

HOCKING COUNTY ADULT FELONY DRUG COURT HANDBOOK



**HONORABLE JOHN T. WALLACE
HOCKING COUNTY COMMON PLEAS COURT**

WELCOME

Welcome to the Hocking County Common Pleas Drug Court. You have been referred and admitted into this program because it has been determined that you have experienced major problems stemming from your substance abuse. This program is especially designed for you. It is a court managed, drug intervention treatment and monitoring program, which is designed to provide an alternative to traditional criminal case processing.

PROGRAM DESCRIPTION

The Hocking County Common Pleas Drug Court Program is designed to be completed in a minimum of 12 months (and up to 18 months). Because the program involves intensive intervention, it is designed to meet the needs of each participant and their family and friends. How well you do in the program and how quickly you move from phase to phase depends on you and your motivation to make positive changes in your life.

Section 3 Entry and Case Flow Standards 1 (C)

Referral Process

The Felony Drug Court accepts referrals from Probation Officers, Prosecutor, Judge, and Program Coordinator. An entry will be done by the Judge to start the referral process in a hearing with the offender, prosecutor and the defense counsel. The referral is then sent to TASC (Treatment Alternatives to Street Crimes) and the assessment is done. The TASC Counselor/Case Manager attends each treatment team meeting and status review hearing and reports when referrals are set to be assessed, when they have completed the assessment as well the outcome of the assessment. The same process is followed for Probation Violation referrals.

The participant or the participant's guardian shall complete a release of information form to provide for communication about confidential information, participant/process in treatment, and compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 300gg-42, as amended, and R.C. 2151.421 and 2152.99, Sup. R., Appx. 1, Std. 4(B). Participants shall be placed as soon as possible in appropriate

treatment services and programs. Participants shall be placed as soon as possible under reporting supervision to monitor compliance with the court requirements.

Screening and Assessment Standards 3 (B) and (C)

Legal Assessment Standard 3 recommended Practice (A)

The referral is made and the probation officer meets with the offender and reviews the ORAS score and the Presentence Investigation Report to verify that the participant meets the legal requirement for the program. At this meeting the probation officer will call and make an appointment for the participant so they are fully aware of when the assessment will be.

Clinical Assessment

The Felony Drug Court participants attend TASC for the assessment and chemical dependency treatment. TASC is able to provide drug and alcohol treatment to participants who reside in Hocking, Athens, and Vinton Counties at no cost to the participant. When potential participants are referred to TASC a release of information is signed for the Common Pleas Court. TASC is required to assess IV Drug Users and Pregnant Women within 24 hours. Other Participants are assessed in the next two weeks and results are reported at staffing. During a Status review hearing, the Judge will then make the order that places them in the program.

TASC is responsible for the drug and alcohol assessment process which follows the standards set forth by the Ohio Department of Mental Health and Addiction Services (ODMHAS). A licensed clinician of TASC diagnoses participants for substance abuse and dependency.

Standard 4 Recommended Practices (A). Placement in the program is determined by the ODMHAS protocols for Level of Care. The initial assessment is approximately two and a half hours. Collateral information must be gathered from significant others, family, (when available) and court records *Standard 4(A)*. The information is used to develop a strength-based treatment plan that includes input from the participant. These plans are reviewed every ninety days. Substance dependency and abuse are diagnosed based on the DSM V criteria for Substance Abuse Disorders. Level of Care is determined by assessing measures within the six dimensions of the ODMHAS Level of Care Protocols that best describes the client's current situation. After the assessment is complete, the client may be referred to other appropriate services such as mental health counseling. The assessment will confirm whether the participant meets the clinical criteria for the Felony Drug Court program.

Once the assessment is received, the treatment team will discuss whether the individual is appropriate for admission into the program. If the individual is not appropriate, they will proceed to standard case processing. If the individual is appropriate, the treatment team and other appropriate agencies will develop a comprehensive treatment plan for the participant. The participant will be assigned a drug and alcohol counselor, who may also act as a case

manager. They will review services the participant may be eligible for and what would be beneficial in their programming. The team will ensure that the participant is referred to appropriate mental health services if required. The treatment team will incorporate mental health assessment and recommendations into the participant's case plan.

Acceptance into Hocking County Felony Drug Court

The specialized docket Judge will then review all information provided to him from the Case Manager, Counselor, and Probation Officer. The Judge has the discretion to decide the admission into and termination from the specialized docket in accordance with the written criteria. The written legal and clinical eligibility and termination criteria do not create a right to participate in the specialized docket program.

The participant enters the program after the assessment is complete and the Judge orders them into the program at a status review hearing. At that time, the participant signs the agreement and is given the handbook and all the information and rules that apply to the program. Standard 6 (E).

Status Review Hearing

During Phase One, and throughout the remaining three phases, the Judge will conduct status review hearings for all drug court participants. The hearings will include all current drug court probationers, the participant is asked to waive your right to a private hearing.

The Judge, through status review hearings, will review your progress in the program. The Judge will ask your probation officer, case manager, your substance abuse treatment counselor, and any other relevant persons to provide him with reports on how you are progressing through the program. He will also review work and/or education reports regarding your attendance and attitude in that setting.

If you have not complied with probation and treatment guidelines, the Judge may administer sanctions for your non-compliance. Sanctions can be defined as legal consequences for negative behaviors. The Judge administers sanctions during status review hearings. I understand that noncompliance will be governed by immediate and graduated sanctions including the possibility of termination for non-compliance. The following list (but not limited to) are behaviors that could result in a sanction:

- Failing to attend court appearances and treatment appointments
- Failing to follow specialized docket rules
- Failing to keep scheduled appointments with the probation officer, case manager, or other team members
- Not complying with other requirements of the treatment plan
- Not complying with random alcohol and drug screens or testing positive for alcohol and drugs

- Failing to improve troublesome behaviors
- Failing to meet employment or vocational goals as determined by the treatment team
- Failing to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, social security applications, etc.
- Having contact with criminal peers

Hocking County Common Pleas Drug Court sanctions may include, but are not limited to, the following:

- Additional Community Service
- Increased supervision and monitoring
- Electronic monitoring (participant required to pay the fees for this)
- Longer duration of a program phase
- Daily “call-in” responsibilities
- House Arrest
- Fines
- Day reporting
- Incarceration at Regional Jail
- Incarceration at community-based correctional facility
- Expulsion from the drug court program and suspended jail time is imposed
- Incarceration in prison

The Judge also administers incentives for those participants who continue to make substantial progress in the drug court program. Incentives are individually tailored to each participant and their progress within the program.

Hocking County Common Pleas Drug Court incentives may include, but are not limited to, the following:

- Reduction of suspended jail time
- Verbal praise from Drug Court Team
- Gift certificates
- Reduction of the term of community control
- Released from community control if court costs and fines are paid in full

The most important incentive is maintaining a sober life style to ensure continued success.

Phases

The Hocking County Common Pleas Drug Court is a four-phase program. Completion of the drug court program is directly correlated to your motivation, participation and progress in the program. Participants move from one phase to the next by completing the requirements for each respective phase.* As a result of non-compliance or lack of progress, a participant may be required to repeat a portion or all of the phase they are currently assigned. The following is a description of each phase of the Hocking County Common Pleas Drug Court Program:

STABILATION

PHASE 1

3 months (*see above note)

Participant is drug tested a minimum of 2 times per week

Participant is seen by probation officer a minimum of 1 time per week

Participant is seen by chemical dependency treatment counselor as determined by the individual treatment plan

Participant is seen for status review hearings 1 time per week with the Judge

INTENSIVE TREATMENT

PHASE 2

3 months *

Participant is drug tested a minimum of 2 times per week

Participant is seen by probation officer a minimum of 1 time per week

Participant is seen by chemical dependency treatment counselor as determined by the individual treatment plan.

Participant is seen for status review hearings 1 time per week with the Judge

TRANSITION

PHASE III

3 months*

Participant is drug tested a minimum of 1 time every week.

Participant is seen by probation officer 1 time every other week

Participant is seen by chemical dependency treatment counselor as determined by the individual treatment plan

Participant is seen for status review hearings with the Judge every other week.

AFTERCARE

PHASE IV

3 months *

Participant is drug tested a minimum of 1 time every other week.

Participant is seen by probation officer a minimum of twice per month.

Participant is seen by chemical dependency treatment counselor as determined by the individual treatment plan.

Participant is seen for status review hearings with the Judge 1 time per month

COMMENCEMENT AFTER COMPLETING PHASE 4

An opportunity for the participant to celebrate continued sobriety.

Section 7 Substance Monitoring

Types of Drug and Alcohol Screen

There are several types of drug and alcohol testing done in the Felony Drug Court. Both instant and lab testing of urine for drugs and alcohol abuse along with Breathalyzer tests for alcohol. Each Participant is tested weekly by both the Adult Parole Authority and/or TASC Case Manager depending on what phase of the program the participant is in. Phase one is tested twice a week, Phase two is tested twice a week, and Phase three is tested once a week. Phase four is tested twice per month. The testing policies and procedures address elements that contribute to the reliability and validity of the testing process. TASC provides the testing and follows their company's drug testing policy. Clearly established plans are in place for addressing a participant who tests positive at intake or who relapses that include treatment guidelines and sanctions, when appropriate, that are enforced and reinforced by the specialized docket judge. There is a baseline established at intake and a period is given to allow the participant to become clean. If there is a relapse the participant's treatment plan is reevaluated and a graduated sanction is given. Immediate notification is provided to the court when any participant does any of the following:

- Tested positive
- Failed to submit to testing
- Submitted an adulterer urine sample
- Submitted the urine sample of another individual
- Diluted urine sample

The following acts are to be treated as positive tests and immediately sanctioned

- Failing to submit a screen
- Submitting an adulterated urine sample
- Submitting the sample of another individual
- Diluting the urine sample

Random, Frequent, Observed, Individualized Drug Testing

All drug tests are done by probation or case management staff according to individualized plans. All testing is random, frequent and observed. Each requires a certain amount of testing. Standard 8. Phase 1 requires a minimum of 2 times per week. Phase 2 a minimum of 2 times per week. Phase 3 a minimum of one time per week. Phase 4 a minimum of twice monthly. The screens are also given as part of a treatment plan. Standard 8 (B). Each positive screen is addressed according to the guidelines in the handbook and an appropriate sanction is immediately given. Standard 8 (C). All participates will be screened for their drug of choice along with a range of various other drugs. Standard (E). Participants must call in daily during a pre-arranged time slot (usually 6:00 AM and 11:00 AM) and then the computerized system will inform the individual if they have been selected for drug testing that day. All tests must be performed between 8:30 AM and 3:00 PM the same day. Missed calls, failure to respond to

testing calls, and/or positive tests will result in sanctions. Males and females may be tested at the APA offices. Females may be tested by TASC.

Participant must submit to frequent, random and observed drug and alcohol testing. If contacted by a treatment team member for testing, the participant will be required to provide a sample as requested.

* Alcohol and/or other drug testing may also be conducted at random (at any time), at the court offices, TASC offices, treatment provider's offices, at your home, or at any place a law enforcement officer requests if you are suspected of possessing alcohol and/or other drugs.

The probation officer may appear at your home at any time to check your compliance with the rules including checking for alcohol and drugs.

WHAT SUCCESSFUL COMPLETION WILL MEAN FOR YOU

If you are successful in completing all phases of the Hocking County Common Pleas Drug Court Program, the following incentives could include:

- Early termination from community control if all costs/restitution/fines is complete.
- For all drug court graduates, a commencement ceremony will be held. This will be a time for the participant to celebrate their continued sobriety and successes with friends and family.

UNSUCCESSFUL TERMINATION FROM THE PROGRAM

You may be terminated unsuccessfully from the Hocking County Drug Court Program and all suspended prison or jail time imposed if:

- You are convicted of a violent offense while on probation with the drug court program.
- You are convicted of a new felony offense and are sentenced to serve time in a state or federal prison.
- You continually fail to comply with the requirements of the Hocking County Common Pleas Drug Court Program

At any time during your participation, you could be terminated from the program and be required by the Judge to serve the remainder of your prison time.

Treatment Team Members

Judge

- Leader of the treatment team
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination
- Discusses progress with the participant at status review hearings.
- Attends all treatment team meetings.

Probation Officer

- Monitors compliance with supervision plan
- Conducts alcohol and drug screens
- Monitors compliance with any sanctions
- Visits the participant at home, school, or other locations
- Attends treatment team meetings and status review hearings

- During treatment team meetings, provides progress reports and recommendations to the treatment team
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination

Treatment Provider

- The participant's therapist or counselor
- Conducts an assessment to evaluate needed services
- Develops an individualized service plan
- Conducts random drug screens
- During treatment team meetings, gives treatment updates and makes recommendations regarding treatment needs
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination
- Attends the status review hearings

Program Coordinator

- Maintains the daily operations of the specialized docket
- Meets with any potential participant upon referral
- Gathers progress reports from treatment and service providers to present to the treatment team
- Attends treatment team meetings and status review hearings
- Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion, and termination
- Coordinates random alcohol and drug screens and monitors compliance with any sanctions
- Meets with a participant regularly to discuss individualized program goals and progress while the participant is in the specialized docket

Case Manager

- Meets with the participant on a regular basis
- Assists with transportation, housing, education, employment, obtaining medical care, family issues, training, and applying for government assistance
- Makes referrals to other agencies
- Conducts random alcohol and drug screens and monitors medication compliance
- Attends treatment team meetings and status review hearings
- During treatment team meetings, provides reports and recommendations to the treatment team
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination

Prosecutor

A prosecutor's distinct role is in pursuing justice and protecting public safety and victim's rights. The duties are as follows:

- Attends all treatment team meetings
- Makes referrals to the program
- Attends all Status review hearings.

Defense Counsel

A defense counsel's distinct role is in preserving the constitutional rights of the specialized docket participants. The participant has a right to request the attendance of defense counsel during the portion of a specialized docket treatment team meeting concerning the participant.

Your goals

Although the Hocking County Common Pleas Drug Court staff will work with you on establishing and reaching individual goals, the following are goals for every Hocking County Common Pleas Drug Court participant:

- To learn to be alcohol and drug free
- To learn better ways of coping with stressors
- To adjust to a drug-free lifestyle
- To develop a non-criminal pattern of living
- To enhance employment skills through educational pursuits and/or vocational or alternative training.
- To increase your social skills, self-esteem, and self-motivation
- To learn the warning signs of relapse and develop a relapse prevention plan
- To pass on a clean and sober lifestyle to your children

COST RELATED TO THE PROGRAM

Participants will not currently be responsible for the cost of treatment services. Fees for these services are now waived by TASC. The Hocking County Common Pleas Drug Court will work closely with the treatment provider, ensuring that all participants receive quality chemical dependency treatment services at little or no cost.

PARTICIPANT RULES

Any infraction of the drug court rules will be reviewed by the Judge, who may impose sanctions. The following are rules of the Hocking County Common Pleas Drug Court Program:

- Appropriate clothing with no offensive language is expected at all times. Clothing bearing alcohol or other drug-related themes, or promoting or advertising alcohol or other drug use is not allowed. No hats or shorts will be worn in the courtroom.
- You must attend all scheduled individual, family, and group counseling and case management sessions, educational sessions, and court sessions, unless you obtain prior approval in writing. You must arrive on time and not leave until the meeting or session is over. If you are late, you may not be allowed to attend the session and may be considered absent, which may result in being sanctioned by the Judge.
- Friends, who are not part of your drug court case plan, cannot accompany you to the courthouse. If you have prior approval to be in their company, and if they are providing transportation, they should simply drop you off and pick you up at the end of the session
- Cellular phones are not permitted during drug court program activities unless prior approval is given by the Judge or your probation officer.
- All participants must notify staff of any contact with law enforcement, arrest, or court obligations within one business day.
- Although your counseling and case management sessions are confidential, the program case manager and treatment counselors must comply with the laws of mandated reporting of child abuse or neglect, elder abuse or neglect, and situations involving homicide or suicide.
- You will be expected to maintain appropriate behavior at all times during drug court sessions and while in the courthouse
- The following actions will not be tolerated and may be cause for termination from the program or other sanctioning by the Judge:
 - Children will not be permitted
 - Violence or threats of any kind
 - Use and/or possession of alcohol, other drugs, or paraphernalia
 - Belligerent behavior
 - Possession of any type of weapon
 - Inappropriate sexual behavior or harassment

COURT-RELATED FINANCIAL OBLIGATIONS

Court-related financial obligations, such as court costs, fines, restitution, and drug screening (only lab confirmation on denied and upheld instant results) fees may be administered by the Judge. Monthly payments can be made but the participant has to have the total amount paid in full before graduation in order to receive consideration of a release from supervision. No program fee will be charged to participate in drug court.

PROGRAM COMPONENTS

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| Individual Counseling | These one-on-one sessions are held with a counselor from a local substance abuse treatment agency. Individual sessions are mandatory and are conducted according to your needs. You will attend individual counseling as assigned by your primary treatment counselor. |
| Group Counseling | Group counseling sessions are conducted by a local substance abuse treatment agency. These sessions are mandatory. When assigned to a group, you must be on time and may be considered absent if you are late. |
| Monitoring Services | Monitoring services are conducted by the Drug Court Probation Officer. These services may include the monitoring of drug court programming compliance, as well as home, school, work, and treatment visits. |
| Supervision Services | Supervision services are performed by Drug Court Probation Officer. Supervision includes the monitoring of the participant's compliance with rules of probation, as well as your family member's compliance with orders of the Court. |
| Family Sessions | All significant family and household residents may attend family sessions, which are conducted by the local substance abuse treatment agency. Issues may be addressed that will increase your family's understanding of addiction, help re-establish trust, and encourage support throughout the recovery process. |
| Support Groups | Involvement and participation in Community Support Groups are vital to your recovery. |

These fellowships will help you see how others with similar problems are recovering from their addiction. You will observe that changing to a drug-free lifestyle is a positive and exciting experience.

Incarceration

Time in jail may be used as a sanction for various infractions of the rules, including but not limited to: positive drug screens, missed court, probation, case management or counseling sessions, or inappropriate behavior. You may be ordered to serve time in the custody of the Regional Jail while participating in the drug court program due to non-compliance of program rules.

Employment/Education

You will be expected to obtain a job or enroll full-time in school when it is determined that you are prepared for such activities. A combination of employment and school will be acceptable, so long as it constitutes a full-time schedule. Whether you are employed full-time, attending school full-time, or have a full-time schedule of both employment and school, the Judge, probation officer, case manager and treatment counselor may obtain ongoing reports of your progress.

Random Drug Screening

Random drug screening through urinalysis or oral swab will be conducted throughout your participation in the drug court program. The results of these drug screens will play a significant role in your recovery and completion of the program. Any positive drug screen may result in a sanction being administered by the Judge. In addition, any attempt to alter or cheat on any drug or alcohol test will be treated as a positive screen and may result in sanctions.