HANCOCK COUNTY COMMON PLEAS

GENERAL DIVISION

*DRUG COURT*

Participant Handbook

#NEWBEGINNINGS

In collaboration with Family Resource Center

Adult Probation Department

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CHAPTER 1: WELCOME AND PROGRAM INTRODUCTION

This handbook will provide you an overview of the Hancock County Common Pleas Drug Court and detail your rights and responsibilities in the program. Please read it carefully. If you have any questions please ask the Drug Court Coordinator. The Drug Court is a voluntary program focused on providing treatment oriented options for drug and/or alcohol dependent offenders. The Drug Court Program is designed to be approximately (12-18) months in duration, yet due to the individualized nature of needs-based programming, the term of participation may be longer or shorter. There are many potential benefits, resources, and requirements of program participation:

The BENEFITS of Drug Court participation are:

* Learning how to enjoy a clean and sober lifestyle;
* Improved personal relationships;
* Reduce negative interactions with peers and the criminal justice system;
* Potential reduction in time on supervision (probation)
* Potential of Financial Assistance
* Overall healthier lifestyle.

The following is a list of basic REQUIREMENTS of Drug Court participants:

* Refrain from alcohol (or ingesting any products that contain alcohol) and drug use or mind altering substances.
* Attend status review hearings with the Judge
* Attend appointments with treatment providers, case managers, and Drug Court Coordinator/ Probation Officer
* Follow all treatment recommendations
* Submit to frequent and random observed alcohol and drug screens
* Engage in a sober support community
* Sign any needed releases of information

The following is a list of your Rights:

* The right to have your attorney present at treatment team meetings or status review hearings, concerning your progress, potentially at your own expense.
* The right to a detailed, written participation agreement and participant handbook outlining the requirements and process.

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# CHAPTER 2: LEGAL AND CLINICAL ELIGIBILITY CRITERIA

## TARGET POPULATION

## The Hancock County Drug Court has been designed to target felony offenders scoring moderate to high risk of reoffending and moderate to high need clinically dependent to drugs and/or alcohol.

## CLINICAL ELIGIBILITY CRITERIA

## A substance disorder diagnosis provided by a licensed and approved provider is required to be considered for program participation.

# CHAPTER 3: PROGRAM ENTRY AND CASE FLOW

## Referral Process

Potential participants can be referred to the Drug Court program through various points of entry, to include:

* Prosecutor
* Attorney
* Judge
* Treatment providers
* Probation officers
* Self-referral

Once a referral is made you will be given information on the Drug Court program and the Drug Court Coordinator will schedule an interview with you. At the completion of the interview if you are eligible, the Drug Court Coordinator will ask if you would like to volunteer for the program. If you do volunteer, a hearing will be scheduled with the Judge to see if you will be accepted. You will be given written notice of the hearing. If you are found ineligible the Drug Court Coordinator will explain why.

CHAPTER 4: PHASES

The Hancock County Drug Court is structured with four (4) distinct phases of program participation.

Progression of Phases:

The following general rules apply to the phase system; however the Judge will decide Phase Advancement on a case by case basis.

1. Phase advancement is based on treatment plan progression and program compliance. Utilizing the entire treatment team, consisting of treatment providers, probation staff, and other various housing and community resources the offender is involved in, discussion is held and opinions for Phase Advancement are proposed and debated. The Judge ultimately has the decision on Phase Advancement.

2. At a minimum, you shall appear before the specialized docket judge at least bi-weekly in phases 1-3. In phase 4 the Judge may only require you to attended monthly status review hearings.

3. A Participant must have at least 30 days sober in order to progress from one phase to the next.

# The following is a detailed description of the phases of Drug Court:

# Phase 1:

# In this phase you will get used to the structure and routine of Drug Court. The length of this phase will be 30-90 days. During this phase you will report at least two (2) times per week, but may be as frequent as daily, for random drug/ alcohol testing. In phase 1 you will attend an Orientation at Focus. Your probation Officer or the Drug Court Coordinator will work with you to get it scheduled. In phase 1 you will likely be involved in intensive treatment groups and individual counseling. You will also attend various sober support activities so you can find the ones that you like and are helpful to you.

Phase 2:

In this phase, you will continue to address the issues related to drugs and alcohol. In this phase you will be attending treatment and probation appointments. You will likely be involved in intensive treatment groups and individual counseling. You may also start to seek employment. The length of this phase is 60-120 days.

# Phase 3:

In this phase, you will continue to address the issues related to drugs and alcohol. In this phase you will be attending treatment and probation appointments. Your treatment requirements may decrease during this phase and may also start to seek employment if you aren’t already working or engaged in education activities. The length of this phase is 60-120 days.

Phase 4:

In this phase, you will continue to address the issues related to drugs and alcohol. You continue attending treatment and probation appointments. In this phase you it is important that you are actively involved in sober support activities. Unless you are on disability or otherwise unable to work you should be working or attending education activities. In this phase you will write an essay and will be given a graduation date. The length of this phase is 60-120 days.

CHAPTER 5: DRUG TESTING

# SUBSTANCE ABUSE MONITORING

Throughout your participation in Drug Court you will be required to comply with random drug testing. In phase 1 you will be required to come in the office for a random drug test at least 2 times per week. In Phases 2-4 you will be required to come in the office for a random drug test at least 4 times per month. It is your responsibility to check the website Monday- Friday and see if you are required to report for a random drug test.

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

1. Failure to submit to testing (not providing a sample; waiting longer than four (4) hours to provide a sample);
2. Submitting an adulterated sample;
3. Submitting the sample of another individual; and
4. Dilution of sample.

Drug Testing Procedure

All Drug Court participants are assigned a color and phase. The color and/or phase will indicate the days you are randomly selected to report to the Adult Probation Department for a random drug and/or alcohol test. Drug Court participants are able to check their status by visiting the Hancock County Common Pleas Court website at: http://cp.co.hancock.oh.us/ and clicking on “Drug Court participants- Check Your Status.” If the participant’s assigned color and / or phase is listed, the participant must report to the Adult Probation Department by 10:00am to submit to a random drug and/or alcohol test. If the participant does not have access to the internet the participant shall call the Adult Probation Department at (419) 424-7085 every day before 10:00am to be notified if they are required to report for a random drug and/or alcohol test on that date. If the participant is advised they need to report that day they must report by 10:00am, unless given special permission from the Drug Court Coordinator/ and or their Probation Officer to report differently.

# CHAPTER 6: TREATMENT TEAM MEETINGS AND STATUS REVIEW HEARINGS

The treatment team is made up of treatment providers, probation staff, community members, the Judge and others. Prior to each status review hearing a treatment team meets to discuss you and other participants’ progress. During the meeting the team discusses and rewards or sanctions that are needed as well as any treatment adjustments that should be made. The team also makes recommendations to Judge regarding phase changes. The participant or the participant’s guardian shall complete a release of information form to provide for communication about 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 R.C. 2151.421 and 2152.99

On your scheduled Drug Court day you should come to the courthouse no later than 1:50pm, as the session will start promptly at 2:00pm. During the hearing your judge will call everyone up and talk with them about how their life and recovery is going. You are expected to be honest with Judge and discuss both challenges and accomplishments. During this interaction Judge may issue a sanction or incentive if appropriate. It is expected that you do not use your cell phone during the hearing and that you listen to each participant as they talk to Judge about their progress.

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# CHAPTER 7: SANCTIONS AND INCENTIVES

### Incentives

Incentives or rewards are individualized according to the specific treatment plan and directly related to your achievements as certain milestones of the specialized docket treatment plan are attained. Please remember that rewards and incentives are not mandatory for the Court to give to you. These are earned through your demonstrated commitment to your recovery and treatment program.

The following are examples of behaviors that may result in earning an incentive:

* Attending required court appearances;
* Attending required treatment appointments;
* Reaching individual treatment objectives;
* Refraining from alcohol and drugs, as evidenced by negative results;
* Engaging in vocational or educational activities;
* Consistently attending sober support activities;
* Securing stable housing;
* Advancing in specialized docket phases; and
* Accomplishing any other milestone identified by the team*.*

The following are examples of incentives that may be offered:

* Encouragement and praise from the judge;
* Applause;
* Ceremonies and tokens of progress, including advancement in specialized docket phases;
* Reducing supervision contacts;
* Decreasing frequency of court appearances;
* Reducing fines and fees;
* Increasing or expanding privileges;
* Gifts of inspirational items, including books, pictures, and framed quotes;
* Assistance with purchasing clothing for job interviews;
* Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
* Gifts of small personal care items, hobby or pet supplies, plants or small household items;
* Dismissing criminal charges or reducing the term of probation;
* Reducing or suspending jail, prison, or detention days;
* Graduating from the specialized docket; or
* Any other reward deemed appropriate by each Officer/Supervisor.

### Sanctions

Likewise, it is important that program noncompliance is addressed and sanctioned swiftly to ensure high levels of accountability and responsiveness. Immediate, graduated, and individualized sanctions govern the Drug Court’s responses to the participant’s non-compliance. 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.

The following are common infractions that may result in an immediate sanction:

* Failure to attend court appearances and treatment appointments;
* Failure to follow Drug Court rules and rules of community control;
* Failure to keep scheduled appointments with the probation officer, case manager, or any other team member;
* Non-compliance with other requirements of the treatment plan;
* Non-compliance with random alcohol and drug screens or testing positive for alcohol and drugs;
* Failure to improve troublesome behaviors;
* Failure to meet employment or vocational goals as determined by the treatment team; and

The following are a continuum of sanctions for noncompliance:

* Warnings from the judge;
* Increasing frequency of alcohol and drug testing;
* Increasing court appearances;
* Refusing specific requests, such as permission to travel;
* Increasing supervision contacts and monitoring;
* Curfew adjustment;
* Individualized sanctions such as writing essays, reading books, or performing other activities to reflect upon unacceptable behavior;
* Imposition of suspended fines and costs;
* Requiring community service or work programs;
* Electronic monitoring;
* Jail time;
* Filing of community control or probation violation; and
* Termination from the specialized docket.

Sanctions shall be imposed by the Court as a result of non-compliance or a rule violation by the participant. Sanctions are immediate and may range in severity depending on the seriousness of the participant’s non-compliance or rule violation. The supervising Drug Court Team members communicate to the participant the potential responses to program compliance and non-compliance on an on-going basis. In addition, the Drug Court Judge provides the summary of these responses to the participants in the bi-weekly Drug Court status review hearings. I understand that I am being placed in the Hancock County Common Pleas Drug Court Docket as a condition of my Community Control/Supervision. Unsuccessful removal from this program may lead to a probation violation filing, which would allow for a full due process hearing.

*Treatment Adjustments*

Adjustments to treatment including frequency of appointments and types ( group, individual) may be made as a result of positive drug/ alcohol tests, treatment non compliance or continued troublesome behaviors. Level of Care may also be assessed to determine if residential or detox services are needed.

# CHAPTER 8: PROGRAM COMPLETION

## Criteria for Successful Completion

Successful completion criteria are the guidelines used to identify how you can successfully complete the program. While program completion is based on a relatively standard set of expectations, each case is assessed individually and the Judge makes the final determination of successful completion.

In general, the following indicate positive accomplishments to be considered for successful completion (graduation):

* Demonstrated period of abstinence from alcohol and drugs;
  + Evidenced by submitting negative screens for a minimum of ninety (90) day period prior to graduation.
* Active member in a sober support group or other recovery community;
* Displays a change in thinking, attitude, and beliefs;
* Successfully completed treatment and programming and all other specialized docket/Drug Court requirements;
* Maintaining consistent employment if applicable;
* Demonstrates ability to identify and eliminate criminal thinking patterns;
* Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent successful completion of participants);

• Relapse prevention plan established;

• Completed vocational or educational plan;

• Displays responsibility for his or her behavior;

* Improved family relationships;
* Improved personal and physical health; and

• Demonstrates stability in the community (citizenship).

\*Participants may graduate from the specialized docket/Drug Court but be continued on probation supervision for continued support or unmet court obligations (i.e. financial sanctions, community service, etc.).

*The Judge has discretion to determine when the participant will successfully complete the program.*

In general, the process for determining when a participant has successfully completed the program includes the following steps:

1. **Nomination**: The participant or a member of the treatment team offers a nomination of the participant for successful completion. The following highlights how the participant is nominated for successful completion;
2. **Treatment Team Review**: The treatment team conducts a review of compliant behavior and accomplishments, to include drug testing results, violations/sanctions, incentives, treatment compliance and aftercare activities;
3. **Treatment Team Recommendation**: The treatment team then makes a formal recommendation to the Drug Court Judge;
4. **Judicial Decision**: The Judge determines that the participant successfully completed the Drug Court program;
5. **Graduation Ceremony:** Each graduate has a formal graduation ceremony in which the graduate is presented with a certificate of completion and addressed by the treatment team and participants. The Drug Court Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants;
6. **Aftercare Components**: The participant will then continue to engage in the established recovery community;
7. **Final Disposition**: Dependent on case type, the underlying case is closed. The case will be continued on probation supervision if the participant may benefit from continued support or has unmet court obligations (i.e. financial sanctions, community service, etc.).

## Termination Classifications

There are three types of termination criteria, unsuccessful, inactive, and neutral discharge. These criteria have been developed by the Drug Court Treatment Team. The Drug Court Judge has ultimate discretion in determining termination from the specialized docket.

### Unsuccessful termination

The following are examples of unsuccessful termination reasons:

* On-going noncompliance with treatment or resistance to treatment;
* New serious criminal convictions;
* A serious specialized docket infraction or series of infractions; and
* A serious community control violation or series of violations.
* On-going Specialized Docket violations

In the event of an unsuccessful discharge, the following may occur:

* Loss of future eligibility for the specialized docket;
* Further legal action including revocation of intervention in lieu of conviction, probation or parole (community control) violation; and
* Depending on the circumstances, jail and other penalties for the participant.

### Inactive Status

There may be circumstances that necessitate a participant being placed in “Inactive Status” whereby they are not formally discharged from the program, yet are not actively participating. Examples of situations warranting this status include participants who are:

* Placed in a residential facility and cannot be transported for status review hearings;
* Charged with new crimes pending adjudication and/or a final disposition for sentencing;
* In need of further assessments or evaluations to determine if the Drug Court is beneficial to the participant and the program;
* Have an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved; or
* Incarcerated on other charges or non-compliance (i.e. child support, etc.)

### Neutral Discharge

There may be circumstances in which the participant is discharged from the Drug Court through a Neutral Discharge status. This status is assessed in situations where the participant has reached maximum benefit for various possible reasons:

* A serious medical condition;
* Cognitive impairment;
* Serious mental health condition;
* Other factor that may keep the participant from meeting the requirements for successful completion; or
* Death.