

- A. The Court shall not impose a jail sanction for non-compliance without providing notice, a hearing and representation by an attorney. A participant may waive the right to a hearing, as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently and voluntarily. Participants do not have the right to contest the imposition of sanctions that do not impact liberty interests. Adjustments in treatment activities are not sanctions.

- A. Right to Remain Silent and Right Against Self-Incrimination. Participant is expected to be honest and self-report any violation of ALERT Program rules.

- B. Right to Freely Associate. Participant's ability to have contact with specific people or places may be restricted.

- C. Right Against Unlawful Search and Seizure. The ALERT Community Control Officer will have the right to conduct searches of your person, residence, and property without a warrant.

If a community control violation is filed, Participant will be afforded his/her due process rights and right to an attorney to consult and be present at Status Review Hearings where a sanction of jail or community service is imposed.

The ALERT Program incorporates a non-adversarial approach while recognizing the prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights, as well as defense counsel's distinct role in preserving the Participant's constitutional rights.

2) Program Expectations

Participant agrees to follow and comply with all treatment plans, general and specific conditions of reporting community control, supervision plans, and ALERT Program rules and requirements. The Participant understands that progression through the ALERT Program is based upon the Participant's performance in the treatment plan and compliance with the requirements of the ALERT Program.

Participant understands the ALERT Program consists of three phases. The length of the phases is as follows:

Phase I- 60 days or more

Phase II- 60 - 150 days or more

Phase III-150 days or more until graduation

Graduation until released from community control reporting requirements

Participant further understands that the minimum length of time to complete the ALERT Program is one (1) year.

Participant agrees to serve any mandatory period of incarceration as required by statute for the offense. Some terms of confinement can be divided between jail and house arrest with electronic monitoring at the discretion of the Judge.

Participant shall pay all fines, restitution, fees, and court costs as ordered by the Court unless waived by the Judge.

3) Assessment, Treatment, and Referral

Participant will be referred to therapeutic treatment services intended to address factors that contribute to criminal conduct. Participant is expected to attend and engage in all recommended assessments, treatment services and follow rules, regulations, and policies of the treatment agency.

Participant shall complete any requested release of information form to provide communication about 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. 300 gg--42, as amended and sections 2151.421 and 2152.99 of the Ohio Revised Code.

Participant shall begin treatment and programs as soon as possible once assessment and registration is completed and attend all as required. Participant shall observe confidentially and not share information discussed at ALERT Status Review Hearings or treatment group sessions regarding other individuals in the ALERT Program.

4) Participant Monitoring

Participant has been placed on a term of reporting community control under the direct supervision of the ALERT Community Control Officer to monitor compliance with Court requirements. Advancement through the ALERT Program phases are not solely based on preset timelines but the Participant's progress and compliance. The general and specific conditions of reporting community control that you must follow are:

1. Observe all Federal, State, County and City laws and refrain from committing any violations. You shall immediately notify your Community Control Officer if arrested or questioned by a law enforcement officer.
2. You shall not use non-prescribed narcotics or illegal chemicals, and consent to toxicology testing to determine if you have violated this condition.
3. You shall report to the Community Control Department as directed by your Community Control Officer.
4. You shall notify your Community Control Officer immediately of any change in your place of residence.
5. You shall secure written permission from the Judge before leaving the State of Ohio.

6. You shall work regularly at a lawful occupation to the best of your ability. When out of work, you shall notify your ALERT Community Control Officer immediately of any employment changes.
7. You shall cooperate with your ALERT Community Control Officer and accomplish all case plan objectives which are now and will be set for you throughout your community control period.
8. You shall be subject to random search and seizure by your ALERT Community Control Officer.
9. You will not enter any agreements or arrangements with any law enforcement agency that might place you in a position of violating any laws or conditions of your participation in the ALERT Program unless given permission by Judge Campbell.
10. You shall pay your Court ordered financial sanctions, the cost of your Court proceedings, restitution if ordered, and a community control service fee as ordered by the Court.

You are also subject to specific reporting community control conditions which may include, but are not limited to:

1. Attend ALERT Status Review Hearings as ordered;
2. No alcohol or illegal drug use;
3. Stay out of bars and any business which gets most of their money from selling alcohol;
4. Successfully complete substance abuse treatment at DeCoach Recovery Centre or Modern Psychiatry and Wellness LLC. or as directed;
5. Successfully complete any counseling as determined appropriate by the ALERT Treatment Team;
6. Attend sober support group meetings as directed;
7. Submit to frequent, random and observed toxicology screens;
8. Complete community service as ordered;
9. Pay fines, costs and restitution as directed and per a schedule set up by the Community Control Department;
10. Follow all rules and conditions, participate and successfully complete the ALERT Program;
11. Wear a SCRAM (secure continuous remote alcohol monitoring) bracelet as ordered;
12. Comply with electronic monitoring;
13. Participate in vocational/educational or employment service agencies training as directed; and
14. Earn a GED or high school diploma as directed.
15. No use of CBD products
16. No consumption of poppy seeds in any food item or otherwise.

Participant shall come prepared for appointments with the ALERT Community Control Officer. Participant should bring their appointment book, current check stub, job applications if unemployed, sober support verification sheet, medication/prescription

information, dates of upcoming appointments, receipts for payments of fines/costs/restitution, and documentation that confirms completion of the ALERT Program requirements such as ODIP, physical, and community service.

During community control appointments, all Participant contact information is confirmed. Participant must immediately notify the ALERT Community Control Officer of any change in address, phone number, or employment status. It is important that Participant gives correct information for new phone numbers and addresses. Participant must complete a change of address form provided by the Community Control Department.

Participant is subject to random, unannounced and frequent home visits conducted by the ALERT Community Control Officer. The ALERT Community Control Officer will make contact with you at your residence a minimum of once per month. During home visits, the residence is inspected to ensure you are in compliance with Court requirements. Participant is prohibited from possessing alcohol. During home contacts, Participant may be asked to submit to drug and/or alcohol testing conducted by the ALERT Community Control Officer or other authorized Community Control Department staff.

Indicators of non-compliant behavior or the possession of items prohibited by Court Order, legal statute, or the ALERT Participation Agreement can result in a sanction from the Judge. The infraction will be heard by the Judge, treated as a community control violation, and sanctioned as the Judge determines. The Participant has the right to have counsel present during the hearing on the sanction.

ALERT Participants are required to provide the names, addresses and telephone numbers of their Medical Providers and pharmacies to the ALERT Community Control Officer. The term "Medical Provider" means medical and/or mental health physicians or providers, dentists, chiropractors, treatment or counseling agencies, clinics, urgent care facilities, emergency rooms and hospitals.

ALERT Participants will inform their physician of placement in the ALERT Program and participation in a court ordered substance abuse treatment program. Under normal circumstances, prior to attending any medical appointments, ALERT Participants will notify the ALERT Community Control Officer, provide all contact information for the physician and sign a Substance Abuse Policy/Notice to Physician Agreement which allows the ALERT Community Control Officer to be notified of any controlled substances that may be prescribed.

ALERT Participants will notify the ALERT Community Control Officer and treatment center promptly of any illnesses, injuries, medical or psychiatric conditions that require urgent or emergency treatment or hospital stays.

ALERT Participants will complete all releases of information to permit the treatment agency and ALERT Community Control Officer to communicate or receive information from Medical Provider(s) for the purpose of coordinating care.

ALERT Participants will take all prescription medications as directed and report all medications prescribed by the next business day to the ALERT Community Control Officer.

The ALERT Community Control Officer may require written proof from Medical Providers(s) that they are aware of the ALERT Participants community control status, involvement in substance abuse treatment and/or patterns of substance abuse or addiction.

ALERT Participants are required at every appointment with the ALERT Community Control Officer to provide proof of any prescribed medications. Proof of prescription medications include: the actual prescription medication(s) in the original packaging – bottles, vials, packets, boxes, etc., and copies of written prescriptions from Medical Provider(s) or prescription printout from the pharmacy filling the prescription – including the reason/condition for the prescription, how the prescription is to be taken, and refill information.

It is the ALERT Participant's responsibility to inform the ALERT Community Control Officer **prior** to toxicology screens of any illegal drugs, non-prescribed drugs, prescription medications, as well as over-the-counter medications that may show up in a toxicology screen. Further, ALERT Participants understand that it is a violation of their community control and the law to take another person's prescribed medications.

The Participant shall agree to sign and abide by the ALERT Program Substance Abuse Monitoring Agreement. Participant will be required to wear a SCRAM bracelet throughout Phase I and thereafter if ordered. Removal of the bracelet is considered upon demonstrated abstinence from alcohol. If Participant has a positive alcohol test (urine, PBT or interlock violations) or the ALERT Program Community Control Officer suspects alcohol consumption or likelihood of relapse, the Participant may be required to wear a SCRAM bracelet as determined by the ALERT Program Treatment Team as a condition of community control. The Participant agrees to be responsible for the daily cost of wearing the SCRAM bracelet if ordered by Judge Caparella-Kraemer if not determined indigent.

Substance abuse monitoring in the ALERT Program is random, frequent and observed. Participants are assigned a color depending on the phase in which the Participant is participating:

Your responsibilities include the following:

- Call the ALERT drug testing voicemail (513-887-3574) daily between 8:30 A.M.-9:30 A.M. to find out if the Participant is required to submit to a urine screen that day.
- If the Participant's assigned color has been selected, the participant is to report to the Butler County Area Court's Probation Department located at 101 High Street,

3rd Floor, Hamilton, Ohio 45011 to submit to a drug screen during the hours of 8:30 A.M. and 9:30 A.M. or 3:00 P.M. and 4:00 P.M.

If you are unable to make it between the listed hours (8:30 A.M. to 9:30 A.M. or 3:00 P.M. and 4:00 P.M.), you must have direct contact with the ALERT Community Control Officer to discuss an alternative drop time. The Participant may not show up unannounced outside of listed times. If the Participant fails to report during the listed time or speak to a Community Control Officer, it will be counted as a positive test.

In all Phases Participants in the ALERT Program are required to submit to frequent, random, and observed alcohol and drug testing. These drug tests are conducted by the ALERT Community Control Officer or staff members from DeCoach Recovery Centre or Modern Psychiatry and Wellness LLC., who have been trained on the procedure of collecting urine specimens and testing. Participants have a duty to report as directed or are subject to sanction for failure to cooperate with the drug testing protocol. Participants are responsible for arriving promptly for their testing appointment. A sample must be provided within two (2) hours of arrival or by the close of business, whichever occurs first.

Testing may include instant urinalysis drug screens, continuous alcohol monitoring in the form of SCRAM, portable breathalyzer, use of scientifically validated technology for ethyl alcohol or other devices that are deemed reliable. Urine screens test for many common substances including the Participant's substance of choice. All testing is recorded and maintained for each Participant for the duration the Participant is in the ALERT Program.

Participants who test positive or fail to submit to a test, submit an adulterated sample, or sample of another individual, or dilutes the sample are required to be present at the next scheduled ALERT Status Review Hearing. At each ALERT Treatment Team meeting, the results of substance monitoring tests are provided to all present ALERT Treatment Team members. Judge Caparella-Kraemer and the ALERT Treatment Team are notified immediately, by telephone, email, and in person, of a Participant's positive drug screen or confirmed alcohol consumption by SCRAM or when a Participant fails to submit to a test, tampers with their SCRAM bracelet, submits an adulterated urine sample, substitutes the urine sample of another individual, or dilutes the urine sample. Failing to submit to a urine test, tampering or circumventing SCRAM monitoring, removing the SCRAM bracelet, submitting an adulterated urine sample, or urine sample of another individual, or diluting the urine sample is treated as a positive test and immediately sanctioned.

A Participant's continued alcohol and/or drug usage is discussed with the ALERT Treatment Team to formulate a response that is therapeutic while maintaining the principle of accountability. Judge Caparella-Kraemer enforces and reinforces the treatment guidelines and sanctions.

You shall pay fines, fees, and court costs as ordered by the Court. If you are required to pay restitution, this amount will be ordered as sentencing. You are required to create

a payment schedule with the ALERT Community Control Officer for all Court ordered financial obligations.

As an alternative to payment, you may request Judge Caparella-Kraemer to consider converting some or all of the financial sanction (excluding restitution) to community service hours. Agency placement is at the discretion of Judge Caparella-Kraemer.

Full payment of financial sanctions (fines, costs, fees, and/or restitution) is a condition of community control and is required to graduate from the ALERT Program unless waived by Judge Caparella-Kraemer.

There is ongoing judicial interaction with each Participant as an essential component of the ALERT Program. ALERT Status Review Hearings are held bi-weekly at the Butler County Area III Court. Hearings normally start at 4:00 p.m., unless otherwise noted. Participants appear at ALERT Status Review Hearings bi-weekly during Phase One (I) monthly during Phase Two (II), the Participant appears every 45 days during Phase (III) before Judge Caparella-Kraemer or more frequently if ordered.

There will be direct interaction with Judge Caparella-Kraemer throughout the ALERT Status Review Hearing in order to review your progress. Judge Caparella-Kraemer will ask you questions. You should be prepared to answer questions about treatment attendance and topics, sober support group attendance, employment, completion of ODIP and fines/costs payments. Incentives will be given to recognize certain accomplishments. Immediate and graduated sanctions will be given to address ALERT Program violations. The failure to attend an ALERT Status Review Hearing, unless excused, will result in the issuance of a warrant for arrest.

ALERT Treatment Team members engage in on-going communication including frequent exchanges of timely and accurate information about overall performance. This information is provided to the Judge at the ALERT Treatment Team meeting prior to the ALERT Status Review Hearings and is discussed with you in open court.

Phases are the steps in which a Participant's performance and progress through the ALERT Program is monitored. These phases are used as guidelines that can be modified to meet your specific circumstances and needs. Participants can have more restrictive conditions of earlier phases imposed for non-compliance. Phase advancement is based on your individual performance, on a case by case basis, and as recommended by the ALERT Treatment Team. Progression through the ALERT Program is based on your performance in the treatment plan and compliance with the ALERT Program phases. Phase advancement is not based on pre-set timelines. Time between ALERT Status Review Hearings are increased or decreased based upon compliance with ALERT Program requirements and observed progress.

Immediate, graduated, and individualized sanctions govern the response to a Participants' non-compliance. Graduated sanctions are used to help you conform behavior to ALERT Program requirements and deter negative behavior as well as

encouragement for future compliance. Sanctions are used when there is non-compliance with both ALERT Program protocol and the treatment plan. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based upon the infraction. Adjustment in treatment services, as well as participation in community based support meetings are based solely on the clinical informed interests of the Participant.

Sanctions are recommended by the ALERT Treatment Team for consideration by Judge Caparella-Kraemer. The final decision on appropriate sanction is determined by Judge Caparella-Kraemer. ALERT Participants have the right to request the attendance of defense counsel when their case is discussed at the ALERT Treatment Team Meeting.

5) Successful Completion Criteria

Graduation criteria are the guidelines used to identify how you can successfully complete the ALERT Program. Participants are eligible to be considered for graduation after advancing through the three (3) phases of the ALERT Program. On average it takes most individuals one (1) year from the date of sentencing to complete the ALERT Program. However, it is important to note progression through the ALERT Program is based on your performance in the treatment plan and compliance with the ALERT Program phases. Phase advancement is not solely based on pre-set timelines.

Judge Caparella-Kraemer has discretion to determine when you will successfully complete the Program. The criteria for successful completion are set forth in the ALERT Program Description.

6) Termination Criteria

Termination from the ALERT Program is possible. You will be classified as an unsuccessful termination if you are found to be in non-compliance with the terms and conditions of the ALERT Program. Typically, an unsuccessful termination is a result of being found guilty of a community control violation and the revocation of community control. The criteria for termination from the ALERT Program is set forth in the ALERT Program Description.

Termination proceedings occur at a formal hearing during the ALERT Status Review Hearing Docket. You are entitled to have legal counsel for the proceedings. If terminated from the ALERT Program, you could face imposition of the balance of your sentence, transfer to an alternative supervision program, placement in a residential treatment program, or other penalties deemed appropriate by Judge Caparella-Kraemer.

The Court relies heavily on the information and resources noted in the below links. The court has often deferred to the guidance of the Ohio Supreme Court Specialized Docket Services as well as guidance from Mental Health Courts such as that in Fairfield, Ohio.

www.sc.ohio.gov/JCS.specDockets/guidanceConstitutionalStandards.pdf?
[Specialized Dockets Mental Health Court Guidance \(ohio.gov\)](http://SpecializedDocketsMentalHealthCourtGuidance(ohio.gov))

THE 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 ALERT PROGRAM.

Signature of Participant

Date

Attorney for Participant

Date

Prosecutor

Date

Judge Courtney Caparella-Kraemer

Date