

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

STATE OF OHIO,
Plaintiff,

Case No.: CR _____

vs.

_____,
Defendant.

Turning Point Program
Participation Agreement
Adult Post-Conviction or
IILC Turning Point Program

1. Introductory Paragraph

The undersigned individual, hereinafter referred to as “Defendant” or “Participant”, has requested he/she be admitted to the Summit County Turning Point Program as part of a Community Control or Judicial Release sentence or Intervention In Lieu Of Conviction supervision plan previously imposed in this matter.

The Defendant is willing to participate in the Turning Point Program and understands and agrees to comply with the Turning Point Program terms and expectations. The Defendant has been provided with a copy of the participant handbook and has had the opportunity to review it.

This case will be transferred to the Turning Point Program Presiding Judge, who will preside over any further Court proceedings.

2. Elements of Agreement

Rights to be Waived

Participant understands by entering into the Turning Point Program he/she is waiving certain constitutional rights to which he/she might otherwise be entitled. Those rights include, but may not be limited to:

Right to Due Process — A jail sanction for non-compliance shall not be imposed without providing notice, a hearing, and representation by an attorney. Although participants may individually request counsel to be present for any given sanction, the Turning Point Program will not impose a jail sanction for non-compliance without notice, a hearing and representation by an attorney. A Participant may waive the right to a hearing, so long as the Participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently and voluntarily. Participants do not have the right to contest the imposition of sanctions that do

not impact liberty interest. Adjustment in treatment activities are not sanctions. Further, all sanctions will be communicated in advance to team members and participants.

Right to Remain Silent and Right Against Self Incrimination — Participant waives his/her constitutional right to remain silent and right against self-incrimination in regard to being honest and self-reporting any violations of the specialized docket program rules. The Turning Point Program will not require the waiver of this right in regard to pending criminal charges and statements. Additionally, any statement made by participants cannot be used as evidence in any criminal prosecution.

Right to Freely Associate — Participant waives his/her constitutional right to freely associate in regard to the specialized docket's ability to restrict Participant's ability to see or go within a certain distance of specific people.

Right Against Unlawful Search and Seizure — Participant waives his/her constitutional right against unlawful searches and seizures in regard to specialized docket staff being able to conduct searches and seizures of Participant's person, residence, phone and property.

Participant understands he/she may rescind the waiver of rights at any time; however, this will result in unsuccessful termination from the Turning Point Program.

Other Constitutional and Statutory Rights

The Turning Point Program shall address and consider each Participants ability to pay fees and other financial obligations and shall make reasonable accommodations based upon each Participant's financial ability.

The Turning Point Program shall comply with all constitutional and statutory rights of their Participants. Any such rights that are permitted to be waived by said Participants are to be done in a manner that ensures the substantive due process rights of the Participant.

3. Program Expectations — Participant agrees to comply with the treatment plan, supervision plan, and Turning Point Program rules and requirements. Participant understands that Track 1 of the Turning Point Program is a minimum fifty-two (52) week commitment and Track 2 of the Turning Point Program is a minimum fifty-two (52) week commitment, both of which are comprised of five (5) phases as outlined below:

Orientation: Week One

Phase I: A minimum of 4-8 consecutive weeks with total compliance

Phase II: A minimum of 6-8 consecutive weeks with total compliance

Phase III: A minimum of 8-12 consecutive weeks with total compliance

Phase IV: A minimum of 8-12 consecutive weeks with total compliance

Participant shall be required to serve mandatory jail time, if applicable, and demonstrate a good faith effort to pay all fees, fines, costs and restitution in full or complete community service prior to graduation from the Turning Point Program.

Assessment, Treatment, and Referral — Participant shall cooperate and complete all referrals for assessment and enter into and complete residential, partial hospitalization, 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. Participant shall report as scheduled for treatment and participate in all activities of the treatment program.

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 sections 2151.421 and 2152.99 of the Revised Code.

Participant shall keep confidential all information shared by other program participants during status review hearings or group sessions.

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

Participant acknowledges that he/she may be referred to community based self-help organizations, may elect to participate in secular and/or non-secular treatment agencies, and waives any due process rights he/she may have under the Ohio and United States Constitutions.

4. Participant Monitoring — Turning Point Program participants shall be immediately placed under reporting supervision to monitor compliance with Court requirements. The Turning Point Program incorporates ongoing judicial interaction with each participant as an essential component of the program. The Turning Point Program is comprised of five phases, or steps, in which a participant’s performance and progress through the Turning Point Program are monitored.

- 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 on compliance with program requirements and observed progress.

Phases have common elements that include:

- Begin treatment as soon as possible and attend as required thereafter;
- 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 Orientation process and the four (4) phases of the Turning Point Program are outlined below:

Orientation - Week One

- Meet to review and complete the participation agreement and release of information forms
- Review the participant handbook
- Attend initialized, specialized, docket status review hearing
- Introduce Participant to the members of the treatment team
- Complete and review individualized treatment plan/assessment
- Address any issues with transportation
- Contact with coordinator/probation officer as instructed

Compliance Phase (Phase 1) - A minimum of 4-8 consecutive weeks

- Attend status review hearings before the Turning Point Program Judge weekly to biweekly
 - If Participant is a high risk/high need client, he/she may be required to appear more frequently
- Meet with caseworker as instructed
- Attend community-based self-help organizational meetings as directed
- Attend treatment sessions and activities
- Report for substance abuse testing
 - Report for random and routine drug screens as directed
 - A minimum of two drug screens will be required per week
- Comply with referral to substance abuse treatment
- Negotiate terms of an Individual Program Plan (IPP) with Turning Point Program Caseworker
- Abide by the rules of the Turning Point Program, probation, and obey all laws
- Submit verification of employment or school enrollment/GED class enrollment
- Remain drug and alcohol free for four (4) consecutive weeks
- Remain sanction free for four (4) consecutive weeks

Program Engagement Phase (Phase 2) - A minimum of 6-8 consecutive weeks

- Continue attending status review hearings before the Turning Point Program Judge weekly to biweekly
 - If Participant is a high risk/high need client, he/she may be required to appear more frequently
- Meet with caseworker as instructed
- Attend community-based self-help organizational meetings as directed
- Report for substance abuse testing
 - Report for random and routine drug screens as directed
 - A minimum of two drug screens will be required per week
- Continue to attend treatment sessions and activities
- Continue to abide by the rules of the Turning Point Program, probation, and obey all laws
- Engage with housing, educational, vocational, employment, drivers license intervention, and parenting class referrals, as needed
- Establish sober support

- Establish pro-social activities
- Remain drug and alcohol free for six (6) consecutive weeks
- Remain sanction free for six (6) consecutive weeks
- Demonstrated commitment towards paying restitution, court costs and probation fees

Growth and Development (Phase 3) - A minimum of 8-12 consecutive weeks

- Attend every three weeks or monthly status review hearings before the Turning Point Program Judge
- Meet with caseworker as instructed
- Attend community-based self-help organizational meetings as directed
- Report for substance abuse testing
 - Report for random and routine drug screens as directed
 - A minimum of two drug screens will be required per week
- Continue to abide by the rules of the Turning Point Program, probation, and obey all laws
- Continue to attend treatment sessions and activities
- Maintain sober support
- Attend pro-social activities
- Remain drug and alcohol free for eight (8) consecutive weeks
- Remain sanction free for eight (8) consecutive weeks
- Follow through with results of Phase II referrals

Maintenance Phase (Phase 4) - A minimum of 8-12 consecutive weeks

- Attend monthly status review hearings before the Turning Point Program Judge
- Random substance abuse testing
 - Report for random and routine drug screens as directed
 - A minimum of two drug screens will be required per week
- Continue to attend treatment programming sessions and activities
- Continue to abide by the rules of the Turning Point Program, probation, and obey all laws
- Continue to participate in sober support community
- Obtain and/or maintain employment or consistently participate in other vocational activities
- Meet with Turning Point Program Caseworker as instructed
- Demonstrate a good faith effort to pay court costs and program fees by making consistent, regular payments or completing community service hours
- Demonstrate stability in housing, educational, vocational, or employment referrals and drivers license
- Complete a participant authored statement regarding why you should graduate and changes you've made
- Complete a community plan on action indicating what your plan will be after graduation to remain successful

- In Track 1: Twelve (12) consecutive months of sobriety and six (6) consecutive months crime free
- In Track 2: Twelve (12) or more consecutive months of sobriety and six (6) consecutive months crime free

1. The Turning Point Program Judge determines when a participant has complied with the program requirements and has successfully completed the Turning Point Program.

2. Participant understands progression through the Turning Point Program is based upon his/her performance in the treatment plan and compliance with requirements of the phases. Participant's progress is not based solely upon preset timelines.

3. Participant agrees to comply with reporting supervision requirements. A Turning Point Program Caseworker will supervise all participants in the Turning Point Program to monitor compliance with Court requirements. Participant shall report to the caseworker as instructed. In the initial compliance phase of the program, participants shall meet with the caseworker more frequently; as participants advance through the phases, contact with a caseworker will be reduced. In instances where participants are found to be non-compliant with program rules, contact with a caseworker may be increased.

4. Participant understands the treatment team will meet weekly to communicate and exchange timely and accurate information regarding his/her overall performance. Participant has the right to request the presence of his/her attorney at treatment team meetings during the portion concerning the Participant if the participant chooses not to use the defense counsel provided by the program.

5. 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, placement into a residential setting, community service hours, and/or termination from the Turning Point Program.

6. Participant understands that, at a minimum, he/she shall appear before the Turning Point Program Judge weekly or bi-weekly during the initial phase (Phase I) of the Turning Point Program. Thereafter, Participant will appear before the Turning Point Program Judge pursuant to the outlined Phase guidelines above.

7. Participant understands that the Turning Point Program shall monitor the Participant's substance use by random, frequent, and observed alcohol and other drug testing plan in accordance with the following:

- Every day the participant is required to check in between the hours of 7:00am and 11:00am. This can be done by either calling the Reconnect phone line at 330-996-5077 or by downloading the mobile phone app Connect Comply. The participant will receive a Personal Identification Number (PIN) to utilize for either service. If choosing to call into the Reconnect

phone line, they will first dial the number, enter their PIN, state their first name and spell their last name. After this is completed, an automated message will inform the participant if they have been selected to submit a urine drug screen. If choosing the Connect Comply App, they will enter their username or phone number and PIN in order to log in. Once they are logged in, they will be prompted to take a picture of their face. Once the picture has been captured, a message box will pop up indicating if they have been selected to submit a urine drug screen. It is important that the participant read/listen to the entire message as the location and timeframe will be given to complete the urine drug screen. A confirmation number will be issued indicating the check-in has been completed. If the participant has been selected for testing, it is their responsibility to report to the designated location within the timeframe indicated. Drug screens will not be accepted beyond the provided timeframe or at any other Oriana House Inc. location without authorization from their caseworker. The participant is responsible for providing case management staff with a valid phone number and an emergency contact number.

8. Participant understands a positive drug screen upon admission to the Turning Point Program shall not be sanctioned and he/she shall be allowed an acceptable timeframe for the drug(s) to be eliminated from his/her system, based on the substance used. Participant will be determined negative of all substances after providing two consecutive negative drug screens.

9. Participant understands that in the event of a missed or positive alcohol/drug test, the Turning Point Program Judge shall sanction them. Sanctions shall be administered by the Turning Point Program Judge immediately following notification of positive test results and may include, but are not limited to, local incarceration, placement into a residential setting, increased reporting, increased testing, and/or termination from the Turning Point Program.

10. Participant understands that immediate notification to the Court will occur when the participant tests positive, fails to submit to testing, submits an adulterated sample or the sample test of another individual, or dilutes the sample. Failing to submit to testing, submitting an adulterated sample or the sample test of another individual, or diluting the sample are all treated as positive tests and sanctioned.

11. Participant understands if he/she uses alcohol and/or other mood-altering substances, he/she is required to notify the caseworker and treatment provider and cooperate with any and all additional referrals and/or treatment programming recommended.

Participant understands noncompliance shall be governed by immediate and graduated sanctions.

5. Successful Completion Criteria -Participant will be successfully terminated from the Turning Point Program when they have completed the following:

Compliant Behavior:

- Demonstrate a period of abstinence from alcohol and drugs. Track 1: Twelve (12) consecutive months sobriety and six (6) months crime free; Track 2: Twelve (12) or more consecutive months of sobriety and six (6) months crime free
- Attend sober support group meetings
- Display a change in thinking, attitude, and beliefs
- Successfully complete treatment and/or programming

- Obtain and/or maintain consistent employment
- Demonstrate the ability to identify and eliminate criminal thinking patterns
- Make a good faith effort to pay all financial obligations by showing a regular payment history (if applicable), or complete community service, and payment of treatment costs (assessed probation fees are \$240 per year and treatment costs are \$260 per year) *Individuals shall not be denied admission to the docket based on financial ability. The Turning Point Program will consider a participant's ability to pay fees and/or other financial obligations and make reasonable accommodations based on financial ability.

6. Termination Criteria - Participant understands that he/she may be terminated from the Turning Point Program if he/she meets any of the following criteria:

- Ongoing non-compliance with treatment and/or resistance to treatment;
- New criminal conviction(s);
- Any Turning Point Program rule infraction or series of infractions;
- A Community Control violation or series of Community Control violations.

If Participant is unsuccessfully terminated from the Turning Point Program, they are subject to the following actions:

- A Community Control Violation;
- The imposition of other penalties and incarceration; and/or
- Track 1 participants will be sentenced, resulting in a felony conviction.

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 TURNING POINT PROGRAM.

Signature of Participant

Date

Honorable Joy Malek Oldfield, Judge

Date

