

# **Lucas County Court of Common Pleas**

## **General Division**



## **Lucas County Adult Treatment Court**

where fresh starts begin.....

## **Participant Handbook**

**The Honorable Ian B. English**  
Lucas County Common Pleas Court  
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## **Your Rights & Responsibilities as a Participant**

**Please read the Lucas County Treatment Court Participant Handbook thoroughly, this is your guide outlining your rights and responsibilities as a Lucas County Adult Treatment Court Participant**

**If you need assistance reviewing the handbook, a member from the treatment team can assist you.**

- **I have the right to request the attendance of defense counsel during the portion of the specialized docket treatment team meeting concerning me;**
- **In the event I am being sanctioned, I have the right to make a statement to the court at the time;**
- **I have the right to be treated fairly and with respect by the Lucas County Adult Treatment Court Team;**
- **I have the right to be treated without regard to race, national origin, disability, age, gender, religion, political view or sexual orientation. If you feel that you were denied admission based on discrimination, you should contact your defense attorney for resolution;**
- **If I have a qualified disability, I have the right to reasonable accommodations (e.g., auxiliary aids if sensory impaired, disability entrance access);**
- **If I believe that I have been discriminated against by my treatment provider because of race, national origin, disability, age, gender, religion, political views or sexual orientation, I have a right to file a grievance;**
- **I have the right to confidentiality of communication and personal identifying information, within the limitations and requirements for disclosure of information, under federal and state laws and regulations, and Lucas County Adult Treatment Court guidelines.**

**THIS HANDBOOK DETAILS PARTICIPANTS' RIGHTS AND RESPONSIBILITIES IN  
THE LUCAS COUNTY  
ADULT TREATMENT COURT PROGRAM  
SPECIALIZED DOCKETS**

## INTRODUCTION

### **Why does the Court have the Adult Treatment Court?**

The Lucas County Treatment Court (LCTC) is a Specialized Docket that is a minimum of eighteen (18) months in length. The program is individual to you and your needs.

The Court understands substance use plays a large role in many crimes and impacts many lives. The Court wants to deal with the underlying cause of crimes committed by connecting persons who have committed crimes or who have had contact with the criminal justice system directly or indirectly related to their untreated substance use or mental health with needed treatment and other life services.

In doing this, the Court helps people make a permanent and positive change in their lives to prevent further criminal activity and court involvement.

### **In what direction is your life currently headed?**

Get back on the right path with the Lucas County Adult Treatment Court (LCTC) Specialized Docket and let it help you on your journey to long-term sobriety.

You can have a fresh start which includes:

- A safe and sober lifestyle;
- A family life with close relationships;
- Friends who care about *you*...not what you can do for them;
- A job, so you can take care of yourself and your family;
- An education, to present you with better employment opportunities;
- An overall healthier lifestyle; and
- Resources to help you reach and discover your full potential

What resources does the LCTC Program provide?

- Substance use/mental health treatment designed specifically for you;
- Referral to mental health, medical and social service providers;
- Assistance in obtaining your GED;
- Relationships with people who care about you, including the Judge, the Treatment Court Coordinator, probation officers, your treatment team members, your boss and many others. They all work with you to get the most out of treatment and life; and
- Incentives to recognize your accomplishments and hard work along the way!

**If you want a future that YOU choose, the first step is to commit yourself to changing for the better. The LCTC Specialized Docket offers you this opportunity.**

## **Specialized Docket - Overview**

The following written policies and standard operating procedures guide the Specialized Docket known as the Lucas County Court of Common Pleas Adult Treatment Court.

These policies and procedures comply with Sup. R. 36.20 through 36.32 and Appendix 1 - Specialized Docket Standards; the Specialized Docket Guidance from the Commission on Specialized Dockets in Ohio; and national best standards for Drug Courts.

The Adult Treatment Court was initiated in April, 2016. Initial certification through the Commission on Specialized Dockets was granted on September 2, 2016, and expiring December 31, 2017. Final certification was awarded on December 21, 2017 through December 31, 2020. Recertification by the Commission on Specialized Dockets was awarded on March 23, 2021 through December 31, 2023.

### **Mission Statement:**

The mission of the Lucas County Adult Treatment Court is to address the needs of persons whose dependency upon substance use and/or mental health issues results in indictment and/or criminal conviction – by establishing effective treatment as an alternative to incarceration – to increase personal accountability and increase the safety of the community by providing intensive court oversight.

The concept is a holistic, non-adversarial approach that utilizes treatment within the judicial system to encourage abstinence from drugs, assist with mental health issues and reduce criminal activity.

Defendants who have been charged, found guilty, and/or convicted of felonies through the Lucas County Court of Common Pleas. After referral and clinical assessment, if eligible, it may be determined by the assigned sentencing Judge that supervision of the defendant may require the intensity of the supervision provided by the LCTC.

The program emphasizes treatment through appropriate substance-related and addictive disorders dependency treatment, as well as any necessary counseling for psychological or mental health needs. In addition, there will be behavioral modification programs teaching healthy lifestyle choices, including stable housing, supportive interpersonal relationships and education. (Sup.R., Appx. I, Std. 2.)

Individuals charged with an offense directly or indirectly related to substance use (unless offense is barred by the Specialized Docket policy) who are chemically dependent and who are eligible for the LCTC Specialized Docket.

Additionally, any person charged with a Community Control or Intervention in Lieu violation who has a prior history of substance use or mental health issues associated with his or her criminal behavior and has a substance use disorder may apply for the LCTC Specialized Docket.

Any person can be referred as a condition of judicial release or a judicial release violation.

Admission to the LCTC of the Specialized Docket is **VOLUNTARY**

The LCTC will not deny a person admission to the program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

The applicant understands even if they are legally and clinically eligible they do not have a **RIGHT** to participate in the LCTC Specialized Docket.

The Judge has the discretion to decide the admission into and termination from the LCTC Program in accordance with the written criteria for the specialized docket.

**Participant Criteria:**

- Will live in Lucas County or contiguous county;
- Diagnosed with a substance use disorder and in need of a residential treatment program or an intensive outpatient program, may have co-occurring disorders;
- High risk person as assessed by ORAS or moderate risk with high supervision needs, generally evidenced by history of probation violations or lack of response to treatment;
- The Lucas Adult Treatment Court Probation Officer (PSO) will review several initial screening tools (ORAS, Court Diagnostic Reports, PSI, Institutional Summary Report [Judicial Release]; and criminal record to determine the eligibility for the initial legal criteria for this specialized docket. There is a possibility that at this time, the individual is scheduled for clinical assessment eligibility;
- Preparation of Presentence Investigation/Community Control Violation/Intervention in Lieu Violation will also screen for the legal criteria;
- While the case is pending in the assigned court; a referral may be done to the Specialized Docket Manager for a clinical drug/alcohol and mental health assessment to be performed by a qualified treatment provider and submitted to Presentence for inclusion in the Presentence Investigation Report to satisfy the clinical criteria component - presentence;
- Convicted of or pled guilty to a felony offense. F1, F2, F3, F4, F5, non-sex offense charges or convictions;
- The ORAS score of 15 or higher that identifies the Moderate to High Risk population. A lower ORAS score can be overridden to the next higher level if deemed appropriate. This program should be directed to the population with the greatest needs and the highest to moderate likelihood of recidivism. High needs for drug, alcohol and mental health treatment; or
- The defendant has been sentenced to Community Control or Intervention in Lieu with the condition to successfully complete the Treatment Court Specialized Docket; or
- Defendant is on Community Control/Intervention in Lieu and has a violation and is in jeopardy of having Community Control/Intervention in Lieu revoked; or
- Defendant qualifies for Intervention in Lieu per ORC; or
- Defendant is returned to the community on a Judicial Release and the Treatment Court is made a part of his/her supervision placement while on Community Control; or
- Defendant on Judicial Release is in violation of the terms and conditions of his/her Judicial Release and the condition to successfully complete Treatment Court is added.

If there are multiple community control sentences with different judges any transfer to the Specialized Docket on each individual set of cases must be referred by the sentencing Judge.

If the potential participant does not meet the written legal eligibility criteria then the case proceeds in the traditional manner with the referring judge from the Lucas County Common Pleas Court.

#### **Disqualifications from Specialized Docket Entry:**

- If the defendant has a prior juvenile adjudication and/or adult conviction for a felony sex offense
- A 1st and 2nd degree felony conviction. However, they may be accepted into the Adult Treatment Court if the prosecutor and/or assigned Judge has asked that the defendant be screened and if defendant meets other necessary criteria;
- The present offense is a domestic violence offense. However, they may be accepted into the Adult Treatment Court only after consultation with the Prosecutor's Office - Treatment would require inclusion of a Batterers' Program;
- The present offense requires a mandatory prison term;
- The defendant is actively working as an informant;
- Defendant is an integral part of a distribution or manufacturing network;
- Defendant committed an act of violence against law enforcement officers;
- The defendant has a pending pretrial felony case outside of Lucas County;

#### **Clinical Eligibility Criteria:**

- The defendant must be assessed by a clinician licensed in the State of Ohio. The assessment may be completed by a LSW, LISW, LICDC-CS, LPC, or LPCC for purposes of acceptance into the Lucas County Treatment Court Specialized Docket.
- The drug/alcohol/mental health assessment shall include a primary diagnosis of substance use disorder on the DSM-5 and/or ASAM criteria.

#### **Capacity**

The Adult Treatment Court shall serve no more than 120 participants; in all Phases at any given time. The Adult Treatment Court requires very intensive involvement by the Treatment Court Judge; Treatment Court Probation Officers, and the rest of the treatment team, it is important that the number of participants admitted to the docket does not exceed the number which can be effectively served.

#### **Non-Discriminatory Practice**

If the defendant meets the legal and clinical eligibility criteria for the LCTC, then at no time should a potential participant be denied admission to the LCTC program based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. As stated in the LCTC handbook, if a potential participant ever feels they were denied admission into the program based on these criteria, then they should contact their defense attorney regarding any matter for further resolution.

## **SUPERVISION REQUIREMENTS**

LCTC participants agree to abide by the following LCTC Specialized Docket supervision requirements and responsibilities:

### **Court Orders**

LCTC participants should expect the Adult Treatment Court Judge to address new court orders at the status review hearings. The participant understands that all Treatment Court orders are to be followed and remain in effect until the Treatment Court Judge changes the court orders.

### **Treatment Court Coordinator Appointments**

You must attend any meeting with the Treatment Court Coordinator. This may happen from time to time during the docket. You may meet at the beginning of the program for orientation and you may meet at the end of the docket for an exit interview.

### **Attend Probation Supervision Appointments**

The probation supervision officer (PSO) will supervise all participants in the LCTC Specialized Docket. Each participant is required to report to the PSO as instructed. Participant must present sober support events & activities verification to officer.

In the initial compliance phase of the program, participants will meet with the PSO more frequently and as participants advance through the phases PSO contact will be reduced. In instances where participants are found to be non-compliant with program rules ~ PSO contact may be increased.

### **Random Home Visits**

LCTC participants should expect random home visits from their respective PSO and the Lucas County Sheriff's Deputy. Participants understand they may be subject to a search of their person, place of residence, motor vehicle, personal property and real property conducted in a reasonable manner at a reasonable time by their PSO and Lucas County Sheriff's Deputy to ensure compliance with the LCTC Specialized Docket rules.

### **INFORMATION RELATED TO HOME VISITS AND SEARCHES:**

Home visits conducted by the Lucas County Sheriff's Department Officer, and/or law enforcement officer and/or the Probation Supervision Officer may include searches. After consulting with the Treatment Court Public Defender - participants knowingly, intelligently and voluntarily sign the conditions of community control and a program admission document that include the waiver of the right against warrantless searches.



### **No Alcohol or Illegal/Mood Altering Substances**

A participant may not consume any alcohol and/or use any mood altering substance which includes, but not limited to K2, and including non-prescribed medication, federally controlled substances, illegal drugs, and the use of otherwise legal household or industrial items, such as paint, solvents, or aerosol spray products.

### **Physician Prescribed Medications**

Participants must report immediately any and all prescribed medications to their treatment provider and probation officer. They must agree to provide verification of any prescription from their doctor, including signing a release for LCTC personnel to contact their doctor.

Medications that LCTC participants may not be permitted to take include benzodiazepines (Valium, Ativan, Xanax, Librium, etc.), opiates (Lortab, Vicodin, Oxycontin or Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.), and amphetamines (Adderall, Ritalin, Cylert, etc.), or the generic equivalents of any of these drugs. These restrictions may be placed on you if the court believes that this restriction is best for your rehabilitative needs.

Only in **very rare** circumstances, participants will be permitted to take a prescription for a controlled substance on a short-term basis, as agreed to by the Probation Supervision Officer and Physician **in advance** of taking such medication.

When seeking any type of medical treatment, it is the responsibility of each participant to inform the caregiver of his or her chemical dependency issues, and request non-narcotic and/or non-alcoholic medication to be prescribed, if at all possible.

If, because of a medical necessity, a doctor prescribes medication that could yield a positive drug screen result, the participant must submit a letter, from the physician to the Court, stating he/she is aware of the participant's status as a recovering person, and that the need for this medication outweighs the possible risks to the participant.

Further, this letter must state the physician has been made aware of his/her patient's participation in the LCTC Program, and that the patient is subject to drug screen testing.

If a participant tests positive for a controlled substance and does not have such a letter from their doctor, they shall be sanctioned immediately.

A participant must take all prescribed medications strictly as directed.

### **Over-The-Counter (OTC) Medication**

Participants must also immediately inform the LCTC Probation Supervision Officer and treatment provider of any "over-the-counter" (OTC) medications he or she may be using.

Further, prior to the use of any over-the-counter medication, the participant is responsible for conferring with a pharmacist or other medical professional to ensure that medication is not mood altering or addictive, and contains no alcohol.

Inappropriate use of any medication, irrespective of whether it was prescribed or purchased over-the-counter, could result in termination from the LCTC Specialized Docket.

### **Staying Out of Bars**

Participants may not enter into any establishment where the primary source of income is the sale of alcoholic beverages, such as bars and taverns.

Participants must obtain prior approval from the Probation Supervision Officer to enter into any other establishment that serves alcohol beverages, such as a restaurant, sporting event, or concert venue.

### **Following Recommendations of the Treatment Provider(s)**

Participants must follow all recommendations of all their treatment provider(s) and understand failure to abide by those recommendations may result in a LCTC Specialized Docket sanction, which could include a probation violation. Further, they are expected to actively participate in treatment sessions, and not merely physically attend such sessions.

Attendance refers to any scheduled in-person or virtual appointment or court hearing.

### **Attendance and Punctuality to Treatment Sessions**

If a participant will be late or unable to attend a treatment session, they must call their assigned counselor, and they may be asked to provide documentation in order to obtain an excused absence. Any missed sessions due to illness may require a written note from a physician. Additionally, participants must immediately inform the LCTC Probation Supervision Officer of any absences/tardiness from treatment sessions.

### **Attendance at Case Management Appointments with Treatment Provider**

Participants must attend all scheduled appointments with the Case Manager(s). It is the participant's responsibility to be prompt and their conduct should be appropriate and answer truthfully all questions asked by the case manager. Failure to abide by the recommendations of the case manager may result in a LCTC docket sanction, which could include a probation violation.

### **Attendance with the Support Specialist of the Specialized Docket:**

Participants must attend all scheduled appointments made with the Support Specialist of the Court for ancillary needs. Participant must also follow through with all requests made by the Support Specialist to assist in your needs. Failure to abide by the recommendations of the Support Specialist may result in a LCTC docket sanction, which could include a probation violation.

### **Attendance at Ohioans with Disabilities (OOD) Appointments**

Participants must attend all scheduled appointments with the counselor or job developer with OOD. It is the participant's responsibility to be prompt and their conduct should be appropriate and answer truthfully all questions asked by the OOD staff. Failure to abide by the recommendations of the OOD staff may result in a LCTC sanction, which could include a probation violation.

### **Failure to Appear at Status Review Hearings**

Participants must attend status review hearings either in person or by a virtual court hearing before the LCTC Judge as scheduled. An unexcused absence from status review hearing is unacceptable, and failure to appear in court as scheduled without a valid/verifiable excuse will result in a warrant being issued for their arrest.

### **Agreement to Conduct Myself Appropriately**

Participants agree to conduct themselves in an appropriate manner when attending any LCTC Specialized Docket related activity, including review hearings with the LCTC Judge, meetings with the Treatment Court Coordinator, Probation Supervision Officer, Treatment Providers, Support Specialist, and staff from OOD. Also appropriate conduct will occur in treatment sessions, sober support events/activities and other required appointments.

Such conduct includes, but is not limited to, freedom from impairment caused by the use of mood-altering substances; arriving on time and prepared for reporting to court, coordinator/probation officer, Support Specialist appointments, OOD appointments, treatment sessions and other appointments; dressing appropriately; speaking in a respectful and courteous manner and maintaining an open and honest attitude.

For Status Review hearings, participants shall be neatly groomed and dressed in appropriate attire. Any non-compliance with the dress code may result in the participant being asked to leave, as well as the possible imposition of sanctions.

Therefore, the following courtroom dress code requirements shall be adhered to at either in-person or virtual court hearings:

- No clothing containing references to drugs, alcohol, or illegal activity;
- No low cut, revealing tops/shirts or belly shirts;
- No leggings where backside is not covered;
- No short shorts or mini-skirts; tank tops, pajamas and hats must be removed.

Virtual Court Hearings shall follow the same requirements as above and include the following:

- Virtual court attendance should be from an appropriate location;
- No lying in bed
- No smoking while in virtual court

### **Confidentiality**

The participant understands, and agrees that they will be held to strict rules of confidentiality of the Lucas County Treatment Court status review hearings which include the following but not limited to:

- The participant understands that that the courtroom is open court and there will be many other parents, and families, exchanging confidential information.
- At no time is the participant permitted to exchange, or communicate with others what they heard in court to anyone outside of court. As well as, the participant shall not

exchange any information to friends, Lucas County Treatment Court participants, or staff from other agencies what you observed, from others during the status review hearing.

- The Lucas County Treatment Court shall continue to be a place where participants can disclose positive or negative information to the Treatment Court Judge without the threat or concern of that information being shared with other individuals that are not permitted release of such information.

**In conclusion, the participant agrees and understands that they shall not share what they observe or hear in the courtroom or virtual court review hearings!!!!**

### **Current Contact Information**

Participants must provide the Treatment Court Support Specialist and the Treatment Court Probation Supervision Officer, and other treatment providers/court staff with their current residential and/or mailing address, any & all personal telephone number(s), as well as all information regarding their place of employment and/or school status.

### **Proof of Attendance at Sober Events/Activities**

Participants are required to provide proof of attendance for any Sober Support events/activities they attend to their Treatment Court Probation Supervision Officer, whether in person or virtually attended; and verification of this attendance may be requested by the Judge when appearing for a status review hearing.

Such verification must consist of a valid LCTC Specialized Docket-issued attendance sheet bearing the signature of the secretary or chairperson of each event, as well as the date, time, name and location of that meeting.

### **Obtaining and Maintaining Employment**

Participants shall obtain/maintain verifiable full-time employment, or part-time employment, unless enrolled in an educational program. Employment must be consistent and legitimate. Employment may be required prior to advancement to Phase 3, except for those who are verifiably disabled.

Further, a participant if required to pay restitution, must create a payment plan with the Treatment Court Probation/Pretrial Officer and comply with it. They also must pay any fines, court costs, and court-ordered child support obligations in any and all jurisdictions.

Participants may not be eligible to Specialized Docket completion unless supervision fees and/or restitution obligations have been paid in accordance with that payment plan.

### **Obtaining a GED**

If a participant does not have a high school diploma or General Equivalency Diploma (GED), They must obtain their GED prior to graduation from the LCTC Specialized Docket unless they have a verified learning disability that prevents them from doing so. Participants must attend and provide verification of their attendance at all classes to their Pretrial/Probation Supervision Officer.

### **Curfew**

LCTC participants are subject to the following curfews requiring them to be at home unless they are working or at a verifiable sober activity. Not adhering to Specialized Docket curfew may result in a sanction or a probation violation.

Phase 1: 9:00 p.m. to 6:00 a.m.

Phase 2: 10:00 p.m. to 6:00 a.m.

Phase 3: 11:00 p.m. to 6:00 a.m.

Phase 4: 12:00 a.m. 6:00 a.m.

Phase 5: NO Curfew

Phase 6: NO curfew

### **Summary of treatment requirements**

The LCTC Specialized Docket is a treatment court established to assist chemically dependent persons on their road to recovery, by providing services and programming to address their specific needs. For this reason it is **mandatory** all participants are actively engaged in the treatment process and cooperate with their individual case plan.

Participant's progression through treatment court is based upon the participants' performance in the treatment plan and compliance with the phases of the docket. Services and programming may include participation in the following:

- Residential treatment; Intensive outpatient treatment; Individual treatment sessions;
- Gender specific programming; Family therapy; Medication Assisted Treatment (MAT) Medication monitoring; On-going mental health treatment; and Case management

### **Ancillary Services**

In addition to the treatment requirements each LCTC participant is required to comply with referrals for ancillary services. These services may include:

- Education; Vocational Training; Employment; Transportation; Anger Management; Bureau of Vocation Rehabilitation; criminal thinking education; housing; parenting classes; domestic violence programming; and physical, mental and dental health.

### **Treatment Team**

The treatment team is actively supervising the LCTC participants. Weekly treatment team meetings will be held each Wednesday at 9:00 a.m. prior to the status review hearings. This meeting provides the opportunity for the treatment team to discuss and review participant conduct, compliance, achievements, review new applicants and make decisions regarding phase advancements, sanctions and terminations. The participant does have the right to request the attendance of their defense counsel during the portion of a specialized docket treatment team meeting concerning the participant.

Members of the treatment team have specific roles and responsibilities as outlined below: (listing may not be all inclusive)

**Judge**

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

**Treatment Court Specialized Docket Manager/Coordinator**

- Maintains the daily operations of the LCTC Specialized Docket;
- Monitors the compliance of the docket with national best practices for treatment courts
- Meets with any potential participant upon referral; and consistently throughout docket
- Monitors progress reports from treatment and service providers;
- Monitors compliance with supervision & treatments plan;
- Attends treatment team meetings and status review hearings;
- During treatment team meetings may provide progress reports and recommendation to the treatment team; and
- Participates in discussions about incentives, sanctions, phase advancement, graduation and terminations.

**Treatment Court Case Manager/Support Specialist**

Assists the participant in identifying services and supports needed to meet program goals, making referrals to appropriate services and supports, if needed

- Advocates for participant's eligibility for services by negotiating with and educating service providers
- Meets with the participant including home contacts, to engage with and assist in meeting goals on an as needed basis
- Conducts ongoing assessments of the participant's progress to determine if the participant is using available services, if the services being provided are at an adequate intensity, and if the participant is benefiting from the services.
- Assists the participant in locating transportation resources when needed in order to make appointments and, in some cases, provides transportation.
- Actively participates in team meetings contributing to discussions concerning program entry, program progress, incentives, sanctions, graduation, and termination decisions.
- Assists participants' with access to such items as housing assistance, supplemental nutrition assistance program, employment assistance, GED, Medicaid, and privately-funded public assistance programs. Maintains ongoing communication with ancillary service agencies.

**Treatment Court Probation Supervision Officer**

- Monitors compliance with supervision plan;
- Coordinates and conducts random alcohol and drug screens;
- Monitors compliance with sanctions
- Coordinates visits with participants at their home, school, or other locations.

- Attends treatment team meetings and status review hearings;
- During treatment team meetings, provides progress reports and recommendation to the treatment team; and
- Participates in discussions about incentives, sanctions, phase advancement, graduation and terminations.

#### **Treatment Court Probation Unit Manager**

- Supervises Treatment Court Probation Supervision Officers;
- Monitors compliance with supervision plan;
- Coordinates and conducts random alcohol and drug screens;
- Monitors compliance with sanctions
- Coordinates visits with participants at their home, school, or other locations.
- Attends treatment team meetings and status review hearings;

#### **Treatment Court Law Enforcement**

- Assists court with law enforcement functions;
- Helps to identify potential and eligible drug court participants;
- Monitors compliance with supervision plan;
- Coordinates and conducts random alcohol and drug screens;
- Coordinates visits with participants at their home, school, or other locations;
- May execute warrants/capias issued by the court;
- Attends treatment team meetings and status review hearings.

#### **Treatment Court - Treatment Provider**

- The participant's therapist or counselor;
- Conducts assessment to evaluate needed services;
- Develops an individualized service plan;
- During treatment team meetings, provides treatment updates and makes recommendations regarding treatment needs;
- Participates in discussions regarding incentives, sanctions, phase advancement, graduation and termination; and
- Attends status review hearings.

#### **Treatment Court Prosecutor**

- Agrees to incorporate a non-adversarial approach
- Maintains professional integrity, confidentiality, and accountability and agrees to not use information acquired during treatment team meetings to prosecute the participant for additional offenses related to his/her treatment
- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination
- Attend status review hearings

### **Treatment Court Defense Counsel**

- Functions in a non-adversarial approach; attends status review hearings
- Request the sentencing Judge for a referral/screening to Drug Court
- Explains “Rights Waived” by entering the Lucas County Drug Court
- At your request attends the treatment meeting concerning your participation

### **Counselor and Job Developer through Opportunities for Ohioans with Disabilities (OOD)**

- Assists the participant in identifying services and supports needed to meet program goals, making referrals to appropriate services and supports for employment readiness
- Advocates for participant’s eligibility for services by negotiating with and educating service providers
- Meets with the participant regularly
- Assists the participant in locating transportation resources when needed in order to make appointments and, in some cases, provides transportation.
- Actively participates in team meetings contributing to discussions concerning program entry, program progress, incentives, sanctions, graduation, and termination decisions.

### **Status Review Hearings:**

The status review hearings allow the participant an ongoing interaction with the Judge.

Status Review hearings will be held each week. The purpose is to promote accountability and increase the likelihood of successful completion through ongoing judicial interaction.

Attendance at status review hearings is dependent on the participant’s phase in the program:

- Participants in Phase 1 are required to attend, in person, each week;
- Participants in Phase 2 are required to attend, in person, every other week at a minimum;
- Participants in Phase 3 are required to attend, virtually – if compliant; every 4 weeks at a minimum; (1) time in person
- Participants in Phase 4 are required to attend, virtually-if compliant, every 4 weeks at a minimum; (1) time in person
- Participants in Phase 5 are required to attend, virtually-if compliant, every 6 weeks at a minimum;
- Participants in Phase 6 are required to attend, in person, 1 time to schedule completion date with Judge;
- By attending the status review hearings, participants have an opportunity for direct discussion with the Treatment Court Judge. Frequent attendance also establishes and reinforces the Specialized Docket policies by including the examples of responses to compliance and non-compliance, including termination;
- Frequent attendance will also provide an environment of supportive relationships among all participants;
- Treatment Court Judge and Treatment Team reserve right to modify participants attendance based on performance and outside activities;

Family and friends, sober supports, etc., are welcome to attend LCTC Program Review Hearings with me, as emotional and moral support are very important for my successful recovery.



**Specialized Docket Phases:**

Phases are steps in treatment and are based on participants' performance in their treatment plan and compliance with the requirements of each specialized docket phase.

In general, completing the Treatment Court Specialized Docket will take a minimum of 18 months. Setbacks may require a longer timeframe.

Participants will not advance through phases based on preset timelines. (Sup.R. Appx. I. Std (A))

All phases to include a possible In-Active or Suspension Status

If any of the following criteria apply: the participant may be placed on an inactive or suspension status:

- 1) placed in a residential facility and cannot be transported for status review hearings;
- 2) in need of further assessment or evaluations to determine if the LCTC Specialized Docket is beneficial to the participant; and
- 3) participant has an outstanding warrant for non-compliance from the LCTC Specialized Docket and the issues have not been resolved.

**Orientation Phase:**

This process is expected to take one to two weeks.

1. Treatment Court Specialized Docket Manager or Pretrial Supervision Officer meets with defendant for screening;
  - a. Orientation to the program is given with self-assessments administered which include the ACE's childhood trauma screening; Life Events Checklist for DSM-5; the URICA and RANT; (the Life Events Checklist is a self-report measure designed to screen for potentially traumatic events in a person's lifetime. The LEC-5 assesses exposure to 16 events known to potentially result in PTSD or distress;
  - b. Participant Handbook is reviewed with the defendant, if reading is difficult this will be noted and documented that handbook was read to the defendant;
  - c. Agreement to participate in the Treatment Court will be signed;
  - d. Participant referred to treatment provider for initial treatment assessment with treatment plan available to be reviewed at first Treatment Team meeting;
  - e. If Treatment Court is a condition of a defendants' probation from the referring Judge, and participant Opts-Out of this voluntary docket, notice will be sent to referring judge.

### **Phase 1: Compliance and Stability: Minimum – 4 weeks**

Participant will be monitored for compliance, stability and compliance to all treatment requirements. Treatment providers will document compliance to the Specialized Docket Manager and/or the Support Specialist 2 days prior to Treatment Team meeting

- ✓ Attend Review Court hearing with Judge every week;
- ✓ Participant will attend Review Court hearing in person;
- ✓ Meet with Probation Supervision Officer (PSO) prior to Treatment Court hearings;
- ✓ Meet with Treatment Court Support Specialist to determine any immediate needs;
- ✓ All prescription medications taken by participant are to be provided to PSO;
- ✓ Attend all substance/mental health treatment, medical, psychiatric, dental appointments;
- ✓ Take medications as prescribed, show proof to PSO;
- ✓ Show proof of schooling or work, if involved in either, to PSO (not mandatory in this phase);
- ✓ Show proof to PSO of attendance at sober events/activities;
- ✓ Only 2 on-line sober/events per week;
- ✓ Frequent, random drug screens (at least 2 x's per week);
- ✓ Provide urine screens as required pursuant to assigned color following Centralized Drug Testing Unit's protocol; (Sup.R., Appx. I, Std. 9(B)(2))
  - Specialized Docket Manager & PSO to be notified immediately if screen:
    - Positive
    - Failed to submit testing; submitted an adulterated sample
    - Submitted a sample of another individual; or diluted the sample

### **Reward for Successful Completion of Phase 1- Move on to Next Phase**

- Must be engaged and actively participating in substance use/mental health treatment & programming
- Written application for advancement approved by Treatment Provider, PSO, Specialized Docket Manager;
- Recommendation by Treatment Court Team
- Complete any assignments given
- Attending alternative sober support options
- 4 consecutive weeks of negative drug screens
- No sanctions for last 4 weeks at a minimum
- No new convictions
- Satisfactory home visits by Law Enforcement Officer and/or PSO

### **Incentives and Sanctions found in Information Related to Graduated Incentives and Sanctions Section**

## **Phase 2: Housing, Family Services, Employment – Minimum – 4 months**

Participant will work on Housing, Family Services, and Employment issues. Participant will have continued monitoring for stability and compliance to all treatment requirements; treatment providers will document compliance to the Specialized Docket Manager and/or the Support Specialist 2 days prior to Treatment Team meeting.

- ✓ Attend Review Court hearing with the Judge every two weeks;
- ✓ Participant will attend Court Review hearing in person;
- ✓ Continuing to meet with Probation/Pretrial Supervision Officer (PSO) prior to Treatment Court hearing, weekly for the first 30 days, then herein after that, every other week prior to Treatment Court Review hearing;
- ✓ All prescription medications taken by participant are to be provided to PSO;
- ✓ Attend treatment as required including individual counseling or group treatment;
- ✓ Attend all additional programming, if ordered;
- ✓ Meet with Treatment Court Support Specialist to determine any ancillary needs;
- ✓ Obtain/maintain stable housing, if appropriate at this phase (case by case basis);
- ✓ Obtain/maintain employment, if appropriate at this phase (case by case basis);
- ✓ Satisfactory home visits by law enforcement officer and/or PSO
- ✓ Show proof of schooling or work, if involved in either, to PSO
- ✓ If working begin restitution payments after receiving written expectation from PSO
- ✓ Begin to perform Community Service project, after approval by the Specialized Docket Manager, if appropriate at this phase (case by case basis);
- ✓ Show proof of attendance to sober events/activities to PSO;
- ✓ Only 2 on-line events per week;
- ✓ May begin GED preparation & classes, if deemed appropriate at this phase (case by case basis);
- ✓ Continue to attend all doctor appointments & take medications as prescribed (show proof to PSO);
- ✓ Random drug testing includes the participant's primary substance of dependence, as well as a sufficient range of other common substances; (Sup.R., Appx. I, Std. 9(A))
- ✓ Frequent, random drug screens (at least 2 x's per week);
- ✓ Provide urine screens as required pursuant to assigned color following Centralized Drug Testing Unit's protocol; (Sup.R., Appx. I, Std. 9(B)(2))
  - Specialized Docket Manager & PSO to be notified immediately if screen:
    - Positive
    - Failed to submit testing; submitted an adulterated sample
    - Submitted a sample of another individual; or diluted sample

## **Reward for Successful Completion of Phase 2 - Move on to Next Phase**

Must be engaged and actively participating in substance use/mental health treatment & programming

- Written application for advancement approved by Treatment Provider, PSO, Specialized Docket Manager;
- Recommendation by Treatment Court Team
- Complete any assignments given
- Attend alternative sober support options

- 8 consecutive weeks of negative drug screens
- No sanctions for last 4 weeks at a minimum
- No new convictions
- Satisfactory home visits by law enforcement officer and/or PSO

### **Incentives and Sanctions found in Information Related to Graduated Incentives and Sanctions Section**

Participant to sustain Phases 1 & 2 through volunteer work for the community and sober support meetings/activities. These would be considered prosocial behavior activities.

#### **Phase 3: Step Down Probation - Minimum - 4 months**

Participant will be working on becoming self-supporting and beginning to apply what they have learned in treatment. The length of this phase may be longer depending on the participant's needs. In this Phase the Team is monitoring the participant's stability.

- ✓ Attend Review Court hearing with Judge every 4 weeks; (1) time in person;
- ✓ Participant may attend Court Review hearing virtually, if compliant;
- ✓ Continuing to attend monthly Probation Officer (PSO) meetings;
- ✓ All prescription medications taken by participant are to be provided to PSO;
- ✓ Continuing to attend all mental health/substance use treatment or programming;
- ✓ Meet with Treatment Court Support Specialist to determine any ancillary needs;
- ✓ Attend all medical, psychiatric, dental appointments;
- ✓ Attend sober support events/activities;
- ✓ Only 2 on-line meetings per week;
- ✓ Begin or continue Community Service project, after approval by the Specialized Docket Manager;
- ✓ Obtain/maintain stable housing;
- ✓ Obtain/maintain employment;
- ✓ Stabilize family relationships – attend family therapy, if needed, per assessment/behavior
- ✓ Complete Aftercare counseling, if deemed appropriate;
- ✓ Satisfactory home visits by law enforcement officer and/or PSO
- ✓ Commit no new criminal offenses;
- ✓ Connect with services in community, if necessary, attend additional programming as ordered (list is not exhaustive) i.e., Anger Management, Domestic Violence, Parenting classes; Life Skills classes; Co-dependency classes; programs for changing criminogenic thoughts and decision making;
- ✓ Begin or continue GED program, if needed.
- ✓ Refer to Opportunities for Ohioans with Disabilities, for employment assistance;
- ✓ Provide random urine screens as required (at least 2x per week)
  - Specialized Docket Manager and PSO to be notified immediately if screen:
    - Positive; Failed to submit testing
    - Submitted an adulterated sample
    - Submitted a sample of another individual; or diluted sample
    -

### Reward for Successful Completion of Phase 3 - Move on to Next Phase

Must be engaged and actively participate in substance use/mental health treatment & programming

- Written application for advancement approved by Treatment Provider, PSO, Specialized Docket Manager;
- Recommendation by Treatment Court Team
- Complete any assignments given
- Attend alternative sober support options
- Attend additional programming, as ordered
- 12 consecutive weeks of negative drug screens
- No sanctions for last 4 weeks at a minimum
- No new convictions
- Satisfactory home visits by law enforcement officer and/or PSO

### **Incentives and Sanctions found in Information Related to Graduated Incentives and Sanctions Section**

#### **Phase 4: Maintenance – Minimum – 4 months**

Participant continues becoming self-supporting and is applying what they have learned in treatment. The length of this phase may be longer depending on the participant's needs.

In this phase, the participant's stability should be apparent.

- ✓ Attend Review Court hearing with Judge every 4 weeks; (1) time in person;
- ✓ Participant may attend Court Review hearing virtually, if compliant;
- ✓ Continuing to meet with assigned Probation Supervision Officer (PSO) at least one time per month;
- ✓ All prescription medications taken by participant are to be provided to PSO;
- ✓ Attend all medical, psychiatric, dental appointments; take medications as prescribed;
- ✓ Participant to maintain compliance in all treatment/programming requirements;
- ✓ Meet with Treatment Court Support Specialist to determine any ancillary needs;
- ✓ Connect with services in community/additional programming/family counseling as deemed necessary;
- ✓ Attend sober events/activities;
- ✓ Continue GED, if necessary;
- ✓ Continue Community Service project;
- ✓ Obtain/maintain stable housing;
- ✓ Obtain/maintain employment; meet with OOD, if deemed appropriate, unless has certified disability;
- ✓ Commit no new criminal offenses;
- ✓ Satisfactory home visits by law enforcement officer and/or PSO
- ✓ Complete Relapse Management Plan
- ✓ Provide random urine screens as required (at least 2 times per week)
  - Specialized Docket Manager and PSO to be notified immediately if screen:
    - Positive; Failed to submit testing
    - Submitted an adulterated sample
    - Submitted a sample of another individual; or Diluted sample

#### Reward for Successful Completion of Phase 4 - Move on to Next Phase

- Must be engaged and actively participate in substance use/mental health treatment & programming, if still recommended
- Participating in community based support options
- Written recommendation of providers
- Recommendation by Treatment Court Team
- Complete any assignments given
- Attend alternative sober support options
- 16 consecutive weeks of negative drug screens
- No sanctions for last 4 weeks at a minimum
- No new convictions
- Satisfactory home visits by law enforcement officer and/or PSO
- Continuing to attend additional programming as ordered
- Provide random urine screens as required
- Made an application to proceed to next phase

#### **Incentives and Sanctions found in Information Related to Graduated Incentives and Sanctions Section**

#### **Phase 5: Transition Phase – 4 months**

Participation continues as directed by Treatment Court Team.

- ✓ Attend Review Court hearing with Judge every 6 weeks;
- ✓ Participant may attend Court Review hearing virtually, if compliant;
- ✓ Continuing to meet with assigned Probation/Pretrial Supervision Officer (PSO) at least one time per month;
- ✓ All prescription medications taken by participant are to be provided to PSO;
- ✓ Attend all medical, psychiatric, dental appointments & take medications as prescribed;
- ✓ Participant maintain compliance in all treatment/programming requirements;
- ✓ Meet with Treatment Court Support Specialist to determine any ancillary needs;
- ✓ Connect with services in community/additional programming/family counseling as deemed necessary;
- ✓ Attending sober events/activities;
- ✓ Continue GED, if necessary;
- ✓ Completed Community Service project with verification; provided to Specialized Docket Manager;
- ✓ Obtain/maintain stable housing;
- ✓ Obtain/maintain employment; meet with OOD, if deemed appropriate, unless has certified disability;
- ✓ Attend Lucas County Treatment Court Alumni Group meeting;
- ✓ 26 consecutive weeks of negative drug screens;
- ✓ No sanctions for past 12 consecutive weeks;
- ✓ Completion of all assignments;
- ✓ Commit no new criminal offenses;
- ✓ Satisfactory home visits by law enforcement officer and/or PSO

- ✓ Complete Updated Relapse Management Plan with list of supports; provided to Specialized Docket Manager;
- ✓ Provide random urine screens as required (at least 2 times per week)  
Specialized Docket Manager and PSO to be notified immediately if screen:
  - Positive; Failed to submit testing
  - Submitted an adulterated sample
  - Submitted a sample of another individual; or Diluted sample

**Reward for Successful Completion of Transition Phase – Move on to Aftercare Phase & Specialized Docket Completion Phase**

Participants who have completed the final phase may be eligible for Aftercare & Specialized Docket Completion Phase.

The following shall apply:

- Participated in Phase 5 for a minimum of 4 months;
- Written recommendation by Treatment Court Treatment Team;
- Attending Lucas County Adult Treatment Court Alumni Group meetings;
- Attending alternative sober support options;
- Attending community based support activities;
- No new criminal convictions;
- Satisfactory home visits by law enforcement officer and/or PSO;
- Community service completed;
- Have all remaining Court obligations paid in full (restitution & supervision fees);
- 26 weeks of negative drug screens;
- Has exhibited responsible behaviors; displaying a change in attitude & beliefs;
- Demonstrates the ability to identify and eliminate criminal thinking errors

**Incentives and Sanctions found in Information Related to Graduated Incentives and Sanctions Section**

**Phase 6: Aftercare & Specialized Docket Completion Phase – 1 month**

All requirements of all phases of the Specialized Docket have been met;

- ✓ Attend in person for one final Review Hearing with Judge to set completion date;
- ✓ Participant completes written application for graduation;
- ✓ Participant completes exit interview & survey with the Specialized Docket Manager;
- ✓ Participant is offered voluntary post-docket programming and/or treatment;
- ✓ The Specialized Docket Manager will review the completion of all phases and submit final recommendation for docket completion to Judge;
- ✓ Treatment Court Judge to make final determination on docket completion

**ADDITIONAL INFORMATION:**

A Treatment Court fee will be assessed in the amount of \$300.00. The Treatment Court fee may be waived upon proof of indigency. A monthly payment schedule will be determined with Probation Supervision Officer.

Treatment Court may extend a participant's probation, if continued in the Specialized Docket, after an additional conviction;

Hair follicle testing will be prohibited for any purposes throughout the Specialized Docket;

No participant shall have access to; possess; train; purchase; transport; or use a firearm; termination may occur from the Specialized Docket after a hearing with counsel present occurs;

While Treatment Court supports individuals rights to further their education, being employed while in this Specialized Docket in a position where a perceived conflict of interest is possible is prohibited;

Peer Support employment while an active participant in this Specialized Docket is also prohibited;

An indigent participant may request that court costs be converted to community service. Notice will be given to Defense Counsel and Prosecuting Attorney and hearing a will be held upon request;

An indigent participant may receive credit at no less than the federal minimum wage;

An indigent participant may request fines and other costs or fees be cancelled either in whole or in part based upon their inability to pay.

Participants may graduate from the treatment court docket but may be continued on probation/pretrial supervision for unmet court obligations (i.e., financial, sanctions, community services, etc.)

Final Disposition: Dependent on case type the underlying case may be closed or dismissed.

The Treatment Court Coordinator will review the completion of all phases submit the potential graduate's name at the Treatment Team. The Treatment Team will make a recommendation and the Treatment Court Judge will make the final decision. The graduation date will be announced and the ceremony will be scheduled.



## **INFORMATION RELATED TO COMMUNITY SERVICE PROJECT**

A community service project is required to successfully complete the Treatment Court Specialized Docket. This project is required in the spirit of giving back to the community in which was taken. Participant may choose the community service project to complete.

### **Specialized Docket Completion**

Successful completion criteria are the guidelines used to identify how Adult Treatment Court participants can successfully complete the Treatment Court Specialized Docket. While completion is based on a relatively standard set of expectations, each case is assessed individually and the Treatment Court Judge makes the final determination of completion.

### **Written Criteria for Successful Completion**

Compliant Behaviors & Accomplishments:

- Demonstrated period of abstinence from alcohol and drugs, evidenced by submitting negative drug screens for 26 consecutive weeks;
- Attended sober events/activities;
- Demonstrates a change in thinking, attitude, and beliefs;
- May have successfully completed treatment and/or other programming;
- No sanctions for the past 12 weeks or more;
- Remained compliant with any court orders or probation conditions;
- Maintained consistent employment, educational training, or volunteering services;
- Maintains stable housing;
- Consistent and regular payments of restitution and supervision fees made;
- Relapse Management Plan established;
- No new criminal convictions and demonstrates stability in the community;
- Completion of any assignments;
- Demonstrates responsibility behavior;
- Demonstrates the ability to identify and eliminate critical thinking errors;
- Completed all requirements from Phase 6.

Participants may graduate from the Treatment Court Specialized Docket, however, may be continued on probation supervision for unmet court obligations (i.e., financial, sanctions, community service, etc.).

Final Disposition: Dependent on case type the underlying case may be closed or dismissed. Treatment Court Judge to make final decision.

### **Aftercare Component**

After graduation from the Specialized Docket, the Specialized Docket Manager and/or the Treatment Court Probation Supervision Officer will attempt to make telephone contact with graduated participants every other month for one year. Linkage to any needed services will be made upon request by participant.

Voluntary participation in peer lead ATC Alumni Group by graduates is highly recommended.

### **Incentives, Sanctions, and Therapeutic Adjustments**

- ✓ Responses should be immediately delivered for every targeted behavior;
- ✓ Undesirable behavior should be reliably detected and concrete. Responses should be predictable and controllable. Method of delivery is as important as the response itself. Sanctions and rewards should be applied as soon as possible;
- ✓ At each court review hearing, participants may be subject to sanctions or incentives based on their performance and compliance for the reporting period;

The list below outlines the schedule of responses to a variety of behaviors. The judge may choose any of the below listed immediate, graduated, and individualized incentives or sanctions after considering an individual's behavior and case history.

Incentives and sanctions are tracked by the Probation/Pretrial Supervision Officers to ensure that the participant is rewarded or sanctioned based upon their individualized progression throughout the LCTC Specialized Docket.

### **Ten Guidelines are to be utilized when issuing sanctions/rewards/therapeutic adjustments**

1. Immediate and certain
2. Developmentally appropriate
3. Consistent and fair
4. Individualized
5. Goal oriented
6. Competency based
7. Culturally responsive
8. Therapeutically appropriate
9. Sufficient intensity
10. Not painful, humiliating or injurious

### **Incentives:**

Incentives are provided when Court-ordered tasks, including drug treatment or mental health treatment are completed. Incentives also applied if the participant remains compliant with court orders for a period of time and demonstrates a commitment to sobriety. The Participant moves to next phase when each phase is completed and approved by the Treatment Team and the Treatment Court Judge.

### **Incentives continued:**

\*Lists are not all inclusive

### **Types of Achievements:**

- Attending all status review hearings
- Complaint with court orders
- Compliance with treatment/supervision plan
- Demonstrates a commitment to sobriety
- Demonstrates improved behavior
- Phase Advancement, approved by Treatment Team & Treatment Court Judge

- Negative drug test results for period 30, 60, 90 or more days
- Attendance and participation in treatment for a period of 2 weeks
- Attendance and participation in support meetings/sober activities
- Completed any assignments given
- Completion of GED
- College enrollment and attendance
- Secured and maintained employment
- Accomplishments of any other achievement identified by the team

#### Types of Incentives:

- Words of encouragement acknowledgement of progress
- #1 on Docket of Choice
- Certificates of accomplishment
- Picture with Judge
- Encouragement/empowerment books
- Gift certificates to retail stores or restaurants
- Change in curfew
- Permission to travel with family
- Skip an office visit
- Sobriety coin
- Dismissal of charge if on Intervention in Lieu
- Graduation to next phase
- Early termination from Community Control if Post Conviction Track
- Decreased/waived court costs

#### Sanctions:

Sanctions are provided when participants do not follow orders or fail to follow treatment recommendations. Sanctions may also be appropriate when:

\*Lists are not all inclusive

- Participants do not attend appointments
- Participants miss or are late for scheduled appointments
- Participants fail to provide a drug test or dilute a urine screen
- Participants test positive for an illicit substance drugs or alcohol
- Participants fail to appear for Treatment Court Review hearing
- Participants receive new charges or convictions
- Behavior not representative of changed criminogenic thinking

#### Types of Sanctions:

- Non-compliance depending on gravity could result in verbal warnings from the Judge
- Increase in urine screens
- Increase in court appearances
- Refusing participant's specific requests
- Decreasing special privileges

- Community service added on as a sanction
- Placed on Curfew or curfew changed
- Increased periods of home or custodial detention
- Escalating periods of imposed, short-term, days in jail
- Any other constitutional condition considered reasonably necessary
- Formal filing of a community control or pretrial supervision violation
- Termination from Treatment Court docket

### **Therapeutic Adjustment**

Therapeutic adjustments in treatment services, as well as participation in community-based mutual support meetings, will be based upon the clinically informed needs of the participant.

Relapses will be addressed with the Treatment Provider for input. The Treatment Team participates in determining the incentives and the sanctions.

### **Types of therapeutic adjustments:**

- Motivational interview exercises
- Additional assessments/evaluations
- Thinking report
- Journaling
- Change in Level of Care
- Assessment/evaluation of needed appropriate medication
- Residential treatment
- Increased engagement with treatment provider
- Therapeutic Adjustments will NOT be considered a sanction
- Discharge

The Treatment Court Judge will enforce all incentives, sanctions, therapeutic adjustments. All sanctions and rewards will be documented in the participant's file and reviewed at Status Review Hearings.

All incentives and sanctions shall be individualized.

Adult Treatment Court will not impose a jail sanction for non-compliance without providing notice, a hearing, and representation by an attorney. A participant may waive the right to a hearing, so long as the participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently and voluntarily.

## **TERMINATION CLASSIFICATIONS:**

### **Unsuccessful Termination**

The Lucas County Treatment Court Treatment Team will discuss all unsuccessful terminations in a Treatment Team meeting and make recommendations to the Treatment Court Judge based upon the following criteria:

- Ongoing non-compliance with treatment
- New serious criminal conviction
- Serious Treatment Court violation
- Serious Community Control Violation/ IIL violation or a series of non-compliant weeks

### **Consequences of Unsuccessful Terminations**

- Imposition of prison or local in custody sanctions as ordered by the sentencing Judge or Treatment Court Judge

### **Neutral Termination**

There are several reasons why it may be appropriate to have a neutral termination from the Treatment Court Specialized Docket. These include the following:

- A New Felony Charge in Lucas County;
- A serious medical condition arises which prohibits the participant from completing the program;
- Participant relocates outside Lucas County. If the participant's relocation is granted, they're community control will be transferred to the original sentencing judge with the recommendation that the participant be transferred, or not, to the appropriate supervision authority; or if the county in which participant relocates has a Treatment Court; it will be requested that the participant transfer into that county's Treatment Court;
- Death of the Participant;

Other factors that will impede participant's requirements for successful completion. If a participant is discharged from the LCTC Specialized Docket, the following shall occur:

- If a new felony charge is filed in Lucas County, a CCV will be filed in the original Treatment Court case and it may be returned to the sentencing Judge. The sentencing Judge may also hear the new felony charge per local court rules;
- The participant will remain with their Treatment Court Probation Supervision Officer until the case is adjudicated;
- The prosecutor agrees to follow key components of Treatment Court that a positive drug test or open court admission of drug possession or use will not result in the filing of additional drug charges based on that admission; and makes decisions regarding the participant's continued enrollment in the docket based on performance in treatment rather than on legal aspects for the case, barring additional criminal behavior;
- In the event of the death of the participant, the case will be terminated successfully or unsuccessfully depending on their status at the time of their death.

**Termination Hearing:**

Adult Treatment Court shall not terminate participants unless provided notice of intent to terminate, a hearing, and representation by an attorney. Said participants shall have a commensurate level of rights as those required for Community Control Revocation hearings. A participant may waive the right to a hearing, so long as the participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently and voluntarily.

The written legal and clinical eligibility and termination criteria do not create a right to continued participation in this specialized docket.

## **Substance Use Monitoring**

A participant must submit to random, frequent and observed drug and alcohol testing, while participating in the LCTC Specialized Docket.

Substance use monitoring and alcohol and drug testing plans are individualized to meet the participants needs.

The participant understands that they are required to comply with all random, frequent, and observed drug and alcohol testing per Treatment Court discretion and Treatment Court Probation Supervision Officer. A positive test at intake will not result in a sanction and the participant will be allowed an acceptable amount of time to produce a negative drug screen.

At intake, the participant shall submit a urine sample for testing to establish a baseline for the presence of drug metabolites in his or her system, and will not be sanctioned based upon the results of the initial urinalysis.

The Judge may sanction a participant who relapses or returns to use. A participants treatment provider will be notified immediately to allow for updating or changes to their treatment plan.

If a participant desires to leave Lucas County for any length of time, they must obtain permission from the Treatment Court Pretrial/Probation Supervision Officer, and they may be expected to make arrangements for ongoing substance use testing in whatever location to which they are traveling.

A participant may be required to wear a drug-testing patch or a TAD Unit device in order to further monitor their alcohol and drug use, and they are responsible for any costs associated with those devices. However, their ability to pay will be taken into consideration on a case by case basis.

Participants understand that tampering with either device constitutes a positive test result and sanctions will be imposed accordingly.

All participants must submit random urinalysis based on request at any time when requested by any authorized representative of the specialized docket treatment team. The participant shall comply with such request, so long as requests are reasonably related to the participant's rehabilitative needs. All urinalysis screens could be shared with internal and external agencies. A participant could also be sanctioned to increase urinalysis test, due to response of behaviors.

Hair follicle testing will be prohibited for any purposes throughout Treatment Court.

## **Drug Testing Monitoring**

- You are assigned a color as followed: The beginning letter of your last name.....  
**A-E assigned Red**  
**F-J assigned White**  
**K-N assigned Blue**  
**O-S assigned Yellow**  
**T-Z assigned Green**
- The participant is required to submit to drug testing based on the color code assigned which is a random;
- **Participant to call-in daily to this number 419.213.6153 from 8:45am to 4:30pm.**
- Understand that if you call-in later in the afternoon, you are still required to submit a drug test according to CDTU's hours of operation.
- The following acts will be treated as positive test, and immediately sanctioned:
  - Failing to submit to testing
  - Submitting an adulterated sample
  - Submitting the sample of another individual; or
  - Diluting samples (Sup.R.,Appx. I, Std.8 (C)).

## **Drug Testing Location**

**Centralized Drug Testing Unit is located: at 1302 Washington Street, Toledo, Ohio 43604**

**Important reminders:** The participant understands that upon their arrival at CDTU, all participants, and items are searched by security. The participant understands that they are required to make themselves available during CDTU testing hours. The participant understands that they are responsible for traveling to CDTU testing location and arrive promptly.

All participants will be required to comply with the Centralized Drug Testing Unit (CDTU) policy and procedures for sample collection which include:

- The participant understands and agrees that they are responsible for all costs associated with drug and alcohol testing conducted at CDTU;
- The participant understands and agrees to produce a valid picture ID and follow proper sign in procedures at CDTU. If the participant does not have a valid picture ID, they are to immediately notify their Treatment Court Pretrial/Probation Officer, to obtain a Regional picture ID (RID).
- The participant understands that they are required to test during the specific lab hours at CDTU which are the following for both female and males:

**Monday & Thursday 10:00 a.m. - 6:00 p.m.**  
**Tuesday & Wednesday 8:30 a.m. - 4:30 p.m.**  
**Friday 8:00 a.m - 4:00 p.m.**  
**(arrive at least ½ before stated closing time)**



- The participant understands that specimens can only be collected by same gender staff. The participant understands and agrees that if there is questioning regarding the participants gender, CDTU staff will inquire the participant discreetly what their gender is.
- Female and/or Male participants are called in order that they enter the facility. The participant understands and agrees that each participant will be accompanied into the restroom by the appropriate officer.
- The participant understands and agrees that during sample collection they are observed by an officer to ensure that they do not attempt to adulterate the sample.
- Female participants understand and agree that they may be required to squat and cough prior to submitting the sample collection.
- The participant understands and agrees that they cannot leave the facility until the sample collection is checked for appropriate temperature, if the sample collection is not the appropriate temperature or does not register, the participant is required and instructed that they must submit another collection sample.
- The participant understands that both collection samples are tested and an incident report with the results are to be forwarded to the Treatment Court Team immediately.
- The participant understands that all sample collections are kept for at least 14 business days, and allows the participant the opportunity to contest the accuracy of the test performed by the CDTU.

### **Challenging a Positive Screen**

You have the right to contest any drug test that you feel resulted in a false positive. The cost to re-test the sample is \$50.00 and will be your responsibility. Should the result come back negative, you are refunded the amount of the re-test.

However, Treatment Court will take a participants' ability to pay this fee and shall make reasonable accommodations based upon each participant's financial ability. A re-test will NOT be denied to a participant based on the inability to pay this fee. All positive tests are held for 30-days after confirmation to ensure a timely manner for the participant to exercise their right to contest. Contested drug test results through CDTU will be sent to an independent lab\_pursuant to the Centralized Drug Testing policy.

While waiting for the laboratory test results, sanctions are not issued. However, if the test returns as positive, then a more severe sanction may be issued for deception plus the use.

All substance use testing results are shared with the LCTC Treatment Team and Judge. A participant who tests positive, fails to submit to testing, submits an adulterated sample, submits the sample of another individual or dilutes samples will receive a sanction(s) or possible termination from the LCTC Program.

## **Constitutional and Due Process Rights** (Sup.R., Appx. I, (1-9))

This Specialized Docket follows the Supreme Court of Ohio's - Commission on Specialized Dockets Guidance of the Constitutional Rights of Participants as follows:

### **Restrictions on Participants as to Geographical Locations and Associations:**

Adult Treatment Court may restrict on the access or contact participants have with certain geographic locations and certain persons or class of persons, these restrictions will be reasonably related to a participant's rehabilitative needs;

### **Restrictions on Participants as to Consumption of Various Substances:**

This Treatment Court may require participants to comply with the directives indicated for their prescribed medications, or refrain from the use of certain otherwise legal substances or medications, these restrictions will be reasonably related to a participant's rehabilitative needs;

Regarding the use of Medication Assisted Treatment (MAT) there will be no restrictions regarding the use of any legally prescribed medication that is FDA approved. Participants shall not be required to cease the use of a legally prescribed MAT as a condition of Community Control or probation, for successful completion of a specialized docket, visitation with children or reunification;

### **Directives to Participants as to the Time, Manner, Place, and Frequency of Random Drug Testing:**

This Treatment Court may require participants to present themselves for drug testing at any time when requested by any authorized representative of the specialized docket treatment team. The requests will be reasonably related to the participant's rehabilitative needs;

### **Secular Alternatives:**

This Treatment Court will offer to participants a secular alternative and will refrain from requiring attendance at any non-secular 12-step program;

### **Searches:**

This Treatment Court may require participants to sign conditions of community control that include the waiver of the right against warrantless searches, the participant will sign conditions knowingly, intelligently and voluntarily. This Treatment Court may also conduct searches of participants who are not on community control. These searches will conform to all constitutional prerequisites;

**Due Process:**

**Termination Hearings:**

This Treatment Court will not terminate any participant without providing notice of intent to terminate, a hearing, and representation by an attorney;

**Jail Sanctions:**

This Treatment Court shall not impose a jail sanction for non-compliance without providing notice, a hearing, and representation by an attorney. A participant may waive the right to a hearing, as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily;

Participants do not have the right to contest the impositions of sanctions that do not impact liberty issues. Adjustments in treatment activities are not sanctions;

**Right Against Self-Incrimination:**

Adult Treatment Court may require participants to waive their right to remain silent and do not incriminate themselves regarding violations of the rules of the specialized docket. This Adult Specialized Docket, will not require the waiver of those rights in regard to pending criminal charges and statements made by participants will not be used as evidence in any criminal prosecution;

**Indigency:**

Candidates will not be denied admission to the docket based on financial ability. This docket will consider a participant's ability to pay fees and/or other financial obligations and make reasonable accommodations based on financial ability. Program materials and participation agreements will include these statements to ensure candidates are aware their admission is not predicated on their ability to predicated on their ability to pay when considering whether they should participate in the docket;

**Other Constitutional and Statutory Concerns:**

This Specialized Docket complies with all constitutional and statutory rights of our participants. Any such rights that are permitted to be waived by the participant will be done in a manner that ensures the substantive due process rights of the participant.