

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO,	:	Case No. CR
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
,	:	DRUG COURT
	:	PARTICIPATION AGREEMENT
Defendant.	:	AND WAIVER OF RIGHTS
	:	

The undersigned Defendant (hereinafter referred to as “Defendant,” “Offender,” or “Participant”) requests that he/she be sentenced to the Butler County Drug Court, as part of a community control sentence and/or Intervention in Lieu of Conviction plan, which could be imposed herein. The execution of this agreement does not obligate the Court to sentence the Defendant to community control. Defendant acknowledges that he/she consulted with his/her attorney regarding the legal ramifications of entering into Drug Court and reviewed both the *Participant Handbook* and this document with his/her attorney.

An Offender may be admitted into Drug Court through one (1) or more of the following four (4) methods:

- Plea and sentencing;
- Intervention in Lieu of Conviction;
- Probation violation; or
- Judicial Release.

Pursuant to Local Rule 7.01, once Defendant has been ordered to complete Drug Court, his/her case shall be transferred to the Drug Court Judge. Any, and all further Court proceedings with respect to that, shall be heard by the Drug Court Judge. Once entered into Drug Court, Defendant shall become a Participant.

Participant understands that by entering into Drug Court that he/she is waiving certain constitutionally-guaranteed rights which he/she might otherwise be entitled. Those rights include, but are not limited to:

- Waiver of the right to consult with and be represented by an attorney at status review hearings. However, Participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting concerning Participant. Any Participant facing a probation violation

hearing or a graduated sanction will be represented by counsel at staffing and status review hearing;

- Waiver of any objection to the Judge receiving communication regarding Participant's treatment, progress, and/or rule violations without Participant, or his/her attorney being present;
- Waiver of the right to remain silent and to not incriminate himself/herself at status review hearings with regards to Drug Court rule violations;
- Waiver of the right to freely associate with other persons, including Participant's spouse or significant other, who, in the sole discretion of the Court, may interfere with or impede the recovery of Participant; and
- Waiver of the right to be searched without probable cause and/or a warrant in regard to Drug Court staff being able to conduct searches of Participant's person, residence, and/or property (including Participant's cell phone).

Terms and conditions of Drug Court:

1. Participant agrees to enter into and complete inpatient and/or outpatient substance abuse treatment and counseling, including any aftercare requirements, and to pay the treatment provider for costs not paid by government sources, if applicable. Participant agrees to respond to and comply with the supervision of the assigned case manager. Participant agrees to report as scheduled for treatment and to participate in all activities of the treatment program, including without limitation:

a. **RESIDENTIAL TREATMENT**

Participants can be recommended for residential treatment at the time of assessment, sentencing, probation violation, Judicial Release, or any other time during Drug Court.

The residential treatment facilities used by Drug Court are Sojourner Recovery Services for Men, Sojourner Recovery Services for Women, and Talbert House Halfway House Programs (Serenity Hall, Turtle Creek, Pathways, and others). If deemed necessary, participants may be required to complete treatment through one (1) of three (3) Community Based Correctional Facilities: the River City Correctional Center, the Monday Program, or the Community Correctional Center (CCC). Participants shall be given jail time credit for time served while in River City, Monday, or CCC.

Participants in residential treatment, except those in a CBCF, shall be required to attend weekly status review hearings.

b. **OUTPATIENT TREATMENT** – Sojourner Recovery Services facilitates treatment for all Butler County Drug Court Participants. The intensive outpatient and outpatient portions of the program will take place at their facility. The treatment

facility is staffed with appropriately licensed treatment counselors and case managers.

Participant shall be placed in treatment as soon as possible and can expect to be in Drug Court for a minimum of fifty-two (52) weeks. However, this does NOT guarantee Participant will complete the entire Program in one (1) year. Time may be extended in the Program if Participant fails to comply with all of the requirements. Participant may earn additional time in the Program if he/she fails to maintain sobriety, obtains new charges, fails to comply with the rules of Drug Court, or fails to comply with Court orders.

Drug Court consists of four (4) phases. Phases are the steps in which Participant's performance and progress through Drug Court are monitored. These phases are used as guidelines that can be modified to meet Participant's specific needs. Participant is required to frequently report to the Drug Court Judge and other treatment team members for compliance monitoring, assistance with treatment plans, and random alcohol and drug testing.

Phase I (Initial Phase)

Phase I is an engagement and stabilization phase focusing strongly on their individual substance use disorder needs. This phase will focus intensely on engaging and obtaining sobriety. During this phase the participant will be required to attend status review hearings with the court one (1) time per week. While transitioning through phases is based on individual needs and success, this phase is developed to last approximately four to ten (4-10) weeks.

Participant requirements for Phase I compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings one (1) time per week;
- Complying with all Orders given by the Court;
- Attending meetings with case managers and/or probation officers;
- Submitting to alcohol and drug testing at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a peer support person;
- Obtaining legitimate, verifiable employment;
- Abiding by the rules of Drug Court, community control, and obeying all Federal, state and local laws; and
- Committing no new criminal offenses.

Phase II

Phase II will focus on the next level of behavioral progression for the participants. During this time the participant will continue to work on their sobriety and they will also engage in treatment services that more broadly address their individual identified criminogenic needs. Working toward re-establishing relationships, greater sober support networks and developing educational, vocational and employment skills is high priority during this phase. Again, while progressing through each phase is based on individual performance, this phase is estimated to last approximately ten to twelve (10-12) weeks.

Participant requirements for Phase II compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of once every two (2) weeks;
- Complying with all Orders given by the Court
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a peer support person;
- Maintaining legitimate, verifiable employment;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses; and
- Identifying long-term education, employment, and housing goals.

Phase III

Phase III is a time where the participant can start putting into practice what they have learned in their previous treatment programming. This phase is designed to assist the participant in reintegrating into society and finding employment. These groups will help the participant process the struggles they are having and slowly step them back towards being self-sufficient. This phase will last approximately ten to twelve (10-12) weeks.

Corrective Thinking

Once in Phase III, the participant shall also attend Corrective Thinking one (1) day per week for one (1) hour and thirty (30) minutes. The Corrective Thinking Program shall aid the participant in developing skills to assist in functioning more effectively within the community. The program addresses judgment skills, problem solving techniques, communication skills, boundaries, thinking errors, difficulty dealing with stress, problems with health and wellness, and financial management issues.

Participant requirements for Phase III compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of once every three (3) weeks;
- Complying with all Orders given by the Court;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of one (1) time per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a peer support person;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term, legitimate, verifiable employment and housing.

Phase IV

Phase IV is the final phase and will focus on maintaining self-sufficiency and sobriety maintenance. During this phase the participant should become self-sufficient and should maximize their own personal potential. This phase will focus on problem solving and processing their personal struggles as they become independent. This is the final phase and can last approximately twenty-four (24) weeks.

Participant requirements for Phase IV compliance include:

- Attending all treatment sessions, appointments and other activities as scheduled;
- Attending status review hearings at a minimum of once every four weeks;
- Complying with all Orders given by the Court;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of one (1) time per week;
- Taking prescription medication as directed;
- Cooperating with home visits;
- Engaging in a sober support community and has obtained a peer support person;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term, legitimate, verifiable employment and housing.

2. Compliance Testing

- a. Participant shall call the PassPoint ocular scan system voicemail daily between 6:00 A.M. and 8:00 A.M. to find out if he/she is required to submit to a scan that day. Participant shall also submit to random, frequent, and observed urine screen if requested by a member of the Drug Court team. If Participant fails to submit a urine specimen, tampers with the urine specimen, submits the sample of another, dilutes his/her specimen, or fails to produce a sufficient quantity of urine needed for analysis, then he/she shall be immediately sanctioned as if the urine screen produced a positive result. Should Participant deny any use when confronted regarding a positive urine screen, the specimen shall be sent to a certified outside laboratory for testing by GC/MS. Participant may be subject to a probation violation hearing or an Intervention in Lieu of Conviction revocation hearing if the GC/MS results are positive. Participant shall also submit to testing of his/her breath or blood as required by any member of the Drug Court team.
 - b. Participant may be ordered to wear an Electronically Monitored House Arrest (EMHA) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost. The Judge maintains discretion to waive fees if the participant is indigent.
 - c. Participant may be ordered to wear a Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost. The Judge maintains discretion to waive fees if the participant is indigent.
3. Participant shall attend at least three (3) outside sober support community meetings per week, obtain a sponsor, and be responsible to timely turn in proof of attendance each and every week.
 4. Participant agrees to voluntarily report to the Drug Court team any violations of Program rules, including Participant's use of illegal drugs and/or alcohol.
 5. Participant shall pay a probation supervision fee of thirty-five dollars (\$35.00) per month for the duration of the term of community control. None of the thirty-five dollar (\$35.00) probation supervision fee shall be used as part of the treatment costs. The Judge maintains discretion to waive fees if defendant is indigent.
 6. Participant shall obtain and maintain full-time, legitimate, verifiable employment unless otherwise waived by the Court.
 7. Participant shall be subject to a curfew beginning at 10:00 PM through 6:00 AM the following morning, unless waived in writing for employment or other good cause.

8. Participant shall comply with any additional community control requirements the Court may impose.
9. Drug Court incorporates ongoing judicial interaction with each Participant. Therefore, Participant shall attend all scheduled Court appearances, including regular status review hearings.
10. Participant shall obtain and carry with him/her at all times a pocket calendar. Participant shall write the dates for all scheduled treatment sessions, probation/case manager appointments, drug screens, and work/school/GED class schedules in said pocket calendar. Participant shall make said pocket calendar available for inspection by any member of the Drug Court team at any time.
11. Participant shall abstain from the use or possession of any illegal drugs, alcohol, or synthetic cannabinoids (including, but not limited to, Spice or K2) while in the Program. Participant shall not be in any establishment primarily engaged in the sale of alcoholic beverages.
12. Participant shall inform the Drug Court team of any and all prescriptions obtained by Participant the next business day after receipt of said prescription. Participant shall inform the Drug Court team of any and all over-the-counter medications that he/she may be using. It is Participant's responsibility to confer with a pharmacist or medical professional to see that any medication, whether prescribed or over-the-counter, is not mood altering or addictive and that it does not contain alcohol. Use of any such medication, irrespective of whether it is prescribed or obtained over-the-counter, could result in the termination of Participant from Drug Court based on an individual determination.
13. Participant shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.
14. Participant shall inform the Drug Court team of any changes in employment within twenty-four (24) hours of the occurrence of the change. A change in address must be approved by the assigned probation officer prior to the change.
15. Participant shall not associate with anyone known to be actively involved in the sale or use of illegal drugs. Participant shall not become romantically or sexually involved with another Drug Court Participant.
16. Participant shall adhere to a dress code for all Drug Court appointments:
 - No short shorts or mini skirts;
 - No spaghetti straps or tank tops;

- No tops or dresses with cleavage exposing any portion of the breast;
- No halter tops or strapless tops/dresses;
- No skin tight pants, skirts, or shorts;
- No baggy pants;
- No see through clothing;
- No clothing that makes reference to drugs and/or alcohol; and
- No sexually suggestive clothing.

For status review hearings, Participant shall be dressed in clean and neatly groomed clothing. Any noncompliance with the dress code may result in Participant being asked to leave and face a possible sanction.

17. At the time of a positive drug test (which may include a test taken at admission to the Program), the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the treatment plan and/or sanctions are enforced and reinforced by the Judge.
18. Participant shall be subject to sanctions which may be imposed by the Court in furtherance of treatment. Sanctions shall be imposed by the Court as a result of noncompliance or a rule violation by Participant. Participant is aware the Court shall be alerted to all such infractions. Participant noncompliance shall be governed by immediate and graduated sanctions that range in severity depending on the seriousness of Participant's noncompliance or rule violation.

The following are common types of infractions:

- Failure to attend status review hearings;
- Failure to attend treatment appointments;
- Failure to follow the Drug Court rules;
- Failure to keep scheduled appointments with the probation officer, case managers, or any other treatment team member;
- Noncompliance with other requirements of the treatment plan;
- Failure to have his/her calendar at all Drug Court appointments;
- Noncompliance with random alcohol and drug screens, or testing positive for alcohol and/or drugs;
- Failure to take prescription medications as directed;
- Failure to comply with the Drug Court *Participation Agreement*;
- Failure to comply with curfew as established by the treatment team;
- Failure to maintain confidentiality outside of treatment groups;
- Failure to improve troublesome behavior;
- Failure to meet employment or vocational goals as determined by the treatment plan;
- Failure to complete community service as ordered; and
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, etc.

Sanctions may include, but are not limited to:

- Warnings and admonishments from the Judge;
- Increased frequency of alcohol and drug testing;
- More frequent status review hearings (bi-weekly reviews and/or WWS: Wednesday's with Spaeth);
- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Increased supervision contacts and monitoring;
- Issuing a no contact order with identified individuals;
- Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon acceptable behavior;
- Imposition of suspended fines;
- Ordering community service;
- Ordering corrective thinking classes;
- EMHA (Electronic Monitored House Arrest) or SCRAM (Secure Controlled Remote Alcohol Monitoring) bracelets;
- Escalating periods of jail time;
- Filing of a probation violation or an Intervention in Lieu of Conviction revocation; and
- Unsuccessful termination from Drug Court.

19. Failure by Participant to attend a scheduled status review hearing, treatment, urine screen, or probation appointment may result in the issuance of a warrant for his/her arrest.
20. Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other Drug Court Participants.
21. Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
22. If incarcerated in the Butler County Jail, participant agrees to comply with, participate in, and complete (if applicable) the Jail Based IOP Program operated by Community Behavioral Health, Inc.
23. In order to successfully complete Drug Court, Participant shall demonstrate compliant behavior with the rules of Drug Court and the Drug Court *Participation Agreement*, successfully complete all treatment and programming, abstain from alcohol and/or drugs for at least ninety (90) days prior to graduation (as evidenced by negative urine screens), and subsequently pay his/her other Court-ordered financial obligations, including Court costs, supervision fees, and restitution (if applicable).
24. Participant understands that noncompliant behavior with the rules of the Drug Court *Participation Agreement* may result in a probation violation hearing or an Intervention in Lieu of Conviction revocation hearing. At said hearing, Participant may have the

conditions of his/her community control or the conditions of his/her Intervention in Lieu of Conviction modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), revocation of Participant's Intervention in Lieu of Conviction, termination from Drug Court, and/or revocation of Participant's community control.

Before being unsuccessfully terminated from the program the following will occur:

1. There will be a Notice of Alleged Violations filed with the Court by the Probation Officer;
2. A probable cause hearing will be held before a Judicial Magistrate;
3. If probable cause is found a formal Probation Violation hearing will be set before the Drug Court Judge. The participant will be represented by defense counsel.

PLEASE NOTE: Upon entering the Butler County Drug Court Program participant's information will be disclosed to the Supreme Court of Ohio for purposes of statistical reporting. If participant has a substance use disorder and is receiving treatment, the Supreme Court of Ohio will provide participant's information to the Ohio Automated Rx Reporting System (OARRS) maintained through the State of Ohio Board of Pharmacy. That information will stop being reported upon participant's exit from the program.

Participant acknowledges that he/she has read and understands this agreement, freely and voluntarily relinquishes the rights discussed herein, and agrees to abide by all the rules and conditions of the Butler County Drug Court Program.

Signature of Participant

Date

Signature of Participant's Attorney

Date