

CONNEAUT MUNICIPAL COURT SPECIALIZED DOCKET

RENEWAL COURT

PROGRAM DESCRIPTION



Judge Nicholas A. Iarocci
Conneaut Municipal Court
290 Main Street
Conneaut, Ohio 44030
T (440) 593-7410
F (440) 593-6402

Table of Contents

Overview	1
Standard 1: Planning Process	1-3
Advisory Committee	3
Standard 2: Legal and Clinical Eligibility	3-4
Target Population	3-4
Legal Eligibility	4
Clinical Criteria	4
Standard 3: Program Entry and Case Flow	5-7
Referral Process	5
Application	5
Initial Screening/Assessment	5-6
Admission and Acceptance into Docket	6-7
Participation Agreement and Participant Handbook	7
Standard 4: Treatment and Rehabilitation	7-8
Standard 5: Docket Progression	8-13
Program Phases	9-13
Standard 6: Treatment Team	13-16
Standard 7: Participant Monitoring	16-17
Standard 8: Incentives, Sanctions, and Therapeutic Adjustments	17-20
Standard 9: Substance Monitoring	20-22
Standard 10: Program Completion	22-25
Standard 11: Professional Education	25
Standard 12: Effectiveness Evaluation	26
Standard 13: Constitutional and Due Process Rights	26

Index of Appendixes

- Appendix I** _____ **Local Rule No. 38**
- Appendix II** _____ **Current Roster Advisory Committee Members**
- Appendix III** _____ **Application for Diversion or Post-Conviction**
- Appendix IV** _____ **Authorization for Release of Confidential Information**
- Appendix V** _____ **Participation Agreement and Participant Handbook**
- Appendix VI** _____ **Application for Commencement**
- Appendix VII** _____ **Current Roster Treatment Team Members**
- Appendix VIII** _____ **Sample Progress Report**
- Appendix IX** _____ **Substance Use Testing Policies and Procedures**
- Appendix X** _____ **Standard Court Forms**

OVERVIEW

The Conneaut Municipal Court Specialized Docket known as the Renewal Court (“Renewal Court”) has been created to address the unique needs of offenders who suffer from any mental health disorder or from co-occurring mental health and substance use disorders that have contributed to an underlying criminal offense, while increasing the likelihood of future criminal justice involvement. Renewal Court offers qualified offenders with any such disorder(s) a treatment alternative in lieu of incarceration. The mission of Renewal Court is to facilitate effective and efficient treatment for offenders with mental health and/or substance use disorders by providing comprehensive support and monitoring services in collaboration with the Conneaut Municipal Court and area mental health and substance use treatment providers. The program is for “high risk, high needs” individuals that are likely not expected to successfully comply with standard terms of probation.

Renewal Court and other problem-solving initiatives provide participants with mental health or co-occurring mental health and substance use disorders with an opportunity to participate in a variety of proven treatment services. The Judge is the central figure on a team that focuses on treatment compliance, abstinence, and accountability as the primary goals. Because the Judge’s role is to keep participants engaged in treatment, providers can effectively focus on developing a therapeutic relationship with the participant. In turn, treatment providers, the Renewal Court Administrator and Probation Officer keep the court informed of each participant’s progress so that appropriate rewards and sanctions can be provided. A “sanction” is a consequence for violating the rules of the probation and/or Renewal Court. An “incentive” is a reward for complying with the treatment recommendations.

Renewal Court represents an innovative judicial approach in which participants are held accountable for their actions but are also given the tools they need to break the patterns that damage their lives and communities in which they live.

The rules of Renewal Court are definite, easy to understand and structured to ensure that compliance is within reach. The participant’s performance is immediately and directly communicated to the Judge, who rewards progress or penalizes noncompliance. Renewal Court and other similar specialized docket courts establish an environment the participant can understand - a system in which clear choices are presented and individuals are encouraged to take control of their own recovery. There is strong evidence supporting favorable outcomes for the individuals participating in specialized docket courts like Renewal Court.

STANDARD 1: PLANNING PROCESS

The planning for Renewal Court started in 2020 with the drafting of a local rule, **Appendix I**. The worldwide pandemic with COVID significantly delayed the process of implementation of the local rule. In 2022, Judge Nicholas A. Iarocci invited key officials and policy makers to

comprise a team to effectively and collaboratively reach consensus on a variety of issues inherent in the implementation of a specialized docket for offenders suffering from any mental health or substance use disorder. The initial parties participating in this process included: Judge Iarocci, the Conneaut Law Director, a defense attorney, a representative from the Conneaut Police Department, a community stakeholder, Ashtabula County Mental Health and Recovery Services Board, and Probation Officer. In addition, support was given by various service providers and the Ohio Supreme Court. Following the comprehensive planning process, the relevant parties collaboratively developed, reviewed, and agreed upon the following items of Renewal Court:

- A Program Description for Renewal Court.
- A Participation Agreement executed by the offender for admission to Renewal Court.
- A Participant Handbook detailing the rights and responsibilities of participants.
- Written legal and clinical eligibility, completion, termination, and neutral discharge criteria.

Renewal Court has utilized a comprehensive and collaborative planning process that includes: an Advisory Committee; Conneaut Municipal Court Local Rule No. 38 authorizing the operation of Renewal Court; this Program Description which contains written policies and procedures that demonstrate compliance with all specialized docket certification requirements and incorporates national best practices for the mental health or substance use disorder or co-occurring mental health and substance use disorders of the participants to be served; a written Participation Agreement and participant handbook detailing the rights and responsibilities of participants in the specialized docket; and a Memorandum of Understanding to be executed by Renewal Court and relevant parties setting forth the terms of Renewal Court operations and the parties' responsibilities to the operations. Renewal Court will employ a process that is non-adversarial but recognizes the distinct role of a prosecutor in pursuing justice and protecting public safety and victim's rights, and the distinct role of a defense counsel in preserving the constitutional rights of a Renewal Court participant.

The Conneaut Renewal Court Judge will evaluate the effectiveness of the specialized docket by reporting data as required by the Ohio Supreme Court and engage in ongoing data collection to evaluate whether the specialized docket is meeting its goals and objectives. The following are the measurable goals and objectives of the Conneaut Renewal Court:

- Goal 1: Reduce the percent of participants who reoffend while participating in Renewal Court.
- Objective 1: 75% of Renewal Court participants will not be charged with a new offense while participating in Renewal Court.
- Goal 2: Reduce the percent of participants who reoffend within one year following program completion.

- Objective 2: 78% of Renewal Court graduates will not be convicted of a new offense within one year of program completion.
- Goal 3: Maximize the percent of participants who successfully complete Renewal Court.
- Objective 3: 80% of Renewal Court participants will successfully complete Renewal Court and graduate.

Advisory Committee

Renewal Court works in conjunction with the Renewal Court Advisory Committee. The Advisory Committee is comprised of a multidisciplinary team of key officials, policymakers, and relevant parties needed to support the effective operations of Renewal Court, including, but not limited to, the Renewal Court Judge, who attends and serves as the chairperson, the Law Director/Prosecutor, defense counsel, the probation department, a law enforcement representative, funding authorities, a representative of the Mental Health and Recovery Services Board and community members.

The Advisory Committee shall meet regularly and provide oversight on policies and procedures; facilitate agreements with partner agencies; improve the quality and expand the quantity of available services; garner political and community support for Renewal Court; evaluate the effectiveness of Renewal Court; and plan for the sustainability of Renewal Court. The Advisory Committee shall establish and monitor measurable goals and objectives of Renewal Court.

A current roster of Advisory Committee members is included in **Appendix II** attached hereto.

STANDARD 2: LEGAL AND CLINICAL ELIGIBILITY

Target Population

Renewal Court serves Ashtabula County residents who have a mental health or substance use disorder or co-occurring mental health and substance use disorders that have contributed to the commission of the charged offenses, and who require more intensive court-monitored treatment in order to enhance their ability to lead a law-abiding life. Other factors considered are family history, health condition, and motivation and willingness to participate.

Renewal Court shall identify the individuals who can be treated safely and effectively. Renewal Court shall generally target individuals with a moderate to high risk for recidivism and a high need for treatment. If it is unable to target only high-risk and high-need offenders, Renewal Court may use alternative tracks with services that are modified to meet the risk and need levels of its participants.

Renewal Court shall further ensure equal opportunity for everyone to participate and succeed, regardless of race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. Renewal Court shall take

affirmative steps to detect and correct disproportionate census, inequitable services, and disparate outcomes involving those who have historically faced discrimination; and shall ensure that its team understands and is responsive to the cultural differences within its population.

Renewal Court can effectively monitor and treat twenty-five (25) participants.

Legal Eligibility

The legal eligibility guidelines herein have been collaboratively developed, reviewed and agreed upon by the relevant parties.

A candidate for Renewal Court as a diversion applicant must meet the legal criteria of Intervention in Lieu as set forth in Ohio Revised Code Section 2951.041. In addition, the following criteria shall apply to both diversion and post-conviction candidates:

Exclusion Factors:

- ☐ Defendant does not reside in Ashtabula County
- ☐ Charged with O.V.I./D.U.I. if the individual is a diversion applicant
- ☐ Charged with any type of sex offense
- ☐ Victim is 65 or older
- ☐ Victim is under 13
- ☐ Victim is permanently and totally disabled

If any box is checked, the defendant is not eligible for Renewal Court. If no boxes are checked, review additional considerations.

Additional Considerations.

Other prior history:

- ☐ Sex crimes
- ☐ Prior felony convictions resulting from assaultive behavior

If no boxes are checked, the defendant meets the threshold legal criteria for admission into Renewal Court. Also, if any box is checked, the Renewal Court Treatment Team will recommend to the Renewal Court Judge who will ultimately determine whether admission is likely to undermine integrity of the program or pose an unreasonable risk to staff and other participants. In all cases involving additional considerations, a written statement of reasons for admission or exclusion will be placed in the defendant's Renewal Court file.

Clinical Criteria

The participant must have a mental health or substance use disorder or co-occurring mental health and substance use disorders diagnosis that have contributed to an underlying criminal offense and increased the likelihood of future criminal justice involvement. An offender who has needs that are beyond the scope of the appropriate treatment which Renewal Court can reasonably accommodate may be excluded from participation.

STANDARD 3: PROGRAM ENTRY AND CASE FLOW

Referral Process

Potential participants can be referred to Renewal Court in various ways, including, but not limited to, Law Director/Prosecutor referral; Judge referral; Probation referral; Defense Counsel referral; Jail referral; Treatment provider referral; and Self-referral. A referral can be made at any stage of the court process, including initial appearance, pretrial, plea agreement, change of plea, intervention in lieu of conviction, post-plea, and sentencing, while currently under court supervision/probation or as a result of a probation violation. The referring entity will meet with the defendant and/or his or her attorney regarding the referral, complete an application form described below and provide the completed form to the Law Director/Prosecutor.

Application

A person who is interested in participating in Renewal Court must submit, through his or her attorney, an application to the Conneaut Law Director/Prosecutor, using the form attached hereto as **Appendix III** or any modified application form, who will determine legal eligibility in accordance with this program description, and after consultation with the defense attorney and Renewal Court Administrator, submit to the Renewal Court Judge a written recommendation in favor or against the individual's participation in Renewal Court. A person may either apply to participate as a diversion applicant of the program or as a post-conviction applicant of the program, but not both.

The Renewal Court Judge has the sole discretion to decide admission into and termination from Renewal Court in accordance with the criteria for Renewal Court, notwithstanding the Law Director/Prosecutor's recommendation. There is no legal right to participate in Renewal Court, and the decisions of the Renewal Court Judge are final.

Initial Screening/Assessment

Upon referral and receipt of a completed application, the Renewal Court Administrator shall promptly conduct an interview and an initial eligibility screening of the potential participant. All potential participants referred to Renewal Court shall be screened using the Global Assessment of Individual Needs Short Screener (GAIN SS), to screen for mental health and/or substance use issues. All offenders are screened using the validated Ohio Risk Assessment System either during the initial screening or as part of a Presentence Investigation conducted by the Probation Department.

The Renewal Court Administrator obtains a Release of Information, **Appendix IV**, from the participant and coordinates the scheduling of a mental health and substance use assessment in a timely manner. All mental health and substance use assessments will include available collateral information to ensure the accuracy of the assessment.

All screenings and assessments for treatment determinations shall be provided by programs and persons who are appropriately licensed and trained to deliver such services according to the

standards of the profession. Each participant shall be promptly assessed by Community Counseling Center or Signature Health, as requested by the defendant, in order to determine a qualifying diagnosis and the individual's appropriate treatment needs. The assessment and referral include the following:

- A. Collateral information provided through the completion of a Pre-Sentence Investigation and risk assessment report prepared by the Renewal Court Probation Officer in order to ensure the accuracy of the assessment;
- B. A release of information form completed by the participant for communication about confidential information, participation/progress in treatment and in compliance with the provisions of relevant law, including the "Health Insurance Portability and Accountability Act" and sections 2151.421 and 2152.99 of the Ohio Revised Code; and
- C. Placement as soon as possible into the appropriate treatment program and reporting supervision in order to monitor program compliance.

Admission and Acceptance into Docket

The Renewal Court Judge shall have sole discretion and authority to decide the admission into Renewal Court in accordance with the written criteria herein. The written legal and clinical eligibility criteria herein do not create a right to participation in Renewal Court.

The following legal process shall be followed at the time of initial admission into Renewal Court:

A. Diversion Participant

The diversion participant will enter a guilty plea to the charge(s). The Judge will defer adjudication of the finding of guilt and stay all further legal proceedings and transfer the case to the Renewal Court docket. Upon the participant's successful completion of Renewal Court, the charge(s) is/are dismissed pursuant to R.C. § 2952.041 and the record is sealed following the filing of a motion to seal by the participant's defense counsel.

If the diversion participant is unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, the stay of legal proceedings shall be lifted, a finding of guilt will be entered, and the participant will be sentenced to the usual sanctions allowable under the law for the offense(s). Should the participant become unable to complete the program due to a serious physical or mental health condition, the participant will be neutrally discharged as determined by the Renewal Court Judge with input from the Treatment Team.

B. Post-Conviction Participant

A person accepted into Renewal Court as a post-conviction applicant will plead guilty to the charge(s) and be sentenced by the Judge to Renewal Court as a condition of community control. A participant may also be ordered by the Judge to successfully complete Renewal Court as a result of a community control violation.

If the post-conviction participant is unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of community control shall be filed by the Probation Department and the matter will be set for a Preliminary Revocation Hearing, and a Final Revocation Hearing, if necessary. Should the Judge determine that the participant violated the terms of community control for being terminated from the program, and the participant will be sentenced to the usual sanctions allowable under the law for the offense(s). Should the participant become unable to complete the program due to a serious physical or mental health condition, the participant will be neutrally discharged as determined by the Renewal Court Judge with input from the Treatment Team.

Before entering Renewal Court, each participant shall receive and agree to the terms and conditions set forth in a detailed, written Participation Agreement and Participant Handbook outlining the requirements and process of Renewal Court. Each participant shall receive and agree to the terms and conditions of the docket, a detailed, written Participation Agreement and Participant Handbook, the requirements and process of the specialized docket, an explanation of responses to compliance and noncompliance, and criteria for successful, neutral, and unsuccessful Renewal Court completion. In addition to any constitutional or legal right to counsel throughout the process, a participant shall have the right to request the attendance of defense counsel during the portion of a Renewal Court treatment team meeting concerning the participant.

Participation Agreement and Participant Handbook

Renewal Court utilizes a written Participation Agreement and a Participant Handbook detailing the requirements and process of Renewal Court. These documents shall provide an explanation of responses to compliance and noncompliance, including criteria for successful, neutral, and unsuccessful Renewal Court completion. Each participant shall review the Participant Handbook and Participation Agreement with his or her defense counsel, and both shall execute the Participation Agreement before formally being accepted into and commencing Renewal Court. The Participation Agreement is attached as **Appendix V**.

STANDARD 4: TREATMENT AND REHABILITATION

Each Renewal Court participant shall receive prompt access to a continuum of approved treatment and other rehabilitation services. Renewal Court participants shall be placed as soon as possible in appropriate treatment services and programs. All screenings and assessments for treatment determinations shall be provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of the profession. All required treatment and programming shall be provided by programs or persons appropriately licensed and trained to deliver such services according to the standards of their profession.

Coordinated treatment and other rehabilitative services shall meet the individualized needs of each participant and incorporate evidence-based strategies for the participant population being

served by Renewal Court. Treatment and recovery support services shall be trauma-informed, gender-responsive, culturally appropriate, incorporate evidence-based strategies, and shall effectively address co-occurring disorders. Whenever possible, service providers should have separate tracks for participants.

Renewal Court will consider any of the medications approved by the FDA for treatment of an opioid use disorder as appropriate for Renewal Court participants when it is prescribed by a qualified medical provider and administered in conjunction with behavioral health treatment. Medication Assisted Treatment services will be available and shall be provided in a form and manner that adhere to “The Supreme Court of Ohio’s Principles for the Use of Medication Assisted Treatment (MAT) in Drug Courts.”

Treatment and services shall be comprehensive and based upon a participant’s individualized needs. When possible, family-centered, meeting the assessed needs of the participant in the context of family relationships. Each participant receives a treatment plan based upon their individualized needs. All provided services incorporate evidence-based strategies. The Renewal Mental Health Court maintains a current treatment plan and record of activities of each participant. Each plan takes into consideration services that are gender-responsive and culturally appropriate, and that effectively address co-occurring disorders.

A full continuum of treatment, recovery support, and ancillary services shall be provided for conditions that are likely to interfere with a participant’s compliance with Renewal Court requirements, increase criminal recidivism, or diminish treatment gains and long-term rehabilitation, including all the following:

- (1) Education;
- (2) Vocational training;
- (3) Employment;
- (4) Transportation;
- (5) Housing;
- (6) Domestic violence programming;
- (7) Physical, mental, and dental health
- (8) Parenting; and
- (9) Language Services pursuant to Sup. R. 89.

STANDARD 5: DOCKET PROGRESSION

Renewal Court shall include a clearly defined structure for progression through the docket. The progression shall include all of the following:

- (1). Progression through the Renewal Court Phases is based upon the participant’s performance in the treatment plan and compliance with requirements of the docket phases.
- (2) The nature and frequency of court appearances, supervision meetings, and other attendance requirements;

- (3) Realistic and concrete behavioral based requirements for the court, case management, substance monitoring, and treatment objectives that shall be satisfied before advancing;
- (4) The process for advancing to the next phase, including any applications, if any, that shall be completed.
- (5) The sequence and timing of requirements and services provided by Renewal Court will consider the relative priority of participant needs to be addressed. The structure of Renewal Court will include productive activities, such as employment, education, or attendance in peer support groups.

PROGRAM PHASES

Phases are the steps in which a participant's performance and progress through the specialized docket are monitored. There are four phases in Renewal Court, in addition to the orientation and engagement phase. Phase advancement is not solely based on preset timelines. Rather, it is based on treatment plan progression and program compliance. At a minimum, the Renewal Court participant appears before the Renewal Court Judge at least once weekly during the initial phase of participation. Thereafter, the participant regularly appears before the Renewal Court Judge to review the participant's progress. The structure of the Renewal Court phases will take into account the relative priority of the participant needs to be addressed.

Orientation Phase

The goal of the Orientation Phase is to instill a thorough understanding of the aspects of Renewal Court requirements to assure the highest level of functioning and success within the program. The Orientation Phase occurs during the eligibility screening and assessment process. During this phase, the participant will be expected to do the following:

- Meet as instructed with the Renewal Court Administrator and Probation Officer. The participant will be interviewed as part of a risk assessment and a written report is prepared. The purpose of this report is to collect information that will assist the Renewal Court Treatment Team in assessing the participant's eligibility to participate in Renewal Court and to inform the Renewal Court Judge's decision whether to grant the applicant's request for Renewal Court;
- Meet as instructed at Community Counseling Center or Signature Health in order to undergo a complete mental health and substance use assessment;
- Sign any necessary releases of information;
- Become familiar with the location of the service providers and address any issues of transportation and/or employment;
- Review the Participant Handbook and the Participation Agreement with their defense counsel; and
- Remain law abiding.

Participants are advised to discuss any questions regarding eligibility and desire to participate in Renewal Court with their defense counsel. An applicant will complete the Orientation Phase once all assessments and relevant forms are completed.

Phase I (Compliance)

The goal of the Compliance Phase is to provide the participant with the skills and support needed to manage behavioral health symptoms while connecting to others in the recovery community. This phase stabilizes the participant and assures participant compliance with Renewal Court requirements. During this phase, the participant has the most contact with the Court by attending scheduled Status Review Hearings. This phase is also the most intensive phase with respect to the participant's interaction with the Renewal Court Administrator and Probation Officer.

In order to meet the obligations of Phase I, the participant will be required to:

- Attend weekly status review hearings;
- Follow their Individual Treatment plan and attend all treatment sessions;
- Call in and submit to random alcohol and drug testing;
- Attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and probation department;
- Cooperate with random home visits by the probation department;
- Engage in pro-social and sober community support activities; and
- Remain law abiding.

To advance:

- ✓ Compliance with above; and
- ✓ Minimum 14 consecutive days substance-free and no infractions.

Movement through this Phase is based upon the participant's compliance and progress with program rules and their Individual Treatment Plan.

Phase II (Program Engagement)

After the participant obtains stability in Phase I, the participant will begin to address the issues that led him or her to become a participant in Renewal Court. During this phase, the participant will begin to develop skills, improve family relationships, and set employment, vocational and/or educational goals. Based on the participant's progress, required appearances at Status Review Hearings may be reduced.

In order to meet the obligations for Phase II, the participant will be required to:

- Regularly attend Status Review Hearings before the Judge to review the participant's progress;
- Comply with their Individual Treatment Plan;
- Continue to attend all treatment sessions, including required self-help recovery programs, or other Court approved evidence-based programs;

- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and probation department;
- Continue to cooperate with random home visits by the probation department;
- Continue to call in, submit and provide negative results to all random alcohol and drug testing occurring at a minimum of two times per week or as specified in their Individual Treatment Plan
- Continue to engage in pro-social and sober community support activities;
- Follow through on housing, educational, vocational, and employment referrals; and
- Remain law abiding.

To advance:

- ✓ Compliance with above; and
- ✓ Minimum 60 consecutive days substance-free and no infractions for 30 days.

Movement through this Phase is based upon the participant's compliance and progress with program rules and their Individual Treatment Plan.

Phase III (Growth and Development)

This phase is focused on developing self-sufficiency. The participant will begin to utilize skills learned in treatment and programming, continue to improve family relationships, and begin to make long-term employment, educational, and/or vocational plans. This phase is key as the participant puts into practice everything learned in the first two phases and will be able to demonstrate on-going stability.

In order to meet the obligations of Phase III, the participant will be required to:

- Regularly attend status review hearings before the Judge to review the participant's progress;
- Comply with their Individual Treatment plan;
- Continue to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and probation department;
- Continue to cooperate with random home visits by the probation department;
- Continue to call in, submit and provide negative results to all alcohol and drug testing;
- Continue to engage in pro-social and sober community support activities;
- Obtain/maintain stable, clean, sober housing;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Have a realistic plan for payment of restitution, fines and supervision fees;
- Begin the Restorative Justice Process; and
- Remain law abiding.

To advance:

- ✓ Compliance with above; and
- ✓ Minimum 90 consecutive days substance-free and 30 days no major infractions.

Movement through this phase is based upon the participant's compliance and progress with program rules and their Individual Treatment Plan.

Phase IV (Maintenance)

During the maintenance phase, the participant is required to continue to successfully and faithfully adhere to all treatment and Renewal Court requirements, and to continue to meet the same obligations as set forth above in the other phases.

Graduation from Renewal Court will occur after the participant has successfully completed all of the Phases. In order to graduate the participant will have to demonstrate the following compliant behavior and accomplishments.

- Demonstrated abstinence from alcohol and drugs as evidenced by submitting negative screens for a minimum of one hundred twenty (120) days prior to graduation;
- Successfully completed or is continuing treatment and regularly attended required self-help recovery programs or other Court approved evidence-based programs;
- Demonstrated stability in the community;
- Regularly attended status review hearings before the Judge to review the participant's progress;
- Continued to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continued to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and probation department;
- Continued to cooperate with random home visits by the probation department;
- Obtained/maintained stable, clean, sober housing;
- Obtained/maintained employment, schooling, vocational training, or engage in other Court approved activity;
- Complete Restorative Justice process;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling etc.); and
- Paid in full restitution, fines, supervision fees and court costs, unless otherwise determined.

To advance:

- ✓ Compliance with above; and
- ✓ Minimum 120 consecutive days clean/30 days no infractions

The Judge has the discretion to determine when the participant will graduate.

Commencement Phase

During the Commencement phase, the participant is required to:

- Complete and submit the written Application for Commencement **Appendix VI**;

- Complete Commencement interview;
- Remain compliant with all Renewal Court requirements through actual Commencement ceremony; and
- No sanctions/infractions within 30 days of Commencement ceremony.

The Judge has discretion to determine when the participant will graduate.

File Maintenance

The files of all participants are strictly confidential and are only accessible to members of the Renewal Court Treatment Team. A file for each current participant is kept in a locked filing cabinet in the office of the Renewal Court Administrator. Upon a participant's completion or termination from the program, the file is destroyed.

Once Renewal Court has the financial ability and other capabilities to be able to do so, all Renewal Court files will be stored electronically, and paper files will no longer be utilized.

STANDARD 6: TREATMENT TEAM

The Renewal Court Treatment Team is comprised of a multidisciplinary group of professionals needed to implement the daily operations of Renewal Court, including the Renewal Court Judge, representatives of Community Counseling Center and Signature Health, Renewal Court Administrator, Renewal Court Probation Officer, Law Director's Office, and County Public Defender's Office. The Treatment Team is responsible for implementing the daily operations of Renewal Court. For consistency and stability in Renewal Court operations, Treatment Team members shall serve on the Treatment Team for a minimum of one year. The Renewal Court Judge attends and chairs the Treatment Team meetings. A current roster of the treatment team members is attached as **Appendix VII**.

Renewal Court Treatment Team members will use a team approach where all members will work together to assist participants in becoming successful. The Treatment Team meetings are held every Thursday morning prior to the Status Review Hearings to evaluate participant progress, develop plans to improve individual outcomes, and prepare for the Status Review Hearings.

Each participant's progress will be discussed at every team meeting. Each participant has the right to request that his or her defense counsel attend the portion of the Treatment Team meeting concerning the participant. The Treatment Team members shall also engage in ongoing communication, including frequent exchanges of timely and accurate information about a participant's overall performance and to ensure that responses to compliance and noncompliance are swift and coordinated. Sample progress reports are attached at **Appendix VIII**.

Renewal Court assures continuing interdisciplinary education of the Treatment Team members to promote effective specialized docket planning, implementation, and operations.

Roles and Responsibilities of the Treatment Team Members

Judge

The Judge shall attend and chair Treatment Team meetings. The Judge shall be knowledgeable about treatment and programming methods and their limitations. The Judge has the discretion to decide the admission into and termination from Renewal Court. The Judge is also the decision-maker concerning incentives, sanctions, phase advancement and successful completion or termination from the program. The Judge discusses progress or problems with the participants at each Status Review Hearing.

Renewal Court Administrator

The Renewal Court Administrator facilitates the specialized docket in accordance with the written program description and assists with the daily operations of Renewal Court. The Renewal Court Administrator receives referrals, conducts a validated screening to identify mental health and/or substance use issues, and assists in the timely admission to Renewal Court. The Renewal Court Administrator assists participants throughout all phases of the program. The Renewal Court Administrator meets with participants regularly to discuss individualized program goals and progress. The Administrator coordinates and may conduct random alcohol and drug screens and reports the results to the treatment team. The Renewal Court Administrator attends each treatment team meeting and status review hearing. During treatment team meetings the Renewal Court Administrator informs the treatment team whether treatment plans, supervision plans and Court orders are being followed. He or she further advises the Judge of any Renewal Court violations, provides progress reports and recommendations to the treatment team and participates in discussions about incentives, sanctions, phase advancement, successful completion and termination. The Renewal Court Administrator maintains statistics and tracking for individuals applying for Renewal Court who are accepted, rejected, terminated or graduated from the program; tracks the meetings the participants attend; tracks recidivism after participants have completed Renewal Court; and completes required reports to the Ohio Supreme Court and funders on a timely basis. The Renewal Court Administrator also assists in obtaining and maintaining grants for Renewal Court.

Renewal Court Probation Officer

The Renewal Court Probation Officer conducts Presentence Investigations and assists with timely admission into Renewal Court. The Renewal Court Probation Officer monitors the participants' compliance with their supervision plans and Court case plans. He or she conducts random alcohol and drug screens and reports the results to the treatment team. He or she monitors the participants' compliance with sanctions and conducts visits to the participants' residences. The Renewal Court Probation Officer attends each treatment team meeting and status review hearing. During the team meeting the Renewal Court Probation Officer informs the team how the participant is doing with supervision. He/she further advises the Judge of any Renewal Court violations, provides progress reports and recommendations to the treatment team and participates in discussions about incentives, sanctions, phase advancement, successful completion and termination.

Community Counseling Center

Community Counseling Center is a licensed treatment facility. Community Counseling Center conducts the mental health and substance use assessment, Substance Use Intensive Outpatient Services, Alcohol/Drug Testing, Group Counseling, Case Management, Mental Health Counseling, Psychiatry, Medication Assisted Treatment, and Peer Support Services. Community Counseling Center provides documentation on a participant's progress in treatment and compliance with treatment plans, including attendance and participation. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

Signature Health

Signature Health is a licensed treatment facility. Signature Health provides clinical mental health and substance use diagnoses, Substance Use Intensive Outpatient Services, Alcohol/Drug Testing, Dual Diagnosis Group Counseling, Case Management, Medication Assisted Treatment, and Peer Support Services. Signature Health provides documentation on a participant's progress in treatment and compliance with treatment plans, including attendance and participation. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.

Lake Area Recovery Center

Lake Area Recovery Center (LARC) is a licensed treatment facility. LARC provides Substance Use Residential Treatment and Intensive Outpatient Services, Alcohol/Drug Testing, Group Counseling, Case Management, Medication Assisted Treatment, and Peer Support Services. LARC provides documentation on a participant's progress in treatment and compliance with treatment plans, including attendance and participation. A designated representative attends every treatment team meeting and status review hearing. During the treatment team meetings this representative gives treatment updates and makes recommendations regarding treatment needs. This representative also participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.

Conneaut Law Director/Prosecutor

The Conneaut Law Director/Prosecutor, or his or her representative, identifies eligible defendants in accordance with Renewal Court written criteria for admissions. The Law Director/Prosecutor is responsible for protecting public safety by ensuring that each candidate is appropriate for the program and complies with all Renewal Court requirements. The Law Director/Prosecutor attends each treatment team meeting and, if available, the status review hearings. During treatment team meetings, the Law Director/Prosecutor makes recommendations concerning incentives, sanctions, phase advancement, successful completion and termination.

Public Defender

A designated representative of the Ashtabula County Public Defender's Office attends each Treatment Team meeting and status review hearing. If the participant is not represented by the Public Defender's Office, the participant may request that his or her counsel attend the portion of the Treatment Team meeting when the participant's progress is discussed. The responsibility of the Public Defender or defense counsel is to protect the participant's due process rights while encouraging full participation. The public defender makes recommendations to the Judge regarding incentives, sanctions, phase advancement, successful completion and termination from the program.

Law Enforcement

A designated representative of the Conneaut Police Department attends the Treatment Team meetings and status review hearings. The Conneaut Police Department representative serves as a liaison between Renewal Court and the law enforcement community and presents the perspective of law enforcement as it relates to accountability and treatment. During treatment team meetings the Conneaut Police Department representative makes recommendations concerning incentives, sanctions, phase advancement, successful completion, and termination.

In addition to any constitutional or legal right to counsel throughout the process, a participant shall have the right to request the attendance of defense counsel during the portion of the Renewal Court treatment team meeting concerning the participant.

STANDARD 7: PARTICIPANT MONITORING

General

Renewal Court monitors each participant's performance and progress. All participants are placed under the reporting supervision of the Renewal Court Probation Officer as soon as possible to monitor compliance with court requirements. The Renewal Court Administrator obtains and maintains each participant's treatment plan and treatment provider progress reports.

Ongoing Judicial Interaction

Ongoing judicial interaction with each participant is an essential component of Renewal Court. Frequent status review hearings establish and reinforce the policies of Renewal Court and ensure effective supervision of the participant. A significant number of Renewal Court participants will appear at status hearings together in order to educate each participant as to the benefits of court compliance and consequences for noncompliance. While in Renewal Court, each participant is required to comply with all required appearances at status hearings. Status hearings begin at 9:00 a.m. every Thursday in the Conneaut Municipal Court courtroom. Treatment team meetings are held every Thursday prior to the status hearings, beginning at 8:00 a.m.

Renewal Court incorporates ongoing judicial interaction with each participant. Each participant appears before the Judge, who then reviews with the participant any activity or

developments, asks the participant questions, and provides incentives or issues sanctions as appropriate. Each participant is expected to converse with the Judge and is encouraged to be open and honest. During Phase I of Renewal Court, participants must appear weekly.

Participants are to abide by the following dress code for Court appearances:

- Shirts are to be tucked in
- Dress pants (are to fit properly)
- No clothing associated with tobacco, alcohol, drugs, bars or gangs
- No hats or sunglasses
- No transparent clothing unless layered with undershirt
- No low-cut shirts, midriffs, or halter tops
- No do rags
- No work boots or flip flops
- No sleeveless shirts/tank tops or backless shirts
- Dresses and skirts must be the length that would reach the tips of your fingers while hands are straight down at your side
- No cutoff jeans, shorts or tank tops will be allowed in Court
- No yoga pants or workout pants
- No sundresses unless shoulders covered

The participant is required to submit to a minimum of two (2) randomly scheduled urine screens per week or as specified in their Individual Treatment Plan and to call a daily call-in scheduling system.

Treatment will be based on the clinically informed needs of the participant and specified in their Treatment Plan with a licensed treatment provider. Examples of available treatment programs include individual counseling, group counseling, psychiatry, intensive outpatient services, case management, supported employment, and peer support.

STANDARD 8: INCENTIVES, SANCTIONS, AND THERAPEUTIC ADJUSTMENTS

It is the intention of Renewal Court that this Program Description will contain herein written policies and procedures regarding responses to a participant's behavior that are predictable, fair, and consistent and that are administered in accordance with evidence-based principles of effective behavior modification. Renewal Court draws a distinction between proximal and distal behavior goals to modify the behaviors of participants. Proximal goals are behaviors that participants are already capable of engaging in and are necessary for long term objectives to be achieved including behaviors such as attending counseling sessions, attending status hearings, and providing urine specimens. Distal goals are the behaviors that are ultimately desired but may take some participants a period of time to accomplish such as obtaining employment or abstinence for individuals who have a substance use disorder. Renewal Court will assign higher magnitude sanctions and lower magnitude rewards for easy proximal behaviors and will assign lower magnitude sanctions and higher magnitude rewards to difficult distal behaviors. Incentives,

sanctions, and therapeutic adjustments will be used in a manner that minimizes the unintended termination of medication, behavioral health treatment, health insurance, employment, and other resources needed to support long-term recovery.

Incentives

The goal of Renewal Court is to encourage success and discourage failure. With that objective, Renewal Court uses incentives as an important component in making lasting changes in behavior. Incentives demonstrate acknowledgment of the difficult changes a participant is making in his/her life. Positive changes and compliance with Renewal Court requirements will be rewarded. Some of the positive changes and behaviors that may be rewarded include, but are not limited to:

- Attending all status hearings;
- Attending all treatment sessions and Court approved self-help recovery meetings;
- Attending all appointments with the Renewal Court Administrator and/or probation department;
- Abstaining from alcohol and drugs, as evidenced by negative test results;
- Engaging in vocational or educational activities;
- Securing stable housing;
- Obtaining employment;
- Advancing in Renewal Court Phases; and
- Accomplishing any other milestone identified by the treatment team.

The Judge uses incentives on a case-by-case basis. The Judge dispenses incentives as the participant's status and conduct demonstrate. Incentives shall be immediate, graduated, and individualized. The Judge determines the type of incentives received based on the participant's performance and compliance with program requirements. There are many types of incentives available that may include, but are not limited to:

- Encouragement and praise from the Judge;
- Ceremonies and tokens of progress, including advancement in the Renewal Court Phases;
- Decreasing court appearances and supervision contacts;
- Increasing or expanding privileges;
- Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- Reducing fines or fees;
- Dean's list;
- Recovery Books, including The Big Book, NA Book and Smart Recovery Workbook
- Weekly fishbowl incentives; and

- Graduation from Renewal Court.

Incentives may be provided and can be earned through compliance with Renewal Court and will be offered consistently to promote achieving productive behaviors.

Sanctions

Just as it is important to recognize progress, it is also important to respond swiftly to problems and noncompliant behavior. By imposing sanctions, a participant who is not compliant with the requirements of the phases will learn that there are consequences for his/her behavior. The objective is not only to reprimand noncompliance, but to re-engage and encourage the participant to continue working through the recovery and treatment process. Sanctions are issued according to the seriousness of a violation. Serious violations could result in termination from the program. Sanctions are used on a case-by-case basis by the Judge when a participant fails to comply with Renewal Court requirements, and shall be immediate, graduated, and individualized. These requirements include, but are not limited to:

- Failure to attend status hearings;
- Failure to respond in a timely manner to voice mail messages left from court, probation, or treatment staff;
- Failure to call in for drug screen in the allotted time;
- Failure to attend treatment appointments, including Court-approved self-help recovery meetings, or other Court-approved evidence-based programs;
- Failure to keep scheduled appointments with the court Administrator or Probation Department;
- Falsifying or attempting to falsify any required documentation, including self-help recovery meeting attendance;
- Noncompliance with random alcohol and drug screens, testing positive for alcohol and or drugs, or adulterating or attempting to adulterate urine screens;
- Noncompliance with any of the requirements of Renewal Court Phases; and
- Failure to improve troublesome behaviors.

Graduated sanctions are used to address noncompliant behaviors. Sanctions may include, but are not limited to:

- Warnings and admonishment from the Judge;
- Community work service;
- Individualized sanctions such as writing essays or reading books;
- Demotion to an earlier Renewal Court Phase;
- Electronically Monitored House Arrest (EMHA) or Secured Controlled Remote Alcohol Monitoring (SCRAM) bracelets;
- Increasing frequency of alcohol and drug testing;
- Increasing frequency of court appearances;
- Increasing supervision contacts;

- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Imposition of jail days;
- Filing of community control violation; and
- Termination from Renewal Court.

Sanctions are not only used as a form of consequences for inappropriate choices, but also a way to re-evaluate a participant's commitment to treatment and to complete Renewal Court. The magnitude of the sanction should take into the relative ease with which the participant can achieve the desired behavior at that point in time. The Renewal Court Judge also considers the potential collateral consequences of any sanction that may disrupt recovery such as the imposition of jail days. Renewal 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.

Therapeutic Adjustments

Therapeutic adjustments in treatment and recovery support services will be based upon the clinically informed needs of the participant.

STANDARD 9: SUBSTANCE MONITORING

It is the intention of Renewal Court that this Program Description will contain herein written policies, procedures and protocols for sample collection, sample analysis, and result reporting; individualized drug and alcohol testing plans; and testing practices that ensure that all testing is random, frequent, and observed. These testing policies and procedures shall address elements that contribute to the reliability and validity of the testing process. All agencies conducting substance testing for use with the specialized docket shall comply with all requirements of this section.

Drug and alcohol testing plans are individualized and comply with the following guidelines. Every participant of Renewal Court is required to submit to random, frequent, and observed alcohol and drug screens. Testing is conducted based upon the participant's individual needs. Testing shall be sufficient to include the participant's primary substance of use as well as a sufficient range of other common substances. Unless on a request for confirmation, all testing results shall be immediate and shall be recorded and maintained for each participant for the duration the participant is in Renewal Court.

The participant shall submit to random, frequent, and observed alcohol and drug screens. The participant is required to contact a drug testing automated system Sunday through Saturday between 5:00 a.m. to 5:00 p.m. to find out if he/she is required to submit a urine screen from 10:00 a.m. to 5:00 p.m. that day, excluding the hour between 3:30 p.m. and 4:30 p.m. The participant is also required to submit to testing if requested by the Treatment Provider, the Probation

Department, or the Renewal Court Judge. All testing results will be shared with the Judge and the other members of the Treatment Team. Testing positive will result in a sanction and/or therapeutic adjustment and shall be immediately enforced and reinforced by the Renewal Court Judge. Testing samples are collected and analyzed pursuant to the written policies and procedures of the Adult Probation Department, Signature Health and Community Counseling Center, licensed treatment facilities. These written policies and procedures address elements that contribute to the reliability and validity of the testing process and are attached as **Appendix IX**.

The participant will be tested with an instant urinalysis drug screen. The collection of test specimens shall be witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens. Testing shall be sufficient to include the participant's primary substance of dependence, as well as a sufficient range of other common substances. It is the participant's responsibility to travel to the testing location during the hours indicated for the testing. The participant is expected to arrive at the testing location, currently located at the Community Counseling Center or Signature Health's Conneaut offices, to produce a sample within a certain period of time.

The participant agrees to travel to the testing location during the hours indicated for the testing. The participant agrees to arrive at the testing location to produce a sample within a certain period of time.

The following acts are treated as positive tests and subject to sanction:

- If the participant fails to provide a urine sample when requested, it will be the same as a positive test and immediately sanctioned.
- A diluted sample is considered a positive test and will be immediately sanctioned.
- Should the participant tamper with or adulterate the urine sample, including submitting the sample of another individual, it will be considered a positive test and the participant will be immediately sanctioned.

In addition, participants will be required to abstain from mind-altering substances, legal or illegal, including Alcohol, Kratom, Synthetic Drugs, Bath Salts, Pseudoephedrine, Creatine, Inhalants/Whip its, Phenibutal, Alcohol Vapes, etc. It is also required that participants do not consume poppy seeds, because they can cause a false positive and may result in a sanction. In addition, the participant may not take non-FDA-approved foods, medications, supplements, chemicals, herbal remedy, etc. (examples include natural remedies, workout supplements etc.) There are also medications that can cause a false positive or that are not recommended for individuals in recovery. Therefore, prior to taking any over-the-counter medications, the participant must notify and consult with the Treatment Team, Probation Officer and/or Treatment Provider to determine if the medications could cause issues with his/her treatment and/or drug screens.

Unless otherwise permitted by the Renewal Court Judge, the participant shall not be present in or about any establishment primarily engaged in the sale of alcoholic beverages.

If the participant tests positive, the participant may request that the sample be re-tested for confirmation. If the participant fails to make a timely request so that the sample is not available to

re-test, the ability to request confirmation testing is deemed waived. If the confirmation testing returns positive, the participant will be sanctioned and/or given a therapeutic adjustment.

In addition to sanctions for positive tests, the Judge and treatment team may require a change in the participant's treatment plan. The Judge and Treatment Team shall understand the difference between relapses in the beginning of treatment as compared to occurring later in the program, and sanctions and therapeutic adjustments are used when appropriate and enforced by the Renewal Court Judge.

The participant shall also submit to testing of his/her breath, hair follicle or blood as required by the Renewal Court Treatment Team.

For Renewal Court purposes, a participant's sobriety date starts when they are admitted into the program and test negative.

All agencies conducting substance testing for use by Renewal Court shall comply with the requirements of this Program Description.

STANDARD 10: PROGRAM COMPLETION

It is the intention of Renewal Court that this Program Description will contain herein the requisite written policies and criteria related to program completion that have been collaboratively developed, reviewed, and agreed upon by the Advisory Committee. The categories of completion for Renewal Court shall be "successful completion," "unsuccessful completion," and "neutral termination." After affording participants any legal process to which they may be entitled, the Renewal Court Judge shall have discretion to decide the category of completion of Renewal Court and associated outcomes in accordance with the written criteria for the docket and after affording participants any legal process to which they may be entitled. The written legal and clinical eligibility and termination criteria do not create a right to continued participation in Renewal Court.

Criteria for Successful Completion

Successful completion (Graduation) criteria are the guidelines used to identify how participants can successfully complete Renewal Court. Graduation from Renewal Court will occur after the participant has successfully completed all of the phases. In order to graduate, the participant must demonstrate the following behavior and accomplishments:

- Demonstrated period of treatment compliance:
 - Evidenced by submitting verification of treatment attendance; and
 - Medication regime compliance as reported from Treatment Provider;
- Displayed a positive change in thinking, attitude and beliefs;
- Successfully completed treatment or programming, or continues to be actively engaged in treatment process;
- Maintained consistent employment and housing;
- Demonstrated ability to identify and eliminate criminal thinking patterns; and
- Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent successful completion).

Accomplishments may include:

- Medication regime compliance;
- Demonstrated abstinence from alcohol and drugs as evidenced by negative screens;
- Completion of treatment or continued engagement in treatment;
- Aftercare plan established;
- Completed Renewal Court requirements;
- Completed vocational or educational plan;
- Paid in full restitution, fines and court costs, unless otherwise determined;
- Displayed responsibility for his or her behavior; and
- Demonstrated stability in the community.

The Renewal Court Judge has sole discretion to determine whether and when the participant will successfully complete the program.

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

1. Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant 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, aftercare activities, and the Application for Commencement.
3. Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the Renewal Court Judge.
4. Judicial Decision: The Renewal Court Judge determines that the participant successfully completed the Renewal Court.
5. Graduation Ceremony: Each graduate has a formal graduation ceremony in which they are presented with a certificate of completion and addressed by the Treatment Team and participants. The Renewal Court Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.
6. Final Disposition: Depending on case type, the underlying case is closed, or in cases implementing intervention in lieu of conviction, the underlying case is dismissed.

Termination Classifications

There are two types of termination criteria, unsuccessful termination and neutral discharge. The Judge has discretion in determining termination from Renewal Court.

A. Unsuccessful Termination

Common behaviors that lead to unsuccessful termination include, but are not limited to, the following:

- Ongoing noncompliance with treatment;
- Failure to attend treatment appointments;
- New serious criminal convictions;
- A serious Renewal Court infraction or series of infractions; and/or
- A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- May affect an individual's ability to reenter Renewal Court;
- Further legal action, including revocation of intervention in lieu of conviction, or motion for probable cause or probation violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

If an offender is an intervention in lieu/diversion participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of Renewal Court, the stay of legal proceedings will be lifted, and the offender will be sentenced to the usual sanctions allowable under the law for the offense(s). Disposition of the charge(s) will then be determined by the Judge and the Prosecutor/Law Director.

If an offender is a post-conviction participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of probation will be filed and the matter will be set for a violation hearing. Should the Court determine that the offender violated the terms of probation for being terminated from Renewal Court, then he or she will be sentenced to the usual sanctions allowable under the law for the offense.

B. Neutral Discharge

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

- a serious medical condition;
- cognitive impairment;
- serious mental health condition that cannot be addressed by Renewal Court;
- death; and
- other factors that may keep the participant from meeting the requirements for success completion.

Upon neutral discharge from Renewal Court, the case will be returned to the original docket for determination of appropriate disposition based on the specific facts surrounding the case.

Inactive Status

There may be circumstances that necessitate a participant being placed in "inactive status," whereby they are not formally discharged from Renewal Court 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 Renewal Court is beneficial to the participant and the program;
- Unable/unwilling to comply with program requirements in a timely manner as directed; or
- Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.

STANDARD 11: PROFESSIONAL EDUCATION

Renewal Court should assure continuing interdisciplinary education of advisory committee members, treatment team members, and personnel to promote effective specialized docket planning, implementation, and operations. Renewal Court should establish and maintain a viable continuing education plan for specialized docket personnel. Treatment team members should make reasonable efforts to observe all required specialized docket service provider programs to gain confidence in the services provided and to better understand the treatment and programming process.

A specialized docket should plan for the transition of a treatment team member and provide sufficient training and program document for new treatment team members.

For consistency in the non-adversarial approach, prosecutors and defense counsel should be trained in specialized docket processes. Renewal Court incorporates a non-adversarial approach while recognizing all of the following:

- A. The prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights;
- B. Defense counsel's distinct role in preserving the constitutional rights of the Renewal Court participant;
- C. The participant's right to request the attendance of defense counsel during the portion of the treatment team meeting concerning that participant; and
- D. Provides each participant with a detailed written Participation Agreement and Participant Handbook, which outlines the requirements and process of Renewal Court.

The Renewal Court Judge should be knowledgeable about treatment and programming methods and limitations of the methods.

Training opportunities will be provided annually. Renewal Court shall assure continuing interdisciplinary education of treatment team members to promote effective Renewal Court planning, implementation, and operations.

STANDARD 12: EFFECTIVENESS EVALUATION

The Renewal Court Judge shall evaluate the effectiveness of the specialized docket as follows:

- A. Reviewing reporting data as required by the Supreme Court, including information to assess compliance with these standards;
- B. Engaging in on-going data collection in order to evaluate whether the specialized docket is meeting its goals and objectives; and
- C. Establishing a data collection plan. The plan should identify who is collecting the data, how the data is collected, and the time frames for conducting program reviews based on the data. Treatment team members will provide data. The specialized docket will develop policies concerning protection of confidential information and identifiers when collecting data.

Renewal Court shall comply with reporting data as required by the Supreme Court of Ohio. This data may be used to assess compliance with the Specialized Docket Standards as set forth in Appendix I of the Supreme Court Rule 36.20.

Renewal Court shall engage in ongoing data collection in order to evaluate whether Renewal Court is meeting its goals and objectives.

STANDARD 13: CONSTITUTIONAL AND DUE PROCESS RIGHTS

Renewal Court shall comply with all constitutional and statutory rights of their participants. Any such rights that are permitted to be waived by said participants are to be done in a manner that ensures substantive due process rights of the participant. Renewal Court will comply with the “Constitutional and Due Process Guidance Document issued by the Commission on Specialized Dockets.

APPENDIX I

Local Rule No. 38

Local Rule No. 38 Creation of the Conneaut Municipal Court Specialized “Renewal Court” Docket

A. Creation of a Specialized “Renewal Court” Docket:

1. Pursuant to Sup. R. 36.20 through 36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, the Specialized “Renewal Court” Docket is hereby established and the rules and guidelines associated with such specialized docket are hereby adopted.

2. The Conneaut Municipal Court Specialized Court, designated as the “Renewal Court” (RC), is created with the goal of addressing the unique needs of offenders who suffer from any mental health disorder or from co-occurring mental health and opioid use/substance use disorders that have contributed to an underlying criminal offense, while increasing the likelihood of future criminal justice involvement.

3. RC will hold participants accountable by providing immediate and appropriate mental health disorder and opioid use/substance use disorder assessment and treatment, and facilitating behavioral change through the use of risk/needs assessments, referrals to appropriate community services, comprehensive case management and community supervision.

4. The target population for RC is individuals involved with the criminal justice system who are charged with low, moderate and high-risk misdemeanor charges, are on community control/probation, and may be eligible for benefits and services from community service providers. Individuals can qualify for the RC Program as part of an intervention in lieu of conviction/diversion or post-conviction/probation treatment and will be appropriate for care in the community as part of supervision by probation for a misdemeanor offense.

5. The goals and objectives of the RC are to:

- a. Reduce the likelihood of recidivism of RC participants through intensive treatment, supervision and personal accountability (recidivism is defined as a new charge, conviction, and sentence resulting in a sentence of jail or prison incarceration);

- b. Reduce the cost of incarceration by tracking the cost savings in diverting jail bed days to community corrections-based treatment and court supervision; Link all participants to available community resources to reduce recidivism, unemployment, homelessness or provide benefits for disability; and
- c. Treat victims with respect and dignity by providing them with a voice during the court process and providing victims with information regarding victim-related community resources.

B. Placement in Renewal Court:

The following outlines the general process associated with placement of Individuals in RC:

1. Potential participants can be referred to RC in various ways, including, but not limited to, Prosecutor/Law Director referral; Judge referral; Probation referral; Defense Counsel referral; Jail referral; Treatment provider referral; and Self-referral.
2. A referral can be made at any stage of the court process, including initial appearance, pretrial, plea agreement, change of plea, intervention in lieu of conviction, post-plea, and sentencing, while currently under court supervision/probation or as a result of a probation violation.
3. The referring entity will complete an application form and provide the completed form to the Prosecutor/Law Director who will then contact the Renewal Court Administrator (RCA) along with a recommendation in favor or against the individual's participation in RC. The RCA will then interview the potential participant and conduct an initial screening. All potential participants referred to RC shall be screened using the Global Assessment of Individual Needs Short Screener (GAIN SS) among other tools to screen for opioid use/substance use disorder issues.
4. If deemed appropriate, the RCA will contact the Probation Department to further evaluate the potential participant. If the potential participant is deemed clinically eligible for the Specialized Docket, he or she is referred for a mental health and/or opioid use/substance use disorder evaluation to initiate the assessment process.
5. The Court shall have the sole authority to accept or reject cases referred to RC for supervision, guidance and treatment.

C. Eligibility Criteria in Renewal Court:

In order to be eligible for RC, the offender must satisfy all of the following criteria:

1. Reside in Ashtabula County.

2. Be charged with criminal or traffic offenses that are misdemeanors of the first, second, third, or fourth degree, which are not otherwise excluded herein. Offenders are not eligible to participate if they are charged with OVI/DUI; any type of a sex crime; crimes involving the use of a weapon; and any crime having a child or children or elderly as victim(s). Offenders charged with violent offenses involving a victim with an injury are eligible only if the Prosecutor/Law Director, with the consent of the alleged victim(s), requests placement in RC, and an agreement has been reached for the offender to pay restitution to the victim, if any, prior to the offender's completion of RC.
3. Express and demonstrate a desire and willingness to participate in RC, engage in mental health disorder and/or opioid use/substance use disorder treatment and recognize the benefit of intensive outpatient services and individual and/or group therapy. RC is voluntary, and not everyone who is appropriate will be accepted. The potential participant must be motivated and receptive to complete RC.
4. Be diagnosed with any debilitating mental health disorder or any debilitating mental health disorder and opioid use/substance use disorder condition; be sufficiently stable to understand and comply with program requirements; have no acute health condition; be capable of participating in and completing RC, and not pose an unacceptable risk to RC staff or the community.
5. Acknowledge that their criminal behavior has a negative consequence on their life and that they are willing to change.
6. If an offense of violence is involved, acknowledge that violence has had a significant impact on their victim and other household and family members.
7. Recognize that case management and probation services will improve their quality of life.
8. Demonstrate a responsiveness to positive incentives and graduated sanctions imposed by the court and recognize that they would benefit from RC by seeking mental health disorder and/or opioid use/substance use disorder treatment and other treatment and services provided by community service providers.
9. Be willing and able to comply with all court orders regarding victim contact.
10. Be willing to enter a plea of guilty to the charge(s) and sign all waivers

and agreements.

D. Tracks/Case Assignment:

Two tracks of assignment to RC exist: (1) intervention in lieu of conviction/diversion, and (2) post-conviction/community control. All cases will be assigned to Judge Nicholas A. Iarocci or his successor, the only presiding Judge in Conneaut Municipal Court.

E. Case Management:

Case Management is an integral element of RC. All offenders referred to RC are appropriately screened, and thereafter an individualized case management plan is developed. The plan is prioritized based on the risk findings to ensure that the most imminent concerns are addressed immediately. Participants are educated as to the role of case management through the program description, participant handbook and executed participation agreement. Participants, therefore, understand the relationship between the Court and adjunct service providers as well as the expectations for compliance. The case plan is an ever-evolving document that follows the offender through every state of community control supervision, thus ensuring continuity and that all identified issues and risks are addressed even beyond RC involvement.

F. Renewal Court Team:

The Renewal Court team shall consist of the Judge, RCA and any subordinate staff, RCA, probation officers, case managers, licensed treatment providers, the Law Director or Assistant Law Director, and an attorney with the Public Defender's Office or other defense counsel. The RC team shall convene weekly to handle the Docket, to discuss the progress and status of individual offenders, and to apply sanctions and incentives as needed.

G. Renewal Court Treatment Phases:

RC offenders shall be required to complete phases of treatment, and all other requirements, as identified in the Renewal Court Description, the Renewal Court Participant Handbook, and the Renewal Court Participation Agreement. While in RC, offenders shall receive services to assist in meeting criminogenic needs. Upon graduation (Commencement) from RC, those offenders in the post-conviction/community control track the offender may remain under community control sanctions to ensure continued compliance/success.

H. Completion/Discharge from Renewal Court:

1. Criteria for Successful Completion: Successful completion criteria are the guidelines used to identify the manner in which RC participants 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 accomplishment to be considered for successful completion (graduation):

- Completed community service hours;
- Demonstrated period of treatment compliance:
 - Evidenced by submitting verification of treatment attendance; and
 - Medication regime compliance as reported from Treatment Provider.
- Displayed a change in thinking, attitude and beliefs;
- Successfully completed treatment or programming, or continues to be actively engaged in treatment process;
- Maintained consistent employment and housing;
- Demonstrated ability to identify and eliminate criminal thinking patterns; and
- Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent successful completion).

Accomplishments may include:

- Medication regime compliance;
- Demonstrated abstinence from alcohol and drugs as evidenced by negative screens (as relevant);
- Completion of treatment or continued engagement in treatment;
- Aftercare plan established;
- Completed Renewal Court requirements including community service;
- Completed vocational or educational plan;
- Paid in full restitution, fines, and court costs, unless otherwise determined;
- Displayed responsibility for his or her behavior; and

- Demonstrated stability in the community.

The RC Judge has sole discretion to determine whether and when the participant will successfully complete the program.

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

- a. Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant for successful completion.
 - b. 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.
 - c. Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the RC Judge.
 - d. Judicial Decision: The RC Judge determines that the participant successfully completed the RC program.
 - e. Graduation Ceremony: Each graduate has a formal graduation ceremony in which they are presented with a certificate of completion and addressed by the Treatment Team and participants. The RC Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.
 - f. Aftercare Components: The participant is then directed to the aftercare component of the program.
 - g. Final Disposition: Depending on case type, the underlying case is closed, or in cases implementing intervention in lieu of conviction, the underlying case is dismissed.
2. Unsuccessful Termination: There are two types of written termination criteria from RC: unsuccessful and neutral discharge. The RC Judge has the discretion to terminate the participant from RC in accordance with the termination criteria. Common behaviors that lead to unsuccessful termination include, but are not limited to, the following:
- Ongoing noncompliance with treatment;
 - Resistance to treatment;
 - New serious criminal convictions;
 - A serious RC infraction or series of infractions; and/or
 - A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- Loss of future eligibility for RC or another Specialized Docket;
- Further legal action, including revocation of intervention in lieu of conviction, or motion for probable cause or probation violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

If an offender is an intervention in lieu/diversion participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of RC, the stay of legal proceedings will be lifted and the offender will be sentenced to the usual sanctions allowable under the law for the offense(s). Disposition of the charge(s) will then be determined by the Judge and the Prosecutor/Law Director.

If an offender is a post-conviction participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of probation will be filed and the matter will be set for a violation hearing. Should the Court determine that the offender violated the terms of probation for being terminated from RC, then he or she will be sentenced to the usual sanctions allowable under the law for the offense.

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

- a serious medical condition;
- cognitive impairment;
- serious mental health condition that cannot be addressed by Renewal Court;
- death; and
- other factors that may keep the participant from meeting the requirements for successful completion.

4. 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 Renewal Court is beneficial to the participant and the program;
 - Unable/unwilling to comply with program requirements in a timely manner as directed; or
 - Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.

This rule is adopted and shall be effective this 20th day of December, 2022.

IT IS SO ORDERED.

Nicholas A. Iarocci

NICHOLAS A. IAROCCI, JUDGE
CONNEAUT MUNICIPAL COURT

APPENDIX II
Current Roster Advisory Committee Members

The Conneaut Renewal Court Advisory Committee

Judge Nicholas A. Iarocci
Renewal Court Judge
Conneaut Municipal Court
294 Main Street
Conneaut, Ohio 44030
Tel. #440-593-7410

Ms. Kaitie Park Hart
Ashtabula County Mental Health and Recovery Services Board
4817 State Road, Suite 203
Ashtabula, Ohio 44004
Tel. # 440-992-3121

Mr. James Ackaday
Mayor
City of Conneaut
294 Main Street
Conneaut, Ohio 44030
Tel. # 440-593-7401

John Lewis, Law Director
Conneaut Law Director Office
294 Main Street 44030
Tel # (440) 593-7413

Margaret (Megan) Brunarski, Esq.
Public Defender
Ashtabula County Public Defender's Office
22 East Jefferson Street
Jefferson, Ohio 44047
Tel. #: 440-998-2628

Michael Colby
Chief
Conneaut Police Department
City of Conneaut
294 Main Street
Conneaut, Ohio 44030
Tel. #440-593-7440

Denise J. Brown
Supervisor, Community Outreach and Wellness
University Hospitals Conneaut Medical Center
Denise.Brown3@UHhospitals.org
Tel. # 440-593-0206

Mr. Christopher Newcomb, Esq.
The Newcomb Law Firm
213 Washington Street
Conneaut, Ohio 44030
Tel. # 440-593-6457 Tel. # 440-812-1120

Nicholas Church
836 Broad Street
Conneaut, Ohio 44030
Tel # (440) 990-9525

Kori Marcy Campbell
Marcy Funeral Home
208 Liberty Street
Conneaut, Ohio 44030
Tel # (440)-593-4253

Patricia Carr
954 Broad Street
Conneaut, Ohio 44030
Tel # (440) 813-3839

Michelle Ross, Probation Officer
Conneaut Municipal Court
294 Main Street
Conneaut, Ohio 44030
Tel. #440-593-7410

Rev. Russell Ham
New Leaf United Methodist Church
110 Gateway Drive
Conneaut, Ohio 44030
Tel. #440-593-2525 Tel. # 740-815-5744

Rev. Tim Kraus
Conneaut Church of Christ
448 W. Main Road
P.O. Box 402
Conneaut, Ohio 44030
Tel. #440-599-7401 Tel. # 440-296-5875

APPENDIX III

Application for Diversion or Post-Conviction

**IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO**

CITY OF CONNEAUT/ STATE OF OHIO	)	CASE NO.
)	
Plaintiff	)	JUDGE NICHOLAS A. IAROCCI
)	
-vs-)	
)	
	)	APPLICATION FOR
	)	RENEWAL COURT
	)	<i>DIVERSION</i> PROGRAM
Defendant)	

Arresting Agency: _____
(1) List ALL ORIGINAL CHARGES, and (2) SPECIFICALLY IDENTIFY ALL CHARGES
IN ACCORDANCE WITH A PLEA AGREEMENT REACHED WITH THE PLAINTIFF:

Application is hereby made on behalf of the above-named defendant for admission to the Conneaut Municipal Renewal Court *Diversion* Program.

Permission is hereby granted for the Conneaut Law Director and Conneaut Municipal Court Probation Department to begin an investigation to help determine the defendant's legal eligibility for Renewal Court. It is understood that no questions will be asked by the Probation Department concerning the charges in this case. I understand that applications must be submitted on all pending cases before any application is considered.

I understand that upon my application to Renewal Court, I will have appointments and assessments to determine my eligibility for Renewal Court. I understand that if I fail to comply with any assessment or appointment, or if my behavior is such that I am unable to be assessed for Renewal Court, I may be found to be ineligible for Renewal Court. I understand that the recommendation of any counselor, assessor, or other provider is not final and is simply a recommendation. All decisions regarding my treatment plan must be approved by the Renewal Court Treatment Team and the decision of the Renewal Court Judge is final. I understand that I am subject to random drug testing any time after this application is submitted and during my time in the Renewal Court. I further understand that if I am placed into Renewal Court, an individualized treatment plan will be developed

I agree to begin attending Renewal Court in Judge Iarocci's courtroom on the Thursday immediately following my notification of my initial approval of my application by the Conneaut Law Director at 9:00 a.m. If I have questions about this requirement, I will contact the Renewal Court Coordinator. By requesting participation in the Renewal Court *Diversion* Program, I hereby knowingly, intelligently, and voluntarily waive my rights to a speedy trial whether established by statute, rule of court or under the Constitution of The United States of America or the Constitution of The State Of Ohio.

Address: _____

Submit the original of this completed Application to:

APPROVED/DENIED (circle one):

If denied, provide basis for ineligibility:

TO THE LAW DIRECTOR: PLEASE FILED WITH THE CONNEAUT MUNICIPAL COURT CLERK OF COURTS and submit a time-stamped copy on the same day of filing to the Renewal Court Coordinator.

**IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO**

CITY OF CONNEAUT/ STATE OF OHIO	)	CASE NO.
)	
Plaintiff	)	JUDGE NICHOLAS A. IAROCCI
)	
-vs-)	
)	
	)	APPLICATION FOR
	)	RENEWAL COURT
	)	POST-CONVICTION PROGRAM
Defendant)	

Arresting Agency: _____
(2) List ALL ORIGINAL CHARGES, and (2) SPECIFICALLY IDENTIFY ALL CHARGES
IN ACCORDANCE WITH A PLEA AGREEMENT REACHED WITH THE PLAINTIFF:

Application is hereby made on behalf of the above-named defendant for admission to the Conneaut Municipal Renewal Court *Post-Conviction* Program.

Permission is hereby granted for the Conneaut Law Director and Conneaut Municipal Court Probation Department to begin an investigation to help determine the defendant's legal eligibility for Renewal Court. It is understood that no questions will be asked by the Probation Department concerning the charges in this case. I understand that applications must be submitted on all pending cases before any application is considered.

I understand that upon my application to Renewal Court, I will have appointments and assessments to determine my eligibility for Renewal Court. I understand that if I fail to comply with any assessment or appointment, or if my behavior is such that I am unable to be assessed for Renewal Court, I may be found to be ineligible for Renewal Court. I understand that the recommendation of any counselor, assessor, or other provider is not final and is simply a recommendation. All decisions regarding my treatment plan must be approved by the Renewal Court Treatment Team and the decision of the Renewal Court Judge is final. I understand that I am subject to random drug testing any time after this application is submitted and during my time in Renewal Court. I further understand that if I am placed into Renewal Court, an individualized treatment plan will be developed with me. I understand that my failure to comply with my treatment plan may result in treatment adjustments, sanctions, and/or termination from Renewal Court.

I agree to begin attending Renewal Court in Judge Iarocci's courtroom on the Thursday immediately following my notification of my initial approval of my application by the Conneaut Law Director at 9:00 a.m. If I have questions about this requirement, I will contact the Renewal Court Coordinator. By requesting participation in the Renewal Court *Post-Conviction* Program, I hereby knowingly, intelligently, and voluntarily waive my rights to a

Defendant's Signature _____ Phone: Home: _____
Cell: _____

Defendant's Attorney Signature _____
 Attorney's Email Address: _____
 Phone: _____

TO THE LAW DIRECTOR: PLEASE FILED WITH THE CONNEAUT MUNICIPAL COURT CLERK OF COURTS and submit a time-stamped copy on the same day of filing to the Renewal Court Coordinator.

APPENDIX IV

Conneaut Municipal Court Authorization for Release of Confidential Information

Name: _____
DOB: _____
Address: _____

Phone: _____
SSN (optional): _____

Part I: Identification of Entities and Information

I hereby authorize the following entities to exchange [release and/or receive] my health and related information with the other entities indicated below: **(Please check the box AND initial next to all that apply.)**

☐ _____ Catholic Charities of Ashtabula County
4200 Park Avenue
Ashtabula, OH 44004
440-992-2121
CW and/or Supervisor Name: _____

☐ _____ Community Counseling Center
2801 "C" Court
Ashtabula, OH 44004
440-998-4210
Provider name(s) or Program: _____

☐ _____ Ashtabula County MHRS Board
4817 State Road, Suite 203
Ashtabula, OH 44004
440-998-3121

☐ _____ Signature Health
4726 Main Avenue
Ashtabula, OH 44004
440-992-8552
Provider name(s) or Program: _____

☐ _____ Lake Area Recovery Center
2801 C Court, #1
Ashtabula, OH 44004
440-998-0722
Provider name(s) or Program: _____

☐ _____ Other: _____
Address: _____
Phone: _____
Provider name(s) or Program: _____

☐ _____ Other: _____
Address: _____
Phone: _____
Provider name(s) or Program: _____

☐ _____ Other: _____
Address: _____
Phone: _____
Provider name(s) or Program: _____

I authorize the following information to be exchanged [released and/or received] among the entities listed above:

Type of Information to be released OR obtained: (Please initial next to checked items)

- | | | |
|--|--|--|
| <input type="checkbox"/> _____ Diagnostic Assessment | <input type="checkbox"/> _____ Assessment Summaries | <input type="checkbox"/> _____ SUD Diagnosis or Treatment |
| <input type="checkbox"/> _____ Progress in Treatment | <input type="checkbox"/> _____ Laboratory Results | <input type="checkbox"/> _____ Urine Testing Results |
| <input type="checkbox"/> _____ Attendance | <input type="checkbox"/> _____ HIV/AIDS Testing or Status | <input type="checkbox"/> _____ Pregnancy Testing Results |
| <input type="checkbox"/> _____ Progress Notes | <input type="checkbox"/> _____ Discharge Summary | <input type="checkbox"/> _____ Legal Records |
| <input type="checkbox"/> _____ Psychological Eval. | <input type="checkbox"/> _____ Physiological Testing Results | <input type="checkbox"/> _____ Psychological Testing Results |
| <input type="checkbox"/> _____ Recommendations | <input type="checkbox"/> _____ Social/Family History | <input type="checkbox"/> _____ Treatment Plans |
| <input type="checkbox"/> _____ Screening Results | <input type="checkbox"/> _____ Prognosis | <input type="checkbox"/> _____ MH Diagnosis or Treatment |
| <input type="checkbox"/> _____ Other: _____ | | |

The following information is excepted/excluded from this release: _____

Purpose and Intended Use of Disclosure/Exchange of Records: (Check all that apply)

- ☐ Participation in Conneaut Municipal Renewal Court
☐ Other: _____

Amount of Information to be Released:

- ☐ Information within date range from _____ to _____
☐ Information from most recent admission

Part II: Revocation Statements

This Authorization for Release of Confidential Information is effective for one year from the date of signature, or until the following date, event, or condition: _____.

The effective time frame for this release cannot exceed one year from the date of signature.

I understand that I may revoke this Authorization at any time by delivering written notice to the primary clinical provider indicated in Part I of this document, except to the extent that any of the listed entities acts in reliance on the Authorization prior to my notice of revocation.

I understand that my refusal to sign this Authorization will prevent my participation in the Conneaut Municipal Renewal Court Program. I understand that my treatment, payment, enrollment, or eligibility for benefits at any listed health care provider will not be conditioned on whether I sign this authorization.

All information disclosed pursuant to this Authorization must include the following statement:

“This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR Part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to investigate or prosecute with regard to a crime any Patient with a substance use disorder, except as provided at 42 CFR §§2.12(c)(5) AND 2.65.”

Participant Signature _____ Date _____

Guardian/Representative Signature _____ Date _____

If signed by guardian/representative, list the authority to act on behalf of the individual: _____

Staff Witness Signature _____ Date _____

APPENDIX V

Participation Agreement and Participant Handbook

IN THE CONNEAUT MUNICIPAL COURT ASHTABULA COUNTY, OHIO

CITY OF CONNEAUT/ STATE OF OHIO	)	CASE NO.
Plaintiff	)	JUDGE NICHOLAS A. IAROCCI
-vs-)	
)	
)	
Defendant	)	RENEWAL COURT PARTICIPATION AGREEMENT

Check One: *Diversion* *Post Conviction*

The undersigned defendant (hereinafter referred to as “participant”) requests that he/she be placed into the Conneaut Municipal Renewal Court as part of a community control sentence or a diversion program. The participant acknowledges that he/she has received a copy of the Renewal Court Participant Handbook and has consulted with his/her attorney regarding the legal ramifications of entering into the Renewal Court. The detailed requirements and process of the Renewal Court are set forth below.

Once the participant has been ordered to complete the Renewal Court, his/her case shall be transferred to the Renewal Court Docket. The Renewal Court Judge has the authority to sanction the participant while he/she participates in the Renewal Court. However, the case shall be returned to the original Judge for final disposition.

Terms and Conditions of the Renewal Court:

1. The participant understands that by entering into the Renewal Court that he/she will be subject to more intensive standards of supervision than a person on probation, and is waiving certain rights to which he/she might otherwise be entitled:

- A. Waiver of the right to freely associate with other persons, who, in the sole discretion of the Court, interfere with or impede the recovery of the participant; and
- B. Waiver of the right against unlawful search and seizure; the participant agrees to a search, without warrant and without probable cause, of his/her person, including cell

phones, computer, laptop, notepad, tablet and any other electronic device, motor vehicle, or place of residence by a supervising officer or other authorized representative of the Court at any time.

2. Participants retain the right to request the attendance of defense counsel during the portion of a treatment team meeting in which their participation is discussed.

3. The Renewal Court docket shall not terminate participants unless provided notice of intent to terminate, a hearing and representation by an attorney. The participant 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.

4. Renewal 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, so long as the participant has had the right to consult with an attorney, and the waiver is made knowingly, intelligently, and voluntarily.

5. Participants do not have the right to contest the imposition of sanctions that do not impact liberty interests. Adjustments in treatment activities are not sanctions.

6. The participant agrees to enter and complete inpatient and/or outpatient mental health treatment and substance use treatment when there is a co-occurring disorder, including any aftercare requirements, and to pay the treatment provider for costs when not paid by government resources. The participant agrees to report as scheduled for treatment and to participate in all activities of the treatment program, which may include any or all of the following:

A. **Preliminary Assessment**

Prior to the official Renewal Court entry hearing, the participant agrees to undergo a risk assessment and investigation with the Probation Department, and a mental health and substance use assessment at Community Counseling Center or Signature Health which will determine the level of treatment and recovery supports required. The participant shall complete a release of information for communication about confidential information, participation/progress in treatment, and compliance with the provisions of the "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C.300gg-41, as amended, and Sections 2151.421 and 2152.99 of Ohio Revised Code and 42 CFR.

B. **Mental Health and Substance Use Treatment**

The participant agrees to work with a licensed treatment provider to develop an individual treatment plan that will identify needed treatment and recovery supports. The participant further agrees to comply with the Individual Treatment Plan in accordance with treatment and recovery support frequency and progress measures.

C. **Substance Use Testing**

The participant is required to submit to random, frequent, and observed alcohol and drug screens. Participant are required to contact a drug testing automated system Sunday

through Saturday between 5:00 a.m. to 5:00 p.m. to determine if he/she is required to submit a urine screen from 10:00 a.m. to 5:00 p.m. that day. The participant is also required to submit to testing if requested by the Treatment Provider, the Probation Department, or the Renewal Court Judge. All testing results will be shared with the Judge and the other members of the Treatment Team. Testing positive will result in a sanction and/or therapeutic adjustment and shall be immediately enforced and reinforced by the Renewal Court Judge.

Participants are tested with an instant urinalysis drug screen. The collection of test specimens are witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens. It is the participant's responsibility to travel to the testing location during the hours indicated for the testing. Participants are expected to arrive at the testing location, currently located at Community Counseling Center or Signature Health's Conneaut offices, to produce a sample within a certain period of time.

The following acts are treated as positive tests and subject to sanction:

- If the participant fails to provide a urine sample when requested, it will be the same as a positive test and immediately sanctioned.
- A diluted sample is considered a positive test and will be immediately sanctioned.
- Should the participant tamper with or adulterate the urine sample, including submitting the sample of another individual, it will be considered a positive test and the participant will be immediately sanctioned.

If a participant tests positive, the participant may request that the sample be re-tested for confirmation. If the participant fails to make a timely request so that the sample is not available to re-test, the ability to request confirmation testing is deemed waived. If the confirmation testing returns positive, the participant will be sanctioned and/or given a therapeutic adjustment. In addition to sanctions for positive tests, the Judge and treatment team may require a change in the participant's treatment plan. Participants are also expected to submit to testing of his/her breath, hair follicle or blood as required by the Renewal Court Treatment Team.

7. Participants are required to abstain from mind-altering substances, legal or illegal, including Alcohol, Kratom, Synthetic Drugs, Bath Salts, Pseudoephedrine, Creatine, Inhalants/Whip its, Phenibutal, Alcohol Vapes, etc. It is also required that participants do not consume poppy seeds, because they can cause a false positive and may result in a sanction. In addition, the participant may not take non-FDA Approved foods, medications, supplements, chemicals, herbal remedy, etc. (examples include natural remedies, workout supplements etc.) There are also medications that can cause a false positive or that are not recommended for individuals in recovery. Therefore, prior to taking any over-the-counter medications, the participant must notify and consult with the Treatment Team, Probation Officer and/or Treatment Provider to determine if the medications could cause issues with his/her treatment and/or drug screens.

8. The participant agrees to voluntarily report to the Court, Probation and the treatment staff, any violations of the Renewal Court rules, including the participant's use of illegal drugs or alcohol.

9. The participant must pay a supervision fee of one hundred fifty dollars (\$150.00) per year for the duration of the term of supervision. None of the \$150.00 supervision fee shall be used as part of the treatment costs. The participant agrees to abide by all the general terms and conditions of the supervision of the probation department. Renewal Court participants will not be denied admission to Renewal Court based on financial ability. Renewal Court will consider a participant's ability to pay fees and other financial obligations and make reasonable accommodations based on financial ability.

10. The participant must obtain and maintain full-time employment unless this requirement is waived by the Court.

11. The participant must comply with any and all requirements the Court may impose upon the participant at the time of entry into Renewal Court or as the result of a sanction.

12. The participant must attend all scheduled court appearances, including status hearings. The participant must further attend all scheduled appointments with treatment providers and the probation department. The failure of a participant to attend a scheduled court appearance or report to treatment or probation may result in the issuance of a warrant for the participant's arrest.

13. The participant must report all prescribed medications to your treatment provider and the Probation Officer. The participant will agree to provide verification of any prescriptions from your doctor including signing a release for the Renewal Court Treatment Team to contact any doctor. In addition, participants will agree to bring all psychiatric medications to every office visit with their probation officer. Medications that participants are generally **NOT** permitted to take include Opiates (example: Lortabs, Vicodin, OxyContin or Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.), Amphetamines (example: Adderall, Ritalin, Strattera, etc.) and Benzodiazepines (example: Klonopin, Xanax, Diazepam, Valium, etc.). If a doctor believes that it is absolutely necessary to prescribe medications that will yield a positive urine drug screen (UDS), participants must submit a letter to the Court from the doctor stating that he/she is aware of your status as a recovering person, why the need for the medication outweighs the possible risks to your status as a recovering person and that he/she has been made aware of your participation in Renewal Court and that you are subject to UDS. If a participant tests positive and does not have a letter from their doctor, they are subject to sanctions immediately. Participants agree to take all approved medications strictly as prescribed. In addition, participants are required to provide medical paperwork to your probation officer or Renewal Court Team for every doctor visit, which should contain all prescribed medications, prescriptions given at the visit, and be signed by the doctor's office.

14. Releases/and or confidentiality waivers must be executed and delivered to Renewal Court, probation and treatment providers, authorizing the participant's physician or service providers to release confidential or otherwise privileged information regarding the participant to the Court, probation, and treatment.

15. The participant must inform probation and treatment staff of any changes in employment or address within twenty-four (24) hours of the occurrence of the change.

16. The participant shall not associate with anyone known to be actively involved in any criminal acts or behaviors.

17. In order to successfully complete Renewal Court, the participant must be in compliance with all of the phases of Renewal Court.

Orientation Phase

During the Orientation Phase participants gain a thorough understanding of Renewal Court requirements and complete the assessment process. During this phase participants are expected to do the following:

- Meet as instructed with the Renewal Court Administrator and Renewal Court Probation Officer. Participants will be interviewed to determine their eligibility to participate in Renewal Court and to inform the Renewal Court Judge's decision whether to grant their request for Renewal Court.
- Meet as instructed at Community Counseling Center or Signature Health to undergo a complete mental health and substance use assessment.
- Sign a Release of Information form.
- Become familiar with the location of the service providers and address any issues of transportation and/or employment.
- Review the participant handbook and the participation agreement with your defense counsel.
- Remain law abiding

Movement through the Orientation Phase occurs once all assessments and relevant forms are completed.

Phase I (Compliance)

The goal of the Compliance Phase is to provide participants with the skills and supports needed to manage behavioral health symptoms while connecting them to others in the recovery community. During Phase I participants are expected to do the following:

- Attend weekly status review hearings;
- Follow your Individual Treatment plan and attend all treatment sessions;
- Call in and submit to random alcohol and drug testing;
- Attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Cooperate with random home visits by the Probation Department;
- Engage in pro-social and sober community support activities; and
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 14 consecutive days substance-free and no infractions.

Movement through this Phase is based upon your compliance and progress with program rules and your Individual Treatment Plan.

Phase II (Program Engagement)

During Phase II participants will begin to address the issues that led them to become a participant in Renewal Court. During this phase, participants will begin to develop skills, improve family relationships, and set employment, vocational and/or educational goals. During Phase II participants are expected to do the following:

- Regularly attend Status Review Hearings before the Judge to review your progress;
- Comply with your Individual Treatment Plan;
- Continue to attend all treatment sessions, including required self-help recovery programs, or other Court approved evidence-based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continue to cooperate with random home visits by the Probation Department;
- Continue to call in, submit and provide negative results to all random alcohol and drug testing occurring at a minimum of two times per week or as specified in their Individual Treatment Plan
- Continue to engage in pro-social and sober community support activities;
- Follow through on housing, educational, vocational, and employment referrals; and
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 60 consecutive days substance-free and no infractions for 30 days.

Phase III (Growth and Development)

This phase is focused on developing self-sufficiency. Participants will begin to utilize skills learned in treatment and programming, continue to improve family relationships, and begin to make long-term employment, educational, and/or vocational plans, and demonstrate on-going stability. During Phase III you will be expected to do the following:

- Regularly attend status review hearings before the Judge to review your progress;
- Comply with your Individual Treatment plan;
- Continue to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continue to cooperate with random home visits by the Probation Department;
- Continue to call in, submit and provide negative results to all alcohol and drug testing;
- Continue to engage in pro-social and sober community support activities;
- Obtain/maintain stable, clean, sober housing;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Have a realistic plan for payment of restitution, fines and supervision fees;
- Begin the Restorative Justice Process;
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 90 consecutive days substance-free and 30 days no major infractions.

Phase IV (Maintenance)

During the maintenance phase, participants are required to continue to adhere to all treatment and Renewal Court requirements successfully and faithfully, and to continue to meet the same obligations as set forth above in the other phases.

Graduation from Renewal Court will occur after a participant has successfully completed all of the Phases. In order to graduate, participants must demonstrate the following compliant behavior and accomplishments:

- Demonstrated abstinence from alcohol and drugs as evidenced by submitting negative screens for a minimum of one hundred twenty (120) days prior to graduation;
- Successfully completed or continuing treatment and regularly attended required self-help recovery programs or other Court approved evidence-based programs;
- Demonstrated stability in the community;
- Regularly attended status review hearings before the Judge to review the participant's progress;
- Continued to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continued to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continued to cooperate with random home visits by the Probation Department;
- Obtained/maintained stable, clean, sober housing;
- Obtained/maintained employment, schooling, vocational training, or engage in other Court approved activity;
- Complete Restorative Justice process;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling etc.); and
- Paid in full restitution, fines, supervision fees and court costs, unless otherwise determined.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 120 consecutive days clean/30 days no infractions

Commencement Phase

Once a participant has successfully completed Phase IV they will enter the Commencement phase, and be required to:

- Complete and submit the written Application for Commencement;
- Complete Commencement interview;
- Remain compliant with all Renewal Court requirements through actual Commencement ceremony; and
- No sanctions/infractions within 30 days of Commencement ceremony.

The Renewal Court Judge determines when an individual will graduate.

18. The goal of Renewal Court is to encourage success and discourage failure. With that objective, Renewal Court uses incentives as an important component in making lasting changes in behavior. Incentives demonstrate acknowledgment of the difficult changes a participant is making in his/her life. Positive changes and compliance with Renewal Court requirements will

be rewarded. Some of the positive changes and behaviors that may be rewarded include, but are not limited to:

- Attending all status hearings;
- Attending all treatment sessions and Court approved self-help recovery meetings;
- Attending all appointments with the Renewal Court Administrator and/or probation department;
- Abstaining from alcohol and drugs, as evidenced by negative test results;
- Engaging in vocational or educational activities;
- Securing stable housing;
- Obtaining employment;
- Advancing in Renewal Court Phases; and
- Accomplishing any other milestone identified by the treatment team.

The Judge uses incentives on a case-by-case basis. The Judge dispenses incentives as the participant's status and conduct indicate. The Judge determines the type of incentives received based on the participant's performance and compliance with program requirements. There are many types of incentives available that may include, but are not limited to:

- Encouragement and praise from the Judge;
- Ceremonies and tokens of progress, including advancement in the Renewal Court Phases;
- Decreasing court appearances and supervision contacts;
- Increasing or expanding privileges;
- Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- Reducing fines or fees;
- Dean's list;
- Recovery Books, including The Big Book, NA Book and Smart Recovery Workbook
- Weekly fishbowl incentives; and
- Graduation from Renewal Court.

19. Just as it is important to recognize progress, it is also important for the Renewal Court Judge to respond swiftly to problems and noncompliant behavior. Sanctions are issued according to the seriousness of a violation. Serious violations could result in termination from the program. Sanctions are used on a case-by-case basis by the Judge when a participant fails to comply with Renewal Court requirements. These requirements include, but are not limited to:

- Failure to attend status hearings;
- Failure to respond in a timely manner to voice mail messages left from court, probation, or treatment staff;
- Failure to call in for drug screen in the allotted time;
- Failure to attend treatment appointments, including Court approved self-help recovery meetings, or other Court approved evidence-based programs;
- Failure to keep scheduled appointments with the court Administrator or Probation Department;
- Falsifying or attempting to falsify any required documentation, including self-help recovery meeting attendance;

- Noncompliance with random alcohol and drug screens, testing positive for alcohol and or drugs, or adulterating or attempting to adulterate urine screens;
- Noncompliance with any of the requirements of Renewal Court Phases; and
- Failure to improve troublesome behaviors.

Sanctions may include, but are not limited to:

- Warnings and admonishment from the Judge;
- Community service work;
- Individualized sanctions such as writing essays or reading books;
- Demotion to an earlier Renewal Court Phase;
- Electronically Monitored House Arrest (EMHA) or Secured Controlled Remote Alcohol Monitoring (SCRAM) bracelets;
- Increasing frequency of alcohol and drug testing;
- Increasing frequency of court appearances;
- Increasing supervision contacts;
- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Imposition of jail days;
- Filing of community control violation; and
- Termination from Renewal Court.

20. The participant understands that if he/she is terminated from Renewal Court, for Diversion cases the legal finding of guilty will be entered by the Court and the participant will be sentenced to the usual sanctions allowable under the law for the offense(s); for post-Conviction cases, the participant will be subject to a Probation Violation Hearing.

THE PARTICIPANT ACKNOWLEDGES THAT HE/SHE HAS READ AND UNDERSTANDS THIS AGREEMENT, AND FREELY AND VOLUNTARILY RELINQUISHES THE RIGHTS DISCUSSED HEREIN AND AGREES TO ABIDE BY ALL THE RULES AND CONDITIONS OF RENEWAL COURT.

Signature of Participant

Date

Attorney for Participant

Date

CONNEAUT MUNICIPAL COURT SPECIALIZED DOCKET

RENEWAL COURT

PARTICIPANT HANDBOOK



Judge Nicholas A. Iarocci
Conneaut Municipal Court
290 Main Street
Conneaut, Ohio 44030
T (440) 593-7410
F (440) 593-6402

Table of Contents

Welcome and Introduction_____	1
What Makes a Person Eligible for Renewal Court?_____	1-2
How Does a Person Apply for Renewal Court?_____	2
What Happens Once a Referral is Accepted? _____	2-3
What Happens Legally if I Enter Renewal Court?_____	3
What are Status Hearings?_____	3-4
What are Incentives and Sanctions?_____	4-6
Who is on the Renewal Court Treatment Team?_____	6
What Services are Available to Me?_____	6-7
How Does Renewal Court do Substance Use Testing?_____	7-8
How Do I Progress in Renewal Court?_____	8-11
How Do I Complete Renewal Court? _____	11-14

WELCOME AND INTRODUCTION

Congratulations on your decision to participate in the Conneaut Municipal Court Specialized Docket known as Renewal Court. This program is designed to provide support by linking you with needed services and helping you to establish a solid foundation in the community. This handbook will detail your rights and responsibilities in the program and help you understand and successfully complete the requirements of Renewal Court. Renewal Court is a voluntary program focused on providing treatment-oriented options for persons who have a mental health disorder, or a co-occurring mental health and substance use disorder that have contributed to an underlying criminal offense. Renewal Court is designed to be approximately twelve (12) months in duration, but due to the individualized nature of needs-based programming, your term of participation may be longer or shorter in duration. There are many potential benefits, resources, and requirements of program participation. Some of these include:

- Learning how to enjoy a productive lifestyle
- Improved family and social relationships
- Increased treatment, housing, and employment assistance
- Reduced negative interactions with peers and the criminal justice system
- Overall healthier lifestyle

Some of the resources Renewal Court offers participants are:

- Access to a wide range of Treatment services
- Recovery Support services to assist you with obtaining local services such as employment, educational or vocational opportunities, housing assistance and transportation assistance
- Incentives for achievements
- The Renewal Court Treatment Team that includes the Judge, Renewal Court Administrator, Law Director, Probation Officer, and Treatment staff who are all committed to your successful completion of the program.

What makes a person eligible for Renewal Court?

Renewal Court serves Ashtabula County residents who have committed or are charged with criminal offenses, and who have a moderate to high-risk for recidivism and a high need for treatment. Renewal Court ensures equal opportunity for everyone to participate and succeed, regardless of race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. Individuals wishing to participate in Renewal Court must meet clinical and legal eligibility criteria and be approved for admission by the Renewal Court Judge.

Clinical Eligibility Criteria

The participant must be diagnosed with any mental health or substance use disorder or from co-occurring mental health and substance use disorders that have contributed to an underlying criminal offense. An applicant who has needs that are beyond the scope of the appropriate treatment which Renewal Court can reasonably accommodate may be excluded from participation. Other factors to be considered for clinical eligibility are family history, health condition, and motivation and willingness to participate.

Legal eligibility criteria

A candidate for Renewal Court as a diversion applicant must meet the legal criteria of Intervention in Lieu as set forth in Ohio Revised Code Section 2951.041. In addition, the following criteria applies to both diversion and post-conviction candidates:

An individual is not eligible if any of the following exist:

- Offender is charged with an offense that is a sex-related offense (per ORC) or there is a history of sex-related offenses (to be determined on a case-by-case basis).
- Offender is charged with an OVI/DUI if the individual is a diversion applicant
- Offender's victim is under 13 or over the age of 65
- Offender's victim is permanently and totally disabled

The Renewal Court Judge makes the final decision regarding a person's acceptance into the program.

How does a person apply for Renewal Court?

Referral Process

Potential participants can be referred to Renewal Court through various points of entry which include referrals from any of the following: Law Director/Prosecutor, Judge, Defense Counsel, Treatment providers, Probation officer, Jail staff, Treatment provider, and self-referral.

Referrals can be made at any stage of the criminal case or court process, to include arraignment, pretrial, pre-plea agreement, change of plea, intervention in lieu of conviction (R.C. 2951.041), post-plea (Pre-sentence Investigation), sentencing, while currently under supervision/community control or because of a community control violation. A person interested in participating in Renewal Court must submit, through his or her attorney, an application to the Conneaut Law Director. There is no legal right to participate in Renewal Court, and the decisions of the Renewal Court Judge are final.

What Happens Once A Referral is Accepted?

Once a referral and a completed application are accepted, the Renewal Court Administrator will contact you to conduct an interview to determine your needs and if you meet the criteria for

admission to Renewal Court. You will also meet with your Probation Officer who will conduct a Presentence Investigation. You will be asked to sign a Release of Information so that you can be referred to needed services. You will be referred for a mental health and substance use assessment with Community Counseling Center or Signature Health depending on your preferences.

What Happens Legally if I enter Renewal Court?

The legal process that is followed will depend on your application as a Diversion or Post-Conviction applicant.

Diversion Participant

If you are a diversion applicant, you will enter a guilty plea to the charge(s). The Renewal Court Judge will defer adjudication of the finding of guilt and stay all further legal proceedings and transfer the case to the Renewal Court docket. Upon your successful completion of Renewal Court, the charge(s) is/are dismissed pursuant to R.C. § 2952.041 and the record is sealed following the filing of a motion to seal by your defense counsel. If you do not complete the Renewal Court, the stay of legal proceedings will be lifted, a finding of guilt will be entered, and a participant will be sentenced to the usual sanctions allowable under the law for the offense(s). If an individual is unable to complete the program due to a serious physical or mental health condition, the participant will be neutrally discharged as determined by the Renewal Court Judge with input from the Treatment Team.

Post-Conviction Participant

If you are a post-conviction applicant, you will plead guilty to the charge(s) and be sentenced by the Renewal Court Judge to Renewal Court as a condition of community control. An individual may also be ordered by the judge to successfully complete Renewal Court as a result of a community control violation. If a post-conviction participant is unsuccessfully terminated from the program, a complaint for violation of community control is filed by the Probation Department and the matter will be set for a Preliminary Revocation Hearing, and a Final Revocation Hearing, if necessary. Should the judge determine that the participant violated the terms of community control for being terminated from the program, the participant will be sentenced to the usual sanctions allowable under the law for the offense(s). If an individual becomes unable to complete the program due to a serious physical or mental health condition, the participant will be neutrally discharged as determined by the Renewal Court Judge with input from the Treatment Team.

Before entering Renewal Court, you will receive and agree to the terms and conditions set forth in the written participation agreement and participant handbook outlining the requirements and process of Renewal Court. In addition to any constitutional or legal right to counsel throughout the process, you have the right to request the attendance of defense counsel during the portion of a Renewal Court treatment team meeting concerning the participant.

What Are Status Hearings?

During Renewal Court, you will meet regularly with the Renewal Court Judge at status hearings. You will appear at status hearings with other Renewal Court participants. The Renewal Court Judge will review your progress and provide incentives or sanctions based upon your

behaviors and progress. Each participant is expected to converse with the Judge and is encouraged to be open and honest.

Participants are to abide by the following dress code for Court appearances:

- Shirts are to be tucked in
- Dress pants (are to fit properly)
- No clothing associated with tobacco, alcohol, drugs, bars or gangs
- No hats or sunglasses
- No transparent clothing unless layered with undershirt
- No low-cut shirts, midriffs, or halter tops
- No do rags
- No work boots or flip flops
- No sleeveless shirts/tank tops or backless shirts
- Dresses and skirts must be the length that would reach the tips of your fingers while hands are straight down at your side
- No cutoff jeans, shorts or tank tops will be allowed in Court
- No yoga pants or workout pants
- No sundresses unless shoulders covered

What Are Incentives and Sanctions?

Incentives

The goal of Renewal Court is to encourage success and discourage failure. Therefore, Renewal Court uses incentives as an important component in making lasting changes in behavior. Incentives demonstrate acknowledgment of the difficult changes a participant is making in his/her life. Positive changes and compliance with Renewal Court requirements will be rewarded. Some of the positive changes and behaviors that may be rewarded include, but are not limited to:

- Attending all status hearings;
- Attending all treatment sessions and Court approved self-help recovery meetings;
- Attending all appointments with the Renewal Court Administrator and/or probation department;
- Abstaining from alcohol and drugs, as evidenced by negative test results;
- Engaging in vocational or educational activities;
- Securing stable housing;
- Obtaining employment;
- Advancing in Renewal Court Phases; and
- Accomplishing any other milestone identified by the treatment team.

The Judge uses incentives on a case-by-case basis. The Judge dispenses incentives as the participant's status and conduct indicate. The Judge determines the type of incentives received based on the participant's performance and compliance with program requirements. There are many types of incentives available that may include, but are not limited to:

- Encouragement and praise from the Judge;
- Ceremonies and tokens of progress, including advancement in the Renewal Court Phases;
- Decreasing court appearances and supervision contacts;
- Increasing or expanding privileges;
- Gift cards for restaurants, movie theaters, recreational activities, or personal care services;
- Reducing fines or fees;
- Dean's list;
- Recovery Books, including The Big Book, NA Book and Smart Recovery Workbook
- Weekly fishbowl incentives; and
- Graduation from Renewal Court.

Sanctions

Just as it is important to recognize progress, it is also important for the Renewal Court Judge to respond swiftly to problems and noncompliant behavior. Sanctions are issued according to the seriousness of a violation. Serious violations could result in termination from the program. Sanctions are used on a case-by-case basis by the Judge when a participant fails to comply with Renewal Court requirements. Renewal 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. These requirements include, but are not limited to:

- Failure to attend status hearings;
- Failure to respond in a timely manner to voice mail messages left from court, probation, or treatment staff;
- Failure to call in for drug screen in the allotted time;
- Failure to attend treatment appointments, including Court approved self-help recovery meetings, or other Court approved evidence-based programs;
- Failure to keep scheduled appointments with the court Administrator or Probation Department;
- Falsifying or attempting to falsify any required documentation, including self-help recovery meeting attendance;
- Noncompliance with random alcohol and drug screens, testing positive for alcohol and or drugs, or adulterating or attempting to adulterate urine screens;
- Noncompliance with any of the requirements of Renewal Court Phases; and
- Failure to improve troublesome behaviors.

Sanctions may include, but are not limited to:

- Warnings and admonishment from the Judge;

- Community service work;
- Individualized sanctions such as writing essays or reading books;
- Demotion to an earlier Renewal Court Phase;
- Electronically Monitored House Arrest (EMHA) or Secured Controlled Remote Alcohol Monitoring (SCRAM) bracelets;
- Increasing frequency of alcohol and drug testing;
- Increasing frequency of court appearances;
- Increasing supervision contacts;
- Refusing specific requests, such as permission to travel;
- Denying additional or expanded privileges, or rescinding privileges previously granted;
- Imposition of jail days;
- Filing of community control violation; and
- Termination from Renewal Court.

Who is on the Renewal Court Treatment Team?

The Renewal Court Treatment Team includes: the Renewal Court Judge, representatives of Community Counseling Center and Signature Health, Renewal Court Administrator, Renewal Court Probation Officer, a representative of the Law Director's Office and County Public Defender's Office. Renewal Court Treatment Team members work together to assist participants in becoming successful. The Treatment Team meets weekly to review your progress and develop plans to improve your success. In addition, the need for rewards or sanctions are also discussed at the Team Meetings. You have the right to request your defense counsel attend the portion of the Treatment Team meeting concerning you.

What Services Are Available to Me?

All Renewal Court participants receive prompt access to treatment and recovery services that are identified in their Individual Treatment Plan. In addition, depending on your individual needs you may be referred for assistance with education, vocational training, employment, transportation, housing, domestic violence programming, physical, mental, and dental health, parenting, and language services. There are two licensed treatment centers in Ashtabula County that provide mental health and substance use services, Community Counseling Center and Signature Health.

During your initial screening by the Renewal Court Administrator, you will be asked to identify the treatment center you would prefer to work with.

Community Counseling Center conducts mental health and substance use assessments, provides Substance Use Intensive Outpatient Services, Alcohol/Drug Testing, Group Counseling, Case Management, Mental Health Counseling, Psychiatry, Medication Assisted Treatment, and

Peer Support Services. Signature Health provides mental health and substance use assessments, Substance Use Intensive Outpatient Services, Alcohol/Drug Testing, Dual Diagnosis Group Counseling, Case Management, Medication Assisted Treatment, and Peer Support Services.

Renewal Court will consider any of the medications approved by the FDA for treatment of an opioid use disorder as appropriate for Renewal Court participants when it is prescribed by a qualified medical provider and administered in conjunction with behavioral health treatment. Medication Assisted Treatment services will be available and shall be provided in a form and manner that adhere to “The Supreme Court of Ohio’s Principles for the Use of Medication Assisted Treatment (MAT) in Drug Courts.”

How Does Renewal Court Do Substance Use Testing?

Every participant of Renewal Court is required to submit to random, frequent, and observed alcohol and drug screens. Testing is conducted based upon the participant’s individual needs. All participants submit to random, frequent, and observed alcohol and drug screens. Participant are required to contact a drug testing automated system Sunday through Saturday between 5:00 a.m. to 5:00 p.m. to find out if he/she is required to submit a urine screen from 10:00 a.m. to 5:00 p.m. that day, excluding the hour between 3:30 p.m. and 4:30 p.m. The participant is also required to submit to testing if requested by the Treatment Provider, the Probation Department, or the Renewal Court Judge. All testing results will be shared with the Judge and the other members of the Treatment Team. Testing positive will result in a sanction and/or therapeutic adjustment and shall be immediately enforced and reinforced by the Renewal Court Judge.

Participants are tested with an instant urinalysis drug screen. The collection of test specimens are witnessed directly by a staff person who has been trained to prevent tampering and substitution of fraudulent specimens. It is the participant’s responsibility to travel to the testing location during the hours indicated for the testing. Participants are expected to arrive at the testing location, currently located at the Community Counseling Center or Signature Health’s Conneaut offices, to produce a sample within a certain period of time.

The following acts are treated as positive tests and subject to sanction:

If the participant fails to provide a urine sample when requested, it will be the same as a positive test and immediately sanctioned.

- A diluted sample is considered a positive test and will be immediately sanctioned.
- Should the participant tamper with or adulterate the urine sample, including submitting the sample of another individual, it will be considered a positive test and the participant will be immediately sanctioned.

In addition, participants are required to abstain from mind-altering substances, legal or illegal, including Alcohol, Kratom, Synthetic Drugs, Bath Salts, Pseudoephedrine, Creatine, Inhalants/Whip its, Phenibutal, Alcohol Vapes, etc. It is also required that participants do not consume poppy seeds, because they can cause a false positive and may result in a sanction. In addition, the participant may not take non-FDA Approved foods, medications, supplements,

chemicals, herbal remedy, etc. (examples include natural remedies, workout supplements etc.) There are also medications that can cause a false positive or that are not recommended for individuals in recovery. Therefore, prior to taking any over-the-counter medications, the participant must notify and consult with the Treatment Team, Probation Officer and/or Treatment Provider to determine if the medications could cause issues with his/her treatment and/or drug screens.

If a participant tests positive, the participant may request that the sample be re-tested for confirmation. If the participant fails to make a timely request so that the sample is not available to re-test, the ability to request confirmation testing is deemed waived. If the confirmation testing returns positive, the participant will be sanctioned and/or given a therapeutic adjustment. In addition to sanctions for positive tests, the Judge and treatment team may require a change in the participant's treatment plan. Participants are also expected to submit to testing of his/her breath, hair follicle or blood as required by the Renewal Court Treatment Team.

How Do I Progress in Renewal Court?

You will progress through Renewal Court based upon the progress you make in treatment, following the rules of the Program, and by remaining law-abiding. Renewal Court has different Phases or steps that you move through as you make progress in your recovery. There are no set timelines for how long you are in each Phase, instead it is based upon your individual progress. The following describes the Phases of Renewal Court:

Orientation Phase

During the Orientation Phase you will gain a thorough understanding of Renewal Court requirements and complete the assessment process. During this phase you will be expected to do the following:

- Meet as instructed with the Renewal Court Administrator and Renewal Court Probation Officer. You will be interviewed to determine your eligibility to participate in Renewal Court and to inform the Renewal Court Judge's decision whether to grant your request for Renewal Court;
- Meet as instructed at Community Counseling Center or Signature Health to undergo a complete mental health and substance use assessment;
- Sign a Release of Information form;
- Become familiar with the location of the service providers and address any issues of transportation and/or employment;
- Review the participant handbook and the participation agreement with your defense counsel; and
- Remain law abiding.

If you have any questions regarding eligibility and your desire to participate in Renewal Court, please talk to your defense counsel. You will complete the Orientation Phase once all assessments and relevant forms are completed.

Phase I (Compliance)

The goal of the Compliance Phase is to provide you with the skills and supports needed to manage behavioral health symptoms while connecting you to others in the recovery community. During Phase I you will be expected to do the following:

- Attend weekly status review hearings;
- Follow your Individual Treatment plan and attend all treatment sessions;
- Call in and submit to random alcohol and drug testing;
- Attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Cooperate with random home visits by the Probation Department;
- Engage in pro-social and sober community support activities; and
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 14 consecutive days substance-free and no infractions.

Movement through this Phase is based upon your compliance and progress with program rules and your Individual Treatment Plan.

Phase II (Program Engagement)

During Phase II you will begin to address the issues that led you to become a participant in Renewal Court. During this phase, you will begin to develop skills, improve family relationships, and set employment, vocational and/or educational goals. During Phase II you are expected to do the following:

- Regularly attend Status Review Hearings before the Judge to review your progress;
- Comply with your Individual Treatment Plan;
- Continue to attend all treatment sessions, including required self-help recovery programs, or other Court approved evidence-based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continue to cooperate with random home visits by the Probation Department;
- Continue to call in, submit and provide negative results to all random alcohol and drug testing occurring at a minimum of two times per week or as specified in their Individual Treatment Plan;
- Continue to engage in pro-social and sober community support activities;
- Follow through on housing, educational, vocational, and employment referrals; and
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 60 consecutive days substance-free and no infractions for 30 days.

Phase III (Growth and Development)

This phase is focused on developing self-sufficiency. You will begin to utilize skills learned in treatment and programming, continue to improve family relationships, and begin to make long-term employment, educational, and/or vocational plans, and demonstrate on-going stability. During Phase III you will be expected to do the following:

- Regularly attend status review hearings before the Judge to review your progress;
- Comply with your Individual Treatment plan;
- Continue to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continue to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continue to cooperate with random home visits by the Probation Department;
- Continue to call in, submit and provide negative results to all alcohol and drug testing;
- Continue to engage in pro-social and sober community support activities;
- Obtain/maintain stable, clean, sober housing;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Have a realistic plan for payment of restitution, fines and supervision fees;
- Begin the Restorative Justice Process; and
- Remain law abiding.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 90 consecutive days substance-free and 30 days no major infractions.

Phase IV (Maintenance)

During the maintenance phase, you are required to continue to adhere to all treatment and Renewal Court requirements successfully and faithfully, and to continue to meet the same obligations as set forth above in the other phases.

Graduation from Renewal Court will occur after you have successfully completed all of the Phases. In order to graduate you will have to demonstrate the following compliant behavior and accomplishments.

- Demonstrated abstinence from alcohol and drugs as evidenced by submitting negative screens for a minimum of one hundred twenty (120) days prior to graduation;
- Successfully completed or continuing treatment and regularly attended required self-help recovery programs or other Court approved evidence-based programs;
- Demonstrated stability in the community;

- Regularly attended status review hearings before the Judge to review the participant's progress;
- Continued to attend all treatment sessions, including required self-help recovery programs or other Court approved evidence-based programs;
- Continued to attend all required meetings and follow all rules of supervision with the Renewal Court Administrator and Probation Department;
- Continued to cooperate with random home visits by the Probation Department;
- Obtained/maintained stable, clean, sober housing;
- Obtained/maintained employment, schooling, vocational training, or engage in other Court approved activity;
- Complete Restorative Justice process;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling etc.); and
- Paid in full restitution, fines, supervision fees and court costs, unless otherwise determined.

To advance you must do the following:

- ✓ Compliance with above; and
- ✓ Minimum 120 consecutive days clean/30 days no infractions

Commencement Phase

Once you have successfully completed Phase IV you will enter the Commencement phase, and be required to:

- Complete and submit the written Application for Commencement;
- Complete Commencement interview;
- Remain compliant with all Renewal Court requirements through actual Commencement ceremony; and
- No sanctions/infractions within 30 days of Commencement ceremony.

The Renewal Court Judge will determine when you graduate.

How Do I Complete Renewal Court?

A participant can complete Renewal Court in one of three ways: successful completion, unsuccessful completion, and neutral termination.

Criteria for Successful Completion

Successful Completion and Graduation from Renewal Court occurs after a participant has successfully completed all of the Phases. In order to graduate, a participant must demonstrate the following behavior and accomplishments:

- Demonstrated period of treatment compliance:
 - Evidenced by submitting verification of treatment attendance; and

- Medication regime compliance as reported from Treatment Provider.
- Displayed a positive change in thinking, attitude, and beliefs;
- Successfully completed treatment or programming, or continues to be actively engaged in treatment process;
- Maintained consistent employment and housing;
- Demonstrated ability to identify and eliminate criminal thinking patterns; and
- Paid in full fines, court costs, restitution (if applicable), and treatment costs (inability to pay costs in full does not necessarily prevent successful completion).

Accomplishments may include:

- Medication regime compliance;
- Demonstrated abstinence from alcohol and drugs as evidenced by negative screens;
- Completion of treatment or continued engagement in treatment;
- Aftercare plan established;
- Completed Renewal Court requirements;
- Completed vocational or educational plan;
- Paid in full restitution, fines, and court costs, unless otherwise determined;
- Displayed responsibility for his or her behavior; and
- Demonstrated stability in the community.

The Renewal Court Judge has sole discretion to determine whether and when the participant will successfully complete the program.

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

1. Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant 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, aftercare activities, and the Application for Commencement.
3. Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the Renewal Court Judge.
4. Judicial Decision: The Renewal Court Judge determines that the participant successfully completed the Renewal Court.
5. Graduation Ceremony: Each graduate has a formal graduation ceremony in which they are presented with a certificate of completion and addressed by the Treatment Team and participants. The Renewal Court Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.

6. Final Disposition: Depending on case type, the underlying case is closed, or in cases implementing intervention in lieu of conviction, the underlying case is dismissed.

Unsuccessful Termination

Common behaviors that lead to unsuccessful termination include, but are not limited to, the following:

- Ongoing noncompliance with treatment;
- Failure to attend treatment appointments;
- New serious criminal convictions;
- A serious Renewal Court infraction or series of infractions; and/or
- A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- May affect an individual's ability to reenter Renewal Court
- Further legal action, including revocation of intervention in lieu of conviction, or motion for probable cause or probation violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

If a participant is an intervention in lieu/diversion participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of Renewal Court, the stay of legal proceedings will be lifted, and the offender will be sentenced to the usual sanctions allowable under the law for the offense(s). Disposition of the charge(s) will then be determined by the Judge and the Prosecutor/Law Director.

If an offender is a post-conviction participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of probation will be filed and the matter will be set for a violation hearing. Should the Court determine that the offender violated the terms of probation for being terminated from Renewal Court, then he or she will be sentenced to the usual sanctions allowable under the law for the offense.

Neutral Discharge

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

- a serious medical condition;
- cognitive impairment;
- serious mental health condition that cannot be addressed by Renewal Court;
- death; and
- other factors that may keep the participant from meeting the requirements for success completion.

- Upon neutral discharge from Renewal Court, the case will be returned to the original docket for determination of appropriate disposition based on the specific facts surrounding the case.

Inactive Status

There may be circumstances that necessitate a participant being placed in “inactive status,” whereby they are not formally discharged from Renewal Court 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 Renewal Court is beneficial to the participant and the program;
- Unable/unwilling to comply with program requirements in a timely manner as directed; or
- Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.

If you have any questions about the contents of this Handbook, please ask your Defense Counsel or the Renewal Court Administrator

APPENDIX VI

APPLICATION FOR COMMENCEMENT

CONNEAUT MUNICIPAL COURT

JUDGE NICHOLAS A. IAROCCHI

290 Main Street

Conneaut, OH 44030

Phone: 440-593-7410 Fax: 440-593-6402

Instructions:

Please write legibly to the following questions. **It is important that you make sure your answers are detailed.** This application must be completed and submitted to the Renewal Court Administrator 30 days prior to the scheduled commencement. The Renewal Court Treatment Team will review your application and may request additional information. If you need additional space, please use additional pages, simply write the number of the question you are continuing. If you have any questions regarding the application, please contact the Renewal Court Administrator. **This information is for the Renewal Court Treatment Team and participant reflection only, not intended for public distribution.**

NAME: _____

DATE RECEIVED: _____

1. Describe your life before Renewal Court.
2. Describe how your life is different today after Renewal Court.
3. Describe one or more challenges you experienced in Renewal Court.

4. Describe something that happened while you were in Renewal Court that made a lasting impression and helped with your recovery.

5. Describe a personal success you experienced while in Renewal Court.

6. What are two things you have learned from Renewal Court?

a.

b.

7. Describe one or more challenges that you foresee in the next six to twelve months?

8. Are you employed? If yes, where and for how long?

9. Describe your support system.

10. Describe a situation when you would use your support system.

11. Have you developed any new interests or activities to your life since beginning Renewal Court?

12. Describe how these new interests and activities help you with your recovery.

13. Explain how you will support your recovery after leaving structured, court-supervised treatment. Be specific.

14. Please describe the accomplishments you have made while in Renewal Court, and why you feel you are ready to graduate:

15. Is there anything else you would like the Treatment Team to know?

APPENDIX VII

Current Roster Treatment Team Members

Conneaut Municipal Renewal Court

Judge Nicholas A. Iarocci
Conneaut Municipal Court
290 Main Street
Conneaut, Ohio 44030
Tel. #: 440-593-7410
Fax #: 440-593-6402

Stephanie Belconis
Renewal Court Coordinator
Conneaut Municipal Court
290 Main Street
Conneaut, Ohio 44030
Tel. #: 440-593-7410
Fax # 440-593-6402

Tina Scibona, Esq.
Ashtabula County Public Defender's Office
22 E Jefferson St.
Jefferson, Ohio 44047
Tel. # 440-998-2628
Fax # 440-998-2972

Michael Colby
Chief of Police
Conneaut Police Department
294 Main Street
Conneaut, Ohio 44030
Tel. # 440-593-7440
Fax # 440-998-6489

Brittany Mihely
Lead Outpatient Counselor
Lake Area Recovery Center
2801 C. Court
Ashtabula, Ohio 44004
Tel. # 440-536-0251

Chris Raab
MISSIONS
Signature Health
4726 Main Ave.
Ashtabula, Ohio 44004
Tel. # 440-992-8552

Mallory Fisher
Vocational Rehabilitation Supervisor
Opportunities for Ohioans with Disabilities
150 E. Campus View Blvd, Suite 300
Columbus, Ohio 43235
Tel. #: 216-277-3250

Michelle Ross and/or Jeff Raisian
Probation Officer
Conneaut Municipal Court
290 Main Street
Conneaut, Ohio 44030
Tel. #: 440-593-7410
Fax # 440-593-6402

John Lewis, Esq.
Law Director
Conneaut Law Director's Office
294 Main Street
Conneaut, Ohio 44030
Tel. # 440-593-7403

Tim Hicks, LPCC-S
Therapist/Conneaut Team Lead
Community Counseling Center
216 Main Street
Conneaut, Ohio 44030
Tel. # 440-998-4210 ext. 365

Stacy Smith, MSW, LISW-S
Supervisor, Behavioral Health
Signature Health
4726 Main Ave
Ashtabula, Ohio 44004
Tel. # 440-992-8552 Ext. 20118

Bridget Sheets, CDCA
MISSIONS
Signature Health
4726 Main Ave.
Ashtabula, Ohio 44004
Tel. # 440-992-8552

APPENDIX VIII

Sample Progress Report

Conneaut Municipal Renewal Court
Participant Weekly Report

Name: _____ Date: _____ Agency: _____

APPOINTMENTS

Individual Counseling Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Case Management Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Psychiatrist Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Supported Employment Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Group Counseling Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
IOP Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
PHP Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Peer Support Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor
Other- _____ Absences: <input type="checkbox"/> Yes Date: _____ <input type="checkbox"/> No	Cancelled by <input type="checkbox"/> Client or <input type="checkbox"/> Counselor

ALCOHOL AND DRUG SCREENS

Date of Positive Screen(s): _____ Drug(s): _____

TREATMENT AND RECOVERY SUPPORT SUMMARY OF PROGRESS:

Services participating in and progress toward individual treatment goals for **each** service:

Barriers to individual treatment goals:

Treatment adjustments needed or implemented:

Recommendations/Comments:

Signature and Title of Treatment Team Member

Date

APPENDIX IX
Substance Use Testing Policies and Procedures

**CONNEAUT MUNICIPAL COURT
ADULT PROBATION DEPARTMENT**

SUBJECT: SUBSTANCE ABUSE TESTING

EFFECTIVE DATE: _____

I. PURPOSE:

The purpose of this policy is to establish uniform guidelines and procedures for substance abuse testing of offenders under the supervision of the Conneaut Municipal Court Adult Probation Department.

II. APPLICABILITY:

This policy applies to all employees of the Conneaut Municipal Court Adult Probation Department who are involved in supervising and/or testing offenders for substance abuse (SA).

III. DEFINITIONS

- **ADULTERATION:** To make the urine sample impure by mixing in a foreign substance or by ingesting substances that will mask drugs of abuse in urine.
- **CHAIN OF CUSTODY:** The process of collection, storage, testing and transportation of a urine specimen and dissemination of test results in a manner that ensures the specimen and the results are correctly matched to the person who gave the specimen and that the specimen is not altered or tampered with from the point of collection through the reporting of test results.
- **CONTRABAND:** Any unauthorized, non-prescribed substance or item that can adulterate a substance abuse test.
- **FOR CAUSE TESTING:** Discretionary substance abuse testing that is based on the belief that the offender has used drugs and/or alcohol.
- **CASE NOTES** All data pertaining to an offender maintained by the offender's supervising Conneaut Municipal Court Adult Probation Department officer in Caseload Pro activity.
- **GAS CHROMATOGRAPHY MASS SPECTROMETRY TESTING IGCIMS):**
A chromatographic procedure used to identify substances in urine and to confirm drug use.

- MANDATORY TESTING: A substance abuse testing regimen determined by an offender's classification and participation in a substance abuse education and/or treatment program.
- OFFENDER: Any individual under the supervision of the Conneaut Municipal Court Adult Probation Department.
- ON-SITE SCREENING INSTRUMENT: A screening device for substances which provides immediate results.
- RANDOM TESTING: A substance abuse testing regimen that is unannounced and unscheduled and that can be administered at any time throughout the period of supervision.
- SANCTIONS: An official response by a Conneaut Municipal Court Adult Probation Department Officer to a specific, documented violation behavior. A sanction is a mechanism used to address and impact an offender's violation behavior. A sanction may be located in the community or in an institution in the case of revocation.
- SUBSTANCE: To include, but not limited to, alcohol, opiates, Oxycodone, cannabinoids, benzodiazepines, PCP, LSD, barbiturates, amphetamines/methamphetamines— cocaine inhalants and other drugs of abuse.
- SUBSTANCE ABUSE EDUCATION AND/OR TREATMENT PROGRAM: Any offender participation in programming where the primary focus is on substance abuse. This includes education, outpatient, intensive outpatient, day reporting, relapse prevention, aftercare, or residential programming. (Fellowship meetings such as AA are not considered substance abuse education and/or treatment programming and thus do not require mandatory drug testing.)
- SUBSTANCE ABUSE TEST: Any use of an approved on-site screening instrument, alcohol breath analysis instrument, approved testing device, or urinalysis specimen tested by a certified technician at an approved lab utilizing FDA approved testing methods to detect the presence of substances in offenders under the supervision of Conneaut Municipal Court Adult Probation Department.
- SUPPORT STAFF: Those employees whose job descriptions do not include responsibilities for investigating or supervising offenders.
- TAMPER: The act of adding a substance to a urine specimen in order to adulterate it or any other attempt to improperly interfere or alter a sample.
- URINALYSIS: Analysis of urine to determine the presence or abuse of illegal substances or

alcohol.

IV. POLICY:

It is the policy of the Conneaut Municipal Court Adult Probation Department to provide mandatory, random, and for cause substance abuse (SA) testing of offenders in order to identify those individuals who are abusing substances and to allow for appropriate supervision and intervention strategies. Discrimination against offenders due to race, color, religion, national origin, sex, disability, age, veterans' status is not permitted.

Conneaut Municipal Court Adult Probation Department substance testing is conducted for purposes such as the monitoring of offender compliance with conditions of supervision and to ensure public safety.

The substance abuse testing policy sets forth minimum guidelines and does not limit the supervising officer from conducting additional substance tests as determined by the supervising officer.

V. PROCEDURES:

A. DETERMINING NEED FOR SUBSTANCE ABUSE TESTING

1. OFFENDER INTAKE

- a. During the initial fourteen (30) days of supervision, a review of all investigation reports shall be completed to determine if the offender has a court special condition to successfully complete substance abuse programming, scores a high or moderate need using the ORAS CST, or is currently abusing illegal substances. If any of these conditions exist the offender will be referred to a community treatment provider for a substance abuse screening and/or assessment. If determined by the treatment provider that substance abuse treatment is recommended, mandatory testing should begin immediately. This includes transfer cases from other jurisdictions.

B. TESTING REGIMENS

1. MANDATORY TESTING:

- a. All offenders under the supervision of the Conneaut Municipal Court Adult Probation Department will submit to an initial mandatory test upon being placed under the department's supervision or following the release from a residential treatment facility. If an offender demonstrates abstinence which has been determined by negative tests, the offender may be moved to a random testing

category. Any offender who produces positive specimens may be referred to a chemical dependency specialist for a substance abuse evaluation and may be required to submit to mandatory basis.

- b. Any offender in a substance abuse education and/or treatment program, including aftercare, should be tested on a mandatory basis.

2. RANDOM TESTING:

In addition to the initial testing period, all offenders should be randomly tested at a minimum of (1) one time every three (3) months of supervision. This test should be unscheduled and unannounced. These tests should involve the collection of a urinalysis specimen tested by an instant drug screening device or other approved laboratory.

3. FOR CAUSE TESTING DURING SUPERVISION:

Offenders may be subjected to substance abuse testing if any of the following circumstances occur during the period of supervision:

- a. There is a violation of any substance abuse related condition of supervision;
- b. There is a suspicion that the offender is under the influence of a substance(s) or drug of abuse;
- c. There is a change in the offender's appearance or demeanor (e.g., loss of weight or change in hygiene)
- d. A report of substance abuse is received from family members, a coworker or other reliable collateral sources;
- e. The offender discloses his/her substance abuse.
- f. There is a major change in the offender's life (e.g., loss of employment, legal involvement, family problems,) or other situations that may contribute to increased stress.

C. TYPES OF SUBSTANCE ABUSE TESTING:

- 1. An on-site substance abuse screening instrument will be used to perform a substance abuse

test. Positive urinalysis on-site substance abuse screening tests should be confirmed by an approved laboratory unless a written confession is obtained by the offender. In the event the specimen does not confirm at the laboratory, the specimen should be considered negative.

2. A breath analysis instrument is acceptable for testing offenders whose primary drug of choice is alcohol. It is recommended these instruments be used in conjunction with urinalysis screens.
3. All positive test results should be maintained in the officer's case notes and offender's file.

D. RESPONSES TO POSITIVE TEST RESULTS:

1. Positive results, denied by the offender, can be retested at the offender's request. Costs associated with confirmation testing will be paid by the Conneaut Municipal Court Probation Department if the confirmation test is negative. If the confirmation is positive, costs will be paid by the offender. State Road Occupational will be utilized for laboratory testing. Chain of custody for confirmation testing will consist of the offender initialing and sealing their urine sample with provided evidence tape. Sample will then be placed by the offender in a secured/locked refrigerator until transport can be complete by the supervising officer or designee to State Road Occupational. Written documentation will be provided to State Road Occupational and a copy of the chain of custody will be signed by State Road Occupational staff.
2. Positive test results obtained from offenders involved in substance abuse education and/or treatment should be shared with the offender's primary counselor by the supervising officer to facilitate appropriate intervention and treatment strategies.
3. The documentation of those contacts should be made in the officer's case notes.
4. All positive tests shall be staffed with the Chief Probation Officer and shall result in a sanction being imposed upon the offender. Examples of such sanctions include, but are not limited to the following:
 - a. A verbal sanction documented in the case notes;
 - b. Referral for substance abuse treatment screening and/or assessment;
 - c. Referral to a Chemical Dependency Specialist to develop an appropriate intervention strategy;
 - d. Additional substance abuse testing;

- e. Increased reporting to the supervising officer;
- f. The preparation of a relapse prevention plan by the offender;
- g. Increased attendance at fellowship meetings;
- h. The imposition of curfew restrictions;
- i. The imposition of travel restrictions;
- j. An increase in the offender's supervision level;
- k. Placement in a halfway house, preferably one that offers treatment services for substance abuse; and/or,
- l. The scheduling of a violation hearing.

All staffing, results and sanctions shall be documented in the offender's case notes with written documentation (if applicable) kept in the offender's case file

E. OVERRIDES TO POLICY:

Under normal circumstances, it is expected that every effort will be made by Conneaut Municipal Court Adult Probation Department Officers to comply with the substance abuse testing policy. However, an override to the requirements of this policy may be recommended by the Chief Probation Officer. An override may be considered when workload issues and staff vacancies prevent Probation Officers and/or supervision departments from complying with the requirements of the policy. An override may also be considered if certified local providers conduct regular substance abuse tests for Conneaut Municipal Court Adult Probation Department offenders in substance abuse education and/or treatment programs, where there are prevailing judicial practices concerning the response to substance abuse testing violations that are not consistent with this policy, or where other circumstances are present that justify such actions.

G. COLLECTION OF SPECIMENS EMPLOYEE RESPONSIBILITY:

- 1. Unless other approved arrangements have been made, the supervising officers shall collect urine specimens and conduct the instant test in the offender's presence. If the supervising officer is unavailable, other designated staff such as duty officers, or Chief Probation Officer shall collect and perform specimen testing.

2. Because the individual collecting the specimen is to witness the urine passing into the container, (s)he should be of the same gender as the offender.
3. If it is necessary for an individual of a different gender to collect the specimen, it is permissible to allow the offender to be alone and unattended when providing the specimen. A complete shakedown of the restroom must be done in this circumstance as well as a thorough search of the offender.
4. Offenders are to be searched for contraband by an officer, supervisor, or other collection personnel prior to providing a urine specimen.
5. While the offender is providing the specimen the staff member shall position him/herself to see that no foreign agents or substitute liquids are used by the offender.
6. Support staff, interns and volunteers shall not assist in the collection of urine specimens.

H. ADULTERATION OF OR INABILITY TO PROVIDE A URINE SPECIMEN:

1. Any offender reporting for a urine collection will be given up to ninety (90) minutes to provide a urine specimen. The offender should be permitted to consume no more than sixteen (16) ounces of fluid during this time. If the offender is unable to provide the specimen within this time period, the test will be considered as refused and sanctions will apply as if the offender tested positive.
2. Any attempt by the offender to either adulterate the urine specimen or substitute another person's urine will be considered as a positive specimen and appropriate sanctions shall be imposed.

I. CHAIN OF CUSTODY

1. COLLECTION:

- a. The staff member collecting the sample, hereafter referred to as collection personnel, will make a positive identification of the offender before collecting the specimen. This can be done in the following manner:
 - (1) Verify by photograph and signature using a driver's license or other acceptable format; and
 - (2) Verify by recognition through a staff member.

- b. The restroom should always be secured, i.e., checked for contraband, prior to being used for specimen taking. All caustic and/or flammable materials should be in locked metal containers and inaccessible to offenders. There should be nothing available to offenders that they can use to adulterate the specimen.
- c. The offender shall be escorted by the collection personnel to the restroom.
- d. The offender will wash and dry his/her hands in the presence of the collection personnel prior to providing the specimen. The offender's arms and hands will be checked to ensure there are no devices for holding substitute liquid.
- e. The staff member will provide the offender with a Conneaut Municipal Court Adult Probation Department approved container. The collection personnel will observe the offender while (s)he is providing the specimen, unless the offender is of the opposite sex. Offenders of the opposite sex will provide the urine specimen in the restroom unattended.
- f. The collection personnel and the offender should keep the specimen container in view at all times.
- j. After providing the specimen, the offender will tightly secure the cap and dry the container with a paper towel.
- k. The supervising officer or designee will perform the instant test in the presence of the offender.
- l. In the event that the specimen tests positive, the offender may admit to the results or deny the presence of the illegal substances in the specimen.
- m. Denial of the results will require confirmation at an approved laboratory.
- n. Form ACP 200-21 shall be completed along with a chain of custody log provided by the laboratory.
- o. The offender shall complete the required paperwork and transfer the specimen into the provided container.
- p. Said container shall then be sealed with evidence tape and placed in an evidence bag by the offender for transport. All documentation will also be placed with the specimen and sealed in the transport bag with tape provided.

2. STORAGE:

The specimen should be refrigerated if the testing cannot be performed within twenty-four (24) hours after collection. The refrigerator, as well as the lab area, shall be locked at all times when not attended by authorized personnel. Access to keys should be as limited as possible.

3. CONNEAUT MUNICIPAL COURT PROBATION OFFENDER DRUG SCREENING FORM:

The urine collection is done by a Conneaut Municipal Court Adult Probation Department officer or other approved collection personnel, the top portion of the Ashtabula County Adult Probation Department offender drug screening form must be completed.

J. INFECTIOUS DISEASE CONTROL FOR LAB TECHNICIANS AND COLLECTION PERSONNEL:

1. HAND WASHING:

Hand washing is the single most important means of preventing the spread of infection. Staff members in the following situations must do a ten (10) to fifteen (15) secondhand washing period:

- a. Whenever hands are obviously soiled,
- b. After handling items that are potentially contaminated with blood, body excretions or secretions,
- c. Before eating, drinking or smoking.

2. CLEANING UP BODY FLUID SPILLS:

Surfaces and equipment contaminated with body fluid spills or splashes must be cleaned and disinfected as soon as possible. All employees will wear disposable latex gloves when cleaning up body fluids. Employees will use the spill kits provided by the Conneaut Municipal Court Adult Probation Department for cleaning up any body fluids. If a spill kit is not available, one of the following products should be used to disinfect the spill area:

- a. Chemical germicides that are approved for use as hospital disinfectants and area also tuberculocidal,

- b. Products registered by the Environmental Protection Agency (EPA) as being effective against HIV,
- c. A solution of household bleach diluted 1:10 with water. Example: 2.5 cups of bleach to 1 gallon of water.

This solution maintains its strength for 24 hours. For small body fluid spills, follows these instructions:

- a. Put on protective gloves,
- b. Lay paper towels over the spill,
- c. Pour or spray disinfectant on the towels until saturated,
- d. Collect towels with gloves on and discard in the trash,
- e. With gloves on spray or pour disinfectant on the area of the spill, wipe the area with clean paper towels, discard soiled towels in a plastic lined trash container,
- f. Put soiled gloves in plastic lined trash container,
- g. Put the contaminated plastic lined container in a fresh container, tie it off and dispose of with the regular refuse,
- h. Thoroughly wash hands and any other skin surfaces (soap and water) that may have been contaminated with body fluid.

3. USE OF DISPOSABLE GLOVES:

Gloves are only to be used once and then discarded into the appropriate receptacle. Hand washing is necessary when gloves are removed. Gloves will be used at the following times:

- a. When collecting a urine sample from an offender;
- b. When coming into contact with anybody secretions or excretions;
- c. When the employee has any cuts, abrasions, wounds or chapped skin areas; and,

- d. When cleaning up any body fluid spills or splashes;

Gloves should also be used when searching an offender or property for contraband.

4. REMOVAL OF LATEX GLOVES:

In order to prevent contamination when removing gloves, the following procedure shall be adhered to:

- a. Using one hand, pull the cuff of the other glove and turn it inside out,
- b. Discard the glove in a designated receptacle,
- c. Repeat the same procedure with the other hand,
- d. Wash thoroughly. Note: Organisms can grow quickly on hands when wearing gloves.

5. DISPOSAL OF WASTE:

Urine waste shall be properly disposed of by pouring it down a lab sink or toilet and flushing the waste with water or by double bagging the secured specimen container and placing it in the refuse. Contaminated supplies, e.g., specimen containers, shall be placed in disposable plastic trash containers and removed with the refuse.

The following timelines provide a drug-detectability duration chart and should serve as a point of reference for determining appropriate sanctioning for offenders submitting positive drug tests.

<u>Drug</u>	<u>Duration of Detectability*</u>
Amphetamine	1-4 days
Methamphetamine	1-4 days
Benzodiazepines	1-7 days
Cocaine Metabolites	1-4 days
Opiates	1-3 days

MDMA	1-3 days
Oxycodone	1-3 days
Propoxyphene (PPX)	1-2 days
Barbituates	1-30 days
Buprenorphine	2-3 days
Methadone	1-3 days
K-2	24-48 hours
Fentanyl	1-2 days
ETG	80 hours
Cannabinoids (Marijuana)	
Single use	1-3 days
Moderate Use	3-5 days
Heavy use (Daily)	10-21 days
Chronic heavy use	21-30+ days

*These are general guidelines only. The interpretation of the duration of detectability must take into account many variables, such as drug metabolism and half-life; the offender's physical condition, fluid balance, and state of hydration; route of administration, and frequency of ingestion. Source: Council on Scientific Affairs. 1987. Scientific issues in drug testing. Journal of the American Medical Association 257(22)2112.; Redwood Drug Testing Classification Table and Detection Time

**Community Counseling Center
Drug Screen Policy**

POLICY: Drug Screen Policy

It shall be the policy of Community Counseling Center to administer random drug screens to all clients involved in the Substance Use Disorder (SUD) program, as deemed necessary by the client's primary counselor or other treatment providers. Such urine drug screens shall be conducted by a federally compliant lab.

PURPOSE:

To verify progress toward a recovery-oriented lifestyle by conducting both scheduled and random urine drug screens that will determine the presence of alcohol and other substances in our clients and prospective clients.

PROCEDURE:

1. All urine drug screens shall be accompanied by a standing physician's order for each client in need of the service.
2. This policy will be reviewed with clients at time of orientation to service when urine screens are indicated as a component of treatment. Policy is also posted at point of collection.
3. Urine sample collection shall take place in an appropriate setting using procedure which does not demean, embarrass, or cause physical discomfort and which ensures the integrity of the sample.
4. Specimens shall be collected on Community Counseling Center (CCC) premises or another site where the Agency provides service, in a manner that minimizes falsification.
5. The urine drug screen note must be KEPT in the electronic medical record BEFORE the screen is completed. In cases where the provider at that location does not have access to the electronic health record at the time of the screen, this will be documented at the earliest possible opportunity. Each step in the process shall be documented in the client's electronic medical record to establish procedural integrity and the chain of custody.
5. The specimen sample shall be labeled to reflect the client's name and date, and shall be sealed and labeled. The sample shall be checked against the identity of the person to ensure the result matches testing.
6. The specimen sample shall be stored in a secure location until it is mailed to the lab.
7. Refusal to submit to urine screen testing upon request may result in discharge from the program. Refusals will also be treated as positive screen results, in most cases.
8. Adjustments to the treatment plan may also be implemented as a result of positive screens.
9. All urine collection will be monitored by the program staff. The provider completing screen will inform a second workforce member who will not observe but must be immediately available to support if/when needed to ensure safety for both workforce and client.
10. Results of all positive urine screens will be reviewed by the program staff, shared with client, and placed in the client record.
11. Screens that do not test positive for any substances may not be sent to a lab for confirmatory testing.
12. If a urine drug screen is being done on a Light House resident that is not a client of the agency, a copy of the instant drug screen results will be kept in their paper file at the house.
13. If a urine drug screen is done on a Light House resident that is a client of the agency after hours or on the weekend, those results may not be put into Carelogic until the next business day.

COLLECTION PROCEDURE:

CHAIN OF CUSTODY

1. Staff will bring client to bathroom.
 2. Remove test kit and show client it is sealed.
 3. Open test kit in front of client.
 4. Ask client to remove all articles from their pockets and turn their pockets inside out.
 5. Leave all purses and items outside the bathroom.
 6. Give client instructions and complete paperwork.
 7. Client and staff member go into bathroom to observe urine collection.
 8. Staff member confirms temperature.
 9. Staff member reviews instant results and instant measures of validity and records these results in the client's chart.
 10. Staff member discards sample (if not being sent for confirmation).
- If sample is being sent for confirmation, continue Chain of Custody as below:
11. Place client sticker on cup and put urine sample in bag.
 12. Complete paperwork and give client copy (if copy is requested by client).
 13. Seal urine sample in yellow bag in front of client.
 14. Ensure that yellow bag is appropriately mailed to the laboratory, depending on site



Signature
HEALTH

Protocol for Persons Subject to Mandated Drug Testing

Author(s):	Libbie Stansifer, MD – Chief Medical Officer
Reviewed:	Susan Popely, MBA – Director of Laboratory Services Anna Whitmer, PMHNP-BC – Medical Director of Addiction Medicine Services
Effective/ Revised:	9/30/22; 10/3/22
Scope:	Applies to all staff members coordinating or conducting drug testing for persons subject to mandated drug testing
Purpose:	Establishes standards for promoting privacy, integrity, and reliability of drug tests among persons subject to mandated drug testing
Resources:	<ul style="list-style-type: none">• https://www.nadcp.org/wp-content/uploads/2022/05/Adult-Drug-Court-Best-Practice-Standards-Volume-2-Text-Revision-December-2018-corrected-May-2022.pdf• https://www.supremecourt.ohio.gov/JCS/specDockets/substanceMonitoringGuide.pdf

Definitions:

- a) **Adulteration.** Intentional interference with the analysis of a specimen by introducing a known or unknown substance.
- b) **Collector.** The person supervising the specimen collection.
- c) **Confirmation/Confirmatory Testing.** Testing performed by GC/MS (Gas Chromatography/Mass Spectrometry) or LC/MS (Liquid Chromatography/Mass Spectrometry) which authenticates the presence of a particular substance.
- d) **Cut Off Level.** The dividing line between a positive and negative result. Body fluid samples that register equal to or above the designated cut off level are reported as positive.
- e) **Mandated Drug Testing.** Drug testing that is either court-ordered or conducted as part of a voluntary surveillance program by a social services or other legal entity.
- f) **Person Subject to Mandated Drug Testing or Specimen Donor.** Individual subject to mandated drug testing.
- g) **Positive Result.** A urine specimen that has a concentration of prescribed or illegal drugs or drug metabolites at a concentration level equal to or greater than the predetermined cut off levels.
- h) **Qualitative.** Descriptive of qualities. In the context of drug testing, qualitative results describe whether the test is positive or negative; whether a substance can or cannot be detected.

- i) **Quantitative.** Descriptive of number or amount. In the context of drug testing, quantitative results describe how much or what amount of a substance is detected.
- j) **Quantity Not Sufficient.** Specimen submitted is less than the amount required by a laboratory for testing.
- k) **Shy Bladder (Paruresis).** When a person subject to mandated drug testing reports he/she cannot produce a urine specimen in the presence of another person.
- l) **Specimen Tracking Protocol.** To provide confidence that each specimen belongs to the individual identified on the record, Signature Health will establish a reliable paper trail identifying each professional who handled the specimen from collection through laboratory analysis and reporting of the results.
- m) **Specimen Validity Tests.** Methods used on a urine drug test specimen to detect for substitution, adulteration, or dilution.

2. Protocol Standards.

- 1. Persons who are placed under supervision by a court judge and ordered to submit to substance use testing, or persons who have voluntarily agreed to participate in a surveillance program requiring forensic screening by a social services or other legal entity shall, in the absence of a specific court directive or court order, submit to substance use testing in compliance with the provisions of this Protocol.
- 2. Testing Supplies and Services.
 - a. Signature Health utilizes two primary methods to test for illicit substances:
 - i. Urine collection – primary method
 - ii. Oral collection – use is limited to when a person of the same gender is unavailable to observe specimen collection, or in the instance of shy bladder.
 - b. Urine specimens are returned to the Signature Health Central Laboratory for confirmatory testing.
 - c. Oral specimens are sent to an external reference laboratory, LabCorp.
- 3. Record Keeping and Sharing.
 - a. Records generated by drug testing directed by a judge, social services agency, or other legal entity in accordance with this protocol are kept separately from medical records maintained for the purposes of clinical treatment among individuals who are both subject to mandated testing and an established patient of Signature Health.
 - b. Among individuals who are both subject to mandated testing and an established patient of Signature Health, results from drug tests ordered by Signature Health treating clinicians will not be shared with another entity without the patient's express written permission.
 - c. Among individuals who are both subject to mandated testing and an established patient of Signature Health, results from drug tests directed by a judge, social services agency, or other legal entity in accordance with this protocol will not be shared with the individual's Signature Health treating clinicians without the patient's express written permission.

4. Medical Information.

- a. Person subject to mandated drug testing shall provide the Collector with a complete list of prescription and non-prescription medications currently being used, as well as verification from their physician or pharmacy for any prescribed medication in advance of testing. This includes controlled substance medications that may be prescribed for Medication Assisted Treatment (MAT) for substance use disorders.

5. Collection Process

- a. The Collector shall explain the drug testing process and procedures to the Specimen Donor prior to the collection of the initial specimen.

b. **Urine Testing.**

- i. The collection site must be a restroom with a toilet and a sink for washing hands immediately prior to the Specimen Donor providing a urine specimen, both of which must be done in the presence of the Collector.
- ii. A bluing agent should be used in the toilet tank/bowl to discourage the Specimen Donor from adulterating the specimen by "dipping" the collection cup into the toilet.
- iii. The area must permit the Collector to witness the Specimen Donor voiding a urine specimen into the collection cup.
- iv. Urine is not to be provided by persons subject to mandated drug testing unobserved by the collection agent.
- v. Strategically placed mirrors can aid in the observation process, which may be installed in the corners of the bathroom.
- vi. Female persons subject to mandated drug testing will not be excused from providing a urine specimen during their menstrual cycle.
- vii. Collectors of the same biological gender will always enter into the collection room with the Specimen Donor.
- viii. The Collector must take the collection kit into the collection site, ask the Specimen Donor first and last name and DOB, hand write these identifiers on the specimen device label, and hand the Specimen Donor the collection device without the lid.
- ix. The Collector must have an unobstructed view of any bodily fluids passing from the Specimen Donor into the collection device.
- x. Once the Specimen Donor has been escorted to the collection area he/she shall not be allowed to leave that area.
- xi. The Specimen Donor shall not be permitted to take any personal belongings into the collection site, i.e. purses, jackets, etc. Additionally, they shall be instructed to remove any unnecessary outer clothing that might allow for smuggling of contraband, as well as any contents from his/her clothing. All personal belongings will be locked in a secure container for the duration of the collection process.
- xii. The Collector shall then instruct the Specimen Donor to allow their pants and undergarments to fall to the floor and to then lift his/her shirt to show skin around the waist.
- xiii. The Collector shall make every effort not to touch the specimen bottle once it has been delivered to the Specimen Donor.

- xiv. Collectors are required to wear latex / nitrile gloves at all times during the testing process.
- xv. If the Specimen Donor produces bodily fluids less than the amount required for the test, it should be discarded. Under no circumstances shall multiple specimens from one Specimen Donor be combined and submitted as one specimen.
- xvi. Once the specimen has been collected, and the temperature is determined to be within the appropriate range, the Collector asks the Donor to place the lid on the collection device ensuring a tight seal. The Collector hands tamper proof seal to Donor and instructs Donor to initial. The Collector writes date/time and initials the seal and places across the lid, securing the specimen for transit.
- xvii. If the Specimen Donor produces a urine specimen suspected to be a substitution or adulteration, it should be processed pursuant to the specimen tracking protocol and submitted with the notation "suspect adulteration" in the Remarks section on the sample collection form.
- xviii. The Collector must remain in the Specimen Donor's presence throughout the collection process to maintain the specimen tracking protocol.
- xix. All specimen tracking protocol forms must be completed by the lab courier and the Central Laboratory.
- xx. Specimen collection and paperwork on one Specimen Donor must be completed prior to beginning collection and paperwork on the next Specimen Donor to prevent mixing of specimens and creating errors in the specimen tracking protocol.

c. Oral Testing.

- i. The Oral Testing Device should only be used in these two circumstances: shy bladder or cross-gender testing. It should not be used routinely because this method of testing has a shorter detection time and does test for the same comprehensive list of drugs as the urine test.
- ii. For accurate reporting, the Specimen Donor must have not used any tobacco within 15 minutes of the oral screened being employed.
- iii. The Specimen Donor shall immediately be given the oral screening device once it has been unwrapped from the container. They shall then insert the oral screening device, with the cylindrical testing end, into his or her mouth, and the Collector shall instruct the Specimen Donor to fully saturate the test with saliva.
- iv. The oral screen should reside within the Specimen Donor's mouth for a time frame of no less than five (5) minutes and no more than thirty (30) minutes to ensure proper saturation.
- v. Upon completion of saturation, the Specimen Donor will remove the oral screening device from his or her mouth and shall properly cap the oral screen as directed by the Collector.
- vi. The Collector shall then follow the instructions provided by the manufacturer for securing and mailing the collection device to the laboratory for testing.
- vii. The Collector must remain in the Specimen Donor's presence throughout the collection process to maintain the specimen tracking protocol.

- viii. All specimen tracking protocol forms must be completed to the specifications of the device manufacturer and the laboratory.
 - ix. Specimen collection and paperwork on one Specimen Donor must be completed prior to beginning collection and paperwork on the next Specimen Donor. This will prevent mixing of specimens or other errors in the specimen tracking protocol.
- 6. Shy Bladder Procedures.
 - a. If a person subject to mandated drug testing claims that he/she cannot produce a urine specimen, the Collector is to proceed with the collection process regardless of the reason given.
 - b. In the absence of a specific court ordered **urine** test, an oral fluid testing device may be substituted if no sample can be produced after 15 minutes.
- 7. Excessive fluids or clear urine specimen.
 - a. In this instance, the Specimen Donor has more than likely consumed a large quantity of fluids. Excessive fluids will impact the test results as the drug will be diluted to the same degree as the urine is diluted. An oral fluid device may then be implemented as an alternative testing device.
- 8. Specimen collection storage.
 - a. Each office that provides mandated drug testing shall have a secure designated place to store the specimens to which the general public does not have access.
- 9. Collection Log.
 - a. Each office that provides mandated drug-testing shall maintain a collection log of both urine and oral specimens. The Collection Log shall contain the date, time, and location of where the specimen was collected, the Specimen Donor's name, Collector's name, and the date the specimen was sent to the laboratory.
- 10. Urine Confirmatory Test – Compounds Tested:

Amphetamine	Oxycodone
6-MAM	Oxymorphone
Alpha Hydroxyalprazolam	PCP
Benzoyllecgonine	Ritalinic acid
Buprenorphine	Tramadol
Codeine	cZolpidem
7-Aminoclonazepam	Gabapentin
Fentanyl	Pregabalin
Hydrocodone	Tapentadol
Hydromorphone	Temazepam
Lorazepam	Zolpidem
EDDP	Norhydrocodone
MDMA	Butalbital
Meperidine	ETG
Methadone	ETS
Methamphetamine	Phenobarbital
Morphine	THC-COOH
Norbuprenorphine	Secobarbital
Nordiazepam	Alpha-Hydroxytriazolam

Normeperidine	2-Hydroxyethylflurazepam
Noroxycodone	Alpha-Hydroxymidazolam
O-Desmethyltramadol	Norfentanyl
Oxazepam	Alprazolam

11. Oral Fluid Testing Compounds:

- a. Amphetamine
- b. Barbiturates
- c. Benzodiazepines
- d. Cocaine and metabolite
- e. Ethanol (EtOH)
- f. Methadone
- g. Opiates
- h. Oxycodone and oxymorphone
- i. Phencyclidine (PCP)
- j. Propoxyphene
- k. Tetrahydrocannabinol (THC) and metabolite
- l. Reflex testing includes 6-acetylmorphine (6-AM), codeine, hydrocodone, hydromorphone, morphine

12. Rejected Specimens. Specimens may be rejected by the Central Lab for the following reasons (in accordance with Signature Health Central Lab Standard Operating Procedure

- no specimen tracking protocol form received with the urine bottle
- no urine bottle received with specimen tracking protocol form
- no Specimen Donor identification or specimen tracking protocol form
- no signature(s)
- quantity of fluid insufficient for analysis
- requisition number on specimen does not match specimen tracking protocol form number

13. Testing Frequency.

- a. In the absence of a specific court order or judicial directive indicating otherwise, drug tests shall be performed randomly every two weeks, on average. Signature Health provides drug test collection Monday through Friday (absent holidays).

14. Random Collection.

- a. Drug testing shall be conducted at random intervals, with the odds of being tested the same for any weekday. Persons subject to mandated drug testing shall be notified via text that they are to report for test collection on the day of testing; samples must be provided within 6 hours of notice.
- b. Persons subject to mandated drug testing must have a cell phone capable of receiving text messages.

APPENDIX X
Standard Court Forms

Renewal Court Ineligibility Report

DEFENDANT:

CASE NUMBER:

JUDGE:

OFFICER:

PROSECUTOR:

DEFENSE ATTORNEY:

ORIGINAL CHARGES:

Your inquiry is appreciated; however, after reviewing the above case for Renewal Court it appears the above defendant is not eligible due to the following reasons:

- Defendant does not reside in Ashtabula County
 - Defendant has an arrest, conviction, or incarceration on another charge
 - Defendant does not have a mental health and/or substance use disorder
 - Defendant presents insufficient (low) risk
 - Defendant did not complete screening
 - Defendant is not willing to participate in Renewal Court
 - Other:
-

Renewal Court Administrator

Cc: File

, Prosecutor
, Attorney

**IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO**

**CITY OF CONNEAUT/
STATE OF OHIO**

Plaintiff

-vs-

Defendant

)
)
)
)
)
)
)
)
)

CASE NO.

JUDGE NICHOLAS A. IAROCCI

**NOTICE OF
RENEWAL COURT
VIOLATION**

You have violated the following conditions/requirements of Renewal Court, to-wit:

The proposed sanction for this violation is: _____

Date

Renewal Court Administrator

I have reviewed the defendant's due process rights, including the right to a hearing, with the defendant.

Date

Attorney

STIPULATION AND WAIVER

I understand that I have: 1) the right to a hearing at which the State would have to prove the violation; 2) the right to hear, see, and cross-examine the witnesses against me; 3) the right to have an attorney represent me; 4) the right to testify, to call witnesses, and present evidence.

☐ Understanding these rights, I hereby waive my right to consult with counsel and to have a hearing. I admit the violation and I accept the proposed sanction.

☐ I request a hearing.

DATE: _____

Defendant

ORDER

The Court finds that the defendant has violated the conditions/requirements of Renewal Court, as set forth above. The defendant is sanctioned as follows:

DATE: _____

JUDGE NICHOLAS IAROCCI

**IN THE CONNEAUT MUNICIPAL COURT
ASHTABULA COUNTY, OHIO**

**CITY OF CONNEAUT/
STATE OF OHIO**

Plaintiff

-vs-

Defendant

)
)
)
)
)
)
)
)
)
)
)

CASE NO.

JUDGE NICHOLAS A. IAROCCI

**COMPLAINT FOR
VIOLATION OF
RENEWAL COURT**

NOW COMES the Renewal Court Treatment Team by and through _____, Renewal Court Administrator for Conneaut Municipal Court, Ohio, and makes the following representations:

1) On _____, in the Conneaut Municipal Renewal Court, Case Number _____, the defendant, _____, pled guilty to, _____, in violation of Ohio Revised Code _____, a misdemeanor of the _____ degree.

2) On _____, the defendant was placed into Renewal Court with the Conneaut Adult Probation Department for a period of (_____) years.

3) As a condition of said Renewal Court, the defendant agreed: “ _____ ”.

4) The defendant has not complied with this condition of Renewal Court in that _____.

THEREFORE, the Conneaut Probation Department requests the defendant, _____, be brought before this Court for Renewal Court Violation proceedings and that a hearing on this complaint be granted.

Renewal Court Administrator

SWORN TO BEFORE ME and signed in my presence this ____ day of _____, 20_____.

My Commission Expires

Pursuant to the requirements of Civil Rule 58(B), the Clerk of the Conneaut Municipal Renewal Court is hereby ordered to serve copies of the within judgment entries/pleadings, by inter-office mail, upon the following: Conneaut Probation Department, the Conneaut Law Director's Office, and Defense Counsel. .