

BUTLER COUNTY DRUG COURT PROGRAM DESCRIPTION



2019

COURT OF COMMON PLEAS
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TABLE OF CONTENTS

Preamble	2
Chapter 1: Policies and Procedures	2
Advisory Committee.....	2
Role of the Advisory Committee.....	2
Responsibilities of the Advisory Committee.....	2
Membership.....	3
Mission Statement.....	3
Goals and Objectives.....	3
Participation Agreement.....	4
Participant Handbook.....	4
Chapter 2: Target Population	5
Target Population.....	5
Legal Criteria.....	5
Clinical Criteria.....	5
Capacity.....	6
Chapter 3: Program Entry and Case Flow	7
Referral Process.....	7
Screening and Assessment.....	7
Non-Discriminatory Practices.....	8
Program Admission.....	8
Specialized Docket File Maintenance.....	8
Chapter 4: Treatment Team	9
Duties of Treatment Team Members.....	9
Specific Roles and Responsibilities.....	9
Treatment Team Meetings.....	12
Chapter 5: Participant Monitoring	13
Summary of Treatment.....	13
Phases.....	13
Status Review Hearings.....	13
Incentives.....	16
Sanctions.....	17
Chapter 6: Program Completion	18
Successful Completion.....	20
Unsuccessful Termination.....	21
Neutral Discharge.....	21
Inactive Status.....	22
Chapter 7: Substance Monitoring	23
Chapter 8: Professional Education	25
Supreme Court of Ohio Specialized Docket Practitioner Network.....	25
New Treatment Team Members.....	25
Program Operations Review.....	25
Chapter 9: Effectiveness Evaluation	26
Supreme Court Reporting Data.....	26
On-going Data Collection/Exit Survey.....	26
Appendix	27

PREAMBLE

The following is a *Program Description* of the Butler County Drug Court Program, a specialized docket adopted and administered by the General Division of the Butler County Common Pleas Court through its Office of Specialty Courts Programs under authority of Sup. R. 36.20-36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, and Loc R. 10.01. The Drug Court Judge, hereinafter Judge, shall preside over this specialized docket.

CHAPTER 1: POLICIES AND PROCEDURES

Advisory Committee

Partnerships are an essential component of the specialized docket model as they enhance credibility, bolster support, and broaden available resources. The specialized docket model is designed and dependent upon a strong team approach. The cooperation of multiple agencies and community organizations, otherwise known as the relevant parties, have come together to develop an agreement setting forth the terms of the specialized docket known as The Butler County Drug Court. This document is the result of collaboration, development, and review by the Advisory Committee members.

Role of the Advisory Committee

In order to have a comprehensive and collaborative Program, the Judge formed an Advisory Committee. The Advisory Committee provides input on Drug Court policies and operations. The Advisory Committee is comprised of key community stakeholders who are representatives of local agencies or persons whose participation in the effort is essential. The Advisory Committee also serves as the policy-making authority for Drug Court.

Responsibilities of the Advisory Committee

In 1996, key officials and policy-makers came together to develop a specialized docket which is now known as The Butler County Drug Court. Following a comprehensive planning process, the group collaboratively developed, reviewed, and agreed upon the following items:

- Policies and procedures which define goals, objectives, target population, program entry, and case flow;
- Roles and responsibilities of treatment team members;
- A *Participation Agreement* detailing the rights and responsibilities of the participant;
- Legal and clinical eligibility; and
- Successful, unsuccessful, and neutral discharge criteria.

The Advisory Committee, chaired and attended by the Judge, annually reviews the aforementioned items to evaluate the functionality of Drug Court. The Advisory Committee also reviews financial expenditures, a sustainability plan, and community outreach for further advancement of the Drug Court Program.

Membership

The Advisory Committee shall consist of, but is not limited to the following:

- The Drug Court Judge, the FNS Judge, the SAMI Judge, and the VTC Judge;
- The Court Administrator/Chief Probation Officer;
- The Specialty Courts Program Director/Coordinator;
- Representatives from the Butler County Mental Health and Addiction Recovery Services Board;
- Representatives from Community Behavioral Health, Inc;
- Representatives from Sojourner Recovery Services;
- The Prosecutor;
- The Public Defender;
- Representatives from Law Enforcement Agencies;
- Representatives from the Talbert House; and
- Representatives from the Child Support Enforcement Agency (CSEA).

The Advisory Committee may also consist of the following:

- Probation Officers;
- Representatives from the Butler County Mental Health Board;
- Representatives from the YWCA;
- Representatives from Department of Job and Family Services;
- Representatives from the Ohio Bureau of Vocational Rehabilitation;
- Representatives from Serve City; and
- Representatives from Forensic and Mental Health Services, Inc.

Mission Statement

The mission of the Butler County Drug Court is to improve the overall quality of life in the community by providing a court supervised program for substance dependent offenders that will enhance their likelihood of being productive members of society, while keeping the community safe. This will be accomplished by streamlining and coordinating services to felony offenders whose crimes are substantially related to addiction. Drug Court will increase long-term abstinence by holding offenders accountable, ultimately reducing drug-related crimes, improving community safety, and saving taxpayers' money from diverted jail and/or prison beds.

Program Goals and Objectives

By selecting appropriate offenders and offering structured, evidenced based programming Drug Court strives to:

- Decrease the number of Drug Court participants who reoffend;
- Increase the number of Drug Court successful completions; and
- Reduce Jail, Prison, and/or institution bed days.

Participation Agreement

A *Participation Agreement* has been created detailing the rights and responsibilities of the participants in Drug Court. The participant has a right to the detailed, written *Participation Agreement* outlining the requirements and processes of Drug Court. The *Participation Agreement* includes the participant's right to request the attendance of defense counsel during the portion of the treatment team meeting concerning the participant.

Participant Handbook

A *Participant Handbook* has been created detailing Drug Court requirements, rules, phases, incentives, sanctions, and termination criteria. The participant shall receive a written copy of the *Participant Handbook*.

CHAPTER 2: TARGET POPULATION

Target Population

The Drug Court Program serves Butler County residents charged with a felony through the Butler County Court of Common Pleas, and for whom court-monitored treatment and other services would enhance their ability to become productive and law-abiding citizens. A person interested in participating in Drug Court must meet the legal and clinical criteria.

Legal Criteria

Written legal eligibility criteria is collaboratively developed, reviewed, and agreed upon by the Advisory Committee. In order to participate in the Drug Court Program, the offender must adhere to the following:

- The offender is a resident of Butler County, Ohio;
- Any felony offense of the third, fourth, or fifth degree, and companion cases where the offender is determined to be a drug and/or alcohol dependent person that would benefit from treatment;
- The offender is eligible for community control;
- There is no history of violent behavior;
- Be an offender currently under a community control sanction for which the offender is under the supervision of the Butler County Adult Probation Department;
- To be eligible for Intervention in Lieu of Conviction, the offender must meet the eligibility requirements set forth in R.C. 2951.041.

Clinical Criteria

After determination of legal eligibility, clinical eligibility is considered. Written clinical eligibility criteria is collaboratively developed, reviewed, and agreed upon by the Advisory Committee. The Butler County Drug Court Program is an intensive program reserved for offenders who require more services than traditional community control can provide. Each case is reviewed individually, and potential participants are assessed as to the risk they pose to the safety of the community. In order to participate in the program, the offender must adhere to the following:

- Have a substance use disorder as identified through Screening and Assessment referenced in Chapter 3 (Program Entry and Case Flow);
- The current and/or past criminal behavior is drug-driven;
- The offender shall demonstrate a sincere willingness to participate in a long-term treatment process;
- The offender must not currently suffer from any acute health condition; and
- If the offender has been identified as having a mental illness, then he/she must be willing to take medication as prescribed.

Capacity

The Butler County Drug Court Program can effectively monitor and treat up to thirty-six (36) offenders at any given time. Should the number of participants go over thirty-six (36), a co-facilitator would be needed.

CHAPTER 3: PROGRAM ENTRY AND CASE FLOW

Referral Process

Identification of potential participants for Drug Court is the first step for an offender to enter. Once the offender has been charged with a felony through the Butler County Court of Common Pleas, a referral may be done at any time throughout the Court proceedings. The referral may come from probation officers, pretrial officers, pre-sentence investigators, defense counsel, the prosecutor, case managers, or the sentencing judge.

Screening and Assessment

An offender may be admitted into Drug Court through one (1) or more of the following four (4) methods:

- Plea and sentencing;
- Intervention in Lieu of Conviction;
- Probation violation; or
- Judicial Release.

Upon receiving a referral from the referral source, the Specialty Courts office will schedule the potential participant for a formal clinical diagnostic assessment. Any substance abuse, mental health, and other programming assessments shall be provided by programs or persons who are appropriately licensed and trained according to the standards of their profession and shall include available collateral information to ensure the accuracy of the assessment.

Prior to the final hearing of the case, the Drug Court treatment team shall review the case (using the PSI, the clinical diagnostic assessment and, in the case of Judicial Release, and a conduct report from the Ohio Department of Rehabilitation and Corrections) to determine if the offender is appropriate for the program. The Drug Court Judge shall have discretion to decide admission into the Program. The written legal and clinical eligibility as identified in Chapter 2 (Target Population) does not create a mandatory right to participate in the program.

Information shall then be sent to the sentencing Judge stating whether the offender is appropriate for Drug Court and if any special conditions are required.

At the time of sentencing, Intervention in Lieu plea, probation violation disposition or Judicial Release hearing, the offender (with counsel) will review and sign the *Butler County Drug Court Program Participation Agreement*.

The offender shall sign an authorization for release of information form to provide for communication of confidential information, participation/progress 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 sections 2151.421 and 2152.99 of the Revised Code.

The offender shall be given a copy of the *Participant Handbook* and begin treatment as soon as possible.

FOR ILC: If the offender successfully completes Drug Court, has paid all court costs, restitution (if applicable), and supervision fees, and has complied with all requirements under R.C. 2951.041, an entry which dismisses the Indictment shall be filed with the Clerk of Courts.

Non-Discriminatory Practices

No offender shall be denied admission to the Butler County Drug Court Program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

Program Admission

Should the sentencing Judge order Drug Court as a condition of community control, the offender shall sign the *Participation Agreement*, be directed to the Butler County Adult Probation Department to review the Conditions of Supervision, and placed under reporting supervision to monitor compliance with Court requirements.

The offender shall then sign the release of information, be given a *Participant Handbook*, and begin treatment as soon as possible. The offender shall be placed on the next available review Docket to appear before the Drug Court Judge.

Specialized Docket File Maintenance

The Specialty Courts office shall maintain the Drug Court files electronically on a secured network for the Butler County Court of Common Pleas. The Drug Court files are to be accessible to Common Pleas Court employees that are part of the Drug Court team.

All treatment team members are required to comply with Part 2 of Title 42 of the Code of Federal Regulations governing confidentiality of alcohol and drug abuse patient records. Recipients of any disclosures may only re-disclose within the scope of the signed Release of Information. The Release of Information authorizes disclosure of protected health information pursuant to 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.

CHAPTER 4: TREATMENT TEAM

Duties of Treatment Team Members

1. The treatment team is responsible for the daily operations of the Drug Court Program.
2. Treatment team members agree to serve on the treatment team for a minimum of one (1) year.
3. Treatment team members agree to work with local community leaders to ensure the best interests of the community are considered.
4. Treatment team members should engage in community outreach activities to build partnerships that will improve outcomes and support Drug Court sustainability.
5. The Drug Court Program incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor and defense counsel.
6. Treatment team members engage in on-going communication including frequent exchanges of timely and accurate information regarding participant compliance. Drug Court maintains on-going communication with treatment team members through e-mail, phone calls, faxes, weekly status reports, and weekly team meetings.
7. Mechanisms for decision-making and resolving conflicts among treatment team members have been established and are utilized. The Judge serves as the final decision-maker and shall resolve all conflicts.
8. Treatment team members shall maintain professional integrity, confidentiality, and accountability.
9. Treatment team members should make reasonable efforts to observe Drug Court provider programs in order to have confidence in services being provided and to better understand the treatment and programming process.
10. The treatment team works with the Advisory Committee to assess the team functionality, review all policies and procedures, and assess the overall functionality of CDAT.

Specific Roles and Responsibilities

The treatment team consists of the Drug Court Judge, Magistrate, assistant prosecuting attorney, defense counsel, probation officers, licensed treatment providers, case managers, and the Specialty Courts Director/Coordinator.

Below is a list of treatment team members and their responsibilities.

Judge

- Discretion to decide the admission into or termination from Drug Court in accordance with the written legal and clinical criteria for the specialized docket;
- Discretion to waive court ordered financial obligations if the participant is indigent;
- Knowledgeable about treatment and programming methods and limitations;
- Leader of the treatment team (chairs and attends treatment team meetings);
- Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination;
- Final decision-maker and resolves conflicts among treatment team members;
- Attends treatment team meetings, monitors treatment progress, directs Court orders at status review hearings, issues incentives and sanctions, grants phase advancement, and

approves participant's successful completion of, neutral discharge, or unsuccessful termination from Drug Court; and

- Discusses progress with the participant at status review hearings.

[The Judge assigned to the Drug Court Docket is Judge Keith M. Spaeth.]

Assistant Prosecuting Attorney

The Drug Court Program incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor in pursuing justice and protecting public safety and victim's rights. The prosecutor plays an active role in identifying eligible participants for Drug Court in accordance with the written criteria. The assistant prosecutor attends treatment team meetings.

Defense Counsel

The Drug Court Program incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the Drug Court participant. Defense counsel plays an active role in identifying eligible participants for Drug Court in accordance with the written criteria. The participant does maintain the right to request the attendance of defense counsel during the portion of the treatment team meeting and status review hearings concerning the participant. Defense counsel will be present at treatment team meetings and status review hearings to represent participants facing a probation violation hearing, graduated sanction or other participants, if requested.

Defense counsel's role includes:

- Assists with decision-making regarding participation in Drug Court;
- Explains to the participant what rights are waived by entering the Program;
- Explains the possible sanctions that may be imposed;
- Explains the circumstances that may lead to termination; and
- Explains the effect that termination from Drug Court may have on the participant's case.

Probation Officers

- Meets with participants regularly to discuss individualized Program goals and progress through the Drug Court Program;
- Attends treatment team meetings and status review hearings;
- Conducts office, home, and field visits;
- Monitors compliance with Court orders, community control rules, sanctions, and individualized treatment plans;
- Informs the treatment team whether Court orders, rules, sanctions, and treatment plans are followed;
- Conducts or coordinates random alcohol and drug tests, and reports the results to the treatment team;
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination; and

- Provides written documentation to the Judge for a possible termination.

Licensed Treatment Providers

- Anyone providing screening, assessments, and/or treatment for Drug Court must be appropriately licensed and trained to deliver services;
- Treatment providers, whenever possible, shall maintain separate tracks for Drug Court participants;
- Conducts diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan;
- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests;
- Attends treatment team meetings and status review hearings;
- During treatment team meetings, provides treatment updates and makes recommendations regarding treatment needs;
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination;
- Monitors service provider agreements and contracts; and
- Coordinates the Drug Court treatment team professional education.

Case Managers

- Meets with the participant on a regular basis;
- Visits the participant at home, school, or other locations;
- Assists the participant in the development, utilization, and coordination of the individualized treatment plan;
- Assists with transportation, housing, education, employment, obtaining medical care, family issues, training, and applying for government assistance;
- Makes referrals to other agencies;
- Provides documentation on the participant's progress;
- Conducts random drug and alcohol screens;
- Monitors the participant's medication compliance;
- Provides status reports for the treatment team meetings and status review hearings;
- Attends treatment team meetings and status review hearings; and
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.

Specialty Courts Director/Coordinator

- Assists with identifying potential participants;
- Coordinates referrals and assessments as identified in Chapter 3 (Program Entry and Case Flow);
- Assists with decision-making regarding participation in the Drug Court Program;
- Maintains the daily operations of the Drug Court Docket;
- Collects and maintains statistical information for the Drug Court Program;

- Gathers status reports from treatment and service providers to present to the treatment team;
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination;
- Creates reports for review and submission to funding sources;
- Ensures that treatment team members follow Program policies and procedures;
- Monitors service provider agreements and contracts;
- Plans and facilitates Advisory Committee meetings; and
- Coordinates the Drug Court treatment team professional education.

Treatment Team Meetings

Treatment team meetings shall take place weekly. This meeting is used to discuss participants on the Docket that day for a status review hearing and those individuals that have been referred to Drug Court and are awaiting sentencing to determine eligibility for the program. Meetings, commonly referred to as “staffing”, shall be held at the Butler County Government Services Center, 315 High Street, Hamilton, Ohio.

Required attendees for the treatment team meeting include: Drug Court Judge, assistant prosecuting attorney, defense counsel, probation officers, licensed treatment providers, case managers, and the Specialty Courts Director/Coordinator.

The Specialty Courts Director/Coordinator prepares and distributes (through e-mail) the treatment team schedule and Docket. The Specialty Courts Director/Coordinator shall make the status reports available for treatment team members.

CHAPTER 5: PARTICIPANT MONITORING

Summary of Services

Participants can expect to be in Drug Court for a minimum of forty-eight (48) weeks up to seventy-eight (78) weeks. However, this does NOT guarantee the participant will complete the Program within that timeframe. The length of time in the program will be determined by individual needs and individual progress. Drug Court participants shall receive a treatment plan based on their individual needs. All provided services shall incorporate evidence-based strategies. Participants shall have prompt access to a continuum of approved treatment and rehabilitation services upon admission into Drug Court. The Drug Court Program maintains a current treatment plan and a record of activities for each participant. Treatment plans continue to develop throughout the Program to reflect the participants' changing needs based on Program progress. Appropriately licensed and trained individuals shall deliver services according to the standards of their profession. The Drug Court treatment plans take into consideration services that are gender responsive, culturally appropriate, and effectively address co-occurring disorders. All provided services, including case plans, are appropriate and clinically necessary to the degree that available resources allow.

Drug Court has currently partnered with the following agencies to provide services to participants: Sojourner Recovery Services, Talbert House (Serenity Hall), Community Behavioral Health, Inc., Ohio Bureau of Vocational Rehabilitation (Opportunities for Ohioans with Disabilities), Ohio Department of Job and Family Services, YWCA, Serve City, and the Hope House. Many of these provide registration/intake, baseline alcohol and drug testing, assessment, development of treatment plans, case management, group therapy, individual treatment sessions, relapse prevention plans, aftercare plans, gender specific programming, programming to address those who have been diagnosed with co-occurring disorders, supportive housing, family therapy, and medication monitoring. These agencies shall collaborate with other community agencies to provide educational and vocational training, employment, substance abuse programming, transportation, housing, domestic violence programming, parenting classes, and mental health services.

Phases

Phases are the steps in which a participant's performance and progress through Drug Court are monitored. These phases are used as guidelines that can be modified to meet a participant's specific needs. Drug Court incorporates four (4) phases. Participants are also required to frequently report to the Drug Court Judge for status review hearings and other treatment team members for compliance monitoring, assistance with case plans, and random alcohol and drug testing.

The following are the minimum status review hearing attendance requirements for each phase:

- Phase I: The participant shall appear before the Judge weekly.
- Phase II: The participant shall appear before the Judge at least every two (2) weeks.
- Phase III: The participant shall appear before the Judge at least every three (3) weeks.
- Phase IV: The participant shall appear before the Judge at least every four (4) weeks.

General criteria for phase advancement may include a participant's honesty, sobriety, compliance with Court orders, payment towards Court ordered financial obligations (if applicable), attendance/participation/progress in treatment, compliance with community control conditions and the treatment team's recommendation. Phase advancement is not solely based on pre-set timelines. Time between status review hearings may be increased or decreased based upon compliance with employment, child support obligation, treatment protocols, Program rules, and overall observed progress.

A participant's official phase advancement in the program shall only occur following a discussion by the treatment team at staffing and requires the final approval of the Judge. The participant will be not officially advance in the program until the Judge has presented the participant with a certificate of advancement during a status review hearing with the treatment team and other participants present.

Residential Treatment

Participants can be recommended for residential treatment at the time of assessment, sentencing, probation violation, Judicial Release, or any other time during Drug Court.

The residential treatment facilities used by Drug Court are Sojourner Recovery Services for Men, Sojourner Recovery Services for Women, and Talbert House Halfway House Programs (Serenity Hall, Turtle Creek, Pathways, and others). If deemed necessary, participants may be required to complete treatment through one (1) of three (3) Community Based Correctional Facilities: the River City Correctional Center, the Monday Program, or the Community Correctional Center (CCC). Participants shall be given jail time credit for time served while in River City, Monday, or CCC.

Participants in residential treatment, except those in a CBCF, shall be required to attend weekly status review hearings.

Phase I (Initial Phase)

Phase I is an engagement and stabilization phase focusing strongly on their individual substance use disorder needs. This phase will focus intensely on engaging and obtaining sobriety. During this phase the participant will be required to attend status review hearings with the court one (1) time per week. While transitioning through phases is based on individual needs and success, this phase is developed to last approximately four to ten (4-10) weeks.

Participant requirements for Phase I compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings one (1) time per week;
- Attending meetings with case managers and/or probation officers;
- Submitting to alcohol and drug testing at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;

- Engaging in a sober support community and obtaining a sponsor;
- Obtaining employment;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws; and
- Committing no new criminal offenses.

Phase II

Phase II will focus on the next level of behavioral progression for the participants. During this time the participant will continue to work on their sobriety and they will also engage in treatment services that more broadly address their individual identified criminogenic needs. Working toward re-establishing relationships, greater sober support networks and developing educational, vocational and employment skills is high priority during this phase. Again, while progressing through each phase is based on individual performance, this phase is estimated to last approximately ten to twelve (10-12) weeks.

Participant requirements for Phase II compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of once every two (2) weeks;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of two (2) times per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Maintaining employment;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses; and
- Identifying long-term education, employment, and housing goals.

Phase III

Phase III is a time where the participant can start putting into practice what they have learned in their previous treatment programming. This phase is designed to assist the participant in reintegrating into society and finding employment. These groups will help the participant process the struggles they are having and slowly step them back towards being self-sufficient. This phase will last approximately ten to twelve (10-12) weeks.

Corrective Thinking

Once in Phase III, the participant shall also attend Corrective Thinking one (1) day per week for one (1) hour and thirty (30) minutes. The Corrective Thinking Program shall aid the participant in developing skills to assist in functioning more effectively within the community. The program addresses judgment skills, problem solving techniques, communication skills,

boundaries, thinking errors, difficulty dealing with stress, problems with health and wellness, and financial management issues.

Participant requirements for Phase III compliance include:

- Attending treatment sessions, appointments, and other activities as scheduled;
- Attending status review hearings at a minimum of once every three (3) weeks;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of one (1) time per week;
- Taking prescription medication as directed;
- Cooperating with random home visits;
- Engaging in a sober support community and obtaining a sponsor;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term employment and housing.

Phase IV

Phase IV is the final phase and will focus on maintaining self-sufficiency and sobriety maintenance. During this phase the participant should become self-sufficient and should maximize their own personal potential. This phase will focus on problem solving and processing their personal struggles as they become independent. This is the final phase and can last approximately twenty-four (24) weeks.

Participant requirements for Phase IV compliance include:

- Attending all treatment sessions, appointments and other activities as scheduled;
- Attending status review hearings at a minimum of once every four weeks;
- Attending meetings with case managers and/or probation officers;
- Continuing to submit negative alcohol and drug testing samples at a frequency determined by the treatment team, at a minimum of one (1) time per week;
- Taking prescription medication as directed;
- Cooperating with home visits;
- Engaging in a sober support community and has obtained a sponsor;
- Abiding by the rules of Drug Court (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Committing no new criminal offenses;
- Paying Court costs, fines, and probation supervision fees on a regular basis;
- Obtaining a GED or High School Diploma; and
- Maintaining long-term employment and housing.

Status Review Hearings

Drug Court incorporates ongoing judicial interaction with each participant. Having a significant number of participants appear at a single Court session provides the opportunity to educate all the participants as to the benefits of Program compliance and the consequences of noncompliance. Frequent status review hearings establish and reinforce the Drug Court policies and ensure effective, efficient supervision of the participant. This allows the Judge to provide an explanation of responses to compliance and noncompliance, including the criteria for termination. Not all participants are required to appear at each status review hearing depending on their progress in the program.

Staffings and regular status review hearings shall take place weekly before the Judge at the Butler County Government Services Center, 315 High Street, Hamilton, Ohio. The weekly staffing and status review hearings are dependent upon the availability of the Drug Court Judge.

Required treatment team attendees include: the Drug Court Judge, assistant prosecuting attorney, probation officers, licensed treatment providers, case managers, and the Specialty Courts Director/Coordinator. Defense counsel will attend staffings and review hearings to represent all participants facing a sanction and other participants as requested.

Participants shall adhere to a dress code for all Drug Court appointments:

- No short shorts or mini skirts;
- No spaghetti straps or tank tops;
- No tops or dresses with cleavage exposing any portion of the breast;
- No halter tops or strapless tops/dresses;
- No skin tight pants, skirts, or shorts;
- No baggy pants;
- No see through clothing;
- No clothing that makes reference to drugs and/or alcohol; and
- No sexually suggestive clothing.

Incentives

Immediate, graduated, and individualized incentives govern the responses of Drug Court to the participant's compliance. Incentives are individualized according to the specific treatment plan and directly related to the participant's achievements as certain milestones of the treatment plan are attained. Incentives are tracked to ensure the participant is rewarded on a progressive basis.

The following are types of behaviors appropriate for incentives:

- Attending required status review hearings;
- Attending required treatment appointments;
- Attending required probation officer appointments;
- Maintaining close and productive contact with case managers;

- Reaching individual treatment objectives;
- Abstaining from alcohol and drugs, as evidenced by negative drug testing results;
- Taking prescription medication as directed;
- Engaging in vocational or educational activities;
- Complying with the rules of the Drug Court Program (as stated in the Participation Agreement), community control, and obeying all Federal, state and local laws;
- Securing stable housing;
- Advancing in CDAT phases; and
- Accomplishing any other milestone identified by the treatment team.

The following are types of incentives:

- Encouragement and praise from the Judge;
- Ceremonies and certificates of progress, including advancement in Drug Court phases;
- Reducing supervision contacts;
- Decreasing frequency of status review hearings;
- Reducing, suspending, or dismissing fines;
- Reducing, suspending, or dismissing supervision fees;
- Increasing or expanding privileges;
- Encouragement to increase participation in positive activities the participant finds pleasurable;
- Reducing jail days;
- Graduating from the program; and
- Having the Indictment against the participant dismissed (if the case is Intervention in Lieu of Conviction).

Sanctions

Immediate, graduated, and individualized sanctions govern Drug Court responses to the participant's noncompliance. Graduated sanctions are used to help the participant conform behavior to Program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Sanctions are issued when there is noncompliance with either Program protocol or the treatment plan. Sanctions shall be used as a deterrent to negative behavior and to encourage future compliance. A therapeutic adjustment in treatment services, as well as participation in community-based support meetings, is based solely on the clinically informed interests of the participant. Incremental adjustments to the treatment plan made at the discretion of the Judge and the treatment team are not considered sanctions. However, failure to comply with therapeutic treatment plan adjustments shall subject the participant to sanctions.

At the time of a positive drug test (which may include a test taken at admission to the Program), the treatment team may consider an adjustment in treatment and/or the possibility of sanctions. Any change in the treatment plan and/or sanctions are enforced and reinforced by the Judge.

Infractions, along with resulting sanctions, are tracked to ensure additional sanctions can be applied in a graduated manner.

The following are common types of infractions:

- Failure to attend status review hearings;
- Failure to attend treatment appointments;
- Failure to follow the Drug Court rules;
- Failure to keep scheduled appointments with the probation officer, case managers, or any other treatment team member;
- Noncompliance with other requirements of the treatment plan;
- Failure to have his/her calendar at all Drug Court appointments;
- Noncompliance with random alcohol and drug screens or testing positive for alcohol and/or drugs;
- Failure to take prescription medication as directed;
- Failure to comply with the Drug Court *Participation Agreement*;
- Failure to comply with curfew as established by the treatment team;
- Failure to maintain confidentiality outside of treatment groups;
- Failure to improve troublesome behavior;
- Failure to complete community service hours;
- Failure to meet employment or vocational goals as determined by the treatment plan; and
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, employment assistance, housing assistance, etc.

The following are common types of sanctions:

- Warnings and admonishments from the Judge;
- Delay in phase advancement;
- Increasing frequency of alcohol and drug testing;
- Increased frequency of status review hearings;
- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Increasing supervision contacts and monitoring;
- Issuing a no contact order with identified individuals;
- Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon behavior;
- Imposition of suspended fines;
- Community service hours;
- EMHA (Electronic Monitored House Arrest) or SCRAM (Secure Controlled Remote Alcohol Monitoring) supervision;
- Escalating periods of jail time;
- Filing of probation violation or Intervention in Lieu revocation; and
- Unsuccessful termination from CDAT.

CHAPTER 6: PROGRAM COMPLETION

Successful Completion

Written successful completion criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Successful completion criteria serve as the guidelines used to identify how participants can successfully complete The Drug Court Program. In order to successfully complete Drug Court, the participant shall demonstrate the compliant behavior and accomplishments listed below:

Compliant behavior may include:

- Demonstrating a period of abstinence from alcohol and drugs (evidenced by negative drug screens for a minimum of ninety [90] days prior to graduation);
- Completing community service hours;
- Attending sober support group meetings;
- Has obtained a sober support sponsor;
- Is an active member in a sober support group;
- Compliant with Drug Court rules, the Drug Court *Participation Agreement*, and the rules/conditions of community control;
- Displaying a change in thinking, attitude, and beliefs;
- Successfully completed treatment and programming;
- Obtained/maintained consistent employment;
- Established financial independence, unless the participant's individual circumstances prevent this;
- Demonstrating the ability to identify and eliminate criminal thinking patterns;
- Paying towards Court costs, supervision fees, and restitution (if applicable); and
- Writing an essay on how Drug Court has affected the participant's life.

Accomplishments may include:

- Demonstrated a period of abstinence from alcohol and drugs (evidenced by negative drug screens for a minimum of ninety [90] days prior to completion of Drug Court);
- Relapse prevention plan established;
- Regular sober support attendance;
- Maintained prescription medication as directed;
- Obtained a sober support sponsor;
- Completed community service hours;
- Completed any other Drug court requirements;
- Completed vocational or educational plans;
- Paid towards Court costs, supervision fees, and restitution (if applicable);
- Displayed responsibility for his or her behavior;
- Demonstrated stability in the community;
- Obtained/maintained consistent employment;
- Obtained/maintained stable housing; and
- Completion of treatment.

Upon review of the compliant behavior, and review of the participant's accomplishments, the treatment team may recommend successful completion. The Judge has final discretion to determine when the participant shall successfully complete the Program. Upon successful completion of Drug Court, the participant shall attend a graduation ceremony hosted by the Court and receive a Certificate of Completion. If the case for the participant is that of Intervention in Lieu of Conviction, and the participant has complied with all requirements under R.C. 2951.041, then the indictment against the participant may be dismissed.

Unsuccessful Termination

Written unsuccessful termination criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Unsuccessful termination criteria serve as the guidelines used to identify how participants may be unsuccessfully terminated from Drug Court. The Judge has final discretion in determining termination from the specialized docket.

Criteria for unsuccessful termination from Drug Court include:

- On-going noncompliance with treatment;
- Continued use of illegal substances;
- A verified positive confirmation from a contested drug screen;
- Continued noncompliance with Drug Court rules, the Drug Court *Participation Agreement*, or the rules/conditions of community control;
- Noncompliance with prescribed medications;
- Noncompliance with confidentiality;
- Absconding from community control supervision;
- New criminal convictions;
- Continued Drug Court infractions resulting in graduated sanctions; and
- Probation violation or Intervention in Lieu revocation hearings.

Neutral Discharge

Written neutral discharge criteria has been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. Neutral discharge criteria serve as the guidelines used to identify how participants may be neutrally discharged from Drug Court. The Judge has final discretion in determining termination from the specialized docket.

A participant may be neutrally discharged from Drug Court if the participant is no longer capable of completing the program as a result of any of the following:

- A serious medical condition;
- Death;
- Other factors that may keep the participant from meeting the requirements for successful completion; and
- Discretion by the Drug Court Judge to determine if the participant is no longer appropriate for the program.

Upon neutral discharge from Drug Court, the level of community control supervision shall be determined by the Judge.

Inactive Status

Drug Court has an inactive status for participants who meet any of the following:

- Placed in a Community Based Correctional Facility and cannot be transported for status review hearings;
- Serving time in a local or state jail facility for another county/jurisdiction; and
- Absconded from community control supervision.

CHAPTER 7: SUBSTANCE MONITORING

Drug Court monitors a participant's substance use by random, frequent, and observed alcohol and drug testing protocols. Substance monitoring shall be part of the individualized treatment plan. Participants shall submit to random, frequent, and observed alcohol and drug screens as identified in Chapter 5 (Participant Monitoring). Testing positive shall result in a sanction. Failure to submit to testing, submitting an adulterated sample, submitting the sample of another individual, or diluting the sample is treated as a positive test and immediately sanctioned.

Testing may include PassPoint ocular scans, instant urinalysis screens, SCRAM, portable breathalyzers, use of scientifically validated technology for ethyl alcohol, or other devices that are deemed reliable. PassPoint ocular scans and urine screens test for many common substances including the participant's substance of choice. All testing shall be recorded and maintained for each participant for the duration the participant is in the program.

In addition to the PassPoint ocular scans, Drug Court utilizes instant urine screens and other types of testing that allow for laboratory confirmation testing. Upon a positive test result, the participant shall be confronted with the result and given the opportunity to either sign an admission form or contest the positive test. If contested, the test shall be sent to a certified laboratory for confirmation. While waiting for the laboratory results, sanctions are not issued. However, if the test returns a positive confirmation, then a more severe sanction, which could result in a probation violation, and/or unsuccessful termination from the program, may be issued based on deception and the use of substances. The laboratory fee for a confirmed positive may be applied to the participant's court costs.

Throughout a participant's treatment program, he/she will be required to comply with the following Substance Abuse Monitoring protocols.

The participant will submit to an instant urine screen to ensure the individual is negative of all substances. The individual will then be entered into the PassPoint ocular scan and passive breath test system for a baseline test result. The participant will also be assigned a color group. The participant will be randomly selected by the PassPoint system to report for a scan/test at a minimum of two (2) times per week while in Phase 1 and a minimum of one (1) time per week while in all other phases. In addition to the minimum required number of tests, the participant may randomly be selected for more frequent scans/tests.

Participant responsibilities include the following:

- Participant shall call the PassPoint ocular scan system voicemail daily between 6:00 A.M. and 8:00 A.M. to find out if he/she is required to submit to a scan that day.;
- If the participant's assigned color has been selected, the participant is to report to the Butler County Department of Court Services located at 824 South Martin Luther King Jr. Blvd., Hamilton, Ohio to submit to the PassPoint ocular scan during the specified hours that same business day;
- Submit an instant urine screen if upon PassPoint ocular scan and passive breath test the PassPoint system determines the participant is a high risk for substance use;

- Provide information regarding prescription medications to both the assigned probation officer and assigned case manager.

Any member of the treatment team who conducts a urine screen shall comply with Section 5.20 (Drug Testing Policy and Procedure) of the Butler County Department of Court Services Policy and Procedure Manual. The treatment team member shall immediately notify the probation officer of the outcome of any and all tests. The Judge shall be immediately notified when a participant fails to submit to a test, submits an adulterated sample of another individual, or dilutes the sample. The participant shall be ordered to appear before the Judge on the next available status review hearing Docket so that sanctions can be immediately issued.

CHAPTER 8: PROFESSIONAL EDUCATION

Opportunities for professional education for all members of the treatment team are provided annually.

An interdisciplinary, continuing education plan includes training on a variety of topics such as:

- The specialized docket model;
- Specialized docket processes;
- Best practices in substance abuse and mental health services;
- Drug trends, and alcohol and drug testing;
- The non-adversarial approach of the specialized docket model for counsel; and
- Training on community resources.

Supreme Court of Ohio Specialized Docket Practitioner Network

All treatment team members shall have the opportunity to attend the Supreme Court of Ohio's Specialized Dockets Practitioner Network Annual Conference. The Judge and the Specialty Courts Director/Coordinator agree to participate in the Supreme Court of Ohio Specialized Dockets Practitioner Network, and attend at least one (1) sub-network meeting held at the Supreme Court of Ohio. All treatment team members shall receive the Specialized Dockets Newsletter. In addition to the Specialized Dockets Practitioner Network Annual Conference, the Specialized Dockets Section offers several training opportunities throughout the year that include free continuing education accreditation in several disciplines.

New Treatment Team Members

The Specialty Courts Director/Coordinator shall meet with each new treatment team member and provide a brief overview of Drug Court. In addition, new treatment team members shall receive a copy of the *Program Description*, the *Participant Handbook*, and the *Participation Agreement*. New treatment team members shall also receive training from the agency they serve regarding the role of that agency in Drug Court. Whenever possible, new treatment team members shall have an opportunity to observe the weekly treatment team meetings and status review hearings with the person they are replacing. The Specialty Courts Director/Coordinator shall arrange any additional training that is deemed necessary for the new treatment team member.

Program Operations Review

The Advisory Committee shall review the overall functionality of Drug Court every two (2) years. During the review, the Advisory Committee shall review all policies and procedures of Drug Court. The Specialty Courts Director/Coordinator shall provide the Advisory Committee with the data necessary to conduct the review.

CHAPTER 9: EFFECTIVENESS EVALUATION

Supreme Court Reporting Data

Drug Court shall comply with reporting data as required by the Supreme Court of Ohio. This data may be used to assess compliance with the Standards as set forth in Standard 12 of Sup. R. 36.20-36.29, Appendix I (Specialized Docket Standards).

On-going Data Collection/Exit Survey

Drug Court shall engage in on-going data collection in order to evaluate whether or not Drug Court continues meeting its goals and objectives.

Data collection is an on-going process. Data shall be collected by the Specialty Courts Director/Coordinator and by providing agencies. The Specialty Courts Director/Coordinator shall maintain data as directed by the Judge including, but not limited to, the number of participants not qualifying for entrance into Drug Court; the number of participants terminated successfully, unsuccessfully, or neutrally discharged; and the current number of participants active in Drug Court. Providing agencies shall also maintain data as required by funding sources.

Upon completion of Drug Court, each participant shall complete an anonymous exit survey. As data and surveys are collected, all identities shall remain anonymous and not be included in the data collection. The Advisory Committee, as part of the functionality review, shall utilize the data collected.

APPENDIX

Standard forms and materials utilized by Drug Court comprise a part of the *Program Description*. Set forth below is a list of those materials:

1. Local Rule 10.01;
2. Advisory Committee Roster;
3. Specialty Courts Application;
4. Drug Court *Participation Agreement*;
5. Section 5.20: Drug Testing Policy and Procedure;
6. Sample Authorization for Release of Information Form;
7. Sample of Status Review Hearings Report;
8. Drug Court Team Roster;
9. Drug Court *Participant Handbook*; and
10. Drug Court Exit Survey.