

**BUTLER COUNTY AREA COURTS
JUDGE
COURTNEY CAPARELLA-KRAEMER**

ALERT



PROGRAM

Avoiding Lethal Effects of Risky Trips

PROGRAM DESCRIPTION

TABLE OF CONTENTS

Chapter 1 Policies & Procedures	4
The ALERT Advisory Committee	5
Memorandums of Understanding	6
Participation Agreement	6
Mission Statement	6
Goals and Objectives	6
Chapter 2 Target Population	7
ALERT Program Legal Eligibility Criteria	8
Disqualification Factors	8
ALERT Program Clinical Eligibility Criteria	10
Capacity	11
Chapter 3 Program Entry and Case Flow	11
Referral Process	11
Legal Eligibility Screening	12
Clinical Assessment	12
ALERT Program Admission	14
Case Management and other Services	15
Non-Discriminatory Practices	16
Case Flow (pipeline)	16
Pre-Sentence Referral	18
Revocation/Violation Referrals	18
Early Release Referrals	18
ALERT Program File Maintenance	19
Chapter 4 Treatment Team	19
Duties of ALERT Treatment Team Members	19
Community Outreach	20
Specific Roles and Responsibilities	21
Chapter 5 Participant Monitoring	24
ALERT Treatment Team Meetings and Status Review Hearings	24
Summary of Treatment	25
Phases	28
Exit from the ALERT Program	34
Incentives	34
Graduated Sanctions	36
Chapter 6 Program Completion	42
Criteria for Successful Completion	42
Termination Classifications	44
Administrative Program Suspension	45
Chapter 7 Electronic Monitoring and Substance Use Monitoring	46
Electronic Monitoring	46
Substance Use Monitoring	46
Testing by Outside Agency	50
Substance Use Monitoring Agreement	50
Sample Collection	51
Analysis	51
Confirmation Test	52
Chain of Custody	52
Contagious Participants	53
Chapter 8 Professional Education	53

Chapter 9 Effectiveness Evaluation	54
Supreme Court Reporting Data.....	55
Ongoing Data Collection.....	55
Approval of the Advisory Committee	57
Appendix	57
Authorization to Release Information from DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services	
Community Outreach and Education Plan	
Consent and Waiver for the ALERT Program	
Entry Ordering Determination of ALERT Program Eligibility	
Judgment Entry on Review Hearing	
Local Rule XXIII	
Memorandum of Understanding with Butler County Prosecutor	
Memorandum of Understanding with Butler County Public Defender	
Memorandum of Understanding with DeCoach Recovery Centre	
Memorandum of Understanding with Modern Psychiatry and Wellness LLC.	
Memorandum of Understanding with Access Counseling Services	
ALERT Program Consent for Treatment Confidentiality Statement	
ALERT Program Advisory Committee Roster	
ALERT Program Court Team Review Form	
ALERT Program Treatment Team Roster	
Participation Agreement	
Release of Information for Butler County Area Courts ALERT Program	
Substance Abuse Policy/Notice to Physician Agreement	
Substance Use Monitoring Agreement	
Sustainability Plan	
Status Review Waiver & Confidentiality Agreement	

Chapter One - Policies and Procedures

The number of misdemeanor OVI cases (operating a vehicle under the influence), and particularly multiple offender cases, handled by the Butler County Area Courts, a single judge court, continues to increase despite ever increasing penalties and intensive on-going efforts to educate the public. It is clear that punishment, unaccompanied by court monitored treatment, is an ineffective deterrent for addicted persons. The outcome for the addicted offender is continued substance abuse and the outcome for society is continued peril from their actions.

The planning for an OVI specialized docket began in July of 2023. Judge Courtney Caparella-Kraemer invited key officials and policy makers to comprise a cohesive team to effectively and collaboratively reach consensus on a variety of issues inherent in the implementation of a Specialized Docket for Multiple OVI Offenders. The planning work covered a period of three months. The initial parties participating in this process included Judge Caparella-Kraemer, the prosecutor, the public defender, a licensed treatment provider, the probation department, law enforcement agencies, ODADAS and the Ohio Department of Public Safety. Following the comprehensive planning process the relevant parties collaboratively developed, reviewed and agreed upon the following items of the ALERT Program (Avoiding Lethal Effects of Risky Trips):

- A written Program Description for the ALERT Program
- Written Agreement by Offender for Admission to the Butler County Area Courts ALERT Program and Participant Handbook detailing the rights and responsibilities of Participants
- Written legal and clinical eligibility, completion, termination, and neutral discharge criteria
- Written memorandum of understanding with relevant parties setting forth the terms of the ALERT Program operations and their responsibilities to the operations

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://www.sc.ohio.gov/JCS.specDockets/guidanceConstitutionalStandards.pdf?Specialized%20Dockets%20Mental%20Health%20Court%20Guidance%20(ohio.gov))

The ALERT Advisory Committee

The current ALERT Advisory Committee is comprised of key officials and policy makers that continue to provide input on ALERT Program policies and operations and communicate with local officials. The ALERT Advisory Committee is the policy making authority for the ALERT Program and reviewed and agreed upon the following items of the ALERT Program:

- A written ALERT Program Description
- Written policies and procedures which define goals and objectives, identify the target population and details program entry and case flow
- Written roles and responsibilities of ALERT Treatment Team members
- Written Participation Agreement and Participant Handbook detailing the rights and responsibilities of Participants
- Written legal and clinical eligibility, completion, termination, and neutral discharge criteria
- Written Memorandum of Understanding with relevant parties setting forth the terms of the ALERT Program operations and their responsibilities to the operations
- Written sustainability plan

Judge Caparella-Kraemer is the chair of the ALERT Advisory Committee and attends the ALERT Advisory Committee meetings. Meetings are held annually or more often as needed. The ALERT Advisory Committee reviews:

- The target population, including jail days diverted as a result of participation in the ALERT Program
- Use of graduated incentives and sanctions and treatment resources
- Financial expenditures
- Annual review of written sustainability plan
- Community outreach and education plans
- Review and update treatment services utilized by the ALERT Program

Additionally, the ALERT Advisory Committee assists with development and review of program policies and procedures and evaluates the effectiveness and functionality of the ALERT Program and the ALERT Treatment Team (hereafter identified as ALERT Treatment Team) every two (2) years.

The ALERT Advisory Committee consists of:

- ALERT Program Judge (Chair)
- Representative from DeCoach Recovery Centre.
- Representative from Modern Psychiatry and Wellness LLC.
- Representative of the West Chester Police Department
- Butler County Prosecutor's Office
- Butler County Public Defender

- Representative from Access Counseling Services
- ALERT Program Coordinator

Memorandums of Understanding

Memorandums of Understanding (MOU) are developed to enhance collaboration, create a mutual understanding of the ALERT Program procedures and responsibilities of each party, and establish a process for problem solving both clinically and administratively regarding clients participating in the ALERT Program. An MOU was completed with DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., Access Counseling Services, the Butler County Prosecutor's Office, and the Butler County Public Defender's Office.

Endorsed copies of the MOU's are kept on file by the ALERT Program Coordinator at the Butler County Area III Court.

Participation Agreement

The current ALERT Advisory Committee reviewed and approved an updated written Participation Agreement detailing the rights and responsibilities of the Participants in the ALERT Program. The Participant has a right to this detailed, written Participation Agreement outlining the requirements and process of the ALERT Program. The Participation Agreement includes the Participant's right to request the attendance of defense counsel during the portion of the ALERT Treatment Team meeting concerning the Participant and ALERT Status Review Hearings.

Mission Statement

The mission of the ALERT Program is to provide opportunity for twenty (20) misdemeanor repeat OVI offenders to receive effective treatment and supervision that holds the offenders accountable for their actions, brings about behavioral change that ends OVI recidivism and long term non-mandatory jail sentences, stops the substance abuse, treats the victims of these offenders in a fair and just way, and protects the public.

The ALERT Program is not a specialty court, but rather a specialized program that works within the framework of the existing municipal court to serve a targeted population and to accomplish specific criminal justice objectives. The ALERT Program is a post-conviction model that provides misdemeanor repeat OVI offenders with intensive court monitored treatment.

Goals and Objectives

The goals and objectives of the ALERT Program are as follows:

Goal 1: To reduce future under the influence driving offenses for ALERT Program Graduates.

Objective: Recidivism decreases to 15% for ALERT Program Graduates over a five (5) year period.

Performance Measure: The number of OVI offenses committed by a ALERT Program Graduate measured from the date of ALERT Program graduation for a period of five (5) years.

Goal 2: To reduce non-mandatory jail bed days for ALERT Participants.

Objective: Reduce jail bed days for ALERT Program Participants by 25% from their original sentence.

Performance Measure: The number of non-mandatory jail days suspended compared to the total jail sentence which would have been ordered to be served without participation in the ALERT Program.

Goal 3: To reduce the financial cost of incarceration of ALERT Program Participants.

Objective: The incarceration cost of ALERT Program Participants will be reduced by 25%.

Performance Measure: The number of jail days suspended as a result of successful participation in the ALERT Program multiplied by the daily cost (\$60.00) of a jail day to the Butler County Tax Payers.

Goal 4: To increase the number of ALERT Participants who successfully complete substance abuse treatment within two (2) years of program engagement.

Objective: 75% of ALERT Participants will complete treatment within eighteen (18) months of program engagement.

Performance Measure: The number of ALERT Participants who complete treatment within eighteen (18) months of program engagement compared to the total number of ALERT Participants accepted into the program.

Chapter Two - Target Population

The target population is repeat misdemeanor OVI offenders with a second or third OVI offense charge within ten (10) years or a first offense OVI charge within ten (10) years with two (2) or more lifetime OVI convictions, with a diagnosis of drug and/or alcohol dependency, a high or moderate risk of re-offending and for whom intensive court monitored treatment and other services would assist in preventing them from reoffending and lead a law abiding life.

A person who is interested in participating must meet both legal and clinical criteria before admission into the ALERT Program. Assistance with eligibility is provided by a pre-screening interview conducted by the ALERT Community Control Officer and an assessment administered by an assessment specialist with a licensed treatment provider, which can be conducted at the Butler County jail for those offenders who are incarcerated.

ALERT Program Legal Eligibility Criteria

ALERT Program offenders will agree to plead guilty to the charged OVI prior to formal admission to the ALERT Program. The ALERT Program is a voluntary program. The ALERT Program will not dismiss the OVI offense upon completion of the ALERT Program and the Participant must serve all mandatory jail time pursuant to Ohio law. The ALERT Program accepts repeat OVI offenders who meet the following criteria:

- Second or third OVI offense charge within ten (10) years
- First offense conviction within ten (10) years with two (2) or more prior lifetime OVI convictions on a case-by-case basis
- Butler County resident eligible to enroll in treatment with DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services, or another licensed treatment provider; or has private health insurance or the financial resources to pay for the cost of treatment through a licensed treatment provider.
- Out of county resident, if the person has the financial resources to pay the cost of treatment at DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services, or with another treatment provider. Out of county residents will be reviewed on a case-by-case basis
- A moderate to high risk of re-offending
- OVI offenders who volunteer to participate in the ALERT Program

Disqualification Factors

Recommended disqualification factors help to eliminate some OVI offenders from participation. The following are disqualification factors:

- History of violent offenses
- Pending felony charges
- Sex offense convictions
- Previous prison and/or parole history
- Currently on post release control or felony supervision
- Significant drug related charges
- Receiving Developmental Disability services or eligible for such services

Each offender's criminal record will be reviewed. Because recidivism and cycling in and out of the justice system are problems the ALERT Program seeks to address. In addition to OVI convictions, it is anticipated that many offenders will have prior felonies, drug offenses and crimes of violence. While there are no prior offenses that will categorically exclude an offender from the ALERT Program, the criminal history will be considered in assessing the offender's risk to staff and the community.

Cases are reviewed on an individual basis to determine the extent and circumstances of the disqualification factors versus the need to participate in the ALERT Program. Those cases declined for acceptance into the ALERT Program remain on the Court's Regular Docket or may be referred to the Treatment Alternative Court docket if appropriate. Preliminary case plans and recommendations may be given for individuals denied access to the ALERT Program; i.e.: intensive community control supervision, regular reporting community control, and electronic monitoring.

OVI offenders with significant misdemeanor and/or felony criminal and traffic histories are reviewed to determine the offender's situation and appropriateness for the ALERT Program. OVI offenders with repeat felony criminal will most likely not qualify for the program.

OVI offenders who have pending felony charges or have been convicted of a felony offense can be eligible to participate in the ALERT Program on a case-by-case basis as determined by the ALERT Treatment Team. The following considerations are reviewed when determining eligibility:

- Whether felony conviction was a non-violent offense
- If felony conviction was a violent offense, is the date of conviction within a five (5) year period from the date of the instant offense
- The facts, behavior and/or circumstances indicate that the offender may be moderate to low risk of committing a felony offense, and/or
- The OVI offender has responded positively to felony supervision and the offender should respond positively to incentives and graduated sanctions

If an offender has charges pending in another court or is currently on community control due to a prior conviction, then the disposition must be coordinated among the outstanding cases. Whenever possible, community control will be consolidated so that an offender is under the supervision of no more than one municipal court at a time. All ALERT Participants will be monitored by the ALERT Community Control Officer. This avoids duplication of resources and avoids any anti-therapeutic impact of having a Participant report to more than one Community Control Officer at a time.

Individuals unsuccessfully terminated from the ALERT Program lose any right to future eligibility for the ALERT Program.

Participants who successfully complete the ALERT Program and are convicted of a subsequent OVI are not eligible to enter the ALERT Program again.

ALERT Program Clinical Eligibility Criteria

After determination of legal eligibility, clinical eligibility is considered. Focus is on repeat offenders who have a moderate to severe substance use disorder. The ALERT Program is an intensive program reserved for OVI offenders who are likely to recidivate and require more services than traditional community control can provide. Each case is reviewed individually and potential candidates are assessed as to the risk they pose to the safety of the community and staff. The ALERT Treatment Team will review and recommend each potential candidate prior to admission into the ALERT Program.

It is expected that some offenders referred to the program will have mental illness diagnoses. Mental Health diagnosis will not automatically preclude an individual from acceptance into the program. However, the program is not equipped to handle those offenders with severe mental illness or individuals who lack the developmental capacity to complete the program. Therefore, severely mentally ill individuals and individuals lacking the developmental capacity to complete the program will be excluded.

Program Capacity

The ALERT Program may serve up to twenty (20) repeat misdemeanor OVI offenders in Phases One (1) to Three (3) at any given time.

Chapter Three - Program Entry and Case Flow

Identification of ALERT Program candidates is the first step for entry into the ALERT Program. The procedure is informal and will be employed at any stage of the proceedings.

Referral Process

Typically, potential candidates are identified and referred for consideration during arraignment, pre-trial, or sentencing. Only the Judge may refer individuals for a pre-screen and assessment. The prosecutor, defense counsel, arresting officer and the offender may request a referral. Community Control Officers, jail personnel, DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services may also recommend individuals to the Judge for referral. Preliminary exclusion is possible by the Judge based upon the “bench test” – the disqualification factors. Participation in the ALERT Program is voluntary.

Upon referral, offenders are required to sign a Consent and Waiver for the ALERT Program to be pre-screened to determine eligibility. Defense counsel will have reviewed the Participant Handbook with the potential Participant as well as all expectations of the ALERT Program.

If determined to be an appropriate candidate, having expressed a willingness to participate, and having demonstrated an ability to comply with program expectations, an offender is then sentenced into the ALERT Program as a condition of community control with some non-mandatory jail days suspended or deferred.

Offenders can also be referred for pre-screening for participation in the ALERT Program as the result of a community control violation. The ALERT Program provides a more structured community control supervision program.

Placement in the ALERT Program can be considered as an option for early release/mitigation. While an offender is serving a jail sentence, they may be released early from incarceration under the condition that the offender successfully complete the ALERT Program.

Also, a referral to be pre-screened for the ALERT Program can be utilized when an offender is referred for a pre-sentence investigation.

Legal Eligibility Screening

All offenders referred to the ALERT Program are pre-screened by an ALERT Community Control Officer to determine if they meet the criteria and eligibility for placement. The pre-screening process allows needed information to be collected on all referrals prior to an assessment. The pre-screen includes available collateral information to ensure accuracy of the assessment. This information includes criminal history, residency, education, employment, family, medical, mental health and substance abuse history, and risk/need scores using ORAS. Offenders are also drug screened at the time of the pre-screen.

All mitigating and aggravating circumstances of current or prior court involvement are also evaluated. The circumstances of prior juvenile adjudications and the age of the Participant are carefully examined when deciding eligibility. High risk or repeat individuals are considered for inclusion. The age of prior potential disqualifying offenses are considered. The pre-screening is conducted within two (2) weeks of the referral.

Once pre-screened, the offenders are then referred for a substance abuse assessment to be conducted by an assessment specialist with DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., or Access Counseling Services, or other licensed treatment provider. The assessment is conducted within thirty (30) days of the referral date depending on the number of offenders needing to be screened and assessed. The Treatment Specialist, a certified alcohol and drug counselor, provides a current diagnostic impression used to create an individualized treatment plan for the Participant. A summary of this report is provided to the ALERT Treatment Team. For offenders who do not meet the legal eligibility criteria, the ALERT Community Control Officer recommends other sanctions and the case is set for sentencing before the Judge on the Court's Regular Docket.

If competency is in question, then a forensic assessment will be completed to determine if the Participant is legally competent to participate in the ALERT Program.

All screenings and assessments for treatment determinations are provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession.

Clinical Assessment

The objective of the ALERT Program is to change Participants' behaviors by eliminating substance abuse. If the pre-screen finds the individual meets most of the legal eligibility criteria, then a substance abuse assessment will be scheduled with the Treatment Specialist. This assessment is scheduled at DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., or Access Counseling Services. For individuals considered for early release from jail, the assessment can be completed at the Butler County Jail.

DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services, utilize the Solutions for Ohio's Quality Improvement and Compliance (SOQIC) as the assessment instrument. SOQIC includes a standardized integrated medical records forms toolset that covers the entire treatment process from demographic information to transfer/discharge, including assessment, treatment planning and progress notes. The forms accommodate various certification, national accreditation and Medicare/Medicaid compliance requirements, as well as all ODMH and ODADAS rules and standards.

The assessment report includes the following written information:

- History of alcohol and drug use which includes information about current use and prescription medications. A history of alcohol and drug treatment that includes the facility, both in-patient and out-patient treatment, length of stay, and diagnoses.
- Preliminary case plan recommendations, which include a preliminary recommendation regarding the need to participate in the OVI Court, and how the offender can or cannot benefit from the OVI Court. Recommendations for community based treatment services, both primary and secondary services that should include housing, GED, and other matters. Information regarding the offender's environment that may include collateral contacts with family, employers and associates. Offense information if needed from the arresting officer, Community Control Officer, legal counsel and prior contacts with the Court system.

The assessment includes available collateral information to ensure its accuracy:

Assessment formulas, information, and instruments are subject to change to better identify needs of offenders and to improve the services available to the Court. The ALERT

Program is structured to provide repeat OVI offenders with substance/alcohol treatment. ALERT Program Participants are considered a priority status population to receive intensive out-patient services, and when deemed necessary, may receive residential services available to male and female offenders. DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., or Access Counseling Services may be required to re-assess offenders throughout the ALERT Program to assess risk, needs and response to treatment. Additionally, during the pre-screening and assessment, specific data is collected in order to evaluate the effectiveness of the ALERT Program. This data includes judicial, offense and treatment data. Assessment information is not disclosed to the public, however, it is reviewed by the Judge, members of the ALERT Program Team, and counsel for the Participant. If a person is determined not to meet the clinical eligibility criteria, then the ALERT Community Control Officer recommends other sanctions and the case is set for sentencing before the Judge on the Court's Regular Docket.

ALERT Program Admission

Admission to the ALERT Program is determined by Judge Caparella-Kraemer following a recommendation for acceptance by the ALERT Treatment Team. The ALERT Treatment Team is not obligated to follow the clinical assessment or the treatment recommendations. The written legal and clinical eligibility criteria do not create a right to participate in the ALERT Program. Even if a person is eligible, entrance to the ALERT Program may not be offered. The Judge has discretion to decide admission into the ALERT Program in accordance with the written eligibility criteria.

Once the Judge determines that an offender should be offered ALERT Program entry, the case is scheduled for sentencing before the Judge on the ALERT Program Docket. The Participant will have notified the ALERT Community Control Officer prior to the time of sentencing of their decision to participate in the ALERT Program. Participation is voluntary. If the Participant chooses to participate in the ALERT Program, then the Judge will sentence the individual to a term of reporting community control supervision and direct the individual to successfully participate in and complete the ALERT Program. The other conditions of reporting community control may include:

- No Alcohol consumption, illegal drug use or medical marijuana
- Stay out of bars and any business whose primary sales come from the sale of alcohol
- Frequent, random and observed toxicology screens
- SCRAM (Alcohol Monitoring Bracelet)
- Successfully complete substance abuse treatment as ordered
- Attend Support Group Meetings as directed by the Phases
- Other counseling as determined necessary
- GED or High School diploma
- Maintain lawful employment
- Vocational/educational training if necessary
- Restitution
- Fines and costs

- Complete a physical examination
- Reporting to the Community Control Officer and Court as directed by ALERT Phases or as ordered
- Electronic Monitoring (EMU)

The Judge will provide the first ALERT Status Review Hearing date.

The time frame from referral to the ALERT Program to sentencing is about thirty (30) days. At the time of sentencing, the Judge will ensure the Participant understands the responses to compliance and non-compliance with the ALERT Program requirements including the criteria for termination. The Participant then signs the Participation Agreement. The Judge may defer the imposition of non-mandatory jail days pending a Participant's compliance with the ALERT Program. At no time are Participants guaranteed their non-mandatory jail days will be reduced. ALERT Program Participants may be eligible to serve the mandatory minimum sentence for an OVI offense based on compliance with the ALERT Program. Participants who qualify may be able to reduce the mandatory minimum jail days to a combination of jail and house arrest in accordance with the current OVI law.

During the initial community control appointment scheduled within five (5) days of being sentenced into the ALERT Program, the Participant reviews and completes the Substance Abuse Monitoring Agreement and the Authorization to 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. 300gg-42, as amended.

Case Management and Other Services

The ALERT Program promptly assesses Participants and refers them to appropriate services.

ALERT Program Participants are referred to case management services at appropriate agencies by either DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., Access Counseling Services or the ALERT Community Control Officer. Resources are available to address employment, education, and vocational training at WorkForce One Employment Solutions.

DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services, has psychiatric staff available to consult with ALERT Program Participants regarding mental health concerns and/or anger management issues. Participants that need more comprehensive mental health services will be referred to services available at DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., or Access Counseling Services for case planning and assistance. Additionally, DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services are equipped to engage Participants in family/relationship counseling.

Many ALERT Participants have limited transportation resources. These individuals are provided with contact information and financial assistance to utilize any available public transportation in Butler County.

Participants with housing concerns are encouraged to contact the Butler County Metropolitan Housing Authority.

Participants needing physical or dental health services are directed to local providers.

Non-Discrimination Practices

The Butler County Area Courts ALERT Program does not discriminate against prospective Participants and will not deny admission based upon race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, ethnicity, financial status, or any disability. Candidates shall not be denied admission based upon financial inability. The ALERT program shall consider ability to pay and make reasonable accommodations.

Case Flow

Bench Referrals:

1. At any time in the proceedings prior to a finding of guilt, the prosecutor, arresting officer, Community Control Officer, defense counsel, or the offender may ask the court to consider a referral to the ALERT Program.
2. Defense Counsel will review the Participant Handbook as well as the ALERT Program requirements with the offender. Offenders who are not represented by defense counsel are provided with materials and directed to contact the ALERT Program Public Defender with any questions or concerns.
- 2 The court will employ the "bench test" to determine whether the offender is disqualified from participating in the ALERT Program.
- 3 The offender then enters a plea and is found guilty of the OVI offense before the Judge.
- 4 The Judge refers the offender for a pre-screening to determine eligibility. The offender endorses the "Consent and Waiver for the ALERT Program" prior to leaving the courtroom.
- 5 The offender schedules a pre-screening interview with the ALERT Community Control Officer. The pre-screening is conducted within two (2) weeks of the referral.

- 6 The offender, with the assistance of the ALERT Community Control Officer, also schedules a clinical assessment with DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., or Access Counseling Services Assessment Specialist. This assessment is conducted within thirty (30) days of the referral date depending on the number of offenders needing to be assessed.
- 7 During the pre-screen interview, the ALERT Community Control Officer reviews the ALERT Program requirements and the admission process. The ALERT Community Control Officer also ensures completion of the “Authorization to Release Information from DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services”.
- 8 The completed pre-screening and clinical assessment is submitted with preliminary recommendations to the ALERT Treatment Team to collaboratively review and make written and/or verbal recommendations to accept or deny participation in the ALERT Program. The Judge will then decide whether to admit or deny entrance to the ALERT Program.
- 9 After a determination is made regarding acceptance or denial into the ALERT Program, those cases accepted for the ALERT Program are set on the ALERT Program Docket for sentencing. Cases denied access will remain on the Court’s Regular Docket. Written hearing notices are given to the offender, defense counsel and prosecutor as needed.
- 10 At sentencing, the offender acknowledges before the Judge that participation in the ALERT Program is voluntary. The offender also acknowledges an understanding of the ALERT Program, and the responses to compliance and non-compliance with program requirements including the criteria for termination.
- 11 The Judge sentences the offender into the ALERT Program. The offender signs the Participation Agreement. The Judge may defer the imposition of non-mandatory jail days pending a Participant’s compliance with the ALERT Program. At no time are Participants guaranteed their non-mandatory jail days will be reduced. ALERT Program Participants may be eligible to serve the mandatory minimum sentence for an OVI offense based on compliance with the ALERT Program. Participants that qualify may be able to reduce the mandatory minimum jail days to a combination of jail and house arrest in accordance with the current OVI law.
- 12 The Participant attends the first ALERT Status Review Hearing.
- 13 During the initial community control appointment scheduled within five (5) days of sentencing into the ALERT Program, the Participant reviews the Participation Agreement, the Substance Abuse Monitoring Agreement, the “Consent for Treatment/Confidentiality Statement” and the Release of Information form to provide communication about confidential information, participation/progress in treatment and compliance with program requirements and the “Health Insurance

Portability and Accountability Act of 1996". The ALERT Community Control Officer will answer any questions concerning the ALERT Program Participant Handbook and familiarize the Participant with the location of service providers and sober support meetings and address any transportation issues.

Pre-Sentence Referrals

1. During a pre-sentence investigation, the Community Control Officer preparing the report may communicate with the Judge that the offender may benefit from a referral to the ALERT Program. The Judge may then refer the individual for a pre-screening and clinical assessment. The prosecutor and defense counsel are notified. If the offender consents to program consideration then the case will proceed as outlined for sentencing referrals. If the offender does not consent, the pre-sentence report is completed and the person is sentenced by the Judge on the Court's Regular Docket.

Revocation/Violation Referrals

1. An OVI offender who is found guilty of a technical and/or new community control violation can participate in the ALERT Program with referral from the Judge, community control officer, defense counsel or offender.
2. Similar to direct sentencing referrals, revocation/violation sentences are continued to a date to be set by the ALERT Community Control Officer for the pre-screening and assessment. Revocation/violation referrals follow the same ALERT Program process for referral as with direct sentencing.
3. Cases accepted from a revocation/violation hearing are sentenced to the ALERT Program by modifying the terms of community control to include successful participation in the ALERT Program.
4. Cases accepted, as with direct sentencing, are transferred to the ALERT Program Docket for sentencing.

Early Release Referrals

1. Early release is used when an OVI offender is serving a non-mandatory jail sentence and is released early or mitigated from jail with the remaining days suspended on the condition the offender participates in the ALERT Program. Referrals may come from the Judge, defense counsel, jail personnel, Community Control Officer, or the offender.
2. Incarcerated offenders are pre-screened and assessed at the jail.

3. Similar to direct sentence and revocation/violation hearing referrals, early release referrals follow the same ALERT Program process for referral and transfer as listed above.

ALERT Program File Maintenance

ALERT Community Control files are confidential and kept separately from the Participant's Official Court file. The ALERT Community Control Officer will maintain the ALERT Community Control files. The ALERT Program files are stored in a locked cabinet and only the ALERT Program Coordinator has access to them. Files may contain the signed Release of Information, Participation Agreement, drug testing results, treatment progress reports, and additional copies of Orders and Journal Entries issued by the Court.

All ALERT Treatment Team members are required to comply with Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records and that recipients of any disclosures may only re-disclose within the scope of the signed Release of Information. The Release of Information authorizes disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act, 42 U.S.C. 300 gg-42, as amended, and sections 2151.421 and 2152.99 of the Ohio Revised Code.

Chapter Four-Treatment Team

The ALERT Treatment Team consists of representatives from the judiciary, legal community, community control, law enforcement and treatment provider. Members from the judiciary and legal community include the Judge, a prosecutor, a public defender, the ALERT Program Coordinator and the ALERT Community Control Officer. Defense counsel for the Participant may attend and actively participate in the ALERT Treatment Team meeting discussion regarding the Participant at the Participant's request. Members from law enforcement include a representative from the West Chester Police Department who is familiar with the operation and programming at the Butler County Jail. Members from the primary treatment community include one (1) or two (2) representatives from DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services. ALERT Treatment Team members agree to serve for a minimum of one (1) year. ALERT Treatment Team members are invited to participate by the Judge.

Duties of ALERT Treatment Team Members

Members assume a collaborative rather than adversarial role which includes contributing to individualized treatment case plans and developing incentives and sanctions needed to monitor and modify a Participant's behavior. Secondary agencies, such as the Ohioans for Disabilities, Department of Job and Family Services, the Veteran's Administration and the Butler County Developmental Disabilities Board are included when specific case plans are identified.

The ALERT Program incorporates a non-adversarial approach while recognizing:

- A prosecutor's distinct role in pursuing justice, protecting public safety, and victims' rights
- A defense counsel's distinct role in preserving the constitutional rights of the Participant

ALERT Treatment Team members maintain professional integrity, confidentiality, and accountability. No protected information is disclosed involving treatment unless there is a written release of confidential information endorsed by a Participant. ALERT Treatment Team discussions are also deemed confidential and only shared when necessary for the benefit of the Participant. All members are expected to treat each other with respect, understanding their different relative roles while at the same time holding each other responsible for their participation and basis for recommendations.

ALERT Treatment Team members make reasonable efforts to observe required ALERT Program service provider programs in order to have confidence in the services provided and to better understand the treatment and programming process. The ALERT Program Coordinator and the ALERT Community Control Officer attend programs at least twice annually to observe the process.

The ALERT Treatment Team works with the ALERT Advisory Committee to assess the team functionality, review all policies and procedures, and assess the overall functionality of the ALERT Program. Review of the ALERT Treatment Team's functionality should occur once a year during an Advisory Committee meeting. Factors that should be considered when evaluating the functionality of the ALERT Treatment Team include:

- Progress towards achieving program goals
- Data Collection
- Commitment to community outreach/education program
- Effectiveness of current policy, and procedures
- Ability to identify and provide services to target population
- Compliance with Specialized Docket Standards
- Incorporation of evidence based practices into program operations
- Review of Sustainability Plan

Community Outreach

ALERT Treatment Team members engage in community outreach activities to build partnerships that will improve outcomes and support the ALERT Program sustainability. ALERT Treatment Team members agree to work with local community leaders to ensure the best interests of the community are considered.

In the past, representatives from the ALERT Program have spoken to local service organizations such as Rotary International. Members of the ALERT Treatment Team have served as panelists at conferences and symposiums providing information on the practices of the ALERT Program for criminal justice professionals. To sustain essential community support, representatives from the ALERT Program plan to address civic groups, government organizations, professional associations, and academic institutions at least twice a year.

The ALERT Program Community Education Plan will be reviewed and approved by the ALERT Advisory Committee yearly. Agencies, offices, and departments that comprise the membership of the ALERT Treatment Team and ALERT Advisory Committee agree to educate their staff on the policies and procedures of the ALERT Program on a yearly basis.

Specific Roles and Responsibilities of ALERT Team

The present ALERT Treatment Team is comprised of the following positions:

Judge Caparella-Kraemer

- Chair of the ALERT Advisory Committee and attends Advisory Committee meetings
- Chair of the ALERT Treatment Team and attends ALERT Treatment Team meetings
- Discretion to decide the admission into or termination from the ALERT Program in accordance with the written legal and clinical criteria for the ALERT Program
- Knowledgeable about treatment and programming methods and limitations
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination
- Discusses progress with the Participant at ALERT Status Review Hearings

ALERT Community Control Officer – Amber Green

- Conducts the pre-screen and legal eligibility screening
- Assists the Participant in all phases including the Orientation Phase
- Monitors compliance with supervision plan
- Meets with Participants on a regular basis
- Coordinates and conducts random alcohol and drug tests, reports the results of tests to the ALERT Treatment Team
- Monitors compliance with any sanctions
- Visits the Participant at home, school, or other locations
- Attends ALERT Treatment Team meetings and ALERT Status Review Hearings
- Makes referrals to other agencies
- Provides documentation on a Participant's progress
- Monitors mental health medication compliance
- Informs the ALERT Treatment Team whether treatment plan, supervision plan, and court orders are followed

- Advises of any ALERT Program violations
- During ALERT Treatment Team meetings, provides progress reports and recommendations to the ALERT Treatment Team
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination
- Meets with Participants regularly to discuss individualized program goals and progress while the Participant is in the ALERT Program
- Assists the Participant in all phases including the initial phase
- Maintains the daily operations of the ALERT Program
- Gathers progress reports from treatment and service providers to present to the ALERT Treatment Team
- Assists with decision-making regarding participation in the ALERT Program

Licensed Substance Abuse Treatment Providers: DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services

- Conducts assessments, diagnostic assessments, provides the clinical diagnosis, and develops the individualized treatment service plan
- Provides documentation on a Participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests
- Attends ALERT Treatment Team meetings and ALERT Status Review Hearings
- During ALERT Treatment Team meetings, gives treatment updates and makes recommendations regarding treatment needs
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination
- Ensures anyone providing treatment services to Participants is appropriately licensed and trained
- Assists with decision-making regarding participation in the ALERT Program
- Assists with transportation housing, education, employment, obtaining medical care family issues, training, and applying for government assistance.

Butler County Prosecutor

- Identifies eligible clients for the ALERT Program in accordance with the written criteria
- Attends ALERT Treatment Team meetings and ALERT Status Review Hearings when necessary
- Makes recommendations when necessary concerning incentives, sanctions, phase advancement, successful completion, and termination
- Incorporates a non-adversarial approach while recognizing the distinct role in pursuing justice and protecting both public safety and victims' rights
- Assists with decision-making regarding participation in the ALERT Program

Butler County Public Defender's Office

- Identifies eligible clients for the ALERT Program in accordance with the written criteria
- Attends ALERT Status Review Hearings and ALERT Treatment Team meetings when necessary and at the request of Participant for discussion regarding the Participant only
- Incorporates a non-adversarial approach while recognizing the distinct role in preserving the constitutional rights of the Participant
- Makes recommendations when necessary concerning incentives, sanctions, phase advancement, successful completion, and termination
- Assists with decision-making regarding participation in the ALERT Program

Retained Defense Counsel

- Assists with decision-making regarding participation in the ALERT Program
- Explains to the Participant what rights are waived by entering the ALERT Program
- Explains the possible sanctions that may be imposed
- Explains the circumstances that may lead to termination
- Explains the effect that termination from the ALERT Program may have on the Participant's case
- Ensures the Participant's constitutional rights are being preserved
- Attends ALERT Treatment Team meetings at Participant's request for discussion regarding Participant only
- Attends ALERT Status Review Hearings at Participant's request for discussion regarding their client only

ALERT Program Coordinator – Larry Withrow

- Facilitates the ALERT Program in accordance with the written program description
- Assists with identifying potential Participants
- Collects and maintains statistical information and other confidential records concerning Participants, collects data from service providers, and creates reports for review and submission to funding sources
- Ensures that ALERT Treatment Team members follow program policies and procedures
- Monitors service provider agreements and contracts and monitors the services to Participants
- Plans and facilitates ALERT Advisory Committee meetings
- Coordinates ALERT Treatment Team professional education
- Attends ALERT Treatment Team meetings and ALERT Status Review Hearing
- Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion, and termination
- Assists with decision-making regarding participation in the ALERT Program

Mechanisms for decision making and resolving conflicts between ALERT Treatment Team members have been established and are utilized. All members understand that unanimous decisions are not always possible, and that Judge Caparella-Kraemer is the final arbiter on all issues regarding a Participant. All members further recognize that any issues arising among them will be resolved by the Judge following open and honest discussion.

Chapter Five - Participant Monitoring

ALERT Treatment Team Meetings and ALERT Status Review Hearings

The ALERT Treatment Team meets bi-weekly on Tuesday at 3:00 p.m. for one hour, for the ALERT Program Roundtable. The Judge is the chair of the ALERT Treatment Team and attends the meetings.

The ALERT Treatment Team evaluates each potential candidate for the ALERT Program and then recommends to the Judge whether or not the individual should be accepted. The ALERT Treatment Team also provides the Judge with collaborative recommendations for use of appropriate incentives and sanctions to be used to reward and discourage behaviors.

Between meetings, ALERT Treatment Team members engage in on-going communication including frequent exchanges of timely and accurate information about a Participant's overall performance by email, telephone, in person meetings, and weekly written treatment progress reports. The cohesive interaction of the ALERT Treatment Team in their respective roles keeps each responsible for the daily operation of the ALERT Program.

The ALERT Treatment Team meetings are attended by the Judge, the ALERT Community Control Officer, the ALERT Program Coordinator, representatives from the treatment agencies, Prosecutor's office, Public Defender's office, and Participant's defense counsel during the portion of the ALERT Treatment Team meeting concerning the Participant at the Participant's request. The ALERT Community Control Officer prepares and distributes the bi-weekly ALERT Treatment Team docket, provides copies of the Participants' status reports, and alcohol and drug screen results.

The ALERT Program incorporates on-going judicial interaction with each Participant as an essential component of the ALERT Status Review Hearing Docket. All ALERT Program Participants are expected to appear at ALERT Status Review Hearings so the Participant is educated as to the benefit of complying with the ALERT Program and the consequences for non-compliance. In addition, having a significant number of Participants appear at a single court session gives the opportunity to educate all the Participants as to the benefits of court compliance and consequences of non-compliance. Frequent ALERT Status Review Hearings establish and reinforce the ALERT Program policies and ensure effective and efficient supervision of the Participant. Not all

Participants are required to appear at each ALERT Status Review Hearing depending on their progress in the ALERT Program.

ALERT Program Status Review Hearings are held every other Tuesday at the Butler County Area III Court. Hearings normally start at 4:00 p.m., unless otherwise noted. ALERT Status Review Hearings are attended by the Judge, ALERT Community Control Officer, Participant, the ALERT Program Coordinator, representatives from the treatment agency. Also in attendance, when requested by the Participant, is the Participant's defense counsel. In addition, the public defender, prosecutor, and/or law enforcement may be in attendance.

All ALERT Program Participants present for review are required to endorse a "Status Review Waiver and Confidentiality Agreement" form during their ALERT Status Review Hearing. This document explains that during the proceedings the Participant's participation and progress will be discussed in open court. The Participant also understands that defense counsel will not be present at the hearing unless specifically requested by the Participant.

Discussion may also include treatment information covered by confidentiality requirements of Part 2 of Title 42 of the Code for Federal Regulations which requirements are waived by a written document for the purpose of open court reviews with respect to everyone present in the courtroom.

Summary of Treatment

ALERT Program Participants receive a treatment plan based upon their individual needs. All provided services incorporate evidenced-based strategies. ALERT Program Participants have prompt access to a continuum of approved treatment, program and rehabilitation services upon admission into the ALERT Program. They are placed as soon as possible into appropriate treatment services and programs. The ALERT Program maintains a current treatment plan and a record of activities. Treatment plans continue to develop throughout the ALERT Program to reflect the Participants' changing needs based on program progress. All treatment and programming will be provided by appropriately licensed and trained programs or persons to deliver such services according to the standards of their profession. All ALERT Program treatment plans take into consideration services that are gender responsive, culturally appropriate, and effectively address co-occurring disorders. All provided services and case plans are appropriate and clinically necessary to the degree that available resources permit.

The ALERT Program has partnered with DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services to provide services to Participants. DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services offer a variety of outpatient services that are gender responsive and culturally appropriate and designed to meet the individual treatment needs of its clients. DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services are accredited and operate in compliance with the Ohio

Department of Alcohol and Drug Addiction Services (ODADAS), the Ohio Department of Mental Health (ODMH) and the Joint Commission on Accreditation of healthcare Organization (JCAHO). It employs persons who are appropriately licensed and trained to deliver services according to the standards of their profession. Providers of intensive out-patient services must meet ODADAS standards for the provision of all intensive out-patient services including assessment, group and individual counseling and crisis intervention services. The staff to client ratio is no less than one staff member for every twelve clients. A waiting list is kept to allow for the orderly entry of clients into all services and to ensure that the staff/client ratio is not exceeded.

The services provided include registration/intake, alcohol and drug testing, assessment, development of a treatment plan, group therapies, individual sessions, case management, relapse prevention plans, aftercare plans, gender specific programming, family therapies, programming to address those individuals diagnosed with co-occurring disorders, medication and medication monitoring.

Case management is provided to assist clients with obtaining necessary services to meet basic needs or to support the recovery process. Ancillary services include referrals to educational/vocational training, employment, transportation, housing, physical, dental, mental health needs and basic services.

Drug screening analysis is part of the Out-patient and Intensive Out-patient Treatment Group. Drug screens occur at intake, frequently and randomly throughout the duration of treatment. This service observes chain of custody and follows the policies and procedures for the delivery of this service.

The ALERT Program will consider the use of Medication Assisted Treatment (MAT) if appropriate upon a proper medical examination by a licensed medical professional. The ALERT Program uses Vivitrol and Sublocade medications. The ALERT program will also consider participants that are using methadone as long as it is provided by a court approved agency that can supply reports of the participant's methadone treatment. All provided services including case plans are appropriate and clinically necessary to the degree that available resources allow.

The process for receiving services is as follows:

1. Registration/Intake – registration is the first step for the client in assessing services. Paperwork is completed that includes determination of financial resources available for payment of fees (fees for most services are based on a sliding fee scale to Butler County residents) and a toxicology screen. Instant Screens are also utilized in treatment at no cost to the client.
2. Urine Toxicology Screening – done at intake and randomly throughout the duration of services. Specimens are collected following a chain of custody. If results are contested they are sent to a NIDA certified lab for processing.

3. Assessment – provides a comprehensive overview of the need(s). All assessments include available collateral information to ensure the accuracy of the assessment. The assessment includes alcohol and other drug history, past treatment or efforts to abstain, functioning in the areas of family, employment, health, mental health, legal, social and other life areas. Strengths available to support the recovery process, client motivation for recovery and ability to abstain from alcohol and other drugs on an outpatient basis are also assessed. Risk and Need tools are utilized when possible and a Stage of Change is established as part of the service. Recommendations for additional services, if appropriate, are also part of the assessment process. The assessment usually takes one and one-half hours or longer.
4. Individualized Treatment Plan – is developed upon completion of the assessment. The plan establishes the goals for treatment. The client is encouraged to participate in the development of treatment goals and the treatment plan.

The treatment curriculum used by DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services is the Matrix Model.

Phases

Progression through the ALERT Program is based upon the Participant's performance in the treatment plan and Participant's compliance with the requirements of the ALERT Program phases. Phases are the steps in which a Participant's performance and progress through the ALERT Program are monitored. These phases are used as guidelines that can be modified to meet a Participant's specific circumstances and needs. ALERT Program Participants are required to frequently report to the Judge and other ALERT Treatment Team members for compliance monitoring, assistance, and compliance with treatment plans, random alcohol and drug testing, and required reporting.

Participants appear at ALERT Status Review Hearings every two weeks during Phase One (I). During Phase Two (II), the Participant appears every four weeks before the Judge. In Phase Three (III) the Participant appears every 45 days. Participants can move in and out of phases from the most restrictive to the least restrictive. Phase advancement is based on individual performance, on a case-by-case basis, and as recommended by the ALERT Treatment Team. Phase advancement is not solely 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.

The supervision guidelines for the ALERT Program are designed to impact a Participant over a series of three (3) phases. The initial phase, or Phase I, is the most restrictive. It limits the Participant's activities and requires strict compliance with program objectives and community based treatment. The ALERT Program model provides enhanced levels of supervision by increasing the number of face-to-face and collateral

contacts. Each supervision phase requires attendance at ALERT Status Review Hearings, engaging in treatment as soon as possible with continued attendance until successfully completed, support group participation, random alcohol and drug testing and payment of restitution, fines and court costs and compliance with court supervision requirements. Supervision and case management plans are created to address criminogenic needs on an individual basis with referrals initiated to the appropriate agency. As Participants demonstrate compliance with ALERT Program directives, the Participants move through the levels of supervision with each phase allowing less restrictive requirements.

Participants are encouraged to maintain a personal journey diary and share it with the Judge and/or the ALERT Treatment Team if they wish.

The charts on the following pages include the Phase requirements and achievements necessary to progress to the next phase:

Phase I		
Duration: 60 days or more		
Supervision Requirement	Frequency	Achievement
Court Appearances	Every other week	Compliance with program requirements
Office Visits with ALERT Community Control Officer	1 per week	Compliance with program requirements
Telephone Contact with ALERT Community Control Officer	1 per week	Compliance with program requirements
Random Drug Screens	Random minimum of 2 times per week	Maintain sobriety
Support Group Meetings	2 per week	Attended sober support meetings as required
Electronic Monitoring with Ankle Bracelet	As determined by the Judge or Community Control Officer	Compliance with program requirements
SCRAM Monitoring	As ordered by the Judge	Maintaining sobriety
Home Curfew with GPS	As determined by the Judge or Community Control Officer	Compliance with program requirements
Individual Case Plan and Supervision Guidelines	Offender to abide by individual case plan and supervision guidelines	Compliance with program requirements
Employment	Secure or maintain employment. Participate in employment service agencies or make progress towards engaging in vocational/educational programs if unemployed	Consistent employment or participation in employment service agencies and/or vocational/education programs
Treatment Appointments	As scheduled by treatment agency	Compliance with program requirements

Cost of Treatment	Must maintain payments for treatment	Current on financial obligations
Ancillary Services	Identification of ancillary service needs	Engage with ancillary service providers
Community Service	Must demonstrate progress towards completing hours by established deadline	Compliance with program requirements
Restitution, Fines and Court Costs	Per payment plan established by the Judge or Community Control Officer	Current on financial obligations

In order for a Participant to be considered for completion of Phase I the following requirements must be satisfied:

- Sixty (60) days of abstinence from alcohol or drugs
- Compliance with fines/cost payment schedule or community service in lieu of completion deadline
- Progress in substance abuse treatment
- Attendance at sober support meetings as required
- Attendance at ALERT Status Review Hearings and probation as required
- Secured/maintained employment, or participation in employment service agencies and/or vocational/educational program
- Engagement in ancillary services as needed
- Compliance with program directives, conditions of community control and refrain from violating all Federal, State, County, and City laws

Recommendation for advancement from the ALERT Treatment Team and with approval from the Judge.

Phase II

Duration: 60 - 150 days or more

Supervision Requirement	Frequency	Achievement
Court Appearances	Once every 4 weeks	Compliance with program requirements
Office Visits with ALERT Community Control Officer	Bi-weekly	Compliance with community control
Telephone Contact with Community Control Officer	1 per week	Compliance with program requirements
Random Drug Screens	Random minimum 2 times per month	Maintain sobriety

Home/Work/Field Visits	A minimum of 1 per month	Compliance with program requirements
Support Group Meetings	2 per week	Compliance with program requirements.
Electronic Monitoring with Ankle Bracelet	As determined by the Judge or Community Control Officer	Compliance with program requirements
SCRAM Monitoring	Eligible to be considered for removal after minimum of 120 days of compliance and sobriety	Compliance with program requirements and maintaining sobriety
Home Curfew with GPS	As determined by the Judge or Community Control Officer	Compliance with program requirements
Individual Case Plan and Supervision Guidelines	Offender to abide by individual case plan and supervision guidelines	Compliance with program requirements
Employment	Secure or maintain employment. Participate in employment service agencies or make progress towards engaging in vocational/educational programs if unemployed	Consistent employment or participation in employment service agencies and/or vocational/education programs
Relapse Prevention	Work on relapse prevention plan to be developed with treatment provider – essential for Phase III	Compliance with program requirements and maintaining sobriety
Treatment Appointments	As scheduled by treatment agency	Compliance with treatment
Cost of Treatment	Must maintain payments for treatment	Current on financial obligations
Ancillary Services	Identification of ancillary service needs	Engage with ancillary service providers
Community Service	Must demonstrate progress towards completing hours by established deadline if ordered	Compliance with program requirements
Sober Leisure Activities	Proof of 3 activities weekly	Compliance with program requirements
Restitution, Fines and Court Costs	Payment plan established by the Judge or Community Control Officer	Current on financial obligations
<p>In order for a Participant to be considered for completion of Phase II the following requirements must be satisfied:</p> <ul style="list-style-type: none"> • Ninety (90) days of abstinence from alcohol or drugs 		

- Compliance with fines/cost payment schedule or community service in lieu of completion deadline
- Progress in substance abuse treatment
- Attendance at sober support meetings as required
- Attendance at review hearings and probation as required
- Secured/maintained employment, or participation in vocational/educational program
- Continued engagement in ancillary services as needed
- Compliance with program directives, conditions of community control and refrain from violating all Federal, State, County, and City laws

Recommendation for advancement from the ALERT Treatment Team and with approval from the Judge.

Phase III		
Supervision Requirement	Frequency	Achievement
Court Appearances	Every 45 days	Compliance with program requirements
Office Visits with ALERT Community Control Officer	Once every 3 weeks	Compliance with community control
Random Alcohol/Drug Screens	Random minimum 2 times per month	Maintain sobriety
Support Group Meetings	2 per week	Compliance with program requirements
Relapse Prevention Work	Review relapse prevention work plan developed with treatment provider	Compliance with program requirements and maintaining sobriety
Individual Case Plan and Supervision Guidelines	Offender to abide by individual case plan and supervision guidelines	Compliance with program requirements
Employment	Secure or maintain employment. Complete vocational/educational programs if unemployed	Consistent employment or completion of vocational/education programs
Home Curfew with GPS	As determined by the Judge or Community Control Officer	Compliance with program requirements and maintaining sobriety
Housing	Throughout Phase	Stable housing
Treatment Appointments	As scheduled by treatment agency	Compliance with treatment/complete treatment
Cost of Treatment	Must maintain payments for treatment	Current on financial obligations
Community Service	Must complete balance of hours if ordered	Compliance with program requirements
Sober Leisure Activities	Proof of 5 activities weekly	Compliance with program requirements

Complete physical examination	Complete physical examination and provide proof	Compliance with program requirements
Restitution, Fines and Court Costs	Payment plan established by the Judge or Community Control Officer	Current on financial obligations
<p>In order for a Participant to be considered for completion of Phase III the following requirements must be satisfied:</p> <ul style="list-style-type: none"> • One-Hundred Fifty (150) days of abstinence from alcohol or drugs • Compliance with fines/cost payment schedule or community service in lieu of completion deadline • Complete substance abuse treatment • Attendance at sober support meetings as required • Secured/maintained employment, actively seeking employment or completed vocational/educational program • Attendance at review hearings and probation as required • Maintain stable housing • Completion of ancillary services • Compliance with program directives, conditions of community control and refrain from violating all Federal, State, County, and City laws <p>Recommendation for advancement from the ALERT Treatment Team and with approval from the Judge.</p>		

Exit from the ALERT Program

After graduation from the ALERT Program until the term of reporting community control is terminated the Participant is still bound by the same conditions ordered at sentencing with the exception of attendance at ALERT Status Review Hearings. The duration of the phase does not exceed a Participant’s term of community control unless that length is extended.

Graduated Participants are encouraged to voluntarily:

- Refrain from any further violations of law
- Remain abstinent from alcohol and drugs
- Submit to random, frequent and observed alcohol and drug screens
- Submit to random frequent and unannounced home visits
- Continue attendance at sober support meetings three (3) times per week
- Maintain a relationship with a sober support mentor

- Pay in full the remaining balance of fines/court costs/restitution, and treatment costs outstanding in any court cases, if applicable
- Complete the balance of any outstanding community service hours
- Maintain compliance with ignition interlock device, if applicable
- Continue participation in relevant services such as mental health treatment, substance abuse counseling, employment, educational, or vocational training
- Work towards obtaining driving privileges, resolving habitual offender suspensions, or driver's license reinstatement
- Develop sober support network and sober leisure activities
- Maintain stable housing
- Identify long-term goals with implementation strategies
- Continue to improve family relationships

After graduation a Participant is required to attend an appointment with the ALERT Community Control Officer once per month or as ordered.

Incentives

Immediate, graduated, and individualized incentives govern the responses of a ALERT Participant's compliance. Close judicial monitoring and intensive supervision are essential to reinforcing positive behavioral outcomes. Regular ALERT Status Review Hearings provide the opportunity for the Court to recognize and reward positive behavioral developments. Incentives are used as an important component for success in making lasting changes in behavior. Incentives demonstrate acknowledgement of the difficult changes ALERT Program Participants are making in their lives. Incentives are individualized according to the specific treatment plan and are directly related to the Participant's achievements as certain milestones of the ALERT Program treatment plan are attained.

Incentives are tracked to ensure that the Participant is rewarded on a progressive basis. The following are examples of incentives used by the ALERT Program:

- Praise from the bench. Examples include: achieving sobriety milestones, advancement to a phase, and completion of an educational/vocational program
- Reduction in Court appearances as a reward for phase advancement
- Reduction in supervision as a reward for phase advancement
- Increase in personal freedoms as a reward for phase advancement
- Certificates and mementos in recognition of achieving sobriety milestones
- Gift cards (Best Buy, McDonald's, Pizza) and/or Girl Scout Cookies presented for achieving sobriety milestones and completion of the program
- Reduction in the number of deferred jail days
- Movement to the next phase
- Special recognition given in Court
- Placement at the beginning of the ALERT Status Review Hearing docket
- Lengthen the time between Court appearances

- Lengthen the time between community control visits
- Reduction of a fine, conversion to community service
- Driving privileges with or without an ignition interlock device
- Graduation from the ALERT Program

General rewards are given at the discretion of the Judge to mark certain Participant achievements.

Incentives and awards are given upon achieving certain milestones in sobriety and upon advancement to the next phase. They include:

Alcohol Sobriety	
30 days of sobriety	Certificate of Achievement
60 days of sobriety	Certificate of Achievement
Advance to Phase II	Certificate of Achievement and Recognition from the bench
120 days of sobriety	Certificate of Achievement
150 days of sobriety	Certificate of Achievement
180 days of sobriety	Certificate of Achievement
Completion of Phase II – Advance to Phase III	Certificate of Achievement and Recognition from the bench

Negative Drug Screens	
3 consecutive negative screens	Recognition from the bench
6 consecutive negative screens	Recognition from the bench
12 consecutive negative screens	Recognition from the bench
24 consecutive negative screens	Recognition from the bench

Graduated Sanctions

Immediate, graduated, and individualized sanctions govern the response to a Participant’s non-compliance. Graduated sanctions are used to help a Participant conform behavior to ALERT Program requirements and deter negative behavior as well as encouragement for future compliance. Sanctions are issued 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 the Judge. The final decision on an appropriate sanction is determined by the Judge. ALERT Participants have the right to request the attendance of defense counsel when their case is discussed at the ALERT Treatment Team Meeting and/or at the ALERT Status Review Hearing.

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.

Judgment on any sanctioned behavior is guided by an overriding consideration of whether the Participant should complete additional community service hours or be incarcerated. At the time of a positive drug test, or if a Participant relapses, the ALERT Treatment Team may consider an adjustment in treatment and the possibility of sanctions. Any change in the treatment plan and/or sanction is enforced and reinforced by the Judge.

Some examples of non-compliance issues are:

Court	<ul style="list-style-type: none"> - Reporting late - Reporting intoxicated - Reporting to Court without appointment book and homework assignments - Failure to appear
Alcohol & Drug Related	<ul style="list-style-type: none"> - Alcohol consumption - Illegal drug use - Failure to report for drug tests - Non-compliance with SCRAM - Interlock violations
Treatment	<ul style="list-style-type: none"> - Missed appointments - Termination from treatment services - Failure to pay for cost of services
Program Guidelines	<ul style="list-style-type: none"> - Committing new offenses - Missed appointment with community control officer - Failure to complete community service - Not paying restitution as directed - Not attending or failure to provide proof of sober support group attendance - Failure to engage in ancillary services - Failure to abide by court ordered conditions/sanctions of community control supervision

The range of sanctions developed to address program non-compliance from minor to major violations includes:

- Community service hours
- Delay of completion of a phase
- Increased reporting requirements
- Increased Court appearances
- Curfews with or without electronic monitoring

- Increased support group requirements
- Adjustment in treatment services
- House Arrest
- Escalating period of Jail
- Community Control Supervision fee and/or fine
- Court observation
- Revocation of Driving Privileges
- Continuous Alcohol Monitoring (SCRAM)
- Increased frequency of drug and alcohol testing
- Imposition of requirements of an earlier phase
- Filing of community control violation
- Warnings and admonishment from the Judge
- No reduction in deferred jail days
- Residential placement
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior
- Referral to cognitive/behavioral programming
- Termination from the ALERT Program Positive Behavior

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Incentive Matrix: “What do we want the participant to learn from this?”

Step 1. Identify the **Behavior**

Proximal (Expect Sooner)	Moderate	Distal (Expect Later)
<ul style="list-style-type: none"> • Attendance at treatment • Attendance at other appointments • Home for home visits • Report to UA • Timeliness • Payment 	<ul style="list-style-type: none"> • Honesty • Testing Negative • Participating in Prosocial Activities • Employment • Progress toward Tx Goals • Progress in Tx 	<ul style="list-style-type: none"> • Complete Tx LOC • Extended Abstinence/Neg. Tests • Treatment Goals Completed • Phase Goals Completed • Program Goals Completed

Step 2. Determine the **Response Level**

		Proximal (Expect Sooner)	Moderate	Distal (Expect later)
Distal ↓	Phase 1	Small	Medium	Large
	Phase 2	Small	Medium	Large
Prox	Phase 3		Small	Large
	Phase 4		Small	Large
	Phase 5		Small	Medium

Step 3. Choose the **Responses** (Paired with Judicial Approval/Verbal Praise)

3a. Therapeutic/Teaching Response

	Phase 1	Phase 2	Phase 3	Phases 4 and 5
Single Event	<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis 	<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis 	<ul style="list-style-type: none"> Behavior Chain 	<ul style="list-style-type: none"> Behavior Chain
Continued Progress		<ul style="list-style-type: none"> Discuss Change in LOC 	<ul style="list-style-type: none"> Aftercare Fqcy Discuss Reevaluating MAT/Medications 	<ul style="list-style-type: none"> Aftercare Fqcy Discuss Re-evaluating MAT/Medications

3b. Supervision Responses

Phase 1	Phase 2	Phase 3	Phases 4 and 5
<ul style="list-style-type: none"> Change in Curfew Status 	<ul style="list-style-type: none"> Reduced Contacts Reduction in Home Visits 	<ul style="list-style-type: none"> Reduced Contacts Reduce Home Visits Reduce in External Monitoring Devices 	<ul style="list-style-type: none"> Reduced Contacts Decreased Drug Testing

3c. Incentive Response

Small	Medium	Large
<ul style="list-style-type: none"> Judicial approval (always) Fish Bowl Decision Dollars Example for other participants in court Handshake Candy On the A Team 	<p>Any small and/or:</p> <ul style="list-style-type: none"> Choice of Gift Certificate Supervisor Praise Written Praise Positive Peer Board Certificate Reduction in CS hours Reduction in program fees 	<p>Any small, medium or:</p> <ul style="list-style-type: none"> Framed Certificate Travel Pass Larger Gift Certificate Position as Mentor to New Participants

*NPC Research: Contact Shannon Carey (carey@npcresearch.com). Adapted from a matrix originally developed by the Harris County TX Treatment Court. Training is recommended before use. Please do not change or revise without permission. While individual responses can change, the steps and their order should remain.

Inappropriate Behavior

Sanction Matrix: “What do we want the participant to learn from this?”

Step 1. Identify the Behavior

Low (Less Immediate)	Moderate	High (More Immediate)	Very High
<ul style="list-style-type: none"> Late for Scheduled Event Missed payment 	<ul style="list-style-type: none"> Missed UA Failure to Complete Assignments 	<ul style="list-style-type: none"> Unexcused Absence tx Alcohol Use Drug Use Tamper with UA or device/dilute Dishonesty 	<ul style="list-style-type: none"> Criminal behavior (new crimes, drinking and driving) Arrest

Step 2. Determine the Response Level

		Low	Moderate	High	Very High
Distal ↓ Prox	Phase 1	Level 1	Level 2	Level 2	Level 4
	Phase 2	Level 1	Level 2	Level 3	Level 4
	Phase 3	Level 2	Level 3	Level 4	Level 5
	Phase 4	Level 3	Level 4	Level 5	Level 5
	Phase 5	Level 3	Level 4	Level 5	Level 5

Step 3. Choose the Responses (paired with Judicial Verbal Disapproval and Explanation)

3a. Therapeutic/Teaching Responses

Level 1	Level 2	Level 3	Level 4	Level 5
<ul style="list-style-type: none"> Behavior Chain Cost/Benefit Analysis Skill Development Homework/Practice Homework chats 	<p>Level 1 plus:</p> <ul style="list-style-type: none"> Discuss LOC Review Thinking Report Doing things for others (homeless kits, letters to nursing home) 	<p>Level 1, 2, plus:</p> <ul style="list-style-type: none"> Discuss Referral Medication Eval Treatment Team Review/Round Table 	<p>Level 1, 2, 3, plus:</p> <ul style="list-style-type: none"> Discuss Re-Assessment 	

3b. Supervision Responses

Level 1	Level 2	Level 3	Level 4	Level 5
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<ul style="list-style-type: none"> • ≤ 1 additional report days/week • Homework chats 	<ul style="list-style-type: none"> • ≤ 2 additional report days/week • Home Visit • Curfew • (FTC) Increased supervision at child visits 	<ul style="list-style-type: none"> • ≤ 3 additional report days/week • Continuous Testing • GPS/Electronic Monitoring • Home Visit • Increase frequency UA Test • Additional Court Report • Case Conference 	<ul style="list-style-type: none"> • ≤ 4 additional report days/week • Electronic Monitor Device • Case Conference • Curfew
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3c. Sanction/Punishment Responses (Judicial Disapproval)

	Level 1	Level 2	Level 3	Level 4	Level 5
Community Service	≤ 4 hrs	≤ 8 hrs	≤ 16 hrs	≤ 24 hrs	≤ 32 hrs
Curfew	≤ 3 days	≤ 5 days	≤ 7 days	≤ 10 days	≤ 14 days
House Arrest	≤ 24 hrs	≤ 72 hrs	≤ 5 days	≤ 7 days	≤ 14 days
Jail			≤ 24 hours	≤ 3 days	≤ 5 days
Other				Review Placement	Termination

*NPC Research: Contact Shannon Carey (carey@npcresearch.com). Adapted from a matrix originally developed by the Harris County TX Treatment Court. Training is recommended before use. Please do not change or revise without permission. While individual responses can change, the steps and their order should remain.

Chapter Six - Program Completion

Criteria for Successful Completion

Successful completion criteria are the guidelines used to identify how Participants can successfully complete the ALERT Program. Participants must serve all mandatory jail time that was deferred prior to graduating from the ALERT Program.

The ALERT Treatment Team will review compliant behavior and accomplishments, and will recommend successful completion. The Judge has discretion to determine when the Participant will successfully complete the ALERT Program. The criteria for successful completion include the following:

Compliant Behaviors

- Completes community service hours as directed
- Attend sober support group meetings as directed
- Maintains steady employment
- Becomes an active member in sober support group(s) and helps other ALERT Program Participants participate.
- Displays a change in thinking, attitude and beliefs
- Attends Status Review Hearings and community control appointments
- Demonstrated period of abstinence from alcohol and drugs, as evidenced by submitting negative alcohol and drug screens, a minimum of ninety (90) days prior to completion
- Attends substance abuse treatment, actively participates and shows progress in understanding the addiction, and successfully completes treatment
- Demonstrated ability to identify and reduce criminal thinking patterns
- Paid in full fines, court costs, restitution (if applicable), and treatment costs unless waived by Judge Caparella-Kraemer
- Completed required term of incarceration and/or home incarceration with electronic monitoring for the current offense
- Complied with ALERT Program directives
- Maintain a drug and/or alcohol free residence which is confirmed during home visits

Accomplishments

- Demonstrated abstinence from alcohol and drugs as evidenced by a minimum of twelve (12) weeks of negative alcohol and drug screens
- Completion of intensive out-patient treatment if recommended
- Relapse prevention plan established
- Regular sober support group attendance
- Attends ALERT Status Review Hearings and community control appointments
- Completion of specialized community control terms including community service
- Completion of or working toward completion of GED
- Full payment of restitution, fines and Court costs, unless otherwise determined
- Displayed responsibility for his or her behavior
- Demonstrated stability in the community

Graduation from the ALERT Program is celebrated with a graduation ceremony. Graduating Participants are encouraged to invite family and friends to attend. The arresting officer for the offense and the Participant's defense counsel are also provided with notice. The event may also be attended by members from the ALERT Treatment Team, ALERT Advisory Committee, law enforcement, treatment, and legal community.

At the ceremony, Participants are awarded with a completion certificate. At the conclusion of the ceremony, graduates are congratulated by the Judge, ALERT Treatment Team members, and the audience. Graduates are given an opportunity to make a brief statement about their experiences in the ALERT Program and are encouraged to offer suggestions for improvement to the ALERT Program.

After graduation a Participant is still bound by the same conditions originally ordered at the time of sentencing with the exception of attending ALERT Status Review Hearing or until such time probation term has expired.

Termination Classifications

Successful – A Participant is classified as a successful termination when he or she has completed the ALERT Program and has been modified by the Court to a less restrictive sanction for the remainder of his or her community control.

Unsuccessful – A Participant is classified as an unsuccessful termination when he or she is found to be in non-compliance with the terms and conditions of the ALERT Program. The Participant's community control is revoked and other sanctions are imposed including some or the entire Participant's suspended non-mandatory jail days.. Typically, an unsuccessful termination is a result of being found guilty of a community control violation and revoking his or her community control.

Common behaviors that lead to unsuccessful termination include:

- On-going non-compliance with treatment
- Resistance to treatment
- New serious criminal or new OVI conviction
- A serious ALERT Program infraction or series of infractions
- A serious community control violation or series of community control violations

Circumstances that could merit termination from the ALERT Program are addressed by the ALERT Treatment Team with the final decision making authority resting with the Judge. The Judge has discretion to decide terminations from the ALERT Program in accordance with the written criteria. The written termination criteria does not create a right to participate in the ALERT Program. Participants have the right to request the attendance of defense counsel during the portion of the ALERT Treatment Team meeting concerning their case.

Termination proceedings occur at a hearing during the ALERT Status Review Hearing Docket. Participants are entitled to have legal counsel for the proceedings. If terminated from the ALERT Program, a Participant could face imposition of the balance of sentence, transfer to an alternative supervision program, placement in a residential treatment program, or other penalties deemed appropriate by the Judge. Individuals unsuccessfully terminated from the ALERT Program may not participate again in the ALERT Program.

The Court shall not terminate participants unless providing notice of intent to terminate, a hearing, and representation by an attorney. Said participants shall have a commensurate level of rights as those required for community-control-revocation hearings. 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.

Neutral –A Participant may be neutrally discharged if the Participant is no longer capable of completing the ALERT Program as a result of serious medical conditions, serious mental health conditions, death, or other factors that may keep the Participant from meeting all the requirements for successful completion.

A Participant is classified as a neutral termination once he or she is placed into other sanctions available to the Court without completing the ALERT Program. A Participant may be classified as a neutral termination if it is determined that he or she is better served by other sanctions.

Inactive – A Participant is classified as inactive if they have an outstanding warrant for non-compliance from the ALERT Program for thirty (30) days and final disposition has not been reached.

Administrative Program Suspension

Administrative suspension is a status reserved for those ALERT Program Participants who are temporarily suspended from the ALERT Program by the Judge. These Participants are suspended from participation, but may be eligible to return once a determination has been reached regarding their continued appropriateness to respond to the ALERT Program. The following examples may reflect reasons for an administrative suspension:

- Participant placed in a residential facility as a result of continued use
- Participant charged with new crimes pending adjudication and/or a final disposition for sentencing
- Participant needs further assessments or evaluations to determine if the ALERT Program is beneficial to the Participant and the ALERT Program
- Participant is unable/unwilling to comply with ALERT Program requirements in a timely manner as directed, ex: falling behind on scheduled restitution payments, medical hardship

Participants who are classified as administratively suspended are subject to reporting requirements as directed by the ALERT Community Control Officer. Participants found to be amenable to return to the ALERT Program may be subject to additional treatment, reporting and/or increased phase participation as determined. Participants not found amenable to return to the ALERT Program are discharged from the ALERT Program and classified as unsuccessful or neutral.

Chapter Seven – Electronic Monitoring and Substance Use Monitoring

Electronic Monitoring

ALERT Program Participants may be eligible to serve his or her jail term, with the exception to the mandatory minimum jail days as required by the Ohio Revised Code or on house arrest with electronic monitoring. This could be a benefit to those Participants who are employed or who could otherwise benefit from serving a period of house arrest in lieu of a full jail term. Electronic monitoring may also be used as an increased sanction in response to the violation of the conditions of community control or ALERT Program requirements. The Court shall specify the overall days an ALERT Program Participant will serve on house arrest with electronic monitoring.

As defined in Section 2929.01 of the Ohio Revised Code, house arrest means a period of confinement of a Participant that is in the Participant's home or in another designated premises specified by the sentencing court and all of the following apply:

- The Participant is required to remain in the Participant's home or other specified premises for the specified period of confinement, except for periods of time during which the Participant is at the Participant's place of employment or another premises as authorized by the Court.
- The Participant is required to report periodically to a person designated by the Court.
- The Participant is subject to any other restriction and requirements that may be imposed by the sentencing Court.

Substance Use Monitoring

ALERT Program 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 Program 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 Program

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

ALERT Program 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 Program Participant's community control status, involvement in substance abuse treatment and/or patterns of substance abuse or addiction.

ALERT Program 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 printouts 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 Program 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, Participants understand that it is a violation of their community control and the law to take another person's prescribed medications.

The ALERT Program monitors a Participant's substance use by random, frequent, and observed alcohol and drug testing protocols. The purpose of the ALERT Program is to protect the community and to assist the Participant in rehabilitation. Drug testing through urinalysis is a practical, reliable way to determine whether Participants have abstained from drugs. Testing positive at intake will establish a baseline and be used to develop an individualized testing and treatment program for the Participant. Testing positive throughout the ALERT Program will result in a sanction. Failure to submit to testing, submitting an adulterated sample, or substituting the sample of another individual, or diluting the sample is treated as a positive test and immediately sanctioned. Sanctions are graduated and progressive and are used to help a Participant conform behavior to

ALERT Program requirements and deter negative behavior. Positive tests will also result in reevaluation of the Participant's treatment plan.

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. The preferred and primary method of testing is urinalysis utilizing instant test kits. Urine screens test for many common substances including the Participant's primary substance of dependence. All testing is recorded and maintained through written documentation for each Participant for the duration the Participant is in the ALERT Program. All written test results are stored in the Participants ALERT Community Control file. Testing will be individualized and conducted based on the Participant needs.

Alcohol tests are conducted by urine dipsticks or by using handheld breathalyzer units to measure the concentration of alcohol in the Participant's breath. These tests are conducted by the ALERT Community Control Officer in the office, at treatment appointments and/or during home visits.

Drug testing is conducted using instant drug screen dipsticks. This is a rapid, one-step screening test for the simultaneous, qualitative detection of multiple drugs and drug metabolites in human urine. The drugs to be detected and the cut-off levels are as follows:

Test	Cut-Off Level
Amphetamines [AMP]	1,000 ng/mL
Barbiturates [BAR]	300 ng/mL
Benzodiazepines [BZO]	300 ng/mL
Cocaine [COC]	300 ng/mL
Marijuana [THC]	50 ng/mL
Methadone [MTD]	300 ng/mL
Methamphetamine [mAmp]	1,000 ng/mL
Methylenedioxymethamphetamine [MDMA]	500 ng/mL
Morphine [MOP 300]	300 ng/mL
Opiates [OPI 2000]	2,000 ng/mL
Phencyclidine [PCP]	25 ng/mL
Tricyclic Antidepressants [TCA]	1,000 ng/mL

These drug tests are conducted by the ALERT Community Control Officer or staff members from DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services who have been trained on the procedure for collecting urine specimens and testing.

Participants in the ALERT Program are required to submit to frequent, random, and observed urine sample drug testing a minimum of two (2) times per week or more in Phase I and a minimum of twice per month in Phases II and III. All Participants report to the ALERT Program Community Control Officer on a frequency established by program phase movement and may be tested at any or all appointments, as well as at the

program's treatment provider – DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services. Phase 1 Participants shall be randomly tested not less than two (2) times per week, as well as at scheduled probation and treatment appointments. Testing is individualized and includes the Participant's primary substance of abuse, as well as a range of other commonly abused substances using one or more of the testing protocols available – urinalysis (instant or expanded laboratory) or portable breathalyzer. All Participants are assigned a color based on their current phase in the program – red (Phase 1): blue (Phase 2): red (Phase 3): yellow which correlates to the random testing calendar. More than 1 color may be selected each day. All Participants are required to call (513) 887-3574 daily between 8:00 am -10:00 a.m. to check the "color of the day". If Participant's assigned color is selected for that day, the Participant must 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 -9:30 A.M. and 3:00 p.m.-4:00 P.M.

Participants are expected to call daily to determine if a substance abuse test is needed. Participants must provide their own transportation to and from the Butler County Area Court's Probation Department. Participants have a duty to report for substance abuse testing between the hours designated. Failure to comply with substance abuse testing will result in sanctions being imposed.

If the Participant is unable to make it between the listed hours (8:30 A.M. to 9:30 A.M. or 3:00 P.M. to 4:00 P.M. the participant must have direct contact with the ALERT Community Control Officer to discuss and alternative time to drop. You may not show up unannounced outside of listed times

For Phase I of the ALERT Program, all Participants are required as a condition of their community control to wear a SCRAM bracelet. After successful completion of Phase I in the ALERT Program, removal of the bracelet is considered upon demonstrated abstinence from alcohol. If Participant has a positive alcohol test (urine, PBT or interlock violations), the Participant may be required to wear a SCRAM bracelet as a sanction to address his/her alcohol use – other sanctions may be applied as determined by the ALERT Program Treatment Team with final sanctioning determined Judge Caparella-Kraemer

At each ALERT Treatment Team meeting, the results of substance monitoring tests are provided to all present ALERT Treatment Team members. The Judge and the ALERT Treatment Team are notified immediately by telephone, email, or in person of a Participant's positive drug screen or confirmed alcohol consumption 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 who tests positive at intake and thereafter by failing a urine drug test, or having a confirmed alcohol consumption by SCRAM, tampers with their SCRAM bracelet, submits an adulterated urine sample, substitutes the urine sample of another individual, or dilutes the urine sample is required to be present at the next scheduled ALERT Status Review Hearing. A Participant's continued alcohol and/or drug usage is addressed by the ALERT Treatment Team to formulate a response that is therapeutic while maintaining the principle of accountability. The Judge enforces and reinforces the treatment guidelines and sanctions.

Substance Use Monitoring Agreement

Each Participant is required to sign a Substance Use Monitoring Agreement. The Substance Use Monitoring Agreement includes the testing procedures, reinforce that positive tests will be immediately sanctioned, and include the procedures to request a confirmation test. Also, substance monitoring agreements reinforce that failure to provide a sample, submitting a sample of another, diluting a sample, or adulterating a sample will also be treated the same as a positive test and will be immediately sanctioned.

The ALERT Community Control Officer reviews substance monitoring information contained in the Substance Monitoring Agreement and Participation Agreement with the Participant upon entry into the ALERT Program. This ensures that the Participant understands the substance testing policy, process, rules, and conditions.

Sample Collection, Sample Analysis, and Result Reporting Policy

1. The Participant shall be escorted to the restroom by a same sex monitor.
2. Any staff member conducting instant screens should wear latex gloves on each hand when doing any task that may require handling of urine samples and/or containers.
3. Participants shall remove coats or jackets, and leave all packages or other containers outside the restroom. At the collections staff's discretion a "pat down" may be conducted.
4. The testing person shall be required to wash his/her hands with warm water and soap, and then dry hands thoroughly before providing the sample.
5. Monitoring staff shall be positioned to witness the actual passage of urine into the clean plastic cup provided. At least one quarter volume will be required. Monitoring staff will be in a position to see that no make shift devices holding urine or foreign substance is used to contaminate the specimen.

6. The Participant shall be required to secure the lid in place and wipe off the exterior of the container with a clean paper towel provided by the monitoring staff after the lid is in place.

Analysis

1. All specimens are to be tested by instant tests. The results will be recorded.
2. Urine samples tested will be tested immediately by the testing staff that monitored the test.
3. When a sample has been tested, the lid will be replaced and a new sealing tape, initialed and dated, will be placed across the container in such a way as to leave the previous tapes clearly visible and readable.
4. Lids shall be placed on containers at all times except when urine is being tested.
5. Participants whose urine test positive are immediately confronted. Participants must be requested to sign a statement acknowledging the positive test.
6. The ALERT Community Control Officer will immediately receive test results after testing. Sample storage or disposal is according to local practice. Sample should be stored properly and chain of custody documented in case a Participant contests the instant screen and requests a laboratory confirmation.

Confirmation Testing

1. If a participant refuses to sign an admission form, sample will be sent to Abbott Laboratory within 24 hours of specimen collection, if the results are positive the Participant shall pay the cost of the laboratory analysis. If the results are negative the court will pay the costs.
2. Upon receipt of the written request within 24 hours of specimen collection for a confirmation test, and upon payment of the testing fee, the ALERT Community Control Officer shall complete the paperwork needed for laboratory testing. The ALERT Community Control Officer shall seal the sample in the provided mailing bags and shall ensure the sample is sent the same day as collection. The ALERT Community Control Officer shall inform the laboratory that a sample has been sent for confirmation testing, reason for the test, and where to return the results. This process shall be done on the same day the sample is sent. The results, when received, will be immediately given to the appropriate ALERT Community Control Officer.

3. If the confirmation results are consistent with the on-site results, the Participant shall be immediately sanctioned.

Chain of Custody

1. The ALERT Community Control Officer collecting the sample will make a positive identification of the Participant before collecting the specimen. This can be done in the following manner:
 - A. Verify by photograph and signature using a driver's license or other acceptable format.
 - B. Verify by recognition through a staff member.
2. An information label will be affixed by the collection personnel to the specimen container. The label shall state the following:
 - A. Name of Participant;
 - B. Date of collection; and
 - C. Identifying number of the Participant (ex: social security number)

The Participant will sign his/her initials on the label indicating the information on the label is accurate.

1. If the specimen is collected anywhere other than the normal testing site, the specimen container must be secured with evidence tape prior to transport and signed by each recipient.
3. Any time the sample changes hands, a chain of custody form must be signed and dated by each person involved.
4. All tests are recorded on the change of custody form. In the case of negative results, the change of custody form is kept as part of the ALERT Community Control file.

Contagious Participants

Infection with contagious disease will not in any way act to prevent or preclude urinalysis. The ALERT Community Control Officer will note the specific infection. This information will be placed on the test request and on the container label. The ALERT Community Control Officer will call the infection to the attention of others who may be testing the Participant so that specific precautions may be taken in handling the urine sample.

Chapter Eight - Professional Education

Opportunities for continuing interdisciplinary professional education for the ALERT Treatment Team and ALERT Advisory Committee are provided in order to promote

effective ALERT Program planning, implementation and operations. Cross disciplinary training will include a variety of topics including the Specialized Docket model; Specialized Docket process; best practices in substance abuse and mental health services; drug trends; and alcohol and drug testing; for counsel on the non-adversarial approach of the Specialized Docket model; training on community resources; and such other training as deemed necessary by the Judge or ALERT Treatment Team.

Training opportunities will be annually provided. Every year, the ALERT Program Coordinator will inquire of all ALERT Treatment Team members regarding their requests for training for the year. The Coordinator or Community Control Officer will prepare a proposed training schedule for the Judge's approval. It will be the responsibility of the ALERT Program Coordinator, or ALERT Community Control Officer to organize the trainings. Two (2) one-hour trainings will be provided during the year. Training opportunities will also include prosecutors and defense attorneys concerning the non-adversarial approach of the Specialized Docket process.

All ALERT Treatment Team members will be required to attend the Supreme Court of Ohio's Specialized Dockets Practitioner Network Annual Conference. The Judge, Coordinator, and Community Control Officer agree to attend at least one sub-network meeting and other trainings during the calendar year related to their discipline. All ALERT Treatment Team members will receive the Specialized Dockets Newsletter and agree to keep all contact information provided to the Supreme Court of Ohio Specialized Dockets Section current.

ALERT Treatment Team members plan to observe other certified Specialized Docket Programs. The ALERT Program will maintain a relationship with a minimum of one mentor court. The ALERT Treatment Team will review the relationship with the mentor court on an annual basis to determine if the designated mentor court continues to meet the needs of the ALERT Program. At least once a year the ALERT Treatment Team will have the opportunity to attend a site visit with another certified Specialized Docket.

ALERT Treatment Team members agree to serve for a minimum of one (1) year. The ALERT Program has prepared procedures to compensate for the transition of team members. New additions to the team are invited to observe the ALERT Status Review Hearings to provide familiarity with the operations of that aspect of the ALERT Program. New team members are provided detailed information outlining their roles and responsibilities, as well as a policy and procedures manual for reference. New team members are encouraged to attend Ohio Specialized Dockets Practitioner Network meetings.

Chapter Nine-Effectiveness Evaluation

The ALERT Program has developed a plan for evaluating its effectiveness. It includes a statement of goals and objectives set forth in Chapter One, of this Program Description. The ALERT Program has a system for collecting data, and a process for analyzing that data in order to determine whether those goals and objectives are met.

ALERT Treatment Team members from DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services provide information used for program evaluation. The ALERT Community Control Officer and ALERT Program Coordinator collect data using the Henschen case management system, databases in Access and Excel format and manual data collection. The statistical data is completed into a yearly report. This report is presented and reviewed by the ALERT Advisory Committee during its meetings. The information is used to evaluate the effectiveness and functionality of the ALERT Program, ALERT Treatment Team, policies and procedures.

The ALERT Program will comply with reporting data as required by the Supreme Court, including information to assess compliance with the Standards for Specialized Dockets. The ALERT Program will engage in on-going data collection in order to evaluate whether or not the ALERT Program is meeting its goals and objectives. Data collected is utilized by the ALERT Advisory Committee as part of the functionality review of the Treatment Team.

The collected data corresponds to the goals and objectives established during the planning process and contained in the Policies and Procedures Chapter.

All ALERT Program Participants will be encouraged to complete a voluntary and anonymous satisfaction survey upon successful completion or termination from the ALERT Program, if they so desire. The information collected will be used to provide perspective on a Participant’s experience, effectiveness of programs and services, and suggestions to improve outcomes.

The ALERT Program will abide by all necessary policy and procedures to preserve and protect the confidentiality and identities of Participants when using their personal information and identities for the purpose of program evaluation. All information utilized will be in accordance with the established policies of the Butler County Area Courts, DeCoach Recovery Centre, Modern Psychiatry and Wellness LLC., and Access Counseling Services and Health Insurance Portability and Accountability Act, 42 U.S.C. 300 gg-42, as amended, and sections 2151.421 and 2152.99 of the Ohio Revised Code.

The ALERT Program collects data including:

• Number of Participants referred
• Number of Participants accepted
• Number of Participants denied
• Reasons for denial
• Number of graduates
• Number of unsuccessful terminations
• Number of Participants neutrally discharged
• Number of jail days originally ordered
• Number of jail days served
• Number of jail days served for sanctions

<ul style="list-style-type: none"> • Number of jail days served on alternative sanctions such as EMU and Community Service diversion
<ul style="list-style-type: none"> • Number of Jail days mitigated
<ul style="list-style-type: none"> • Monetary savings of mitigated jail days vs. cost spent on incarceration and alternative sanctions
<ul style="list-style-type: none"> • New offenses committed by Participants while in the ALERT Program
<ul style="list-style-type: none"> • Convictions of new offenses
<ul style="list-style-type: none"> • Rewards for sobriety milestones
<ul style="list-style-type: none"> • Number of drug screens/results
<ul style="list-style-type: none"> • Positive screens results by drugs
<ul style="list-style-type: none"> • Graduated sanctions
<ul style="list-style-type: none"> • Treatment attendance
<ul style="list-style-type: none"> • Unsuccessful discharge from treatment
<ul style="list-style-type: none"> • Successful completion of treatment
<ul style="list-style-type: none"> • Participants referred to residential treatment
<ul style="list-style-type: none"> • Completion of residential treatment
<ul style="list-style-type: none"> • Unsuccessful discharge from residential treatment
<ul style="list-style-type: none"> • Age of Participants
<ul style="list-style-type: none"> • Gender of Participants
<ul style="list-style-type: none"> • Race of Participants
<ul style="list-style-type: none"> • Ethnicity of Participants
<ul style="list-style-type: none"> • Employment status of Participants
<ul style="list-style-type: none"> • Marital status
<ul style="list-style-type: none"> • Number of Children
<ul style="list-style-type: none"> • Resident information (county, township, city, village, etc.)
<ul style="list-style-type: none"> • Level of educational attainment
<ul style="list-style-type: none"> • Level of offense (1/6, 2/6, etc.)
<ul style="list-style-type: none"> • Breathalyzer test results at time of offense
<ul style="list-style-type: none"> • Urine results at time of offense
<ul style="list-style-type: none"> • Refusal of tests
<ul style="list-style-type: none"> • Accident
<ul style="list-style-type: none"> • Insurance in effect
<ul style="list-style-type: none"> • Valid license or DUS at time of offense
<ul style="list-style-type: none"> • Number of prior OVI convictions
<ul style="list-style-type: none"> • Criminal history (Misdemeanor/Felony convictions)
<ul style="list-style-type: none"> • Prior prison sentence
<ul style="list-style-type: none"> • Length of time in each phase
<ul style="list-style-type: none"> • Length of time in the ALERT Program
<ul style="list-style-type: none"> • Types of referrals made to ancillary services/programming (mental health, employment, vocational training, cognitive thinking, etc.)
<ul style="list-style-type: none"> • Number of new OVI convictions by graduates
<ul style="list-style-type: none"> • Number of new OVI convictions by active Participants
<ul style="list-style-type: none"> • Number of new OVI convictions by terminations

APPENDIX

The following individuals serve on the Advisory Committee for the Butler County Area Court's ALERT Program and agree to the terms of the ALERT Program Description effective _____.

Courtney Caparella-Kraemer
ALERT Program Judge

Kathy Becker
Access Counseling

Kaleb Barrows
DeCoach Recovery Centre

Chief Joel Herzog
West Chester Police Department

Brad Burress, Assistant Prosecutor
Butler County Prosecutor's Office

Michael P. Weisbrod
Butler County Public Defender's Office

Amber Green
ALERT Community Control Officer

Dr. Moss
Modern Psychology and Wellness LLC..

Larry Withrow
ALERT Program Coordinator