

# **DELAWARE MUNICIPAL COURT OVI DOCKET**

## **PROGRAM DESCRIPTION**



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## **Part 1: Policies and Procedures**

### **Vision**

The Delaware Municipal Court OVI Docket (Docket) will provide effective supervision and mandate enhanced treatment services to repeat misdemeanor OVI (Operating a Vehicle Under the Influence) offenders and first-time OVI offenders with a history of alcohol-related criminal offenses in order to reduce recidivism and long term jail sentences.

The Docket is a voluntary, non-adversarial, post-conviction program bringing together treatment providers, social agencies and criminal justice professionals as a team to help each participant succeed in the program.

### **Goals and Objectives**

The goals and objectives of the Docket are as follows:

**Goal 1:** To reduce future drunk driving offenses for Docket graduates.

**Objective:** Recidivism decreases by 15% for Docket graduates over a ten (10) year period when compared to multiple-OVI offenders not in the Docket.

**Performance Measure:** The number of OVI offenses committed by a Docket graduate measured from the date of graduation for a period of ten (10) years.

**Goal 2:** To reduce jail bed days for Docket participants.

**Objective:** Reduce jail bed days for Docket participants by 25% from original sentence.

**Performance Measure:** The number of jail bed days ordered at the time of sentencing plus any additional jail days ordered for impairment while an individual is in the program compared to the total jail days that would have been otherwise imposed for an OVI offense.

**Goal 3:** To reduce the financial cost of incarceration of Docket participants.

**Objective:** The incarceration cost of Docket participants will be reduced by 25%.

**Performance Measure:** The number of jail bed days actually spent plus any additional jail days ordered for impairment while an individual is in the program multiplied by the daily cost of a jail bed day compared to the total jail days spent by a multiple OVI offender not participating in the program.

**Goal 4:** To increase the number of Docket participants who complete the substance abuse treatment program as recommended by the treatment provider, not including participation in a support program such as AA, within one (1) year of program engagement.

**Objective:** 80% of Docket participants will complete treatment within one (1) year of program engagement.

**Performance Measure:** The number of Docket participants who complete treatment within one (1) year of program engagement compared to the total number of Docket participants receiving treatment within one (1) year of program engagement.

### **Advisory Committees**

As part of the planning process for establishing the Docket, the Court convened a body of community stakeholders to discuss the concept of an OVI docket, issues of public safety and other community concerns, and target populations. The stakeholders reviewed the Program

Description, the Court Rule, the Participant Handbook, and other related documents. A key role for the stakeholders group was reaching consensus on whether there was a need in Delaware County for this kind of treatment court. A key role for the stakeholders was reaching consensus on whether there was a need in Delaware County for this kind of treatment court. After agreeing that a docket targeting repeat OVI offenders was a critical community need, the key players entered into an agreement setting forth the terms of the specialized docket operations. Stakeholders included representatives of the treatment community, the mental health/recovery service board (the equivalent of an ADAMH board), law enforcement agencies, jail, prosecutor, defense bar, community members, community control, and the judge. For a list of the stakeholders, see Appendix M.

The Advisory Committee is a multidisciplinary team of key officials, policy makers, and community members in agreement to provide oversight for the OVI Docket. The Committee supports the ongoing operation of the program by reviewing community trends and needs, sustainability planning, and oversight and direction on policy and procedural changes. Public members of the Committee will serve for two years at a time. The Committee will meet no less than biannually. The Judge is the chair of the Committee. For a complete list of committee members, including contact information, see Appendix K.

Certain members of the Committee also sit on the Delaware County Specialized Dockets Advisory Committee. The Judge, Docket Coordinator, and Community Control Officer will always be members of the County Committee. An additional member of the OVI Committee will sit on the County committee; the Judge will appoint that member annually. The countywide committee was established in January 2013 when the judges operating specialized dockets in Delaware County decided to merge their individual advisory committees to focus on sustainability and ensure effective use of resources. Meetings are held on a quarterly basis. Each judge serves for one year as the committee chair on a rotating basis. Other judges are in attendance when not serving as the chair. The joint committee members include representatives of the courts, law enforcement, probation departments, treatment providers, prosecutor and defense attorneys, community members, and other stakeholders in Delaware County, all of whom are recognized as being important participants in the oversight of specialized dockets.

## **Part 2: Target Population**

### **Target Population**

The target population is repeat OVI offenders who meet both the legal and clinical criteria described below. Certain first-time OVI offenders, offenders on community control who are charged with OVI, and individuals charged with physical control of a vehicle while under the influence (PCI) are also eligible for admission to the docket. Eligibility is established through a screening interview by the Docket Coordinator and a diagnostic evaluation by a licensed, certified treatment provider.

### **Legal Eligibility Criteria**

An individual who is charged with OVI or PCI and meets one of the following criteria will be considered for admission to the Docket:

- At least one prior OVI conviction within the last twenty (20) years; or

- A prior record of at least one (1) other non-OVI misdemeanor conviction in which the underlying act was the result of the use or abuse of alcohol and/or drugs of abuse as defined in Ohio Revised Code 3917.011(A); or
- Is already on community control and subject to a community control violation for the use or abuse of alcohol and/or drugs of abuse.

In addition, the offender must meet the following criteria:

- The offender does not have a pending felony;
- The offender understands and appreciates the consequences of the legal proceedings;
- The offender has legal counsel;
- The offender may be appropriately treated in the community and is receptive to treatment for alcohol/substance abuse/addiction; and
- The offender does not pose a significant risk of harm to court staff, treatment providers, or other persons working with the Docket.

### **Clinical Eligibility Criteria**

The offender must have a diagnosis of substance use disorder as defined in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5)* and subsequent revisions.

### **Disqualification Factors**

Not every offender will be eligible to participate in the Docket, even if the offender meets the legal and clinical criteria. The following items are disqualification factors to be considered:

- Significant mental illness.
- History of violent offenses.
- Pending felony charges.
- Previous prison and/or parole history.
- Currently on post release control or felony supervision.
- Significant drug related charges.
- Highly resistant to changing behavior in spite of previous interventions and/or punishments.
- Lack of transportation.
- Receiving Developmental Disability services or eligible for such services.
- Transient residency, or temporary or unstable housing.
- Lives out of Delaware County.

Cases are reviewed on an individual basis to determine the extent and circumstances of the disqualification factors versus the need to participate in the program.

Participants who successfully complete the Docket and are convicted of a subsequent OVI offense or who are unsuccessfully terminated from the program are not eligible to enter the Docket again.

### **Capacity**

The Docket may serve up to twenty-five (25) offenders in various phases at any one time.

## **Part 3: Program Entry and Case Flow**

### **Overview**

Identification of potential eligible candidates is the first step for entry into the Docket. The procedure is informal. Once the Docket Coordinator establishes an individual's eligibility, defense counsel may file a motion for voluntary admission. The motion should be filed before a pretrial conference is held in the case.

### **Legal Eligibility Screening**

Potential participants in the Docket are generally identified during the arraignment stage following an arrest for OVI. Offenders can also be referred for screening for participation in the Docket as a result of a community control violation. Any person may recommend an individual to be screened; a judge or a magistrate must make the referral.

Upon referral, offenders are required to sign a limited consent and waiver form to be screened and assessed to determine eligibility. Prior to signing the limited consent, offenders will meet with an appointed attorney or with private counsel to review the form and the requirements of the program. See Appendix A, Limited Consent and Waiver.

The offender meets with the Docket Coordinator for an informal screening to determine legal eligibility. See Appendix B, Legal Eligibility Screening Tool. If an offender meets the legal eligibility, the Docket Coordinator will notify the offender's attorney of legal eligibility and will give the offender a copy of the Participant Handbook. The Participant Handbook is found on the Municipal Court website under the tab for "OVI Docket."

Upon determining an offender meets the legal eligibility criteria, the Docket Coordinator will file a court-approved Motion for Assessment for an order requiring the offender to report to a specified treatment provider for a clinical evaluation. See Appendix C, Motion and Order for Assessment.

### **Clinical Assessment**

All offenders seeking admission into the Docket must undergo a clinical assessment and evaluation from an approved treatment provider to establish clinical eligibility. An offender will be required to complete a diagnostic intake/assessment with a treatment provider within two (2) weeks of the Order for Assessment to determine clinical eligibility for participation in the Docket.

### **Program Admission**

The Judge will determine an individual's admission to the Docket following a recommendation for acceptance by the Team. All assessments and evaluations, including the recommendation, includes available collateral information. Meeting the written legal and clinical eligibility criteria does not create a right to participate in the Docket. Even if an individual is eligible, admission to the Docket is not guaranteed. The Judge has discretion to decide admission into the program in accordance with the written eligibility criteria.

Once the Judge determines that an individual should be offered admission, the case is scheduled for set for a hearing before the Judge for plea, sentencing, and admission to the Docket. Defense counsel must file the Motion for Admission with the Court prior to the admission hearing. See

Appendix D, Motion and Entry for Admission. Defense counsel is expected to have reviewed the Participant Handbook with the candidate prior to the admission hearing.

If the individual chooses to participate in the Docket, the Judge will sentence the individual (now called “participant”) to the minimum mandatory jail time under ORC §4511.19 and a term of reporting community control supervision. The Judge will direct the individual to participate in and complete the terms of the Docket. Treatment and supervision will begin immediately.

Terms of the Docket will include:

- No alcohol consumption or illegal drug use.
- Stay out of bars and any business that gets most of its money from selling alcohol.
- Frequent, random and observed toxicology screens.
- SCRAM Alcohol Monitoring.
- Smart Start Alcohol Monitoring.
- Treatment for substance use disorder at a court-approved treatment provider.
- Support group meetings as directed by the Docket phases.
- Other counseling as determined necessary.
- GED or High School diploma.
- Maintain lawful employment.
- Vocational/educational training if necessary.
- Restitution if necessary.
- Court fines and costs, including supervision fees.
- Community service.
- Reporting to Community Control as directed by Community Control Officer.
- Other forms of Electronic Monitoring (EMU).

Participation in the Docket is voluntary. At the admission hearing, the participant will sign the Participation Agreement. See Appendix E, Participation Agreement.

### **Releases of Information**

Upon admission to the Docket, the participant will be required to sign releases of information as required by the Docket Coordinator. Treatment providers may also request the participant to sign releases. Releases of information allow for the exchange of collateral information to ensure the accuracy of the information provided to the Team in the assessment. In addition, the releases allow the timely and accurate exchange of information amongst relevant parties in each treatment court case. See Appendix F, Sample Release of Information. 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.

### **Treatment Services**

As part of the Docket, participants are subject to compliance monitoring to determine completion of court requirements, including all required treatment and counseling. Compliance checks can be conducted in the treatment agency, the courtroom, the community control office, or the home during evening and weekend hours. The Docket Coordinator will maintain a record of all current



and updated treatment and case plans with all treatment providers and other approved service providers.

Participants will work with their treatment providers to develop a treatment plan that is individualized to the participant's needs, including being responsive to issues of gender and culture appropriateness, and includes evidence-based strategies for the participant population. Treatment providers will identify co-occurring disorders and work with the Court to effectively address those issues.

### **Treatment and Other Service Providers Requirements**

All screenings and assessments for treatment determinations and all services and programs shall be provided by programs or persons who are appropriately licensed and trained to deliver such services according to the standards of the profession. Treatment providers working with the Docket have signed a Memorandum of Understanding (MOU) that describes mutual responsibilities. See Appendix N, Memorandum of Understanding.

### **Approved Treatment Providers**

The following providers are approved treatment providers for the Docket:

- Recovery and Prevention Resources (RPR)
- Maryhaven

Participants are free to choose other treatment providers. However, choosing a provider not on the Court's list will require prior approval from the Docket Coordinator. A mandatory condition of using another treatment provider is that the treatment provider agrees to have an appropriate member of its treatment staff attend all Team meetings and status review hearings.

### **Specialized Docket File Maintenance**

The Docket Coordinator is responsible for maintaining the program case file while a participant is active in the Docket. The program case file includes treatment reports, compliance reports, and other documents demonstrating the participant's progress through his or her activities in the docket. This file also contains copies of all journalized court documents.

Upon a participant's completion or termination from the Docket, all documents that were collected through daily operations of the case will be destroyed. The legal documents (such as judgment entries, motions, etc.) will be retained in the administrative journal electronically in compliance with Rule 503 of the Local Rules of Practice of the Delaware Municipal Court.

## **Part 4: Docket Team**

### **Overview**

The Docket Team includes the Judge, the Docket Coordinator, the Community Control Officer, and representatives from all treatment providers for all docket participants. Other individuals may be added to the Team at the discretion of the Judge. Members of the Team attend and actively participate in the Team meetings regarding participants in the Docket. Team meetings take place every Friday of the month at 3:30 p.m. immediately prior to the Docket status review hearings.

## **Duties of Team Members**

Team members assume a collaborative role with one another, which includes contributing to individualized case plans and developing sanctions needed to monitor and modify a participant's behavior.

Team members maintain professional integrity, confidentiality, and accountability. No protected information is disclosed involving treatment unless there is a written release of confidential information signed by a participant. Team discussions are deemed confidential and only shared when necessary for the benefit of the participant. All members are expected to treat each other with respect, understanding their different relative roles while at the same time holding each other responsible for their participation and basis for recommendations.

Between meetings, Team members engage in on-going communication by email, telephone, in person meetings, and written treatment progress reports, including frequent exchanges of timely and accurate information about a participant's overall performance.

## **Specific Roles and Responsibilities**

### **Judge**

- Attends all Team meetings prior to status review hearings.
- Presides over all status review hearings.
- Has discretion to decide the admission into or termination from the Docket in accordance with the written legal and clinical criteria.
- Serves as the decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination.
- Is a member of the Docket and the Delaware County Specialized Dockets Advisory Committees and attends their meetings.
- Acts as a spokesperson to community and peers.

### **Docket Community Control Officer**

- Assists with identifying potential participants.
- Assists the participant in all phases of the Docket program.
- Develops court services plan that uses evidence-based strategies.
- Monitors compliance with case supervision plan.
- Meets with participants on a regular basis.
- Assists participants with obtaining transportation, housing, education, employment, medical care, family issues, training, and applying for government assistance.
- Conducts random alcohol and drug tests, reports the results of tests to the Team.
- Monitors compliance with any sanctions.
- Visits the participant at home, school, or other locations.
- Attends Team meetings and status review hearings.
- Makes referrals to other agencies.
- Provides documentation on a participant's progress.
- Informs the Team whether treatment plan, supervision plan, and court orders are being followed.
- Reports any violations of the court services plan.
- Provides progress reports and recommendations during Team meetings.

- Participates in discussions about incentives, sanctions, phase advancement, successful completion, and termination.
- Meets with participants regularly to discuss individualized program goals and progress.
- Assists with decision-making regarding admission to and continued participation in the Docket.
- Member of the Docket and the Delaware County Specialized Dockets Advisory Committees and attends those meetings.

### **Docket Coordinator**

- Maintains the daily operations of the Docket.
- Assists with identifying potential participants.
- Meets with any potential participants upon referral and conducts initial screening for legal eligibility.
- Collects and maintains statistical information and other confidential records concerning participants, collects data from service providers, and creates reports for review and submission to funding sources.
- Coordinates collection of data, maintains program statistics and directs the preparation of progress reports.
- Gathers progress reports from treatment and service providers.
- Ensures that Team members follow program policies and procedures.
- Monitors service provider agreements and services to participants.
- Assists Judge in planning Docket Advisory Committee meetings.
- Coordinates Team professional education.
- Attends Team meetings and status review hearings.
- Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.
- Assists with decision-making regarding admission to and continued participation in the Docket.
- Member of the Docket and the Delaware County Specialized Dockets Advisory Committees and attends those meetings.
- Identifies grant and other funding opportunities for the sustainability of the Docket and takes the lead in applying for such funding.

### **Licensed Treatment Providers**

- Conduct diagnostic assessments, provide the clinical diagnosis, and develop individualized treatment service plan for each participant treating at that agency.
- Provide documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests.
- Conducts random alcohol and drug tests, reports the results of tests to the Team.
- Attend Team meetings and status review hearings.
- Give treatment updates and make recommendations regarding treatment needs during OVI Team meetings.
- Participate in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.
- Assists with decision-making regarding admission to and continued participation in the Docket.
- Participates in data collection.

- A representative from each treatment agency serves as a member of the Docket Advisory Committee and attends those meetings.

## **Part 5: Participant Monitoring**

### **Overview: Status Review Hearings**

Status review hearings are held every Friday of each month, beginning at 4:00 p.m. In Phase 1, participants are required to attend status review hearings on a weekly basis. As participants progress through the three phases, status review hearings become less frequent. At each status review hearing, the Judge provides an explanation of responses to compliance and noncompliance of each participant.

### **Phases**

Phases are the steps in which a participant's progress through the Docket is monitored. Phases are used as guidelines that can be modified to meet a participant's specific circumstances and needs. Participants are required to frequently report to the Community Control Officer for monitoring, assistance and compliance with treatment plans, random alcohol and drug testing, and required reporting.

The supervision guidelines for the Docket are designed to impact a participant over a series of three (3) phases. The initial phase, Phase 1, is the most restrictive. It limits the participant's activities and requires strict compliance with case management and treatment plans. As a participant demonstrates compliance with directives, he or she will advance through the phases and have less restrictive requirements. In addition to the three phases, there is also a pre-phase and a post-phase.

Participants appear at status review hearings before the Judge every Friday of each month during Phase 1. During Phases 2 and 3, participants appear less frequently. Participants can move in and out of phases from the most restrictive to the least restrictive. Phase advancement is based on individual performance on a case-by-case basis and as recommended by the Team. Progression through the Docket is based on the participant's performance in the treatment plan and compliance with the requirements of the phases. Phase advancement is not solely based on pre-set timelines. Court services plans listing the requirements of each phase are found in Appendix G, H, and I. Each participant will have a plan that is individualized to the participant's needs, including being responsive to issues of gender and culture appropriateness, and includes evidence-based strategies for the participant population. Treatment providers will provide access to a continuum of approved treatment services, to be determined on an individual basis. The Docket Coordinator will ensure that participants have prompt access to a continuum of rehabilitation services, including but not limited to housing assistance, literacy and other education programs, and employment programs. Both the treatment providers and the Court staff will communicate regularly and frequently to coordinate access to all services.

Below is an outline of the phase system used in the Docket.

### **Preadmission Phase**

The Preadmission Phase starts with an arrest on an OVI charge or other qualifying charge and ends when the individual appears in court with counsel and formally enters the Docket.

During Preadmission, the individual will:

- Complete an eligibility screening with the OVI Docket Coordinator.
- Complete a drug and alcohol assessment with an approved treatment provider.
- Report to the OVI Community Control Officer as directed.
- Permit a home visit by the OVI Community Control Officer if required.
- Submit to a random drug screen.

The prosecutor and the defense attorney have critical roles in the operation of the Docket. The prosecutor's role is to pursue justice and to protect both public safety and the rights of victims. To attain those goals, the prosecutor should diligently investigate and make available discovery to defense counsel in a timely fashion so that counsel may adequately advise the individual of the advisability of choosing or rejecting to seek admission to the Docket.

Defense counsel's role is to preserve the individual's constitutional rights. As such, counsel is expected to advise the individual of the expectations and requirements of docket participation, and to explain the waiver of constitutional rights upon entry, including but not limited to the right to have counsel present at Team meetings.

This docket is a post-conviction model and the role of both defense counsel and prosecutor will likely lessen once the individual enters the docket. A participant has the right to request that counsel present at team meetings and status review hearings.

### **Phase 1: Stabilization**

Phase 1 begins with admission into the Docket. During Phase 1, the participant will:

- Enter a Guilty Plea to the OVI or other charges and sign the Participation Agreement.
- Serve any jail days ordered as a part of the guilty plea to the underlying offense.
- Begin treatment program in jail at the direction of the treatment provider.
- Report to the Community Control Officer once a week or more, as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug testing.
- Report to court for status review hearings at 4:00 p.m. every Friday of each month with no missed sessions.
- Sign all required Releases of Information.
- Wear a SCRAM or other alcohol monitoring device.
- Participate in alcohol or drug counseling as determined by the treatment provider.
- Provide verified attendance of support meetings such as AA/NA.
- Begin required community service.
- Follow all curfew requirements, including house arrest.
- Attend life skills, health, employment programs as directed.
- Comply with court services plan.
- Remain clean and sober.

To advance to Phase 2, the participant must have 60 days of no evidence that participant has ingested, consumed, or otherwise used any illegal substance or alcohol, or that the SCRAM has been tampered with or removed or that alcohol consumption has been detected. The participant will not have any unexcused absences from treatment or from OVI status review hearings for 60 days. The participant must have at least two satisfactory home visits and meet all other Phase 1

requirements. The participant must not have any pending probation violations within the last 60 days and no new pending criminal or serious traffic offenses in the same time period. The participant must be current in the payment of court costs, fines, and supervision fees. The participant must complete and submit all required essays. The Team must recommend to the Judge that the participant is ready to move on to Phase 2.

### **Phase 2: Community Reintegration**

During Phase 2, the participant will:

- Report to the Community Control Officer as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug testing.
- Use a Smart Start.
- Report to court for status review hearings every other Friday at 4:00 p.m. as directed by the Community Control Officer.
- Attend a Victim Impact Panel.
- Continue alcohol or drug counseling as determined by the treatment provider.
- Provide verified attendance of support meetings such as AA/NA.
- Acquire a sponsor.
- Demonstrate employment and/or participation in a higher learning program.
- Complete all required community service.
- Comply with court services plan.
- Remain clean and sober.

To advance to Phase 3, the participant must have at least 90 days of clean drug testing. The participant must not have any pending probation violations for 90 days and no new pending criminal or serious traffic offenses in the same time period. The participant must be current in the payment of court costs, fines, and supervision fees. The participant must complete and submit all required essays. The Team must recommend to the Judge that participant is ready to move to Phase 3.

### **Phase 3: Maintenance**

During Phase 3, the participant must:

- Report to the Community Control Officer as directed.
- Permit random unannounced home visits by the Community Control Officer.
- Be subject to random drug testing.
- Report to court for status review hearings once a month as directed by the Community Control Officer.
- Complete alcohol and drug counseling.
- Provide verified attendance of support meetings such as AA/NA.
- Demonstrate employment and/or participation in a higher learning program.
- Comply with the court services plan.
- Pay court costs and fines in full or show completion of community service in lieu of payment.
- Stay clean and sober.

To complete Phase 3 and be ready for graduation, the participant must have at least 60 days of clean drug testing. The participant must not have any pending probation violations for 60 days

and no new pending criminal or serious traffic offenses in the same time period. The participant must be current in the payment of court costs, fines, and supervision fees. The participant must complete and submit all required essays. The Team must recommend to the Judge that participant is eligible and ready to graduate.

### **Graduation and Post-Graduation: Continued Supervision**

The Judge makes the final decision about a participant's readiness to graduate. The Community Control Officer will inform the participant when the Judge has decided the participant is eligible for graduation.

Graduation is a time to celebrate a participant's transition to a healthy lifestyle. The participant will be able to invite family and friends to the graduation ceremony. This special event is meant as a celebration of a participant's accomplishments and the beginning of a new way of life.

The post-graduation phase begins on the date of program graduation and continues until the term of reporting community control is completed or terminated by the Judge. After a participant graduates, he or she no longer has to attend court sessions. However, the participant must follow all remaining requirements of supervision and reports to the Community Control Officer as required.

### **Rewards and Incentives**

Close judicial monitoring and intensive supervision are essential to reinforcing positive behavioral outcomes. Regular status review hearings provide the opportunity for the Court to recognize and reward positive behavioral developments. Incentives are used as an important component for success in making lasting behavior changes. Incentives acknowledge the difficult changes participants are making in their lives. Incentives are individualized according to the specific treatment plan and are directly related to the participant's achievements as certain milestones are attained. Immediate, graduated, and individualized incentives shall govern the responses of a specialized docket to a specialized docket participant's compliance. Incentives are tracked to ensure that the participant is rewarded on a progressive basis.

General rewards are given at the discretion of the Judge to mark participant achievements. The following are examples of incentives used in the Docket:

- Praise from the Judge for achieving sobriety milestones, advancement to a phase, and completion of an educational/vocational program.
- Special recognition given at status review hearings.
- Reduction in supervision as a reward for phase advancement.
- Increase in personal freedoms as a reward for phase advancement.
- Certificates and mementoes in recognition of achieving sobriety milestones.
- Gift certificates presented for achieving sobriety milestones and completion of the program.
- Movement to the next phase.
- Be placed at the beginning of the OVI status review hearing.
- Reduction of a fine or conversion to community service.
- Driving privileges with or without an ignition interlock device.
- Removal of electronic monitoring device.
- Decreased time on supervision.

- Reduction of supervision fees upon graduation.

Incentives and awards are given upon achieving certain milestones in sobriety and upon advancement to the next phase. Those milestones include:

- 30 days of sobriety
- 60 days of sobriety
- Completion of Phase 1
- 120 days of sobriety
- 150 days of sobriety
- 180 days of sobriety
- Completion of Phase 2
- Seven (7) months of sobriety
- 3 consecutive negative screens
- 6 consecutive negative screens
- 12 consecutive negative screens
- 24 consecutive negative screens

### **Sanctions**

Immediate, graduated, and individualized sanctions govern the response to a participant's non-compliance. Sanctions are used to help a participant conform behavior to program requirements and deter negative behavior as well as encourage future compliance. Sanctions are issued when there is non-compliance with the court services plan and the treatment plan. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner, based upon the infraction. Adjustment in treatment services, as well as participation in community based support meetings, are based solely on the clinical best interests of the participant.

The Team recommends sanctions to the Judge. The Judge makes the final decision on appropriate punishment. Judgment on any sanctioned behavior should be guided by an overriding consideration of whether the participant should be moved back to a more restrictive phase, restart the current phase, complete additional community service hours, or be incarcerated. At the time of a positive drug test, or if a participant relapses, the Team may consider an adjustment in treatment as recommended or requested by the treatment provider and will recommend sanctions. Any change in the treatment plan and/or sanctions is enforced and reinforced by the Judge.

Some examples of non-compliance issues include:

#### **Court**

- Reporting late to status review hearings.
- Reporting intoxicated or impaired.
- Reporting to Court without required paperwork (example: proof of attendance).
- Failure to appear.

#### **Alcohol and Drug**

- Alcohol consumption.
- Illegal drug use.
- Failure to report for drug tests.
- Non-compliance or tampering with SCRAM, Start Smart, or other monitoring devices.
- Interlock violations.



## **Treatment**

- Missed appointments.
- Termination from treatment services.
- Failure to pay for cost of services.

## **Other Docket Requirements**

- Committing new offenses.
- Missed appointment with Community Control Officer .
- Failure to complete community service.
- Not paying restitution as directed.
- Not attending or failure to provide proof of attendance to support group.
- Failure to engage in ancillary services.
- Failure to abide by court services plan and terms of community control supervision.

The range of sanctions to address program non-compliance for minor to major violations include:

- Be placed at the end of the status review hearing.
- Verbal reprimand by Judge during status review hearing.
- Additional community service hours.
- Delay of completion of a phase.
- Increased reporting requirements.
- Increased Court appearances.
- Curfews with or without electronic monitoring.
- Increased support group requirements.
- Adjustment in treatment services.
- House Arrest.
- Jail.
- Community Control supervision fees and/or fine.
- Revocation of Driving privileges.
- Additional use of SCRAM, Start Smart, or other monitoring device.
- Increased frequency of drug and alcohol testing.
- Demotion to an earlier phase.
- Filing of community control violation.
- Residential placement.
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior.
- Referral to cognitive/behavioral program.
- Termination from the Docket.

## **Part 6: Program Completion**

### **Overview**

The goal of the Docket is always successful graduation from the program. However, participants can be unsuccessfully and neutrally terminated from the Docket. The following outlines the possible outcomes of program completion/termination.

### **Successful Completion**

In order to successfully complete the Docket, participants must:

- Complete all treatment requirements.
- Complete all terms of the court services plan and all phases of the Docket.
- Attend sober support meetings and connect with the recovery community.
- Utilize a sponsor and be active in sober support activities.
- Maintain stable housing.
- Be employed or demonstrate employability.
- Be current in paying any fines or fees
- Complete any ordered community service hours.

### **Neutral Termination**

Sometimes a participant is unable to complete the Docket for reasons beyond the participant's control. In those cases, the participant will be given a neutral termination. Possible reasons to be neutrally terminated from the Docket include:

- A serious medical condition.
- Participant moves out of the county and is unable to attend treatment and court sessions in Delaware County.
- Unforeseen life circumstances that prevent participation in Docket.

A neutral termination does not prohibit the participant from being considered and readmitted to the Docket at a later date.

### **Unsuccessful Termination**

The Judge can and will terminate a participant from the Docket for noncompliance. Behaviors that may lead to unsuccessful termination include:

- Ongoing noncompliance with treatment.
- Continued alcohol or drug use.
- Resistance to treatment.
- New serious criminal convictions.
- A series of specialized docket infractions.
- Leaving a residential program without permission.

The Team may recommend to the Judge that a participant be terminated from the docket. The Judge reserves the discretion to terminate a participant from the Docket based upon the written criteria for completion and/or termination.

Upon an unsuccessful termination, the Judge may and will if necessary add other conditions and restrictions to the terms of the participant's community control and may impose the maximum jail sentence on the underlying charge. A participant who is terminated as unsuccessful is ineligible to participate in the Docket in the future.

## **Part 7: Substance Use Monitoring**

In order to monitor a participant's abstinence from alcohol and illegal substances, a participant will be subject to random, frequent, and observed testing as part of participation in the OVI Docket. The following policies and procedures address elements that contribute to the reliability and validity of the testing procedure so that accurate results are reported to the court.

Participants are not permitted to use alcohol or illegal drugs under any circumstances. Participants are not permitted to use prescription drugs of any kind without providing a copy of the prescription to the OVI Community Control Officer and providing a Notice to Physician Form to the prescribing doctor. See Appendix J, Notice to Physician. This form notifies the doctor of the participant's involvement in a specialized docket. Prescription medications must be taken as prescribed by the doctor. Certain prescription medication, such as opiates and benzodiazepines, are not permitted.

Over-the-counter medications should be used sparingly as some may cause false-positive drug testing results. Participants must report to the Community Control Officer if taking over-the-counter medications. Participants always have the opportunity to report any prescriptions, over-the-counter medications, and illegal drugs prior to their drug test.

### **Procedures**

Drug and alcohol testing is individualized to meet the needs of the participants. Participants will be tested for their drug of choice as well as for other commonly abused substances. Testing is conducted on a random, frequent, and observed basis. Test results are shared with the treatment team.

All urine drug testing will be directly observed by court or treatment staff of the same sex as the participant. Samples are observed in an effort to decrease the likelihood of tampering with the sample.

Positive instant drug screens are sent to an appropriately licensed scientific lab for confirmation testing. The gas chromatography mass spectrometry (GC/MS) results from the lab are considered to be the final result. If a participant disputes the GC/MS results from the lab, then he or she can submit a written request to the Docket Coordinator or Community Control Officer within 24 hours to have the specimen retested. If the test is confirmed positive, then the cost for this additional test is the responsibility of the participant. Retesting of multiple substances would have a cost for each individual substance. If the test is negative, then the participant will not be required to pay for the additional testing.

### **Sanctions**

The following acts will be treated as positive tests and immediately reported to and sanctioned by the Judge:

- Testing positive.
- Failing to submit to drug testing within the allotted time.
- Refusing to submit to a drug test.
- Submitting the sample of another individual.
- Submitting an adulterated sample.
- Participant holding any device containing urine or synthetic urine on or in the body.
- Diluting a urine sample.

Testing positive will result in immediate notification to the Judge and a sanction will be imposed, including but not limited to the following:

- Be placed at the end of the status review hearing.
- Verbal reprimand.
- Additional community service hours.
- Delay of completion of a phase.
- Increased reporting requirements.
- Having to attend more status review hearings.
- Curfews with or without electronic monitoring.
- Increased support group requirements.
- Adjustment in treatment services.
- House Arrest.
- Jail.
- Community Control supervision fees and/or fine.
- Revocation of driving privileges.
- Being put back on Continuous Alcohol Monitoring (SCRAM).
- Having to continue to use Smart Start.
- Increased frequency of drug and alcohol testing.
- Being moved back a phase and having to repeat it.
- Filing of community control violation.
- Warnings and admonishment from the Judge.
- Residential placement.
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior.
- Termination from the Docket.

Failure to comply with court rules, including all orders of the Judge and the terms of both the treatment plan and the court services plan, may result in termination from the Docket.

A participant will be tested upon admission and intake into the program. In the event that the participant tests positive, the Docket Coordinator or Probation Officer will immediately notify the Judge and the matter will be set for hearing the next day Court is in session with notice to defense counsel to review the participant's appropriateness for admission.

### **Part 8: Professional Education**

All members of the OVI Team will participate in continuing interdisciplinary education in order to promote effective planning, implementation, and operations of the specialized docket. Each Team member that is licensed will continue to renew licenses in accordance with the appropriate governing body with the State of Ohio. In addition, members of the Team will ensure that they are educated on topics including best practices within the specialized docket model and trends within the fields of substance abuse, mental health, and other relevant topics. Team members will take advantage of trainings provided by the Supreme Court of Ohio including, but not limited to participation in Specialized Docket Practitioner network and sub-network meetings, trainings, and the annual conference.

## **Part 9: Effectiveness Evaluation**

The Docket will engage in on-going data collection in order to evaluate whether the program is meeting its goals and objectives. Data collected may be utilized by the Docket Advisory Committee as part of its ongoing review of the program. The collected data corresponds to the goals and objectives contained in Part 1 of this Program Description.

### **Ongoing Data Collection**

Each participant will have a docket file during his or her participation in the Docket. The Docket Coordinator will maintain the docket files in his/her office. File information includes demographics, case plan, treatment reports and progress, copies of judgment entries, verification of sober activity attendance, drug test results, and other documents demonstrating progress with court orders. The Docket Coordinator also maintains an electronic database to record demographics, phase advancement, and termination status.

In addition to the court's data, treatment providers will provide written notice upon a participant's discharge from services to document the termination status. This information will be collected in the Docket's electronic database and reviewed semi-annually.

All Docket participants will be encouraged to complete a voluntary and anonymous satisfaction survey upon successful completion or termination from the program. The information collected will be used to provide perspective on a participant's experience, effectiveness of programs and services, and suggestions to improve outcomes.

### **Supreme Court Reporting Data**

The Docket Coordinator collects data for purposes of maintaining court documents, monitoring participant progress, reporting grant outcomes, and funding. The Docket Coordinator and other court staff will report data as required by the Supreme Court, including information to assess compliance with these standards.

## **APPENDICES**

Appendix A: Limited Consent for Assessment

Appendix B: Legal Eligibility Screening Tool

Appendix C: Motion and Order for Assessment

Appendix D: Motion and Entry for Admission

Appendix E: Participation Agreement

Appendix F: Sample Release of Information

Appendix G: Court Services Plan, Phase 1

Appendix H: Court Services Plan, Phase 2

Appendix I: Court Services Plan, Phase 3

Appendix J: Notice to Physician

Appendix K: Advisory Committee Members

Appendix L: Treatment Team Members

Appendix M: Stakeholders Planning Committee

Appendix N: Memorandum of Understanding