

ASHTABULA COUNTY
DRUG COURT PROGRAM



PARTICIPANT'S
HANDBOOK

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WHAT MAKES A PERSON ELIGIBLE FOR THE DRUG COURT PROGRAM?

A person who is interested in the Drug Court Program is assessed for both legal and social factors to determine if they meet criteria for admission. These factors include current charge(s), criminal history, and adjustment to prior supervision, circumstance of offense, outstanding warrants, detainers and previous diversions. Other factors are family history, health condition and motivation and willingness to participate. Admission to the program is on a first come, first served basis, and is without regard to the race, national origin, age, gender or sexual orientation of an applicant.

The Drug Court Judge has discretion to decide admission into the Drug Court Program in accordance with written eligibility criteria. The legal and clinical eligibility requirements do not create a right to participate in the Drug Court Program.

The rights and responsibilities of participants of the Drug Court Program are set forth in this handbook. This handbook further serves as an explanation of the responses to compliance and noncompliance, including the criteria for graduation and termination.

THRESHOLD LEGAL CRITERIA

Target Population-(Standard 1(B))

The Drug Court Program serves Ashtabula County residents who suffer from a drug and/or alcohol dependency that has contributed to the commission of the charged offenses, and who require more intensive court-monitored treatment in order to enhance their ability to lead a law-abiding life.

Legal Criteria-(Standard 1(C))

Legal eligibility is collaboratively developed, reviewed and agreed upon by the relevant parties. The Drug Court Program serves those who are charged primarily with felonies of the fourth or fifth degrees, but may include felonies of the third degree.

A. Diversion Participant

A person accepted into the Drug Court Program as a diversion applicant must meet the legal criteria of Intervention in Lieu as set forth in Ohio Revised Code Section 2951.041.

Exclusion Factors:

- Defendant does not reside in Ashtabula County
- Drug or alcohol use is not a factor leading to the offense
- Any prior felony conviction of violence per the Intervention in Lieu Statute
- Defendant has another pending felony indictment
- Prior intervention in lieu or similar program
- Crime is F1, F2 or F3
- Crime is offense of violence
- O.V.I.
- Drug Possession above F4
- Drug Trafficking above F5
- Sex Offense
- Crime involves use of weapon
- Victim is 65 or older
- Victim is under 13
- Victim is permanently and totally disabled

Legal Criteria-(Standard 1(C))(continued)

- Victim is a peace officer engaged in official duties
- Offense involves victim with serious injury
- Community control is not permissible
- Defendant is ordered to pay restitution in the amount that exceeds 5% of either his/her gross income for the preceding calendar year, or of the current minimum wage, whichever is greater

If any box is checked, the defendant is not eligible for drug court. If no boxes are checked, review additional considerations.

Other prior history:

- Sex crimes
- Crimes involving child victims

Clinical disqualification:

- Defendant has needs that are beyond the scope of what drug court can reasonable accommodate.

If no boxes are checked, the defendant meets the threshold legal criteria for admission into drug court. Also if any box is checked, drug court team will determine whether admission is likely to undermine integrity of the program, or pose an unreasonable risk to staff and other participants. In all cases involving additional considerations a written statement of reasons for admission or exclusion will be placed in the defendant's drug court file.

B. Post-Conviction Participant

Exclusion Factors:

- Candidate does not reside in Ashtabula County
- Drug Trafficking above F-3
- Sex Offense
- Crime involves child victim
- Offense involves victim with serious injury
- Community Control is not permissible
- Candidate is ordered to pay restitution in an amount that exceeds 5% of either his/her gross income for the preceding calendar year, or of the current minimum wage, whichever is greater

If any box is checked, the defendant is not eligible for drug court. If no boxes are checked, review additional considerations.

Additional Considerations:

- Violent sex crimes
- Crime involves use¹ of weapon(s)
- Crimes involving child victims
- Felony convictions above F-4 resulting from assaultive behavior

Clinical Disqualification

- Defendant has needs that are beyond the scope of what the drug court can reasonably accommodate

If no boxes are checked, the defendant meets the threshold legal criteria for admission into drug court. If any box is checked, drug court team will determine whether admission is likely to undermine integrity of the program or pose an unreasonable risk to staff and other participants.

Legal Criteria-(Standard 1(C))(continued)

In all cases involving additional considerations a written statement of reasons for admission or exclusion will be placed in the defendant’s drug court file.

¹ Use of a weapon means the offender brandished a weapon or used the weapon to facilitate the commission of an offense against a person.

Clinical Criteria-(Standard 3(A))

The participant must suffer from a chemical dependence based upon a DSM V diagnosis.

Other factors considered are family history, health condition, and motivation and willingness to participate.

HOW DOES A PERSON APPLY FOR DRUG COURT?

A person who is interested in participating in the Drug Court Program must submit, through his/her attorney, an application and a separate irrevocable blanket time waiver to the Ashtabula County Prosecutor. A person may either apply to participate as a diversion applicant of the program or as a post-conviction applicant of the program. The attorney and the defendant sign the Drug Court application with a separate irrevocable blanket time waiver within 30 days of the arraignment, files both with the Clerk of Courts and deliver a time stamped copy of both to the Prosecutors Office. If the attorney wants to file an application after the 30 days they will need to file an irrevocable blanket time waiver prior to filing a motion for leave and have permission from the sentencing Judge to proceed with the assessment process.

The Drug Court Judges have the discretion to decide the admission into and termination from the Drug Court Program in accordance with the criteria for the Drug Court Program. There is no legal right to participate in the Drug Court Program, and the decisions of the Drug Court Judges are final.

WHAT HAPPENS NOW THAT I HAVE BEEN ACCEPTED INTO DRUG COURT?

A. Diversion Participant

A person accepted into the Drug Court Program as a diversion applicant must meet the legal criteria of Intervention in Lieu as set forth in Ohio Revised Code Section 2951.041. The diversion participant will enter a guilty plea to the charge(s). The trial court judge will stay all further legal proceedings and transfer the case to the drug court docket. Upon the participant’s successful completion of the Drug Court Program, the charge(s) is dismissed pursuant to R.C. 2952.041 and record is sealed.

B. Post-Conviction Participant

A person accepted in the Drug Court Program as a post-conviction applicant will plead guilty to the charge(s) and be sentenced by the trial court to the Drug Court Program as a condition of community control. A participant may also be ordered by the trial court to successfully complete the Drug Court Program as a result of a community control violation or as a condition of judicial release.

HOW LONG WILL I BE IN THE DRUG COURT PROGRAM?

The Drug Court Program is divided into phases that take, on average, eighteen (18) months, but no less than twelve (12) months to complete. The treatment plan and time in each phase of the program is determined for each participant by the Drug Court Team. Progression through the program is based upon performance in treatment and compliance with the requirements of each phase. In order to graduate, drug screen results must be negative for a minimum of one hundred twenty (120) days and no sanctions within the final thirty (30) days.

WHAT HAPPENS IF I DON'T COMPLETE THE PROGRAM?

I. Diversion Participant

If you are a diversion participant and unsuccessfully terminated from the program for your failure to comply with the terms and conditions of the program, the stay of legal proceedings will be lifted and you will be sentenced to the usual sanctions allowable under the law for the offense(s). If you are unable to complete the program due to a serious medical or mental health condition which makes it impossible for you to complete the program, you will be neutrally discharged from the program. Disposition of the charge(s) will then be determined by the Judge originally assigned and the prosecuting attorney.

II. Post-Conviction Participant

If you are a post-conviction participant and unsuccessfully terminated from the program for your failure to comply with the terms and conditions of the program, a complaint for violation of community control will be filed and the matter will be set for a violation hearing before the Judge originally assigned. Should the Court determine that you violated the terms of community control for being terminated from the program, then you will be sentenced to the usual sanctions allowable under the law for the offense(s). If you are unable to complete the program due to a serious medical or mental health condition which makes it impossible for you to complete the program, you will be neutrally discharged from the program. Disposition of the community control will then be determined by the Judge originally assigned.

WHAT ARE THE TERMS AND CONDITIONS OF THE DRUG COURT PROGRAM?

As a participant, you agree 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. You further agree to report as scheduled for treatment and to participate in all activities of the treatment program, which may include any or all of the following:

Preliminary Assessment

- Prior to the official drug court program entry hearing, the participant agrees to undergo a risk assessment and investigation with the Ashtabula County Probation Department, a substance abuse assessment at the Lake Area Recovery Center and a mental health assessment at the Community Counseling Center and/or Signature Health which will determine the level of treatment required. The participant shall complete a release of information for communication about confidential information, participation/progress in treatment, in compliance with the provisions of the "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C.300gg-41, as amended, and Sections 2151.421 and 2152.99 of Ohio Revised Code and 42 CFR.

Intensive Outpatient Program

- 16 weeks; 3 days weekly (Monday, Wednesday, Friday) from 4:00 p.m. to 7:00 p.m.
- One individual session required (days and times may vary depending on participant responsivity/schedule)
- A minimum of three Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)

Non-Intensive Outpatient

- **Motivational Enhancement**
 - 4 weeks; 3 days weekly (Monday, Wednesday and Friday) from 10:00 a.m. to 1:00 p.m.
 - Individual session based on need/responsibility
 - Introduction to outside self-help groups or a minimum of three Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **MIND Group**
 - 12 weeks; 2 days weekly (Tuesday and Thursday) from 5:30 p.m. to 7:00 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **Aggression Replacement Therapy (ART)**
 - 10 weeks; 3 days weekly (Monday, Wednesday, Friday) from 4:00 p.m. to 5:00 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **SAFE**
 - 12 weeks; 2 days weekly (Monday and Wednesday-Males) (Tuesday and Thursday-Females) from 4:00 p.m. to 5:30 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **Thinking for a Change**
 - 12 weeks; 2 days weekly (Monday and Thursday) from 1:30 p.m. to 3:00 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)

- **IPV**
 - 13 weeks; 2 days weekly (Tuesday and Thursday) from 8:30 a.m. to 10:00 a.m. for males and 12:00 p.m. to 1:30 p.m. for females
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **Partial Hospitalization Program (PHP)**
 - 4 weeks; 5 days weekly (Monday through Friday) from 9:00 a.m. to 1:00 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of three Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **Relapse Prevention**
 - 12 weeks; 2 day weekly (Tuesday and Thursday) from 4:00 p.m. to 5:30 p.m.
 - One individual session (day and times may vary depending on participant responsivity/schedule)
 - A minimum of four Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **MORE**
 - 12 weeks; 2 days weekly (Monday and Wednesday) from 4:00 p.m. to 5:30 p.m.
 - One individual session required (days and times may vary depending on participant responsivity/schedule)
 - A minimum of one Court approved self-help recovery program meetings per week (i.e. NA/AA, SMART, NAMI, or other evidence based programs)
- **Medication Assisted Treatment**
 - In appropriate cases the Drug Court works with Community Counseling Center, Signature Health and Lake Area Recovery Center to provide Medically Assisted Treatment (MAT) (i.e. Suboxone, Subutex, Vivitrol, etc.) and Lake Area Recovery Center for Vivitrol.
- **Mental Health**
 - When a participant completes a mental health assessment and are referred for services they are able to attend Community Counseling Center and/or Signature Health and receive services that can include psychiatry, individual therapy, case management and/or supported employment.

Residential Treatment

- **NEOCAP (NorthEast Ohio Community Alternative Program)**
 - The Court may, if necessary, refer the participant to the Northeast Ohio Community Alternative Program, a community based corrections facility program located in Warren, Ohio, for treatment for a period of up to six (6) months.
 - There are four phase levels that residents progress through during the four to six month program. They are: *Phase I* (Orientation) for approximately the first 30 days of residency. The focus during Phase 1 is on completing an accurate assessment of the resident's needs and using that assessment to build a comprehensive case plan. Additionally, the focus is on enhancing the resident's motivation for treatment and familiarizing the resident with the cognitive

- **NEOCAP (NorthEast Ohio Community Alternative Program)(continued)**

behavioral treatment modality. During Phase 1, the resident's movement is restricted to the facility with the only exception being a medical emergency. *Phase 2* of the program is earned through appropriate effort and overall good behavior and lasts for approximately 30 days. *Phase 3* is earned through consistent good behavior and effort and also lasts approximately 30 days. During phases 2 and 3 of the program, the resident spends the majority of the time attending treatment groups and movement in the community is limited to program related activities and community service projects. *Phase 4* of the program is also earned through consistent, good overall effort in the program and is the time in which the resident works to prepare for successful reintegration back into his/her home community. Some activities during this phase include, but are not limited to: obtaining employment, participating in work release, securing housing, attending community support group meetings (AA/NA) and spending time with family on approved leave passes that must be earned through good behavior.

 - Each resident is given a variety of assessments in order to develop an individualized treatment plan. This plan is created to address such issues as mental health, substance abuse, attitude and orientation, employment/vocational training, education and housing. The resident participates in an intensive cognitive behavioral curriculum that has proven to be effective in addressing criminal behavior. The goal is to reduce the likelihood of relapsing or reoffending. Residents move through the curriculum by meeting their individualized program goals. As they progress, the residents gradually reintegrate into their communities. Residents must demonstrate appropriate behavior obtaining and maintaining employment (if appropriate), attending support group meetings and becoming pro-social members of their communities. The resident is assigned a Case Manager, who assists him/her in developing a treatment plan with goals and objectives to address the identified criminogenic factors. The resident immediately starts to address the goals and objectives in his/her treatment plan. Goals that cannot be obtained within the four (4) to six (6) months of residency will become a part of the resident's release plan, which is forwarded to the probation department. The probation officers enforce, monitor and supervise compliance with the release plan. Groups are developed to be comprehensive in nature and address the total range of the resident's criminogenic needs. Each group addresses major criminogenic areas and uses curricula that are evidence-based and proven to reduce criminal behavior in the adult resident population. Cognitive-behavioral methods are applied in all group activities.
- **Turning Point (Males) or New Beginnings (Females)**
 - If the participant meets the criteria for non-medical residential treatment, the participant will be admitted into the residential turning point for a minimum of ninety (90) days. The staff will monitor random drug screens as well as provide transportation to drug court status hearings. If the participant is a pregnant woman using opiates, prior to admission the staff will coordinate the drug and alcohol treatment with a provider of partial agonist therapy. These high-risk pregnancies receive intensive case management support.

- **Turning Point 3.1 (Males)**

- 3.1 level of care allows participant the ability to reside at a residential treatment program to receive counseling and other treatment-related services while also being afforded the opportunity to either work a full-time or part-time job, start or continue college or vocational training classes. Participants will receive assistance securing applicable public benefits, local resources needed, obtaining housing following discharge of program and aid into looking for employment or educational resources. Participants will be encouraged to further develop strategies, plans and support systems to prevent or respond to reoccurrence of use. While in 3.1 level treatment, participants will be required to be at the building when not at a scheduled appointment, at work, or in class. Participants will be allowed to attend outside self-help meetings with sponsors and will be allowed visitation and home passes on the weekends. All participants will be subject to random drug screening and breathalyzer equipment will be used with participants returning to the building.

HOW WILL I BE MONITORED FOR SUBSTANCE ABUSE?

Drug and alcohol testing plans are individualized and comply with the following guidelines. Every participant of the Drug Court Program is required to submit to random, frequent, and observed alcohol and drug screens. Testing is conducted based upon the participant's individual needs. All testing results are recorded and maintained for each participant for the duration the participant is in the drug court program.

The participant agrees to submit to random, frequent, and observed alcohol and drug screens. The participant is required to contact a drug testing automated system Sunday through Sunday between 5:00 a.m. to 5:00 p.m. to find out if he/she is required to submit a urine screen from 8:30 a.m. to 7:00 p.m. that day. The participant is also required to submit to testing if requested by treatment, the probation department, or the Judges. If participant fails to call-in they need to notify the Drug Court Probation Officer and submit a drug screen that day within 8 hours of their call in. All testing results will be shared with the Judges and the other members of the treatment team. Testing positive will result in a sanction and/or therapeutic adjustment. Testing samples are collected and analyzed pursuant to the written policies and procedures of the Adult Probation Department and the Lake Area Recovery Center. These written policies and procedures address elements that contribute to the reliability and validity of the testing process and are attached as Appendix VI and VII.

Testing is performed with an instant urinalysis drug screen. Testing is sufficient to include the participant's primary substance of dependence, as well as a sufficient range of other common substances. It is the participant's responsibility to travel to the testing location during the hours indicated for the testing. The participant is expected to arrive at the testing location to produce a sample within a certain period of time.

The participant will be tested with an instant urinalysis drug screen. The participant agrees to travel to the testing location at Lake Area Recovery Center during the hours indicated for the testing. The participant agrees to arrive at the testing location to produce a sample within a certain period of time. The following acts are treated as positive tests and subject to sanction. If the participant fails to provide a urine sample when requested, it will be the same as a positive test and immediately sanctioned. A diluted sample is considered a positive test and will be immediately sanctioned. Should the participant tamper with or adulterate the urine sample, including submitting the sample of another individual, it will be considered a positive test and

HOW WILL I BE MONITORED FOR SUBSTANCE ABUSE? (continued)

the participant will be immediately sanctioned. In addition participants will be required to abstain from mind altering substances, legal or illegal, including Alcohol, Kratom, Synthetic Drugs, CBD Oils, CBD Vapes, Medical Marijuana, Bath Salts, Pseudoephedrine, Creatine, Inhalants/Whip its, Phenibutal, Alcohol Vapes, etc. It is also required that participants do not consume poppy seeds, because they can cause a false positive and may result in a sanction. In addition the participant may not take Non-FDA Approved foods, medications, supplements, chemicals, herbal remedy, etc.

(Examples include natural remedies, workout supplements etc.) There are also medications that can cause a false positive or that are not recommended for individuals in recovery. Therefore, prior to taking any over-the-counter medications make sure to consult with the treatment team, Probation Officer and/or Counselor to determine if it could cause issues with your treatment and/or drug screens. This is always updating, so participants must always check with the team regarding new substances or prior to taking anything new.

The participant shall not be in any establishment that serves alcohol for consumption on the premises, in addition participants shall not be employed at bars, taverns and/or establishments that serves alcohol for consumption on premise.

If the participant tests positive, the participant may request that the sample be retested for confirmation. If the participant fails to make a timely request so that the sample is not available to retest, the ability to request confirmation testing is deemed waived. If the confirmation testing returns positive, the participant will be sanctioned.

In addition to sanctions for positive tests, the Judges and treatment team may require a change in the participant's treatment plan. The Judges and treatment team understand the difference between relapses in the beginning of treatment versus later on in the program and treatment and/or sanctions are used when appropriate and enforced by the Judges.

The participant shall also submit to testing of his/her breath, hair follicle or blood as required by the Drug Court Team.

For Drug Court purposes, a participant's sobriety date starts when they are admitted into the program and test negative. A participant beginning the Drug Court program who tests positive for Marijuana will be monitored for a maximum of 45 days, to make sure levels are decreasing. If the participant does not test negative by day 45, or their levels increase, they may be sanctioned and/or given a therapeutic adjustment.

WHAT IF I TAKE DOCTOR PRESCRIBED MEDICATIONS?

You must report all prescribed medications to L.A.R.C. and the probation officer. You will agree to provide verification of any prescriptions from your doctor including signing a release for the Drug Court Treatment Team to contact any doctor. Medications that participants are generally **NOT** permitted to take include Opiates (example: Lortabs, Vicodin, OxyContin or Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.), Amphetamines (example: Adderall, Ritalin, Strattera, etc.) and Benzodiazepines (example: Klonopin, Xanax, Diazepam, Valium, etc.). If a doctor believes that it is absolutely necessary to prescribe medications that will yield a positive urine drug screen (UDS), you must submit a letter to the Court from the doctor stating that he/she is aware of your status as a recovering person, why the need for the medication outweighs the possible risks to your status as a recovering person and that he/she has been made aware of the participation in the Drug court Program and that you are subject to UDS. If you test

WHAT IF I TAKE DOCTOR PRESCRIBED MEDICATIONS? (continued)

positive and do not have a letter from your doctor, you are subject to sanctions immediately. You agree to take all approved medications strictly as prescribed. In addition you are required to have a doctor card filled out for every doctor visit, which should contain all prescribed medications, prescriptions given at the visit, and be signed by the doctor's office.

WHAT ARE TREATMENT TEAM MEETINGS?

The Drug Court Treatment Team and the Judges use a team approach. The treatment team monitors your performance and progress in the program. The treatment team meetings are held each week prior to the status hearings. The treatment team consists of the Judge, representatives of the Lake Area Recovery Center, Community Counseling Center, Signature Health, and Opportunities for Ohioans with Disabilities, Supported Employment, NEOCAP, Probation Officer, Drug Court Coordinator, the Prosecutor's Office, the Defense Counsel and Law Enforcement. The purpose of the team approach is to have all members work together to assist participants to become successful. Each participant's progress is discussed at every team meeting. You have the right to request that your defense counsel attend the portion of the treatment team meeting concerning you.

Judges

The Judges are the leaders of the treatment team and are knowledgeable about treatment and programming methods and their limitations. The Judges have the discretion to decide the admission into and termination from the Drug Court Program. The Judges are also the decision maker concerning incentives, sanctions, phase advancement and successful completion or termination from the program. The Judges discuss progress or problems with the participants at each status review hearing.

Magistrates

The Magistrates are who preside over the Drug Court Status Hearings if the Drug Court Judges are unavailable. The Magistrates are also the decision maker concerning incentives, sanctions, phase advancement and successful completion or termination from the program. The Magistrates discuss progress or problems with the participants at each status review hearing when the Judge is unavailable.

Drug Court Coordinator

The Drug Court Coordinator can conduct random alcohol and drug screens and reports the results to the treatment team. She assists the Drug Court Probation Officer with monitoring the participants' compliance with sanctions and incentives. The Drug Court Coordinator attends each treatment team meeting and status review hearing. During treatment team meetings the Drug Court Coordinator informs the treatment team whether treatment plans, supervision plans and Court orders are being followed. She further advises the Judges of any Drug Court violations, provides progress reports and recommendations to the treatment team and participates in discussions about incentives, sanctions, phase advancement, successful completion and termination. The Drug Court Coordinator maintains statistics and tracking for individuals applying for Drug Court who are accepted, rejected, terminated or graduated from the program; tracks the meetings the participants attend; tracks recidivism after participants have completed Drug Court; and obtains/maintains grants for the Drug Court Program.

Drug Court Probation Officer

The Drug Court Probation Officer monitors the participants' compliance with their supervision plans and Court case plans. She conducts random alcohol and drug screens and reports the results to the treatment team. She monitors the participants' compliance with sanctions, incentives and conducts visits to the participants' residences. The Drug Court Probation Officer attends each treatment team meeting and status review hearing. During the team meeting the Drug Court Probation Officer informs the team how the participant is doing with treatment and supervision. She further advises the Judges of any Drug Court violations, provides progress reports and recommendations to the treatment team and participates in discussions about incentives, sanctions, phase advancement, successful completion and termination.

Lake Area Recovery Center

Lake Area Recovery Center is a licensed treatment facility. Lake Area Recovery Center conducts the diagnostic assessments, provides the clinical diagnoses, develops treatment plans, and provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug testing. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Community Counseling Center

Community Counseling Center is a licensed treatment facility. Community Counseling Center conducts the mental health assessment, provides clinical diagnoses, develops treatment plans and provides documentation on a participant's progress in treatment and compliance with treatment plans, including attendance and participation. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Signature Health

Signature Health is a licensed treatment facility. Signature Health develops treatment plans and provides documentation on a participant's progress in treatment and compliance with treatment plans, including attendance and participation. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

N.E.O.C.A.P.

A designated representative attends every treatment team meeting and status review hearing. During treatment team meetings this representative gives treatment updates on the participants in N.E.O.C.A.P. and makes recommendations regarding any additional treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Prosecutor

The Ashtabula County Prosecutor, and/or her representative, identifies eligible defendants in accordance with the Drug Court written criteria for admissions. The Prosecutor attends each treatment team meeting and status review hearing. During treatment team meetings the Prosecutor makes recommendations concerning incentives, sanctions, phase advancement, successful completion and termination.

Defense Counsel

Defense Counsel attends each treatment team meeting and status review hearing. If the participant is not represented by the defense counsel, the participant may request that his/her counsel attend the portion of the treatment team meeting wherein the participant is discussed. The defense counsel makes recommendations to the Judges regarding incentives, sanctions, phase advancement, successful completion and termination from the program.

Law Enforcement

A designated representative of the Ashtabula County Sheriff's Department attends the treatment team meetings and status review hearings. The Sheriff's representative serves as a liaison between the Drug Court and the law enforcement community and presents the perspective of law enforcement as it relates to accountability and treatment. During treatment team meetings the Sheriff's representative makes recommendations concerning incentives, sanctions, phase advancement, successful completion and termination.

Opportunities for Ohioans with Disabilities

A designated representative attends every treatment team meeting and status review hearing. During treatment team meetings this representative gives updates on the participants and makes recommendations regarding any additional needs for example employment, G.E.D. transportation, etc. This representative works closely with Supported Employment and also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Supported Employment

A designated representative attends every treatment team meeting and status review hearing. During treatment team meetings this representative gives updates on the participants and makes recommendations regarding any additional needs for example employment, G.E.D. transportation, etc. This representative works closely with Opportunities for Ohioans with Disabilities and also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

WHAT ARE STATUS HEARINGS?

While in the Drug Court Program, each participant must comply with all required appearances at status hearings. As you progress, required status hearings may be reduced to bi-weekly or tri-weekly.

- Status Hearings are court hearings, scheduled every Thursday at 9:30 a.m. for males in Judge Harris' Courtroom and 10:30 a.m. for females in Judge Sezons' Courtroom, which is located on the second floor of the Ashtabula County Courthouse. **ALWAYS ARRIVE ON TIME!!**
- The Judge will review any activity or developments, ask you questions, and provide incentives or issue sanctions as appropriate. You will be expected to converse with the Judge and it is extremely important to be open and honest. **NEVER LIE!!**
- Never leave the Courtroom without permission.

- Participants agree to maintain confidentiality regarding information shared during status hearings and/or treatment sessions regarding other participants.
- Never arrive intoxicated or high, and be prepared to submit to a urine screen (UDS) if asked to do so.
- Dress appropriately for a Court appearance.
 - Shirts are to be tucked in
 - Dress pants (fit properly)
 - No clothing associated with tobacco, alcohol, drugs, bars or gangs
 - No hats or sunglasses
 - No transparent clothing unless layered with undershirt
 - No low cut shirts, midriffs or halter tops
 - No dew rags
 - No work boots or flip flops
 - No sleeveless shirts/tank tops or backless shirts
 - Dresses and skirts must be the length that would reach the tips of your fingers while hands are straight down at your side
 - No jeans, cutoff jeans, shorts or tank tops will be allowed in Court
 - No yoga pants or workout pants
 - No sundresses unless shoulders covered

Any failure to comply with dress code may result in participant being asked to leave and/or a sanction. In addition during Drug Court Status Hearings there are to be no cell phones, drinks or food. Phones are collected at the beginning of the status hearing. If you are found to be in possession of a phone during the status hearing, it will be confiscated.

- Feel free to bring family, friends or your sponsor to Court with you. Emotional support is important to your recovery.

WHAT ARE THE PROGRAM PHASES?

Orientation Phase

The Orientation Phase occurs during the eligibility screening and assessment process. During this phase the participant will be expected to do the following:

- Meet as instructed with the Drug Court Coordinator and/or Drug Court Probation Officer. They are interviewed as part of a risk assessment and a written report is prepared. The purpose of this report is to collect information that will assist the Drug Court Treatment Team in assessing the participant's eligibility to participate in the Drug Court Program and to inform the assigned judge's decision whether to grant your request for Drug Court.
- Meet as instructed at the Lake Area Recovery Center in order to undergo a complete substance abuse assessment.
- Meet as instructed at the Community Counseling Center or if incarcerated participants will meet with Signature Health in order to undergo a complete mental health assessment.
- Sign any necessary releases of information.
- Become familiar with the location of the service providers and address any issues of transportation and/or employment.
- Review the participant handbook and the participation agreement with their defense counsel.

Participants are advised to discuss any questions regarding eligibility and desire to participate in the Drug Court Program with their defense counsel.

Phase I (75-120 days)

In order to meet the obligations of Phase I, the participant will be required to:

- Attend weekly status hearings;
- Comply with Treatment Plan;
- Follow rules of treatment;
- Follow rules of supervision;
- Weekly office visits with Probation;
- Daily call-in's, random drug tests, as required;
- Attend self-help meetings, as required
- Work with case managers.

To advance:

- ✓ Compliance with above;
- ✓ Minimum 60 consecutive days negative/30 days no major infractions.

Movement through this Phase is based upon the participant's compliance and progress.

Phase II (90-120 days)

In order to meet the obligations for Phase II, the participant will be required to:

- Attend Court Status Hearings, as required;
- Comply with Treatment Plan;
- Follow rules of treatment;
- Follow rules of supervision;
- Office visits with Probation;
- Daily call-in's, random drug tests, as required;
- Continue to attend all treatment sessions, including required self-help recovery programs, such as AA/NA or other Court approved evidence based programs;
- Maintain stable, negative screens and sober housing;
- Obtain employment, attend school and/or vocational training, work with Supported Employment or engage in other Court approved activity;
- Obtain a recovery sponsor (Provide verification form);
- Realistic plan for payment of restitution, fines and supervision fees;
- Begin Restorative Justice Process.

To advance:

- ✓ Compliance with above
- ✓ Minimum 90 consecutive days negative/ 30 days no major infractions

Movement through this Phase is based upon the participant's compliance and progress.

Phase III (90-120 days)

In order to meet the obligations of Phase III, the participant will be required to:

- Attend Court Status Hearings, as required;
- Comply with Treatment Plan;
- Follow rules of treatment;
- Follow rules of supervision;
- Office visits with Probation;
- Daily call-in's, random drug tests, as required;

Phase III (90-120 days) (continued)

- Continue to attend all treatment sessions, including required self-help recovery programs, such as AA/NA or other Court approved evidence based programs;
- Maintain stable, negative screens and sober housing;
- Obtain employment, attend school and/or vocational training, work with Supported Employment or engage in other Court approved activity;
- Complete Restorative Justice process (victim/offender conference);
- Serve as I.O.P. or T.P. lead/education or treatment volunteer or if participant becomes a mentor that fulfills this requirement.
- Show proof of actively paying on financial obligations;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling, cognitive therapy, employment assistance or job skills training, Court ordered community service, etc.)

To advance:

- ✓ Compliance with above;
- ✓ Minimum 120 consecutive days negative/30 days no major infractions.

Movement through this phase is based upon the participant's compliance and progress.

Phase IV and Maintenance (30-completion of program)

During the maintenance phase, the participant is required to continue to successfully and faithfully adhere to all treatment and Drug Court Program requirements, and to continue to meet the same obligations as set forth above in the other Phases.

Graduation from the Drug Court Program will occur after the participant has successfully completed all of the phases. In order to graduate the participant will have to demonstrate the following compliant behavior and accomplishments.

- Demonstrated abstinence from alcohol and drugs as evidenced by submitting negative screens for a minimum of one hundred twenty (120) days prior to graduation and no major infractions within 30 days of Commencement;
- Successfully completed treatment and regularly attended required self-help recovery programs, such as AA/NA or other Court approved evidence based programs;
- Demonstrated stability in the community;
- Regularly attend status review hearings before the Judge to review the participants progress;
- Continue to attend all treatment sessions, including required self-help recovery programs, such as AA/NA or other Court approved evidence based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Drug Court Probation Officer;
- Continue to cooperate with random home visits by the Drug Court Probation Officer;
- Obtain/maintain stable, negative screens, sober housing;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Complete Restorative Justice process;
- Complete a Turning Point or IOP Lead, or serving as a treatment volunteer or becoming a mentor;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling etc.)

Phase IV and Maintenance (30-completion of program) (continued)

- Paid in full restitution, fines, supervision fees and court costs, unless otherwise determined.

Commencement

- Complete and submit the written application for Commencement;
- Complete Commencement interview;
- Remain compliant with all requirements through actual Commencement ceremony;
- No sanctions/infractions within 30 days of Commencement ceremony;
- Meet with Drug Court Alumni right before Commencement ceremony.

WHAT ARE THE INCENTIVES USED IN THE DRUG COURT PROGRAM?

The goal of the Drug Court Program is to encourage success and discourage failure. With that objective, the Drug Court Program uses incentives as an important component in making lasting changes in behavior. Incentives demonstrate acknowledgment of the difficult changes a participant is making in his/her life. Positive changes and compliance with Drug Court requirements will be rewarded.

Some of the positive changes and behaviors that may be rewarded include, but are not limited to:

- Attending all status hearings;
- Attending all treatment sessions and Court approved self-help recovery meetings;
- Attending all appointments with the Drug Court Coordinator and/or probation department;
- Abstaining from alcohol and drugs, as evidenced by negative test results;
- Engaging in vocational or educational activities;
- Obtaining a Sponsor;
- Securing stable housing;
- Obtaining employment;
- Advancing in the Drug Court Program Phases; and
- Accomplishing any other milestone identified by the treatment team.

The Judges use incentives on a case-by-case basis. The Judges dispenses incentives as the participant's status and conduct indicate. The Judges determine the type of incentives received based on the participant's performance and compliance with program requirements. There are many types of incentives available that may include, but are not limited to:

- Encouragement and praise from the Judge;
- Ceremonies and tokens of progress, including advancement in the Drug Court Phases;
- Decreasing court appearances and supervision contacts;
- Increasing or expanding privileges;
- Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- Reducing fines or fees;
- Dean's list;
- Perfect Weeks;
- Recovery Books, including The Big Book, NA Book and Smart Recovery Workbook

WHAT ARE THE INCENTIVES USED IN THE DRUG COURT PROGRAM?

(continued)

- Weekly fishbowl incentives; and
- Graduation from the Drug Court Program.

Incentives may be provided and can be earned through compliance with the Drug Court Program.

WHAT ARE THE SANCTIONS USED IN THE DRUG COURT PROGRAM?

Just as it is important to recognize progress, it is also important to respond swiftly to problems and noncompliant behavior. By imposing sanctions, a participant who is not compliant with the requirements of the phases will learn that there are consequences for his/her behavior. The objective is not only to reprimand noncompliance, but to re-engage and encourage the participant to continue working through the recovery and treatment process. Sanctions are issued according to the seriousness of a violation. Serious violations could result in termination from the program. Sanctions are used on a case-by-case basis by the Judges when a participant fails to comply with Drug Court Program requirements. These requirements include, but are not limited to:

- Failure to attend status hearings;
- Failure to respond in a timely manner to voice mail messages left from probation or treatment staff;
- Failure to call in for drug screen in the allotted time;
- Failure to attend treatment appointments, including Court approved self-help recovery meetings, such as AA/NA or other Court approved evidence based programs;
- Failure to keep scheduled appointments with the probation department;
- Falsifying or attempting to falsify any required documentation, including self-help recovery meeting attendance;
- Noncompliance with random alcohol and drug screens, testing positive for alcohol and or drugs, or adulterating or attempting to adulterate urine screens;
- Noncompliance with any of the requirements of the Drug Court Program Phases; and
- Failure to improve troublesome behaviors.

Graduated sanctions are used to address noncompliant behaviors. Sanctions may include, but are not limited to:

- Warnings and admonishment from the Judge;
- Community service work;
- Individualized sanctions such as writing essays or reading books;
- Demotion to an earlier Drug Court Program Phase;
- Electronically Monitored House Arrest (EMHA) or Secured Controlled Remote Alcohol Monitoring (SCRAM) bracelets;
- Increasing frequency of alcohol and drug testing;
- Increasing frequency of court appearances;
- Increasing supervision contacts;
- Refusing specific requests, such as permission to travel;

WHAT ARE THE SANCTIONS USED IN THE DRUG COURT PROGRAM? (continued)

- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Watch YouTube Lead/Ted Talk on a topic, do report and present;
- 90 in 90;
- Essays;
- Book Reports;
- Imposition of jail days;
- Filing of community control violation; and
- Termination from the Drug Court Program.

Sanctions are not only used as a form of consequences for inappropriate choices, but also a way to re-evaluate a participant's commitment to sobriety and to complete the Drug Court Program.

ARE THE DRUG COURT FILES CONFIDENTIAL?

The files of all Drug Court participants are confidential and kept in a file cabinet, secured in the office of the Ashtabula County Probation Department and the Ashtabula County Court of Common Pleas. No person, other than a member of the treatment team, has access to these files.

CAN I POSSESS A FIREARM WHILE I AM IN THE DRUG COURT PROGRAM?

NO!! Ohio Revised Code Section 2923.13 provides that no person shall knowingly acquire, have, carry or use any firearm or dangerous ordnance if the person is under indictment for or has been convicted of a felony. Therefore, you are not permitted to possess or use a firearm while you are in the program, even if you are a diversion participant.

APPENDIX I

IMPORTANT CONTACTS INFORMATION

Stephanie Belconis
Ashtabula County Drug Court Coordinator
87 North Chestnut Street
Jefferson, Ohio 44047
Tel. #: 440-576-1515
W. Cell #: 440-969-0185
Fax #: 440-576-1522

Amber Stewart
Ashtabula County Drug Court Probation Officer
87 North Chestnut Street
Jefferson, Ohio 44047
Tel. #: 440-576-9909
W. Cell #: 440-969-3031
Fax #: 440-576-1522

Michael Murphy and/or Ashley Focht and/or Kylie Caudill
Lake Area Recovery Center
2801 C. Court #1
Ashtabula, Ohio 44004
Tel. #: 440-998-0722

Matt Butler and/or Samantha Burnett
Community Counseling Center
2801 C. Court #2
Ashtabula, Ohio 44004
Tel. #: 440-998-4210

Octavia Harris
Supported Employment
Community Counseling Center
2801 C. Court #2
Ashtabula, Ohio 44004
Tel. #: 440-998-4210

Traci DeMattia-Toth
CD Supervisor/ Counselor
Signature Health Inc.
4726 Main Ave.
Ashtabula, Ohio 44004
Tel. #: 440-992-8552

Ashtabula County Drug Court Program Treatment Team (Continued)

Mallory Fisher and/or Marisa Wallace
Opportunities for Ohioans with Disabilities
14650 Detroit Ave, Suite 200
Lakewood, Ohio 44107
Tel. # 216-227-3250

Kim Massary
NorthEast Ohio Community Alternative Program
411 Pine Street
Warren, Ohio 44483
Tel. #: 330-675-7459

Edith M. Jonas
Defense Counsel
100 Public Square
Po Box 684
Andover, Ohio 44003
Tel. #: 440-293-6346

James Kemmerle
Ashtabula County Sheriff's Department
25 West Jefferson Street
Jefferson, Ohio 44047

Omar L. Siddiq and/or John D. Lewis
Ashtabula County Prosecuting Attorney
25 West Jefferson Street
Jefferson, Ohio 44047
Tel. # 440-576-3667

Judge Harris' Courtroom
Tel. #: 440-576-3677

Magistrate Ben Marley
Judge Harris' Magistrate

Judge Sezon's Courtroom
Tel. # 440-576-3683 and/or 440-576-3682

Magistrate Dean Topalof
Judge Sezon's Magistrate

APPENDIX II

SANCTION GRID

Low:

1. Verbal warning/admonition.
2. Letter of apology.
3. Criminal thinking worksheet.
4. Essay/Thought paper.
5. Daily activity log.
6. Journal.
7. Book report.

Moderate:

8. Increase probation appointments.
9. Community service 2, 4, 8, 12 hrs.
10. More frequent status hearings.

High:

11. Day reporting.
12. EMHA.
13. Jail 1-5 days (x2 w/ work release)
 - 1st and 2nd time - scheduled
 - 3rd + time - immediate
14. Termination from Drug Court

Dilute Tests:

- | | |
|-----------------|--|
| 1 st | Verbal warning |
| 2 nd | Essay/Book report |
| 3 rd | 4 hrs. Community service |
| 4 th | Increased reporting (probation and possibly status hearings) |
| 5 th | Jail |

Phases 1, 2 and 3:

<u>BEHAVIOR</u>		<u>SANCTION</u>
DISTAL		
• not engaging in treatment)	
• late to appointments or drug court)	LOW
• positive drug screen)	
• overt display of anti-social behavior)	

PROXIMAL		
• dress code violation)	LOW
• missed appointments)	
group, probation, individual,)	
mental health, case manager)	MODERATE/
status hearing)	HIGH
• missed screen)	
• lying/manipulating drug screen)	
• failure to return doctor card)	
• false/forged documentation for any required verification)	

Phases 4 and 5

MINOR INFRACTION		
• not engaging in treatment)	
• late to appointments or drug court)	LOW
• dress code violation)	

MAJOR INFRACTION		
• missed appointments)	
group, probation, individual)	
mental health, case manager)	
status hearing)	MODERATE/
• missed screen)	HIGH
• lying/manipulating drug screen)	
• positive drug screen)	
• overt display of anti-social behavior)	
• failure to return doctor card)	
• false/forged documentation for any required verification)	

Sanctions are progressive. Successive infractions generally warrant increased severity.

Sanctions must be completed prior to the next scheduled status hearing. Failure to do so may result in additional/more severe sanctions.

Rule infractions can also trigger adjustments to treatment, which are not considered sanctions.

New criminal charges do not necessarily result in discharge from Drug Court, especially in the early phases, and if the participant's substance abuse was a factor leading to the offense. However, a sentence for a criminal conviction can prevent the offender from completing Drug Court obligations resulting in unsuccessful termination from the program.

This Behavior/Sanction outline serves as a guideline. It does not create any right that a drug court participant will receive a particular sanction for any given conduct. The Court retains complete discretion to decide sanctions on a case by case basis and will consider aggravating and/or mitigating circumstances in every situation.

APPENDIX III

Rules and Regulations during Drug Court Zoom Sessions

Even though the court session is via Zoom, and you are not sitting in court, please keep in mind, this is being treated as a court session and all court rules still apply:

1. Appropriate attire
 - a. The judges expect everyone to remain in the proper court attire, no hats, no hoodies.
2. Language
 - a. Keep your language appropriate for this setting.
3. Smoking
 - a. Do not smoke while you are on a Zoom session with the Judge. It is inappropriate.
4. Remain Active
 - a. While you are logged in for the court hearing, you will need to be in view the entire time, you should not be laying your phone down;
 - b. Please remain seated. We understand some of you have children to tend to, but please, try to limit your movement during court.
5. Internet Connection
 - a. If you are having connection issues, or get kicked off, please send Amber Stewart a text (440-969-3031) and let her know the issues you are having; but keep trying to re-connect.

GROUPS

These rules are also expected to be followed while attending your Zoom groups with your LARC counselor(s); you are expected to be participating as you would normally be while in a group. You are not to be driving around in vehicles; walking around, etc.; you should be in a room, paying attention and participating. There will be **ZERO TOLERANCE** with those who are not following the rules of online attendance. If there are any issues, you may be removed from the online group, not receive credit, and/or receive a sanction.

It is your responsibility to also keep track of the ID number and password of your group;

If you are having issues with any of the online expectations, please reach out to Amber, Stephanie, or Kylie.

COVID PROTOCOL

If you have tested positive for COVID-19, please provide paperwork to Probation Officer and treatment via fax from doctors or pictures of paperwork via text and quarantine for an amount of time determined by your doctor.

If you are experiencing flu-like symptoms including:

- Fever or chills;
- Cough;
- Shortness of breath or difficulty breathing;
- Fatigue;
- Muscle or body aches;
- Headache;
- New loss of taste or smell;
- Sore throat;
- Congestion or runny nose;
- Nausea or vomiting;
- Diarrhea.

DO NOT ATTEND TREATMENT, COURT, ETC.

If any of this happens you are still able to attend appointments, status hearings, etc. via Zoom, however, do not go and get drug tested and/or attend meetings in person.