

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

<u>STATE OF OHIO</u>	:	Case No.
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
<hr style="width: 30%; margin-left: 0;"/>	:	CDAT (Drug Court)
	:	PARTICIPATION AGREEMENT
Defendant.	:	AND WAIVER OF RIGHTS
	:	

The undersigned Defendant (hereinafter referred to as “Defendant,” “Offender,” or “Participant”) requests that he/she be sentenced to the Butler County Court of Common Pleas Court-Directed Addiction Treatment Program (CDAT), aka Drug Court Program, as part of a community control sentence and/or Intervention in Lieu of Conviction plan, which could be imposed herein. The execution of this agreement does not obligate the Court to sentence the Defendant to community control. Defendant acknowledges that he/she consulted with his/her attorney regarding the legal ramifications of entering into CDAT and reviewed both the *Participant Handbook* and this document with his/her attorney.

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

- Plea and sentencing;
- Intervention in Lieu of Conviction;
- Probation violation; or
- Judicial Release.

Pursuant to Local Rule 10.01, once Defendant has been ordered to complete CDAT, his/her case shall be transferred to the CDAT Judge. Any, and all further Court proceedings with respect to that, shall be heard by the CDAT Judge. Once entered into CDAT, Defendant shall become a Participant.

Participant understands that by entering into CDAT that he/she is waiving certain constitutionally-guaranteed rights which he/she might otherwise be entitled. Those rights include, but are not limited to:

- Waiver of the right to due process in regard to the imposition of sanctions;
- Waiver of the right to consult with and be represented by an attorney at status review hearings. However, Participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting concerning Participant;

- Waiver of any objection to the Judge receiving communication regarding Participant's treatment, progress, and/or rule violations without Participant, or his/her attorney being present;
- Waiver of the right to contest the results of drug and alcohol testing at status review hearings;
- Waiver of the right to remain silent and to not incriminate himself/herself at status review hearings;
- Waiver of the right to freely associate with other persons, including Participant's spouse or significant other, who, in the sole discretion of the Court, may interfere with or impede the recovery of Participant; and
- Waiver of the right to be searched without probable cause and/or a warrant in regard to CDAT staff being able to conduct searches of Participant's person, residence, and/or property (including Participant's cell phone).

Terms and conditions of CDAT:

1. Participant agrees to enter into and complete inpatient and/or outpatient substance abuse treatment and counseling, including any aftercare requirements, and to pay the treatment provider for costs not paid by government sources. Participant agrees to respond to and comply with the supervision of the assigned case manager. Participant agrees to report as scheduled for treatment and to participate in all activities of the treatment program, including without limitation:

a. RESIDENTIAL TREATMENT

Drug court participants in residential treatment will still have an assigned drug court case manager; however, their treatment will take place in a general population treatment facility. Residential treatment lasts between 10 and 12 weeks, and focuses entirely on stabilization and substance use treatment. Treatment programming takes place seven (7) days a week and each patient receives intense daily programming and regular one-on-one counseling sessions.

Participant may also be required to complete treatment through the River City Correctional Center, the Monday Program, or the Community Correctional Center (CCC). Participant shall be given jail time credit for time served while in River City, Monday or CCC.

b. OUTPATIENT TREATMENT – Sojourner Recovery Services facilitates treatment for all Butler County CDAT Participants. The intensive outpatient and outpatient portions of the program will take place at their facility located at 1430 University Blvd, Hamilton, Ohio 45011. The treatment facility is staffed with appropriately licensed treatment counselors and case managers.

Participant shall be placed in treatment as soon as possible and can expect to be in CDAT for a minimum of fifty-two (52) weeks. However, this does NOT guarantee Participant will complete the entire Program in one (1) year. Time may

be extended in the Program if Participant fails to comply with all of the requirements. Participant may earn additional time in the Program if he/she fails to maintain sobriety, obtains new charges, fails to comply with the rules of CDAT, or fails to comply with Court orders.

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

Phase I (Initial Phase)

Phase I will consist of intensive outpatient treatment or a partial hospitalization level of care based on their individual diagnosed needs. This is an intense stabilization phase focusing strongly on their individual substance use disorder needs. There is a minimum of four (4) hours per group, five (5) groups per week and one individual counseling session every week. This phase will focus intensely on stabilization and sobriety. During this phase the participant will be required to attend status review hearings with the court at least twice a month. While transition through phases is based on individual needs and success, this phase is developed to last approximately four to six (4-6) weeks.

Participant requirements for Phase I compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of every two weeks;
- Attending meetings with case managers and/or probation officers;
- Submitting to alcohol and drug testing at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Obtaining employment;
- Abiding by the rules of CDAT, the CDAT *Participation Agreement*, community control, and the laws; and
- Committing no new criminal offenses.

Phase II

Phase II will focus on the next level of behavioral progression for the participants. During this time the participant will continue to work on their sobriety and they will also engage in treatment services that more broadly address their individual identified criminogenic needs. Working toward re-establishing relationships, greater sober support networks and developing educational, vocational and

employment skills is high priority during this phase. Participants will continue to have group counseling four (4) days per week for two hours and fifteen (2:15) minutes per group and one individual counseling session every two weeks. Again, while progressing through each phase is based on individual performance, this phase is estimated to last approximately twelve to sixteen (12-16) weeks.

Participant requirements for Phase II compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of once every two (2) weeks;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Maintaining employment;
- Abiding by the rules of CDAT, the CDAT *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses; and
- Identifying long-term education, employment, and housing goals.

Phase III

Phase III is a time where the participant can start putting into practice what they have learned in their previous treatment programming. This phase is designed to assist the participant in reintegrating into society and finding employment. Group counseling will be held two (2) days per week for two (2) hours per group and one individual counseling session every two weeks. These groups will help the participant process the struggles they are having and slowly step them back towards being self-sufficient. This phase will last approximately twelve (12) weeks.

Corrective Thinking

Beginning in Phase III of the program, the participant shall also attend Corrective Thinking one (1) day per week. The Corrective Thinking program shall aid the participant in developing skills to assist in functioning more effectively within the community. The program addresses judgment skills, problem solving techniques, communication skills, boundaries, thinking errors, difficulty dealing with stress, problems with health and wellness, and financial management issues.

Participant requirements for Phase III compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of every four (4) weeks;

- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Abiding by the rules of CDAT, the CDAT *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term employment and housing.

Phase IV

Phase IV is the final phase and will focus on maintaining self-sufficiency and relapse prevention. During this phase the participant should become self-sufficient and should maximize their own personal potential. Groups will be held one day a week for two (2) hours and one individual counseling session every two weeks. Again, these groups will focus on problem solving and processing their personal struggles as they become more independent. This is the final phase and can last approximately twenty-four (24) weeks.

Participant requirements for Phase III compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of every six (6) weeks;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Abiding by the rules of CDAT, the CDAT *Participation Agreement*, community control, and the laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term employment and housing.

2. Compliance Testing

- a. Participant shall call the PassPoint ocular scan system voicemail daily between 6:00 A.M. and 8:00 A.M. to find out if he/she is required to submit to a scan that day. Participant shall also submit to random, frequent, and observed urine screen if requested by a member of the CDAT team. If Participant fails to submit a urine

specimen, tampers with the urine specimen, submits the sample of another, dilutes his/her specimen, or fails to produce a sufficient quantity of urine needed for analysis, then he/she shall be immediately sanctioned as if the urine screen produced a positive result. Should Participant deny any use when confronted regarding a positive urine screen, the specimen shall be sent to a certified outside laboratory for testing by GC/MS. Participant may be subject to a probation violation hearing or an Intervention in Lieu of Conviction revocation hearing if the GC/MS results are positive. Participant shall also submit to testing of his/her breath or blood as required by any member of the CDAT team.

- b. Participant shall submit to voice stress and/or polygraph testing concerning his/her compliance with the rules of CDAT and his/her sobriety. Failure to successfully pass such tests could result in a sanction.
 - c. Participant may be ordered to wear an Electronically Monitored House Arrest (EMHA) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost.
 - d. Participant may be ordered to wear a Secure Continuous Remote Alcohol Monitoring (SCRAM) bracelet. Participant's costs shall be a fifty dollar (\$50.00) installation fee and up to ten dollars (\$10.00) per day. If ordered, Participant shall have a land line phone installed at his/her residence and at his/her cost.
3. Participant shall attend at least three (3) outside AA/NA meetings per week, obtain a sponsor, and be responsible to timely turn in proof of attendance each and every week.
 4. Participant agrees to voluntarily report to the CDAT team any violations of Program rules, including Participant's use of illegal drugs and/or alcohol.
 5. Participant shall pay a probation supervision fee of thirty-five dollars (\$35.00) per month for the duration of the term of community control. None of the thirty-five dollar (\$35.00) probation supervision fee shall be used as part of the treatment costs.
 6. Participant shall obtain and maintain full-time employment unless otherwise waived by the Court.
 7. Participant shall be subject to a curfew beginning at 10:00 PM through 6:00 AM the following morning, unless waived in writing for employment or other good cause.
 8. Participant shall comply with any additional community control requirements the Court may impose.
 9. CDAT incorporates ongoing judicial interaction with each Participant. Therefore, Participant shall attend all scheduled Court appearances, including regular status review hearings.

10. Participant shall obtain and carry with him/her at all times a pocket calendar. Participant shall write the dates for all scheduled treatment sessions, probation/case manager appointments, drug screens, and work/school/GED class schedules in said pocket calendar. Participant shall make said pocket calendar available for inspection by any member of the CDAT team at any time.
11. Participant shall abstain from the use or possession of any illegal drugs, alcohol, or synthetic cannabinoids (including, but not limited to, Spice or K2) while in the Program. Participant shall not be in any establishment primarily engaged in the sale of alcoholic beverages.
12. Participant shall inform the CDAT team of any and all prescriptions obtained by Participant the next business day after receipt of said prescription. Participant shall inform the CDAT team of any and all over-the-counter medications that he/she may be using. It is Participant's responsibility to confer with a pharmacist or medical professional to see that any medication, whether prescribed or over-the-counter, is not mood altering or addictive and that it does not contain alcohol. Use of any such medication, irrespective of whether it is prescribed or obtained over-the-counter, could result in the termination of Participant from CDAT.
13. Participant shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996." 42 U.S.C. 300gg-42, as amended, and sections 2151.421 and 2152.99 of the Revised Code.
14. Participant shall inform the CDAT team of any changes in employment within twenty-four (24) hours of the occurrence of the change. A change in address must be approved by the assigned probation officer prior to the change.
15. Participant shall not associate with anyone known to be actively involved in the sale or use of illegal drugs. Participant shall not become romantically or sexually involved with another CDAT Participant.
16. Participant shall adhere to a dress code for all CDAT appointments:
 - No short shorts or mini skirts;
 - No spaghetti straps or tank tops;
 - No tops or dresses with cleavage exposing any portion of the breast;
 - No halter tops or strapless tops/dresses;
 - No skin tight pants, skirts, or shorts;
 - No baggy pants;
 - No see through clothing;
 - No clothing that makes reference to drugs and/or alcohol; and
 - No sexually suggestive clothing.

For status review hearings, Participant shall be dressed in clean and neatly groomed clothing. Any noncompliance with the dress code may result in Participant being asked to leave and face a possible sanction.

17. At the time of a positive drug test (which may include a test taken at admission to the Program), the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the treatment plan and/or sanctions are enforced and reinforced by the Judge.
18. Participant shall be subject to sanctions which may be imposed by the Court in furtherance of treatment. Sanctions shall be imposed by the Court as a result of noncompliance or a rule violation by Participant. Participant is aware the Court shall be alerted to all such infractions. Participant noncompliance shall be governed by immediate and graduated sanctions that range in severity depending on the seriousness of Participant's noncompliance or rule violation.

The following are common types of infractions:

- Failure to attend status review hearings;
- Failure to attend treatment appointments;
- Failure to follow CDAT rules;
- Failure to keep scheduled appointments with the probation officer, case managers, or any other treatment team member;
- Noncompliance with other requirements of the treatment plan;
- Failure to have his/her calendar at all CDAT appointments;
- Noncompliance with random alcohol and drug screens, or testing positive for alcohol and/or drugs;
- Failure to take prescription medications as directed;
- Failure to comply with the CDAT *Participation Agreement*;
- Failure to comply with curfew as established by the treatment team;
- Failure to maintain confidentiality outside of treatment groups;
- Failure to improve troublesome behavior;
- Failure to meet employment or vocational goals as determined by the treatment plan;
- Failure to complete community service as ordered; and
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, etc.

Sanctions may include, but are not limited to:

- Warnings and admonishments from the Judge;
- Demotion to an earlier CDAT phase;
- Increased frequency of alcohol and drug testing;
- More frequent status review hearings (bi-weekly reviews and/or WWS: Wednesday's with Spaeth);

- Refusing specific requests, such as permission to travel;
 - Denying additional or expanded privileges, or rescinding privileges previously granted;
 - Increased supervision contacts and monitoring;
 - Issuing a no contact order with identified individuals;
 - Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon acceptable behavior;
 - Imposition of suspended fines;
 - Ordering community service;
 - Ordering corrective thinking classes;
 - EMHA (Electronic Monitored House Arrest) or SCRAM (Secure Controlled Remote Alcohol Monitoring) bracelets;
 - Escalating periods of jail time;
 - Filing of a probation violation or an Intervention in Lieu of Conviction revocation; and
 - Unsuccessful termination from CDAT.
19. Failure by Participant to attend a scheduled status review hearing, treatment, urine screen, or probation appointment may result in the issuance of a warrant for his/her arrest.
 20. Participant agrees to maintain confidentiality in reference to information shared during status review hearings and/or treatment sessions regarding other CDAT Participants.
 21. Participant agrees to abide by the rules of community control and be supervised by the Butler County Adult Probation Department.
 22. If incarcerated in the Butler County Jail, participant agrees to comply with, participate in, and complete (if applicable) the Jail Based IOP Program operated by Community Behavioral Health, Inc.
 23. In order to successfully complete CDAT, Participant shall demonstrate compliant behavior with the rules of CDAT and the CDAT *Participation Agreement*, successfully complete all treatment and programming, abstain from alcohol and/or drugs for at least ninety (90) days prior to graduation (as evidenced by negative urine screens), and subsequently pay his/her other Court-ordered financial obligations, including Court costs, supervision fees, and restitution (if applicable).
 24. Participant understands that noncompliant behavior with the rules of the CDAT *Participation Agreement* may result in a probation violation hearing or an Intervention in Lieu of Conviction revocation hearing. At said hearing, Participant may have the conditions of his/her community control or the conditions of his/her Intervention in Lieu of Conviction modified. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility (CBCF), revocation of Participant's Intervention in Lieu of Conviction, termination from CDAT, and/or revocation of Participant's community control.

Participant acknowledges that he/she has read and understands this agreement, freely and voluntarily relinquishes the rights discussed herein, and agrees to abide by all the rules and conditions of CDAT.

PLEASE NOTE: Upon entering the Butler County Drug Court, participant's information will be disclosed to the Supreme Court of Ohio for purposes of statistical reporting. If participant has a substance use disorder and is receiving treatment, the Supreme Court of Ohio will provide participant's information to the Ohio Automated Rx Reporting System (OARRS) maintained through the State of Ohio Board of Pharmacy. That information will stop being reported upon participant's exit from the program.

Participant acknowledges that he/she has read and understands this agreement, freely and voluntarily relinquishes the rights discussed herein, and agrees to abide by all the rules and conditions of the Butler County Drug Court.

Signature of Participant

Date

Signature of Participant's Attorney

Date