

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO**

STATE OF OHIO,	*	CASE NO.
Plaintiff,	*	
vs.	*	SAMI (Substance Abuse Mental Illness) COURT PROGRAM
Defendant.	*	PARTICIPATION AGREEMENT AND WAIVER OF RIGHTS

The undersigned Defendant (hereinafter referred to as “Defendant” or “Participant”) requests that they be sentenced to the Butler County Court of Common Pleas Substance Abuse Mental Illness (SAMI) Court Program as part of a community control sanction, 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 they consulted with their attorney regarding the legal ramifications of entering into SAMI and reviewed both the Participant Handbook and this document with their attorney.

A defendant may be sentenced into SAMI through one (1) or more of the following four (4) methods:

- Intervention in Lieu of Conviction;
- Sentencing;
- Probation Violation; or
- Judicial Release.

Non-Discriminatory Practices

No person shall be denied admission to SAMI based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, any disability, or their ability to pay any Court-ordered financial obligations such as fines, court costs, etc.

Pursuant to Local Rule 7.02, once Defendant has been ordered to complete SAMI, his/her case shall be transferred to the SAMI Judge. Any, and all further Court proceedings with respect to that, shall be heard by the SAMI Judge. Once entered into SAMI, Defendant shall become a Participant.

Participant understands that by entering into SAMI, that they are waiving certain constitutionally-guaranteed rights which they 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. Defense counsel will be present at treatment team meetings and status review hearings to represent all participants facing a probation violation hearing, graduated sanction, and any participant requesting representation.
- Waiver of any objection to the Judge receiving communication regarding Participant’s treatment, progress, and/or rule violations without Participant, or their attorney, being present;

- Waiver of the right to remain silent and to not incriminate themselves at status review hearings with regards to SAMI 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 SAMI staff being able to conduct searches of Participant's person, residence, and/or property (including Participant's cell phone).

Terms and conditions of SAMI:

1. Participant shall be placed in treatment as soon as possible, and can expect to be in SAMI for a minimum of fifty-two (52) to seventy-two (72) 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 they fail to maintain sobriety, obtain new charges, fail to comply with the rules of SAMI, fail to take medications as prescribed, or fail to comply with Court orders.
2. 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. Participant shall receive and must comply with ongoing psychiatric treatment, case management, and take all necessary medications as recommended by the program prescriber. Participant agrees to respond to and comply with the supervision of the assigned treatment providers. Participant agrees to report as scheduled for treatment and to participate in all activities of treatment, including without limitation:

Community Health Alliance, LLC facilitates all treatment and case management services for Butler County SAMI Participants. All services will be provided by professionals that are appropriately licensed.

RESIDENTIAL TREATMENT – Participant can be recommended for residential treatment at the time of assessment, sentencing, probation violation, Judicial Release, or any other time during treatment.

The residential treatment facilities used by SAMI are provided through Community Health Alliance, LLC. If deemed necessary, Participant may be required to complete treatment through the River City Correctional Center, the MonDay Program, or the Community Correctional Center (CCC). Participant shall be given jail time credit for time served while in River City, MonDay or CCC.

3. Once a participant is accepted into SAMI, the participant is required to complete four phases in order to be eligible for graduation. These four phases are comprised of the following: Phase 1: Engagement and Orientation; Phase 2: Stabilization; Phase 3: Reintegration; Phase 4: Maintenance. Each phase contains certain treatment objectives, rehabilitative activities, therapeutic aspects, and

the requirements for advancing to the next phase. A participant's progress through the program is based upon their individual performance in their treatment plan and compliance with the program phases.

Phase 1: Engagement and Orientation Phase. This phase is the initial phase of SAMI where the participant will become familiarized with how the program functions, the requirements and expectations of the program and their own individualized treatment plan. This phase is expected to last approximately Thirty (30) to Sixty (60) days. A participant shall submit to random, frequent, and observed alcohol and drug screens at a minimum of two (2) times per week.

Participant requirements for Phase 1 compliance include, but not limited to:

- Attend Status Review hearings with the Judge every week
- Attend all scheduled appointments
- Attend and participate in all treatment
- Meet with Probation Officer when scheduled
- Must call PassPoint every day and report for substance screenings at the time and date scheduled
- Help create your treatment plan and plan for medication compliance
- Take all prescribed medications as directed by their prescriber
- Provide documents needed for identification, employment and/or public assistance
- Sign all Releases of Information required
- Secure stable housing which has been verified by the SAMI Treatment Team
- Abide by all case and treatment plans and all rules/conditions of community control and the SAMI program
- Doesn't commit any new crimes, including traffic violations
- Complete all goals and tasks ordered by the Judge during status review hearings
- You must have a minimum of 14 consecutive days of sobriety immediately prior to moving to Phase 2

Phase 2: The Stabilization Phase. This phase is designed to assist the participant in achieving sobriety, structure and stability. This phase is expected to last approximately Ninety (90) to One Hundred Eighty (180) days. A participant shall submit to random, frequent, and observed alcohol and drug screens at a minimum of two (2) times per week.

Participant requirements for Phase 2 compliance include, but not limited to:

- Attend Status Review hearings with the Judge every two weeks

- Attend all scheduled appointments
- Attend and participate in all treatment
- Meet with Probation Officer when scheduled
- Must call PassPoint every day and report for substance screenings at time and date scheduled
- Take all prescribed medications as directed by your prescriber
- Engage with employment readiness services through Opportunities for Ohioans with Disabilities if applicable
- Begin planning for full-time, legitimate and verifiable employment or permanent disability benefits
- Establish a sober support network as recommended by treatment providers
- Engage in all ancillary services, if scheduled (parenting class, anger management class, financial planning class, etc.)
- Begin working on a financial plan/budget
- Abide by all case and treatment plans and all rules/conditions of community control and the SAMI program
- Doesn't commit any new crimes, including traffic violations
- Complete all goals and tasks ordered by the Judge during status review hearings
- Must have a minimum of 30 consecutive days of sobriety immediately prior to moving to Phase 3

Phase 3: Reintegration Phase. This phase is designed to assist the participant in maintaining the sobriety, structure and stability gained through the previous phases and preparing them for employment and meeting financial obligations. One Hundred Fifty (150) to One Hundred Eighty (180) days. A participant shall submit to random, frequent, and observed alcohol and drug screens at a minimum of one (1) time per week.

Participant requirements for Phase 3 compliance include, but not limited to:

- Attend Status Review hearings with the Judge every three weeks
- Attend and participate in all treatment
- Meet with Probation Officer when scheduled
- Must call PassPoint every day and report for substance screenings at the time and date scheduled
- Take all prescribed medications as directed by your prescriber

- Obtain and maintain full-time, legitimate and verifiable employment or verification of permanent disability benefits
- Maintain a financial plan/budget
- Begin making payments towards financial obligations, if applicable
- Continued engagement in all ancillary services as scheduled (parenting class, anger management class, financial planning class, etc.)
- Abide by all case and treatment plans and all rules/conditions of community control and the SAMI program
- Doesn't commit any new crimes, including traffic violations Complete all goals and tasks ordered by the Judge during status review hearings
- Complete all goals and tasks ordered by the Judge during status review hearings
- Must have a minimum of 45 consecutive days of sobriety immediately prior to moving to Phase 4

Phase 4: The Maintenance Phase. This phase is designed to monitor the participant to ensure they are able to maintain the lifestyle achieved in prior phases and prepare them for graduation from SAMI. This phase is expected to last approximately Ninety (90) to One Hundred Twenty (120) days. A participant shall submit to random, frequent, and observed alcohol and drug screens at a minimum of one (1) time per week.

Participant requirements for Phase 4 compliance include, but not limited to:

- Attend Status Review hearings with the Judge every four weeks
- Comply with all treatment and case plans
- Meet with Probation Officer when scheduled
- Must call PassPoint every day and report for substance screenings at time and date scheduled
- Take all prescribed medications as directed by your prescriber
- Maintain full-time, legitimate and verifiable employment or permanent disability benefits
- Maintain a financial plan/budget
- Make payments towards financial obligations, if applicable
- Establish a Recovery Maintenance plan for after graduation
- Continued engagement in sober support network
- Abide by all case and treatment plans and all rules/conditions of community control and the SAMI program

- Complete all goals and tasks ordered by the Judge during status review hearings
- Doesn't commit any new crimes, including traffic violations
- Must have a minimum of 90 consecutive days of sobriety immediately prior to graduation

4. Substance Use Monitoring

- 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 they are required to submit to a scan that day. Participant shall also submit to a random, frequent, and observed urine screen if requested by a member of the SAMI 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 SAMI team.
 - b. Participant may be ordered to wear a GPS monitoring bracelet. Participant shall pay the cost for that monitoring. 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 shall pay the cost for that monitoring. The Judge maintains discretion to waive fees if the participant is indigent.
 - d. Participant shall provide information regarding prescription medications to the assigned treatment providers, the assigned probation officer, and the assigned case manager.
4. Participant shall attend community sober support meetings as dictated by their individualized treatment plan, obtain a community peer support person, and be responsible to timely turn in proof of attendance each and every week.
 5. Participant agrees to voluntarily report to the SAMI team any violations of the program rules, including Participant's use of illegal drugs and/or alcohol.
 6. 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.

7. Participant shall obtain and maintain full-time employment unless otherwise waived by the Court.
8. Participant shall comply with any additional community control requirements the Court may impose.
9. SAMI incorporates ongoing judicial interaction with each Participant. Therefore, Participant shall attend all scheduled Court appearances, including regular status review hearings.
10. Participant shall be given and carry with them at all times the Phase Goals and Objectives booklet. Participant shall write the dates for all scheduled treatment sessions, probation/case manager/prescriber/nurse appointments, drug screens, and work/school/GED class schedules in said calendar. Participant shall make said booklet available for inspection by any member of the SAMI 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 SAMI team of any and all prescriptions obtained by Participant the next business day after receipt of said prescription, and they must obtain permission from the SAMI team before getting the prescription filled. Participant shall inform the SAMI team of any and all over-the-counter medications that they 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 SAMI 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 SAMI team of any changes in employment within twenty-four (24) hours of the occurrence of the change. The assigned probation officer must approve a change in address prior to the change.
15. Participant shall not associate with anyone known to be actively involved in the sale or use of illegal drugs.
16. Participant shall not become romantically or sexually involved with another SAMI Participant.
17. Participant shall adhere to a dress code for all SAMI appointments:

- No short shorts or miniskirts;
- 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.

18. 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.
19. Immediate, graduated and individualized incentives and sanctions govern the response of SAMI to the participant's compliance or noncompliance.

Incentives

Incentives are individualized according to the specific treatment plan and are directly related to the participant's achievements as certain milestones of the specialized docket treatment plan are attained. Incentives are also tracked to ensure the participant is rewarded on a progressive basis.

Incentives for the SAMI Court will be given for the following behaviors:

- Attending Status Review Hearings as scheduled and on time
- Attending required treatment appointments
- Maintaining close and productive contact with case management
- Reaching individual treatment objectives
- Abstaining from alcohol and drugs, as evidenced by negative alcohol and drug screenings
- Securing stable housing
- Accomplishing milestones identified by the Treatment Team and according to each participant's individual treatment plan
- Advancing through the SAMI Court Phases
- Attending appointments with program prescriber, and taking medications as prescribed
- Engaging in vocational or educational services

- Complying with the rules of SAMI, the SAMI Participation Agreement, community control, and the laws

Incentives include the following:

- Encouragement and praise from the Judge
- Encouragement to increase participation in positive activities that the participant enjoys such as writing, artwork, or other positive hobbies
- Certificates of accomplishment
- Assistance with purchasing necessities, clothes, or household items
- Gas cards
- Ceremonies and certificates of progress, including advancement in SAMI phases
- Decreasing frequency of Status Review Hearings and probation office visits
- Reduction in fines and court costs
- Increasing or expanding other privileges

Sanctions

Immediate, graduated, and individualized sanctions govern SAMI Court responses to the participant's non-compliance. Graduated sanctions are used to help the participant conform behavior to program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Sanctions are issued when there is non-compliance with program protocol, probation rules, or the treatment plan. Sanctions are a deterrent to negative behavior, as well as encouragement for future compliance.

An adjustment in treatment services, as well as participation in community-based mutual support meetings, is based solely on the clinically informed interests of the participant. Incremental adjustments to the treatment plan made at the discretion of the Judge and the treatment team are not considered sanctions. However, failure to comply with treatment plan adjustments shall subject the participant to sanctions.

The following shall serve as a guide to the Treatment Team of the continuum of sanctions. While the infraction should be matched with an appropriate level of sanction, infractions and sanctions shall be tracked to allow for additional sanctions in a graduated manner.

Before a participant is terminated from SAMI Court, the participant will be afforded due process of law including notice of the violations and notice of the violations hearing. At the hearing, the participant shall be entitled to counsel and to have the violations heard by the Court. The participant shall be afforded the opportunity to speak to the Court and to present any evidence in mitigation of the violations.

Prior to a participant receiving a sanction the following will occur:

- a. The public defender will meet with each participant that the SAMI Judge has determined may receive a sanction prior to their status review hearing.
- b. The public defender will explain to the participant the alleged noncompliance, the possible sanction(s) they may receive and their right to have a hearing and be represented by counsel at that hearing.
- c. The participant, with counsel, may knowingly and voluntarily waive their right to a hearing. If so, the SAMI Judge will proceed with imposition of sanction during the status review hearing.
- d. If the participant does not waive their right to a hearing, a sanction hearing will be scheduled on the next scheduled SAMI docket.
- e. At the sanction hearing the defendant will either be represented by the public defender or private counsel (if they choose to hire).

The following are common types of infractions that may result in the use of sanctions:

- Failure to attend court appearances and treatment appointments.
- Failure to follow SAMI Court rules.
- Failure to keep scheduled appointments with the probation officer, treatment case manager, or any other treatment team member.
- Non-compliance with any other requirements of the treatment plan.
- Non-compliance with random alcohol and drug screens or testing positive for alcohol and drugs.
- Failure to improve noncompliance behaviors
- Failure to meet employment or vocational goals as determined by the treatment team.
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, social security, etc.
- Failure to attend appointments with the program prescriber, and/or failure to take medications as prescribed;
- Failure to have their calendar and phase booklet at all SAMI appointments
- Failure to comply with the SAMI Participation Agreement
- Failure to maintain confidentiality outside of treatment groups
- Failure to complete community service hours
- Failure to complete goals and tasks ordered by the Judge during status review hearings

The following are examples of sanctions that may be utilized by the program:

- Warning and admonishments from the Judge
 - Increasing frequency of alcohol and drug testing
 - Increasing frequency of court appearances
 - Refusing specific requests, such as permission to travel
 - Denying additional or expanded privileges or rescinding privileges previously granted
 - Increasing supervision contacts and monitoring
 - Preparation of essays, reading books, or performing other activities to reflect upon unacceptable behavior
 - Imposition of suspended fines and costs, if applicable
 - Requiring community service or work programs.
 - GPS monitoring, house arrest or SCRAM (Secure Controlled Remote Alcohol Monitoring)
 - Implementing or increasing curfew
 - Brief jail stays
 - Filing of community control violation
 - Termination from the SAMI Court
 - Issuing necessary No Contact orders
20. 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.
21. Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other SAMI Participants.
22. Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
23. In order to successfully graduate from SAMI, Participant shall demonstrate compliant behavior with the rules of SAMI and the SAMI 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), demonstrate stable mental health and medication compliance, 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 SAMI Participation Agreement may result in a probation violation hearing. At said hearing, Participant may

have the conditions of his/her community control modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), termination from SAMI, and/or revocation of Participant's community control. The SAMI Judge has final discretion in determining termination from the specialized docket. 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 SAMI Judge. The participant will be represented by defense counsel.

PLEASE NOTE: Upon entering the Butler County SAMI 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 they have read and understand this agreement, freely and voluntarily relinquishes the rights discussed herein, and agrees to abide by all the rules and conditions of the Butler County SAMI Program.

Signature of Participant

Date

Signature of Participant's Attorney

Date