

IN THE COURT OF COMMON PLEAS  
ROSS COUNTY, OHIO

STATE OF OHIO,  
Plaintiff,

Case No.: \_\_\_\_\_

vs.

RCDC Participation Agreement

\_\_\_\_\_,  
Defendant,

Introductory Paragraph

The undersigned individual, hereinafter referred to as “defendant” or “participant”, has requested he/she be admitted to the Ross County Drug Court (RCDC) Program as a part of a Community Control sentence, Judicial Release, or Intervention In Lieu Of Conviction supervision plan previously imposed in this matter.

The defendant requests to participate in the RCDC Program and understands and agrees to comply with the RCDC Program terms and expectations, which follow. The defendant has been provided with a copy of the Participant Handbook and has had the opportunity to review it with his/her attorney regarding the legal ramifications of entering into the Ross County Drug Court Program.

This Case is hereby transferred to Judge Michael M. Ater the Judge of the RCDC Program, and he will preside over any further court proceedings.

Elements of Agreement

The participant understands that by entering into the Drug Court Program that he or she will be subject to more intensive standards of supervision than a person on probation. Additionally, the participant is waiving certain rights to which he/she might otherwise be entitled.

Those rights include, but may not be limited to:

A) Right to Due Process—Except in situations that could result in the imposition of jail time or in termination from the Drug Court Program, the participant agrees to waive the Right of the filing of a motion or other pleading and the holding of a hearing prior to the court imposing sanctions. The participant agrees to follow the sanctions imposed and understands he/she may be incarcerated as a sanction. Jail sanctions are generally less than 6 days.

B) Right to an Attorney— Except in situations that could result in the imposition of incarceration or in termination from the Drug Court Program, the participant agrees to waive

the Right to have an attorney to consult and be present at status review hearings, including status review hearings where a sanction is imposed, and the Right to object to the Court receiving communications regarding the participant's treatment, progress, and/or rule violations without participant or participant's attorney being present. Participants retain the right to request the attendance of defense counsel during the portion of a treatment team meeting in which their participation is discussed.

C) Right to Remain Silent and Right Against Self Incrimination—The participant waives the right to remain silent and not to incriminate him/herself at status review hearings regarding violations of the rules of the RCDC Program.

D) Right to Freely Associate—The participant waives the right to freely associate with other persons, including the participant's spouse, who, in the sole discretion of the Court, might interfere with or impede the recovery of the participant.

E) Right Against Unlawful Search and Seizure—The participant agrees to a search, without warrant and without probable cause, of his/her person, property, including cell phones, computer, laptop, notepad, tablet and any other electronic device, motor vehicle, and residence by RCDC Program staff or other authorized representative of the Court at any time to ensure they are compliant with RCDC Program rules and their conditions of supervision.

**Program Expectations**—The participant agrees to comply with the treatment plan, supervision plan and RCDC Program rules and requirements. The participant understands the RCDC Program is a minimum seventy-eight (78) week commitment comprised of six (6) phases as outlined below:

Phase I: 4-week minimum

Phase II: 12-week minimum

Phase III: 14-week minimum

Phase IV: 12-week minimum

Phase V: 12-week minimum

Phase VI: 24-week minimum

The participant shall be required to serve mandatory jail time if applicable and demonstrate a good faith effort to pay restitution prior to graduation from the RCDC Program.

**Assessment, Treatment and Referral**—The participant shall cooperate and complete all referrals for assessment and enter into and complete residential and/or outpatient substance use treatment and counseling, including any aftercare requirements. The participant shall comply with the supervision of the assigned case manager/primary counselor at their assigned treatment agency. The participant shall report as scheduled for treatment and participate in all activities of the treatment program.

The participant shall complete a release of information form to provide confidential communication about participation/progress in treatment in compliance with the provisions of relevant laws, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 300gg-42, as amended, and section 2151.421 and 2152.99 of the Revised Code.

The participant shall keep confidential all information regarding other program participants shared at status review hearing or group sessions.

The participant shall be placed as soon as possible in appropriate treatment services and programs and shall attend as required.

**Participant Monitoring**— RCDC Program participants shall be immediately placed under reporting supervision to monitor compliance with Court requirements. The RCDC Program incorporates ongoing judicial interaction with each participant as an essential component of the program. The RCDC Program is comprised of Five (V) phases. Phases are the steps in which a participant's performance and progress through the RCDC Program are monitored. In Phase I of the program participants will appear before the RCDC Judge at least bi-weekly for a status review hearing. Important information regarding phases is as follows:

- The structure of the phases may be changed to meet the participant's individual needs.
- Participants will not advance through phases based on preset timelines.
- Advancement through the phases is from the most restrictive to the least restrictive.
- Phase advancement is based on individual performance in the treatment plan, compliance with requirements and by recommendation of the treatment team and approval of the judge; and
- Specific time between status review hearings will be increased or decreased based upon compliance with program requirements and observed progress.

Phases have common elements that include:

- Begin treatment as soon as possible and thereafter attend as required;
- Submit to random, frequent and observed alcohol/drug screens;
- Attend pro-social and sober support activities weekly;
- Comply with on-going treatment services;
- Report for status review hearings; and
- Comply with supervision requirements as identified by the Court.

The five (V) phases of the RCDC program are outlined below:

**Phase I (Acute Stabilization Phase): 4 week minimum**

During Phase 1 is the time period in which the participant is expected to reach and maintain initial sobriety.

- Attend a minimum of three (3) sober support and/or prosocial activities per week (1 of which must be on a weekend);
- Submit to alcohol and drug testing (minimum of two (2) times per week);
- Comply with treatment and treatment plan;
- Develop case-plan with RCDC Coordinator/Probation Officer;
- Address any housing needs if needed;
- Obtain medical and mental health assessment if needed;
- Comply with RCDC program rules, probation, and the laws;
- Begin to change people, places, and things;
- MAT treatment started (if needed);
- Attend *bi-weekly* Status Review Hearing before the RCDC Judge;
- Attend appointments with Coordinator/Probation Officer as instructed;

- Cooperate with random home visits by RCDC Coordinator or other Court designated representative.

In order to advance to Phase II, the participant must:

- Have a minimum of 14 consecutive sober days,
- Maintain compliance in all other treatment and supervision requirements; and
- Approval of the RCDC Judge & Treatment Team.

**Phase II (Compliance Phase): 12-week minimum**

Along with maintaining sobriety, tasks the participant is expected to complete include:

- Continue to attend a minimum of three (3) sober support and/or prosocial activities per week (1 of which must be on a weekend);
- Continue to attend and comply with treatment sessions and activities;
- Continue with MAT if needed;
- Attend *bi-weekly* Status Review Hearings before the RCDC Judge;
- Continue to attend meetings with Coordinator/Probation officer as instructed;
- Continue to submit and provide negative results on alcohol and drug testing. A minimum of two (2) random urine/breath tests per week;
- Continue to cooperate with random home visits by the Coordinator or other Court designated representative.
- Continue to abide by the RCDC Program rules, probation, and the laws;
- Engage with housing, educational, vocational, and employment service agencies.

In order to advance to Phase III, the participant is expected:

- To have a minimum of 30 consecutive days sober;
- To have no sanctions for at least 4 consecutive weeks;
- To have a sober, stable living environment;
- Maintain compliance in all other treatment and supervision requirements; and
- Approval by RCDC Judge & Treatment Team.

**Phase III (Program Engagement) – 14-week minimum**

Along with maintaining sobriety, tasks the participant is expected to complete include:

- Continue to attend a minimum of two (2) sober support and/or prosocial activities per week;
- Continue to attend and comply with treatment sessions and activities;
- Continue MAT if needed;
- Attend *bi-weekly* Status Review Hearing before RCDC Judge;
- Continue to attend treatment or programming sessions and activities;
- Continue to attend meetings with Coordinator/Probation Officer as instructed;
- Continue to submit and provide negative results to alcohol and drug testing. A minimum of two (2) random urine/breath tests per week;
- Verifiable employment and/or documented school/GED classes submitted to Coordinator/Probation officer;

- Good faith effort to consistently pay financial sanctions and restitution;
- Continue to cooperate with random home visits by RCDC Coordinator or other Court designated representative;
- Obtain/maintain Stable Housing;

In order to advance to Phase IV, the participant is expected:

- Verifiable employment and/or documented school/GED classes submitted to Coordinator/Probation officer;
- No positive drug/alcohol tests for at least 6 weeks prior to advancement; and
- No sanctions for at least 6 weeks prior to advancement to next phase;
- Maintain compliance in all other treatment and supervision requirements; and
- Approval by RCDC Judge & Treatment Team

#### **Phase IV (Growth and Development) – 12-week minimum**

- Continue to submit and provide negative results to alcohol and drug testing. A minimum of two (2) random urine/breath tests per week;
- Continue to work on housing, if necessary or maintain current stable housing;
- *Monthly* review hearing before RCDC Judge;
- Continue to attend treatment programming sessions and activities;
- Continue to attend a minimum of two (2) sober support and/or prosocial activities per week;
- Continue to cooperate with random home visits by RCDC Coordinator and/or other designated representative of the Court;
- Continue to abide by rules of the RCDC Program, probation, and the laws;
- Continue contact with RCDC Coordinator/ Probation Officer as instructed;
- Good faith effort to pay regularly on financial sanctions/restitution; and
- Petition for graduation and RCDC Treatment Team Review.

In order to advance to Phase V, the participant is expected:

- Maintain verifiable employment and/or documented school/GED classes submitted to Coordinator/Probation officer;
- No positive drug/alcohol tests for at least 8 weeks prior to advancement;
- No sanctions for at least 8 weeks prior to advancement to next phase; and
- Maintain compliance in all other treatment and supervision requirements; and
- Approval by RCDC Judge & Treatment Team

#### **Phase V (Maintenance Phase) – 12-week minimum**

Tasks the participant is expected to complete include:

- *Monthly* review hearing before RCDC Judge;
- Random substance use testing (no less than twice per week);
- Continue to attend treatment, programming sessions and activities;
- Continue to attend a minimum of two (2) sober support and/or prosocial activities per week;
- Continue to cooperate with random home visits by RCDC Coordinator and/or other Court

- designated representative;
- Continue to abide by rules of the RCDC Program, probation, and the laws;
- Obtain and/or maintain employment or consistently participate in other vocational activities;
- Continue contact with RCDC Coordinator/ Probation Officer as instructed;
- Good faith effort to pay regularly on financial sanctions/restitution
- GED if applicable;
- Obtain and/or maintain stable housing;
- Petition for graduation and RCDC Treatment Team Review; and
- No sanctions for 10-weeks prior to graduation.

In order to advance to Phase VI, the participant is expected to:

- Maintain verifiable employment and/or documented school/GED classes submitted to Coordinator/Probation officer;
- No positive drug/alcohol tests for at least 10 weeks prior to advancement;
- No sanctions for at least 10 weeks prior to graduation; and
- Maintain compliance in all other treatment and supervision requirements; and
- Approval by RCDC Judge & Treatment Team

**Phase VI (Aftercare Phase)– 24 week minimum**

During the final phase of the program, participants will be supervised for a period of no less than six months and are subject to fewer requirements. Participants must successfully complete all phases in order to graduate the program and have their cases dismissed and/or expunged (as determined by their legal eligibility). Failure to comply with requirements during this portion may result in a therapeutic adjustment.

Tasks the participant is expected to complete during aftercare include:

- Abstain from the use of all mood altering and/or controlled substances;
- Attend a review hearing before RCDC Judge at least once every 6 weeks;
- Subject to random substance use testing, but no less than once every month;
- Will report as directed to the RCDC Coordinator/Officer no less than every month;
- Continued compliance with any ordered and/or recommended treatment;
- Continue to cooperate with random home visits by RCDC Coordinator and/or Adult Court Services staff assigned;
- Continue to abide by rules of the RCDC Program, probation, and the laws;
- No new arrests or criminal charges;
- Obtain and/or maintain employment or consistently participate in other vocational activities;
- GED if applicable;
- Good faith effort to pay regularly on financial sanctions/restitution
- Obtain and/or maintain stable housing;
- Petition for graduation and RCDC Treatment Team Review

Upon successful completion of Drug Court, a hearing will be scheduled that will include the dismissal and/or expungement of charges as legal eligibility allows at no cost to the participant, and the Court will waive all court costs incurred associated with this case.

In order to graduate Drug Court, the participant is expected to:

- Submit a two page essay on the role drug court has played in their life;
- Complete exit survey;
- Maintain compliance in all other treatment and supervision requirements;
- No positive drug/alcohol tests for at least 12 weeks;
- No sanctions for at least 12 weeks;
- Have had a re-assessment conducted, and
- Approval by RCDC Judge & Treatment Team

In addition to the standard tasks listed above a participant may have additional tasks to complete prior to graduation as outlined below:

Compliant behavior may include:

- Completed community service hours;
- Demonstrated a period of abstinence from alcohol and drugs;
- Evidenced by submitting negative drug/alcohol screens, a minimum of 90-days prior to completion
- Active member in sober activities in the community;
- Displays a change in thinking, attitudes and beliefs;
- Successfully completed treatment or programming;
- Maintained consistent employment or obtained GED;
- Demonstrated ability to identify and eliminate criminal thinking patterns; and
- Good faith effort to pay off financial sanctions and/or restitution (if applicable), and treatment costs.

Accomplishments may include:

- Relapse prevention plan established;
- Displayed responsibility for his or her behavior;
- Demonstrated stability in the community; and
- The participant petitions for successful completion.

Note: The RCDC Judge determines when a participant has complied with the program requirements and successfully completed the program.

The participant understands progression through the RCDC Program is based upon the participant's performance in the treatment plan and compliance with requirements of the phases. A participant's progress is not based solely upon pre-set timelines.

The participant agrees to comply with reporting supervision requirements. The RCDC Coordinator/Probation Officer will supervise all participants in the RCDC Program to monitor compliance with court requirements. The participant shall report to the Coordinator/Probation Officer. In the initial compliance phase of the program participants shall meet with the Coordinator/Probation Officer more frequently and as participants advance through the phases, Coordinator/Probation Officer contact will be reduced. In instances where participants are found

to be non-compliant with program rules, the Coordinator/Probation Officer contact may be increased.

The participant understands the treatment team will meet bi-weekly to communicate and exchange timely and accurate information regarding the participant's overall performance. The participant has the right to request their attorney's presence at treatment team meetings during the portion concerning the participant.

The participant understands he/she shall receive incentives including, but not limited to public recognition, certificates of achievement and/or advancement in phases for compliance. Non-compliant behaviors shall warrant sanctions including but not limited to local incarceration before a hearing is required, community service hours, and/or discharge from the RCDC Program.

The participant understands that at a minimum he/she shall appear before the RCDC Judge bi-weekly during Phase I, II, & III of the RCDC Program. Monthly during Phase IV and V. In Phase VI the participant shall appear once every six weeks before the RCDC Judge.

The participant understands the RCDC Program shall monitor the participant's substance use by individualized, random, frequent, and observed alcohol and other drug testing plans as more particularly described in the Participant Handbook. At a minimum, participants will be tested: two (2) times per week throughout the duration of the program. The participant understands that all drug tests will be direct observation collections using a same sex collector.

All urine will be collected by a probation officer or an authorized treatment provider in accordance with Ross County Adult Court Services policies and procedures (*Appendix K*).

Random test selection is monitored utilizing the Averhealth software program. Averhealth allows the probation staff/treatment provider to individualize alcohol and drug testing plans for each participant based on the RCDC Program phase requirements:

Phase I: Minimum 2 times per week  
Phase II: Minimum 2 times per week  
Phase III: Minimum 2 times per week  
Phase IV: Minimum 2 times per week  
Phase V: Minimum 2 times per week  
Phase VI: Minimum once every month

Averhealth extends the Drug Court supervision of participants through structured and automated daily contact and creates true random testing. Participants are required to call the automated phone line daily to determine if they are selected for drug testing. When selected for testing, participants are to report within the assigned window and provide a urine and/or breath sample for testing.

Should the participant deny the use of drugs when confronted with a positive urine screen, the tested specimen will be sent to a lab utilized by Averhealth for testing by gas chromatography-mass spectrometry (GC/MS). Participants may be subject to a community control violation



hearing if the GC/MS results are positive for drug use. The participant shall also submit to testing of his/her blood or hair, as may be required by the Court, Averhealth Department personnel, or treatment team staff.

The participant understands a positive drug screen upon admission to the RCDC Program shall not be sanctioned if they are honest about their current use and they shall be allowed an acceptable time frame for the drug(s) to be eliminated from their system based on the substance used. A participant will be determined negative of all substances after providing two consecutive negative drug screens.

The participant understands that all drug tests will be direct observation collections using a same sex collector. The participant understands if he/she is late for a test or miss a test, it will be considered a positive test for drugs/alcohol, and he/she will be sanctioned. The participant understands that if he/she refuses to submit a urine sample, it will be reported as a refusal to test. The participant understand he/she must provide a urine sample that is negative for all drugs or he/she will be immediately sanctioned. Urine sample will also be analyzed for temperature, specific gravity, Creatinine and other chemical markers to ensure a valid urine specimen. The participant understands that if he/she fails to produce a urine specimen or if the sample provided is not of sufficient quantity, it will be considered a positive test for drugs/alcohol, and the participant will be the sanctioned. The participant acknowledges being advised that drinking excessive amounts of fluids can result in a diluted urine sample and understands that his/her sample will be tested to ensure the urine sample is not diluted. The participant will be allowed to provide only one (1) urine sample for analysis. A diluted sample will be considered a positive test for alcohol/drugs, and the participant will be sanctioned. The participant understands that substituting, submitting the sample of another, or adulterating their sample will be treated as positive tests and will result in immediate sanctions, termination from Drug Court, and/or criminal prosecution. The participant further understands that his/her test results will be reviewed by the treatment team and at the status review hearings and that the Drug Court Judge will be notified immediately of any violations.

The participant understands that if he/she uses alcohol, mood altering substances, and/or controlled substances, he/she is required to notify the coordinator/probation officer and treatment provider immediately and cooperate with all additional referrals and/or treatment programming recommended.

The participant is responsible for informing all treating physicians of his/her recovery from drugs/alcohol and drug testing obligations. The participant agrees to comply with the Drug Court's policy on prescription medications.

#### (1) Successful Completion Criteria

A participant will be successfully terminated from the RCDC Program when he/she has completed the following:

- A minimum of seventy-eight (78) weeks in the RCDC Program;
- Complete all community service hours assigned;
- Complete all treatment requirements;
- Obtained GED (when applicable)

- Maintained stable employment and/or is enrolled full time as a student at an accredited college;
- Demonstrated a good faith effort to pay in full all court costs, fines and restitution (when applicable);
- Maintain abstinence for a minimum period of twenty-four (24) weeks;
- Actively participate in sober support groups and/or pro-social activities;
- Display a change in thinking, attitudes and beliefs;
- Complete a relapse prevention plan;
- Demonstrate stability in the community;
- Petition the court to graduate; and
- Is approved by the RCDC Judge.

(2) Termination Criteria

The participant understands he/she may be terminated from the RCDC Program if he/she meet any of the following criteria:

- Ongoing non-compliance with treatment or resistance to treatment;
- New serious criminal conviction;
- Any serious specialized docket infraction or series of infractions; and
- A serious Community Control violation or series of Community Control violations.

The participant understands if he/she is unsuccessfully terminated from the RCDC program he/she is subject to the following actions:

- A notice of intent to terminate is provided to the participant, and a Drug Court Revocation Hearing will be scheduled. The participant will be afforded legal representation for this process.
- If the Court finds that the participant is in violation of the of the RCPD program rules, then they will be terminated unsuccessfully from program.
- The Court then will accept the participant’s originally entered plea of guilt and will impose sanctions/penalties that could include incarceration.
- They will be ineligible to participate in the RCDC program for a period of five-years.

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 RCDC PROGRAM.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date