



The participant may request to have his/ her attorney present at the TAC Treatment Team meetings when his/her case is discussed and at the TAC Status Review Hearing.

Participant has the right to consult with his/her attorney at any time. Participant has the right to have his or her attorney present at any hearing, meeting, or review.

- B. Right to Remain Silent and Right Against Self-Incrimination. Participant is expected to be honest and self-report any violation of TAC Program rules.
- C. Right to Freely Associate. Participant's ability to have contact with specific people or places may be restricted.
- D. Right Against Unlawful Search and Seizure. The TAC Community Control Officer will have the right to conduct searches of your person, residence, and property without a warrant.

## **2) Program Expectations**

Participant agrees to follow and comply with all treatment plans, general and specific conditions of reporting community control, supervision plans, and TAC Program rules and requirements.

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

Phase I- 60 days or more

Phase II- 60 - 150 days or more

Phase III-150 days or more until graduation

Exit from TAC Program -Graduation until released from community control reporting requirements.

Participant further understands that the minimum length of time to complete the program is one (1) year. The length of the TAC Program is determined by the Participant's progress and compliance with TAC Program guidelines, rules and conditions. Participant must successfully complete all three phases of the TAC Program in order to complete and graduate from the TAC Program.

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

Participant shall pay all fines, restitution, fees, and court costs as ordered by the Court. The Court will have the discretion to reduce or suspend fines, costs and fees depending on the participant's financial ability.

Participant understands that he/she will appear on a regular basis at TAC Status Review Hearings without counsel to report on progress in the TAC Program and may be subject to sanctions for failure to comply with the rules of the TAC Program.

Participant understands that the TAC Program is a condition of community control and failure to comply with the rules and conditions may result in the revocation of community control which may result in jail.

### **3) Assessment, Treatment, and Referral**

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

Participant shall complete any requested release of information forms to provide communication about confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. 300 gg--42, as amended and sections 2151.421 and 2152.99 of the Ohio Revised Code.

Participant understands that any disclosure made regarding diagnosis or treatment is bound by Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of substance abuse patient records and that the recipient of this information may re-disclose it only in connection with their official duties.

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

### **4) Participant Monitoring**

Participant has been placed on a term of reporting community control under the direct supervision of the TAC Community Control Officer to monitor compliance with Court requirements. The general and specific conditions of reporting community control that you must follow are:

1. Observe all Federal, State, County and City laws and refrain from committing any violations. You will report any arrest, citation for the violation of the law, conviction or any other contact with law enforcement to the TAC Community Control Officer within 24 hours of the event.
2. You shall be subject to house arrest and curfew with or without electronic monitoring.

3. You shall not use non-prescribed narcotics or illegal chemicals, and consent to toxicology testing to determine if you have violated this condition.
4. You shall report to the Butler County Adult Probation Department as directed by your TAC Community Control Officer.
5. You shall notify your TAC Community Control Officer immediately of any change in your place of residence.
6. You will not leave the State of Ohio without prior written permission from the TAC Community Control Officer.
7. You will work regularly at a job to the best of your ability. When out of work, you shall notify your TAC Community Control Officer immediately of any employment changes.
8. You will provide all information regarding your financial status to the TAC Community Control Officer and the treatment agency to assist in determining your ability to pay specific financial obligations.
9. You will cooperate with your TAC Community Control Officer and accomplish all case plan objectives which are now and will be set for you throughout your community control period.
10. You will be subject to random search and seizure of your person, motor vehicle, or place of residence without a warrant by your TAC Community Control Officer or other authorized representative of the TAC Program.
11. Pay fines, costs, community control service fees and restitution as directed and per a schedule set up by the TAC Community Control Officer.

Participant is also subject to specific reporting community control conditions which may include, but are not limited to, the following:

1. Attend TAC Status Review Hearings as ordered.
2. No alcohol or illegal drug use.
3. Stay out of bars and any business which gets most of their money from selling alcohol if dual diagnosis.
4. Successfully complete substance abuse treatment as ordered.
5. Successfully complete any counseling as ordered.
6. Attend sober support group meetings as ordered.
7. Submit to frequent, random and observed toxicology screens. You understand that if you fail to submit to a drug screen, tamper with the urine specimen, if the urine is diluted, or if you fail to provide a sufficient quantity of urine, you will be sanctioned as if the test is positive for illegal substances.
8. Submit to a breathalyzer test if requested or if you fail to provide a sufficient breath sample, will be sanctioned as if the test was positive for alcohol.
9. Complete community service as ordered.
10. Obtain a sober support sponsor, if ordered.
11. Follow all rules and conditions, participate and successfully complete the TAC Program.
12. Wear a SCRAM (secure continuous remote alcohol monitoring) bracelet, if ordered.

13. Comply with electronic monitoring, if ordered.
14. Participate in vocational/educational or employment service agencies training as ordered.
15. Earn a GED or high school diploma as ordered.
16. Consent to the release of health, mental health, and chemical dependency information as permitted under state and federal law.
17. Enter into and complete inpatient and/or outpatient substance abuse treatment and counseling as ordered, including any aftercare requirements, and pay the treatment provider for costs not paid by government or other sources.
18. Not associate with anyone known to be actively involved in the sale or use of illegal drugs.
19. Not associate with any persons who have a criminal background and/or persons who could influence me to engage in criminal activity without prior permission from the TAC Community Control Officer.
20. You will not become romantically or sexually involved with another Participant in the TAC Program.

Participant shall come prepared for appointments with the TAC Community Control Officer. Participant should bring their appointment book, current check stub, job applications if unemployed, sober support verification sheet if ordered, medication/prescription information, dates of upcoming appointments, receipts for payments of fines/costs/restitution, and documentation that confirms completion of program requirements and community service.

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

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

Indicators of non-compliant behavior or the possession of items prohibited by Court Order, legal statute, or the TAC Participation Agreement can result in a sanction from the Judge. Depending on the nature and seriousness of the infraction, a Participant may be arrested by the TAC Community Control Officer or authorized Community Control Department staff and taken into custody for transport to the Butler County Jail. The infraction will be heard by the Judge, treated as a community control violation, and sanctioned as the Judge determines.

TAC Participants are required to provide the names, addresses and telephone numbers of their Medical Providers and pharmacies to the TAC 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.

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

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

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

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

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

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

It is the TAC Participant's responsibility to inform the TAC 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, TAC Participants understand that it is a violation of their community control and the law to take another person's prescribed medications.

Participants in the TAC Program are required to submit to frequent, random, and observed alcohol and drug testing as ordered. These drug tests are conducted by the TAC Community Control Officer or TLC Staff who has been trained on the procedure of collecting urine specimens and testing. Participants will be notified by the TAC Community Control Officer in person or by telephone of a required drug/alcohol test. Participants are expected to travel to the testing location during the hours indicated when contacted by the TAC Community Control Officer. Participants have a duty to report as directed or are subject to sanction for failure to cooperate with the drug testing protocol. Participants are responsible for arriving promptly for their testing appointment as directed. A sample must be provided within two (2) hours of arrival or by the close of business, whichever occurs first.

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

Testing positive at intake will establish a baseline and be used to develop an individualized testing and treatment program. Participants who test positive thereafter or fail to submit to a test, submit an adulterated sample, or sample of another individual, or dilutes the sample are required to be present at the next scheduled TAC Status Review Hearing to address immediate and appropriate sanctions. Sanctions are graduated and the Participant's treatment plan will be reevaluated.

At each TAC Treatment Team meeting, the results of substance monitoring tests are provided to all present TAC Treatment Team members. The Judge and the TAC Treatment Team are notified immediately, by telephone, email, and in person, of a Participant's positive drug screen or confirmed alcohol consumption by SCRAM or when a Participant fails to submit to a test, tampers with their SCRAM bracelet, submits an adulterated urine sample, substitutes the urine sample of another individual, or dilutes the urine sample. Failing to submit to a urine test, tampering or circumventing SCRAM monitoring, removing the SCRAM bracelet, submitting an adulterated urine sample, or urine sample of another individual, or diluting the urine sample is treated as a positive test and immediately sanctioned.

Participants who test positive 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 are required to be present at the next scheduled TAC Status Review Hearing for sanction. A Participant's continued alcohol and/or drug usage is discussed with the TAC 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.

TAC Participants who test positive for illegal substances on the instant test can request, in writing, within 24 hours of specimen collection, confirmation testing if they feel the positive result is wrong. A fee per drug tested will be the responsibility of the Participant. If the lab confirmation test is returned negative, the Participant is issued a refund for the fee paid and there will be no penalty from the Court. However, if the original instant test results were correct, the Participant must appear before the Judge on the next TAC Status Review Hearing Docket to address the results with the Judge and receive an appropriate sanction. The fee for the laboratory testing will not be refunded.

Confirmation drug testing is available through Miami Valley Crime Lab ("MVCL"). Participants who contest the results of an instant test can orally request that their specimen be sent to MVCL for confirmation testing. MVCL is certified by the US Department of Health and Human Services/SAMHSA [formally NIDA] which qualifies urine testing for federal agencies.

You shall pay fines, fees, and court costs as ordered by the Court. If you are required to pay restitution, this amount will have been ordered at sentencing. In some instances, the court can order payment of probation services fees as a sanction for TAC Program violations. You are required to create a payment schedule with the TAC Community Control Officer for all court ordered financial obligations.

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

Full payment of financial sanctions (fines, costs, fees, and/or restitution) is a condition of community control and is required to graduate from the TAC Program.

There is on-going judicial interaction with each Participant as an essential component of the TAC Program. TAC Status Review Hearings are held bi-weekly at the Butler County Area III Court. Hearings normally start at 3:30 p.m., unless otherwise noted. Phase I requires weekly attendance at the TAC Status Review Hearings or as ordered. Upon advancing to Phase II, Participants attend TAC Status Review Hearings every two weeks or as ordered. In Phase III, Participants attend TAC Status Review Hearings once a month or as ordered.

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

There will be direct interaction with the Judge throughout the TAC Status Review Hearing in order to review your progress. The Judge will ask you questions. You should be prepared to answer questions about treatment attendance and topics, community control compliance, case management, sober support group attendance, if ordered, employment, and fines/costs payments. Incentives will be given to recognize certain

accomplishments. Graduated sanctions will be given to address TAC Program violations. The failure to attend a TAC Status Review Hearing, unless excused, will result in the issuance of a warrant for your arrest.

Phases are the steps in which a Participant's performance and progress through the TAC Program are monitored. These phases are used as guidelines that can be modified to meet a Participant's specific circumstances and needs. Participants can move in and out of phases from the most restrictive to the least restrictive. Phase advancement is based on a Participant's individual performance, on a case by case basis, and as recommended by the TAC Treatment Team. Progression through the TAC Program is based on a Participant's performance in the treatment plan and compliance with the TAC Program phases. Phase advancement is not based on pre-set timelines. The time interval between TAC Status Review Hearings are increased or decreased based upon compliance with TAC Program requirements and observed progress.

Immediate, graduated, and individualized incentives will govern the responses to compliance with TAC Program requirements. Incentives are used as an important component for success in making lasting changes in behavior. The following are examples of incentives used by the TAC Program:

- Praise from the bench
- Reduction in Court appearances
- Reduction in supervision
- Reduction in the number of deferred jail days
- Movement to the next phase
- Increase in personal freedoms
- Certificates and mementoes
- Gift Cards

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 TAC Program requirements and deter negative behavior as well as encouragement for future compliance. Sanctions are issued when there is non-compliance with both TAC Program requirements 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 TAC Treatment Team for consideration by the Judge. The final decision on appropriate sanctions is determined by the Judge. A Participant has the right to request the attendance of his/her defense counsel when his/her case is discussed at the TAC Treatment Team Meeting.

The range of sanctions developed to address TAC Program non-compliance from minor to major violations include:

- 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, based upon the clinically informed interests of the participant
- House Arrest
- Jail
- Escalating periods of jail
- Community Control Supervision fee and/or fine
- Court observation
- Writing/research assignments
- Continuous Alcohol Monitoring (SCRAM)
- Increased frequency of drug and alcohol testing
- Filing of community control violation
- Warnings and admonishment from the TAC Program 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
- Termination from the TAC Program

## **5) Successful Completion Criteria**

Graduation criteria are the guidelines used to identify how Participants can successfully complete the TAC Program. Participants are eligible to be considered for graduation after advancing through the three (3) phases of the TAC Program. On average it takes most individuals two (2) years from the date of sentencing to complete the TAC Program. However, it is important to note, progression through the TAC Program is based on the Participant's performance in the treatment plan and compliance with the TAC Program phases. Phase advancement is not solely based on pre-set timelines.

The Judge has discretion to determine when a Participant will successfully complete the TAC Program. The criteria for successful completion include:

- Completes community service hours as ordered

- Attends support group meetings as ordered
- Maintains steady employment, if applicable
- Displays a change in thinking, attitude and beliefs
- Attends TAC Status Review Hearings and community control appointments
- Demonstrated period of abstinence from alcohol and drugs if dual diagnosis
- Attends mental health treatment, actively participates and shows progress in understanding the mental illness, and successfully completes treatment
- A demonstrated ability to identify and reduce criminal thinking patterns
- Pay in full fines, court costs, restitution (if applicable), and treatment costs
- Complete required term of incarceration and/or home incarceration with electronic monitoring for the current offense
- Complies with TAC Program directives
- If dual diagnosis maintain a drug and/or alcohol free residence which is confirmed during home visits

## **6) Termination Criteria**

Termination from the TAC Program is possible. A Participant is classified as an unsuccessful termination when they are found to be in non-compliance with the terms and conditions of the TAC Program. The Participant's community control is revoked and other sanctions are imposed including some or all of the Participant's suspended/stayed days of incarceration. 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
- Continued alcohol and/or drug use
- New serious criminal
- A serious TAC Program infraction or series of infractions
- A serious community control violation or series of violations

Circumstances that could merit termination from the TAC Program are discussed by the TAC Treatment Team, with the final decision making authority resting with the Judge. A Participant has the right to request the attendance of his/her defense counsel during the portion of the TAC Treatment Team meeting concerning the Participant.

Termination proceedings occur at a hearing during the TAC Status Review Hearing Docket. A Participant is entitled to have legal counsel present for the proceedings at

his/her request. If terminated from the TAC Program, a Participant could face imposition of the balance of the sentence, transfer to an alternative supervision program, placement in a residential treatment program, or other penalties deemed appropriate by the Judge.

THE PARTICIPANT ACKNOWLEDGES THAT HE/SHE HAS READ AND UNDERSTANDS THIS AGREEMENT, FREELY AND VOLUNTARILY RELINQUISHES THE RIGHTS DISCUSSED HEREIN AND AGREES TO ABIDE BY ALL THE RULES AND CONDITIONS OF THE TAC PROGRAM.

\_\_\_\_\_  
Signature of Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Attorney for Participant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecutor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date