in the community. These contacts may be unannounced and unscheduled. You are encouraged to inform members of your household and others including your employer that the Probation Officer will be coming to visit you under these circumstances.

During these contacts, the Probation Officer has the authority to confiscate any contraband in plain view.

11. THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER WITHIN SEVENTY-TWO HOURS OF BEING ARRESTED OR QUESTIONED BY A LAW ENFORCEMENT OFFICER.

If questioned by law enforcement officer, you are required to report the contact to your probation officer within seventy-two hours. You are encouraged to report all other contact you may have even if the contact is for a routine matter such as a traffic violation. You are also required to report this contact on the corresponding Monthly Supervision Report. You may be required to provide documentation.

12. THE DEFENDANT SHALL NOT ENTER INTO ANY AGREEMENT TO ACT AS AN INFORMER OR A SPECIAL AGENT OF A LAW ENFORCEMENT AGENCY WITHOUT THE PERMISSION OF THE COURT.

Only the Court has the authority to permit you to act as an informer or an agent of any law enforcement agency. You cannot do so on your own. If any law enforcement agency seeks your assistance, you are to immediately provide them with your Probation Officer's name and telephone number, as well as informing your Probation Officer. Your probation officer will then advise the agency seeking your cooperation of the procedures required to obtain permission from the Court. Permission may be denied because of the position you might place yourself in and the risk factors involved.

13. AS DIRECTED BY THE PROBATION OFFICER, THE DEFENDANT SHALL NOTIFY THIRD PARTIES OF RISKS THAT MAY BE OCCASIONED BY THE DEFENDANT'S CRIMINAL RECORD OR PERSONAL HISTORY OR CHARACTERISTICS AND SHALL PERMIT THE PROBATION OFFICER TO MAKE SUCH NOTIFICATIONS AND TO CONFIRM THE DEFENDANT'S COMPLIANCE WITH SUCH NOTIFICATION REQUIREMENT.

The Probation Officer may determine that the underlying offense, your criminal record or your personal history poses a risk, including financial, to a third party. If that is the case, you may be asked to notify the third party of the factors that are of concern. The Probation Officer will then verify that the disclosure has been made. In other situations, you may be prohibited from engaging in a particular activity or working at a particular job.

Frequently, third party risk involves employment. Notify your Probation Officer of current or future employment to ensure that third party risk can be evaluated.

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SPECIAL CONDITIONS OF SUPERVISION

- **AS A CONDITION OF SUPERVISION, THE COURT MAY ORDER PAYMENT OF A FINE AND/OR RESTITUTION**

The Court may impose a fine and/or restitution as a part of your sentence. This means that you will be required to make certain financial sacrifices in order to pay the fine. Your judgement will specify the amount to be paid. The order may also determine a payment schedule for all or part of the money ordered.

You may satisfy your Court-ordered obligation in full at any time.

If the court has not ordered monthly installment payments, the Probation Officer, with the Court's authority, will assist you in meeting the requirements of your conditions by determining a monthly payment schedule. The monthly installment payments are determined by your ability to make payments. You will be expected to provide copies of all expenses and any income that your spouse or significant other contributes to your necessary expenses. Your payment will be based on your income and necessary expenses.

Expenses should be reasonable for your income, size of family, and the geographical area in which you live. Recreation, vacation, travel, luxury items, and items of comfort may not be permitted so you can satisfy your fine or restitution.

You may also be required to disclose all of your financial dealings to your Probation Officer and provide financial records as requested. You will be required to sign a Confidential Release Form that will allow the Probation Officer access to credit reports, bank records, and other financial documentation. Periodically, you may also be required to complete a Financial Disclosure Form and a Perjury Form.

If necessary, the Probation Officer will recalculate your installment payment depending on whether your financial situation has changed. Remember, you can increase your payment at any time.

The payment schedule is closely monitored, and failure to make payments may result in a hearing before the Court or Parole Commission.

If you owe a fine and/or restitution, a Tax Lien Offset Notice may be submitted to the Internal Revenue Service and your refund, if applicable, will be garnished. This may take place even if you are current on your payments. In addition, your wages may be garnished, property attached or several other permissible enforcement/collection remedies may be utilized if payments become in default.

Federal Law provides that if your payments become delinquent, the U.S. Attorney's Office has the authority assess certain penalties and interest.

Payments are payable to the Clerk, U.S. District Court, and should be sent to Clerk's Office, U.S. District Court, P.O. Box 945, Burlington, VT 05401. Please make sure that your docket number is noted on the check or money order. Cash payments may only be made in person at the Clerk's Office on the 5th Floor of the U.S. Courthouse in Burlington. In-person payments are accepted at the Clerk's Office in Rutland and Brattleboro but payment must be by money order or cashier's check.

- **THE DEFENDANT MAY BE PLACED ON HOME CONFINEMENT FOR A PERIOD DETERMINED AT SENTENCING OR AT A VIOLATION HEARING**

  In lieu of imprisonment, you may be placed on home confinement, which will include electronic monitoring, unless otherwise specified by the Court. You shall contribute to the cost of the program in an amount to be determined by the Probation Officer.

  For individuals in violation of the conditions of supervision, your probation officer may utilize electronic monitoring as a sanction and the court may impose home confinement as an alternative to revocation.

  The period of home confinement does not begin until the electronic monitoring device has been secured and the monitoring unit has been successfully installed in the residence.

  When the device has been secured and installed, your probation officer will go over all of the program requirements.

- **THE DEFENDANT MAY BE ORDERED TO PERFORM COMMUNITY SERVICE DURING THE FIRST YEAR OF SUPERVISION AT A SITE APPROVED BY THE PROBATION OFFICER.**

  Community Service is unpaid work by a defendant for a civic or nonprofit organization. Public libraries, soup kitchens, recycling centers, literacy programs, conservation programs, and senior centers are examples of organizations likely to be recipients of community service. The agencies must be nonprofit, tax exempt, and not politically partisan. They must also serve a valid need in the community.

  You will be required to provide a location where you intend to perform your Community Service. This location must then be approved in advance by your Probation Officer. At times, places of worship or areas which present a risk or other conflicts of interest may be denied. Your Probation Officer will require independent verification from the location, which reflects the hours you have performed and the duty to which you are assigned. You will not be allowed to document your own hours of service.

- **THE OFFENDER SHALL PARTICIPATE IN A PROGRAM FOR SUBSTANCE ABUSE AS DIRECTED BY THE U.S. PROBATION OFFICER, WHICH PROGRAM MAY INCLUDE TESTING TO DETERMINE WHETHER THE DEFENDANT HAS REVERTED TO THE USE OF DRUGS OR ALCOHOL. THE DEFENDANT SHALL CONTRIBUTE TO THE COST OF SERVICES RENDERED IN AN AMOUNT TO BE DETERMINED BY THE PROBATION OFFICER BASED ON ABILITY TO PAY OR THE AVAILABILITY OF THIRD PARTY PAYMENT. THE DEFENDANT SHALL REFRAIN FROM THE USE OF ALCOHOL AND OTHER INTOXICANTS DURING AND AFTER TREATMENT.**

The term "program" implies that a comprehensive approach to your recovery will be developed and can include a variety of different components. Your Probation Officer will work with you to develop your "program."

At a minimum, anyone with this condition will be required to participate in the first two components: 1) abstinence from alcohol and illicit substances; and, 2) testing for these substances. If deemed appropriate, your Probation Officer may incorporate additional components to this program, such as an assessment for treatment services, a referral for treatment to a specific agency, or possibly participation in a self-help program. Your Probation Officer may also give you specific instructions as to behavior or activities that are prohibited under your program. For instance, your Probation Officer may direct you to not frequent any establishments whose primary purpose is to serve alcohol.

In certain cases, your Probation Officer may have you contribute to the cost of treatment services based on your ability to pay. This will also be discussed with you when your program is developed.

If you are enrolled in the random urinalysis program, you will be required to call our office every evening (Sunday through Thursday) and enter your PACTS #. You will then be told whether or not you need to report to your designated collection site for a urine specimen collection the following day.

When you are directed to report for a collection, you must provide a fresh, clean, unadulterated/undiluted specimen and must provide at least 45 ml (3/4 of a bottle) of your urine for testing. You will be allowed a reasonable amount of time and a reasonable amount of water in which to provide the specimen. You must also provide to the collector at the time you report to your designated location, copies of any prescriptions and/or over the counter drugs you have taken in the two weeks prior to the collection. A detailed set of instructions will be provided to you at the time you first meet with your Probation Officer. If you are not placed on the random urinalysis program, you will be called in randomly to provide a urine specimen.

Finally, it is important to keep in mind that the "program" you choose to participate in must be approved by your Probation Officer. If there are activities or services that you wish to participate in to address your recovery, you are encouraged to raise them with your Probation Officer.

- **THE OFFENDER SHALL PARTICIPATE IN MENTAL HEALTH TREATMENT AS DIRECTED BY THE U.S. PROBATION OFFICER.**

  The Court may impose this condition when you display symptoms of mental illness or have been previously diagnosed with a mental health problem. You may be ordered to pay all or part of the treatment costs.

ACKNOWLEDGMENT:

I have read or had read to me, the Orientation Manual, and have received a copy.

Acknowledgment: _____

Signature Date

Witness: _____

Signature Date

ACKNOWLEDGMENT:

I have read or had read to me, the Orientation Manual, and have received a copy.

Acknowledgment: _____

Signature Date

Witness: _____

Signature Date