

LOCAL RULE 42
COMPASS RECOVERY PROGRAM, "DRUG COURT"

A. CREATION OF SPECIALIZED DOCKET – "DRUG COURT":

1. The Compass Recovery Program "Drug Court" is created pursuant to the specialized docket standards set forth in Sup. R. 36.20-36.28, including Appendix I. The purpose of Drug Court is to facilitate efficient and effective treatment of drug addicted or drug abusing offenders. Eligible offenders as defined in Subsection (C) of this Rule shall be supervised by the Adult Parole Authority ("Probation Department") to ensure compliance with community control sanctions and to assist with criminogenic needs.

B. DRUG COURT TEAM:

1. The "Drug Court Team" shall consist of the Judge assigned to Drug Court ("Drug Court Judge"), Adult Parole Officer or Probation Officer, Compass Program Coordinator, Compass Caseworkers, Defense Counsel, Prosecutor, Law Enforcement, and an Oriana House Inc./Rigel Recovery Services Licensed Clinician. The Drug Court Team shall convene weekly to discuss the progress and status of individual offenders, apply sanctions as needed, and for any other matters.

C. ELIGIBILITY CRITERIA FOR DRUG COURT ADMISSION:

1. The Drug Court Judge may order a defendant into Drug Court through a guilty or no contest plea, community control violation, judicial release, or Intervention in Lieu of Conviction pursuant to R.C. §2951.041 ("ILC").

2. In order for a defendant to be eligible for Drug Court the defendant shall:

- a. Be amenable to community control;
- b. Be charged with a third, fourth, or fifth degree felony;
- c. Be a resident of Washington County, Ohio;
- d. Have little or no history of violent behavior;
- e. Be assessed and diagnosed as chemically dependent and have a level of care recommendation of Intensive Outpatient Treatment or higher;
- f. Be mentally competent and have the developmental capacity to adhere to the participation requirements;
- g. Demonstrate a sincere willingness to participate in a long term treatment process;
- h. Have an Ohio Risk Assessment System (ORAS) score of Low/Moderate or higher for females, or Moderate or higher for males;
- i. Not be a registered sex offender;
- j. Not have a pending felony case in another jurisdiction;
- k. Not be actively working as a police informant;
- l. Not be engaged in a drug distribution or manufacturing network;
- m. Not be on felony community control, post release control, parole, or serving a prison sentence with another jurisdiction.

D. REFERRING DEFENDANTS TO DRUG COURT:

1. Defense counsel shall initiate the referral by filing a Motion for Admission to Drug Court. If the case is pending in front of a non-Drug Court Judge, that Judge may order the case transferred to the Drug Court Judge if they do not object to Drug Court for the Defendant. If the Drug Court Judge believes that the Defendant is preliminarily eligible for Drug Court, the Judge shall set a hearing and order the Defendant to complete a Presentence Investigation and refer the Defendant to the Drug Court Coordinator for a Compass program assessment and a clinical assessment with Rigel Recovery Services. The Drug Court Coordinator shall also place the referral on the weekly drug court docket so that members of the Drug Court Team are aware of the referral and can object at the earliest instance. The Drug Court Team shall review the case for legal and clinical eligibility as identified in Subsection (C)(2)(a)-(m) of this Rule.

2. The Drug Court Judge shall have final discretion to decide if the defendant is ordered to Drug Court.

3. If the Defendant is not admitted into Drug Court or the Defendant is later terminated from Drug Court, and the case originated with another Judge, the case shall be transferred back to the originating Judge for further hearings.

E. TREATMENT PHASES:

Drug Court offenders shall be required to complete phases of treatment as individually necessary and complete all other requirements as identified in the Drug Court Participant Handbook and the Drug Court Participant Agreement. Those phases include: Program Compliance Phase (Phase 1) - A minimum of 60 days; Program Engagement Phase (Phase 2) - A minimum of 90 days; Program Growth Phase (Phase 3) - A minimum of 90 days; Program Development Phase (Phase 4) - A minimum of 90 days; and Program Maintenance Phase (Phase 5) - A minimum of 90 days. Drug Court offenders shall comply with all the rules indicated to them by the Drug Court Judge at their initial appearance. While in Drug Court, the offender shall receive services to assist in meeting criminogenic needs. Upon graduation from Drug Court, the offender may be required to remain under community control or ILC sanctions to ensure continued compliance and success.

F. SANCTIONS FOR NON-COMPLIANCE:

Sanctions for a Drug Court offender's non-compliance vary in intensity and may include, but are not limited to, the following:

1. More frequent review hearings before the Court;
2. Demotion to an earlier Drug Court phase;
3. Increased frequency of drug or alcohol testing;
4. Increased supervision contacts and monitoring;
5. Community service or work program;
6. Jail or out of home placement;
7. Community control or ILC violation;
8. Termination from Drug Court;
9. Verbal reprimand by the Judge;
10. Written essay reports;
11. Behavioral contracts;

12. Placement in a residential program if appropriate based on ASAM level of care;
13. Electronic monitoring;
14. Commitment to a community based correctional facility approved by the Court.

H. UNSUCCESSFUL TERMINATIONS:

1. Reasons for termination from Drug Court include, but are not limited to:
 - a. Ongoing non-compliance with treatment or resistance to treatment;
 - b. New criminal charges;
 - c. Any Program rule infraction or series of infractions; and
 - d. Community Control/Probation Violation or series of Community Control/Probation Violations.

2. If an offender is terminated from Drug Court for reasons stated in Subsection (H)(1) of this Rule, or for any other reason as determined by the Drug Court Judge, the offender may be subject to community control or ILC revocation hearing.

3. If a hearing is required pursuant to Subsection (H)(2) of this Rule:
 - a. The Drug Court Judge may adjudicate the proceedings;
 - b. The offender may have his or her community control or ILC sanctions modified or terminated. Modifications may include, but are not limited to, commitment to a Community Based Correctional Facility ("CBCF"), revocation of Community Control or ILC, or termination from Drug Court;
 - c. Following termination from Drug Court, The Drug Court Judge shall refer an offender back to the original assigned Judge for further proceedings; and
 - d. The laws governing revocation apply, and the offender has a right to counsel.

I. STATISTICAL REPORTING:

For purposes of Supreme Court statistical reports, the case shall be considered disposed by the assigned Judge when the defendant is sentenced to Drug Court or the defendant is ordered into Drug Court as a condition of ILC.