

**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,” “Offender,” or “Participant”) requests that he/she 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 he/she consulted with his/her attorney regarding the legal ramifications of entering into SAMI and reviewed both the *Participant Handbook* and this document with his/her attorney.

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

- Sentencing;
- Probation Violation;
- Judicial Release; or
- Conditional Release after (NGRI).

Pursuant to Local Rule 10.02, 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 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. Defense counsel will be present at treatment team meetings and status review hearings to represent 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 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 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 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 have ongoing psychiatric treatment, case management, and receive necessary medications. 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 treatment, including without limitation:

- a. **OUTPATIENT TREATMENT** – Community Behavioral Health, Inc. facilitates treatment for all Butler County SAMI Participants who are referred to outpatient treatment. Community Behavioral Health, Inc. has two outpatient facilities within Butler County. However, outpatient treatment for SAMI is conducted at 820 South Martin Luther King Jr. Boulevard, Hamilton, Ohio. 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 SAMI for a minimum of fifty-two (52) to seventy-eight (78) 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 SAMI, fails to take medications as prescribed, or fails to comply with Court orders.

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

Phase I (Initial Phase): Engagement

Engagement is the first phase of treatment, and it is designed to assist Participant in connecting with the Program itself. During this phase, Participant shall have the most contact with the Court by attending scheduled status review hearings weekly. The main focus is on medication management, daily structure, and building relationships with both staff and other clients as a foundation for progress. Participant shall work on education about chemical dependency, mental illness, issues of denial, hope, and communication. There will be both individual and group sessions, with not only Participant, but his/her family members as well.

The case manager shall help start the process of getting certain entitlements: housing, food/medical card, clothing, applying for Social Security, or any other needs.

Participant requirements for Phase I compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending appointments with the Program psychiatrist and taking medication as prescribed;
- Attending status review hearings weekly;
- Attending meetings with case managers, the Program nurse, and/or probation officers;
- Submitting to random, frequent and observed alcohol and drug testing at a minimum of two (2) times per week;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Abiding by the rules of SAMI, the SAMI *Participation Agreement*, community control, and the laws; and
- Committing no new criminal offenses.

Phase 2: Persuasion

Persuasion is the second phase of treatment. The process of moving from being a user to a non-user can be a complicated and often long process. Therefore, individual and group treatment shall focus on motivational techniques to prepare Participant for Active Treatment. During this phase, Participant shall appear before the Judge once every two (2) weeks. In addition to continued education for Participant and his/her family, there will be group support, medication management, focus on structure/schedule, and an emphasis on rehabilitation. At this point, it is hoped Participant has recognized that substance abuse and mental illness are problems in his/her life. The SAMI team will work with Participant towards abstinence and the tools that shall be developed in Active Treatment.

Participant requirements for Phase 2 compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending appointments with the Program psychiatrist and taking medication as prescribed;
- Attending status review hearings before the Judge once every two (2);
- Attending meetings with case managers, the Program nurse, and/or probation officers;
- Continuing to submit to random, frequent and observed alcohol and drug testing at a minimum of two (2) times per week;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;

- Abiding by the rules of SAMI, the SAMI *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses; and
- Identifying long-term education, employment/disability, and housing goals.

Phase 3: Active Treatment

Active Treatment is the third phase of treatment. The objective is to eliminate substance abuse by Participant, and for him/her to maintain stable mental health. During this phase, Participant shall appear before the Judge once every three (3) weeks. Participant shall be involved in groups and individual treatment aimed at active problem solving, the benefits of treatment involvement, and self-help groups. As group support becomes increasingly important, Participant shall be encouraged for continued involvement in community groups (i.e. AA/NA). There will also be separate male and female groups to allow for support of gender related needs/expressions.

Participant requirements for Phase 3 compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending appointments with the Program psychiatrist and taking medication as prescribed;
- Attending status review hearings before the Judge once every three (3) weeks;
- Attending meetings with case managers, the Program nurse, and/or probation officers;
- Continuing to submit to random, frequent and observed alcohol and drug testing at a minimum of once per week;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Abiding by the rules of SAMI, the SAMI *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Taking steps towards obtaining a GED or High School Diploma;
- Securing long-term housing; and
- Obtaining long-term employment or securing Social Security.

Phase 4: Relapse Prevention

Relapse Prevention is the final phase of treatment, and not only serves as a consolidation of the prior phases of treatment, but as continued case management. During this phase, Participant shall appear before the Judge once every four (4) weeks until Transition. By this time, the case manager shall have assisted Participant in securing aftercare services to address medications, case management, and/or any other social services needed.

Participant requirements for Phase 4 compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending appointments with the Program psychiatrist and taking medication as prescribed;
- Attending status review hearings before the Judge once every six (6) weeks until Transition;
- Attending meetings with case managers, the Program nurse, and/or probation officers;
- Continuing to submit to random alcohol and drug testing at a minimum of once per week;
- Cooperating with random home visits;
- Engaging in a sober support community and obtained a sponsor;
- Abiding by the rules of SAMI, the SAMI *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Taking steps towards obtaining a GED or High School Diploma;
- Secured long-term housing;
- Obtained long-term employment or secured Social Security; and
- Successfully Transition from SAMI.

- b. 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 Sojourner Recovery Services for Men, Sojourner Recovery Services for Women, Volunteers of America (VOA), and Serenity Hall. 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.

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 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 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.
 - d. Participant shall provide information regarding prescription medications to the Program nurse, the assigned probation officer, and the assigned case manager.
3. Participant shall attend at least three (3) outside sober support 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 SAMI team any violations of the 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 employment unless otherwise waived by the Court.
7. Participant shall comply with any additional community control requirements the Court may impose.
8. SAMI incorporates ongoing judicial interaction with each Participant. Therefore, Participant shall attend all scheduled Court appearances, including regular status review hearings.
9. 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/Program nurse 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 SAMI team at any time.

10. 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.
11. Participant shall inform the SAMI team of any and all prescriptions obtained by Participant the next business day after receipt of said prescription, and he/she 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 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 SAMI based on an individual determination.
12. 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.
13. 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.
14. 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 SAMI Participant.
15. 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.

16. 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.
17. Participant shall be subject to sanctions that 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 appointments with the Program psychiatrist, and/or failure to take medications as prescribed;
- Failure to attend treatment/group sessions;
- Failure to follow SAMI rules;
- Failure to keep scheduled appointments with the probation officer, case managers, the Program nurse, or any other treatment team member;
- Noncompliance with other requirements of the treatment plan;
- Failure to have his/her calendar at all SAMI appointments;
- Noncompliance with random alcohol and drug screens, testing positive for alcohol and/or drugs, or noncompliance with the SAMI *Drug Testing Policy*;
- Failure to comply with the SAMI *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 complete community service hours;
- Failure to meet employment or vocational goals as determined by the treatment plan; 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;
- Increasing frequency of alcohol and drug testing;
- More frequent status review hearings (weekly or bi-weekly reviews);
- Refusing specific requests, such as permission to travel;

- Denying additional or expanded privileges, or rescinding privileges previously granted;
 - Increasing 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 unacceptable 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; and
 - Unsuccessful termination from SAMI.
18. 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.
 19. Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other SAMI Participants.
 20. Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
 21. In order to successfully Transition 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 Transition (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).
 22. 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.

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 SAMI.

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 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 SAMI Program.

Signature of Participant

Date

Signature of Participant's Attorney

Date