

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 is willing 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 the RCDC Program Officer/Coordinator.

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

**Rights to be Waived**—The participant understands by entering into the RCDC Program he/she is waiving certain constitutionally guaranteed rights to which he/she might otherwise be entitled. Those rights include, but may not be limited to:

- A) **Right to Due Process**—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 for up to 30-days without a formal hearing.
- B) **Right to an Attorney**—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.

- 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 or unrelated criminal activity divulged during a review hearing or other RCDC Program related setting, and understands this information may also result in criminal prosecution.
- 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 cooperate with RCDC Program staff who conduct searches of participant's person, residence and property to ensure they are compliant with RCDC Program rules and their conditions of supervision.

The participant understands he/she may rescind the rights' waiver at any time; however, this will result in unsuccessful termination from the RCDC Program.

**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 fifty-four (54) week commitment comprised of four (4) phases as outlined below:

- Phase I: 16-week minimum
- Phase II: 14-week minimum
- Phase III: 12-week minimum
- Phase IV: 12-week minimum

The participant shall be required to serve mandatory jail time if applicable and demonstrate a good faith effort to pay in full all fees, fines, costs and 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 abuse treatment and counseling, including any aftercare requirements, and pay the treatment provider for costs not otherwise paid by governmental or other sources. The participant shall comply with the supervision of the assigned case manager/primary counselor at Friel & Associates or other approved 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 Four (IV) 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 sober support group meetings;
- Comply with on-going treatment services;
- Report for status review hearings; and
- Comply with supervision requirements as identified by the court.

The four (IV) phases of the RCDC program are outlined below:

### Phase I (Compliance Phase) – 16-week minimum

Tasks the participant is expected to complete include:

- Attend bi-weekly Status Review Hearings before the RCDC Judge;
- Attend appointments with the RCDC Coordinator/Probation Officer as instructed;
- Attend a minimum of three (3) 12-step meetings per week (1 of which must be on a weekend);
- Attend treatment sessions and activities;
- Submit to alcohol and drug testing (minimum of two (2) tests per week);
- Copy of substance abuse agency's treatment plan submitted to RCDC Treatment Team;
- Cooperate with random home visits by RCDC Coordinator or other Adult Court Services staff assigned;
- Abide by the RCDC Program rules, conditions of Community Control, and the laws;
- Copy of pay stub/employer verification letter (if employed) and/or copy of school enrollment/GED class enrollment (when applicable) submitted to the RCDC Coordinator/Probation Officer;
- No positive drug test for 6-weeks prior to advancement to next phase; and
- No sanctions for 6-weeks prior to advancement to next phase

## Phase II (Program Engagement) – 14-week minimum

Tasks the participant is expected to complete include:

- Attend bi-weekly Status Review Hearings before the RCDC Judge;
- Continue to attend meetings with Coordinator/Probation Officer as instructed;
- Continue to attend a minimum of three (3) Twelve-Step meetings per week;
- 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 attend treatment sessions and activities;
- Continue to cooperate with random home visits by the Coordinator or Adult Court Services staff assigned;
- Continue to abide by the RCDC Program rules, conditions of Community Control, and the laws;
- Engage with housing, educational, vocational, and employment service agencies;
- Copy of pay stub/employer verification letter submitted to the RCDC Coordinator/Probation Officer (when applicable);
- Copy of school grade report/GED report submitted to the RCDC Coordinator/ Probation Officer (when applicable);
- Obtain a sponsor;
- Proof of participation in three (3) sober leisure activities;
- No positive drug/alcohol tests for 6-weeks prior to advancement; and
- No sanctions for 6-weeks prior to advancement to next phase.

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

Tasks the participant is expected to complete include:

- Attend monthly Status Review Hearing before RCDC Judge;
- Continue to attend treatment or programming sessions and activities;
- Continue to attend meetings with RCDC Coordinator/Probation Officer as instructed;
- Continue to attend a minimum of two (2) Twelve-Step meetings per week;
- Continue to submit and provide negative results on alcohol and drug screens. A minimum of two (2) random urine/breath tests per month;
- 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 Adult Court Services staff assigned;
- Obtain Stable Housing;
- Proof of participation in five (5) sober leisure activities;
- Continue to abide by the RCDC Program rules, probation and the laws;
- Complete Petition to Phase for RCDC Treatment Team Review;
- No Positive drug/alcohol tests for 8-weeks prior to advancement; and
- No sanctions for 8-weeks prior to advancement to final phase.

## Phase IV (Maintenance Phase) – 12-week minimum

Phase IV is the final phase. When a participant reaches Phase IV, they have successfully and faithfully adhered to treatment and RCDC Program requirements. When a participant moves to Phase IV they are preparing for graduation.

Tasks the participant is expected to complete include:

- Attend monthly review hearing before RCDC Judge;
- Continue to submit and provide negative results on random alcohol and drug screens (no less than one time per month);
- Successfully complete treatment programming sessions and activities;
- 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, conditions of Community Control, and the laws;
- Continue to participate in sober support community (minimum two (2) 12-step meetings weekly);
- Obtain and/or maintain employment or consistently participate in other vocational activities;
- Individual interview with RCDC Judge;
- Continue contact with RCDC Coordinator/Probation Officer as instructed;
- Demonstrate a good faith effort to pay in full all monies owed on court cost, fines and restitution, if applicable;
- Provide copy of GED, if applicable;
- Obtain and/or maintain stable housing;
- Complete Petition to Graduate for RCDC Treatment Team review; and
- No sanctions for 10-weeks prior to graduation

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;
- Attended sober support group meetings;
- Become an active member in a sober support groups and help others obtain sponsors;
- Displays a change in thinking, attitudes and beliefs;
- Successfully completed treatment or programming;
- Maintained consistent employment;
- Demonstrated ability to identify and eliminate criminal thinking patterns;
- Good faith efforts to pay in full all fines, court costs, restitution (if applicable), and treatment costs; and
- Completion of all other community control sanctions.

Accomplishments may include:

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

The RCDC Judge determines when a participant has complied with the program requirements and successfully completed the RCDC 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 as instructed and have their 12-step meeting verification sheet and planner available at all times. 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, 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, return to previous phase 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 and Phase II of the RCDC Program. Thereafter, the participant will appear before the RCDC Judge no less than one time per month to review his/her progress.*

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 in Phase I and Phase II, two (2) times per month in Phase III, and one (1) time per month in Phase IV. The participant understands that all drug tests will be direct observation collections using a same sex collector. Testing may be conducted by any member of the Ross County Probation Department or authorized employee of the treatment provider.

Should the participant deny the use of drugs when confronted with a positive urine screen, the tested specimen will be sent to Quest Diagnostics, Redwood Toxicology or other a qualified laboratory 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 as may be required by the Court, Adult Court Services Department personnel, or treatment team staff.

The participant understands a positive drug screen upon admission to the RCDC Program shall not be sanctioned 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 at the 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 and/or other mood altering substances, he/she is required to notify the coordinator/probation officer and treatment provider immediately and cooperate with any and 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 fifty-four (54) 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 ninety (90) days;
- Actively participate in sober support groups (A.A., N.A.)
- 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 motion to revoke their community control may be filed and he/she will proceed through the revocation process;
- Their case will be referred back to the Judge originally assigned to their case;
- The participant may be subject to the imposition of other penalties or incarceration; and
- The participant 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