

# **SYLVANIA MUNICIPAL COURT SPECIALIZED DRUG DOCKET**



## **PROGRAM DESCRIPTION**

Revised 9.4.22

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## **PROGRAM INTRODUCTION**

The following is an overview of the Sylvania Municipal Court Specialized Drug Docket (SDD) program, and will describe the objectives of the SDD program and outline the policies and procedures of the program, including the rights and responsibilities of participants. The SDD program is a voluntary program individualized to the specific needs of each participant. The SDD program is designed to be completed within a twelve-month period, although program terms may be extended and may vary from these guidelines, based upon either the participant's treatment needs or a violation of program terms and conditions.

The goals and benefits of offender participation in the SDD program include, but are not limited to:

- Learning how to obtain and maintain a sober lifestyle
- Improving life skills
- Improving personal relationships
- Improving stability in personal life
- Reduction of negative contacts with the criminal justice system

## **MISSION STATEMENT**

The mission of the Sylvania Municipal Court Specialized Drug Docket (SDD) Program is to improve the overall quality of life in the community by providing a court-supervised program for substance-dependent offenders that will enhance their likelihood of being productive members of society while keeping our community safe.

This will be accomplished by streamlining and coordinating services to offenders whose crimes are substantially related to substance use disorder. The Sylvania Municipal Court SDD program will work to increase long-term abstinence by holding offenders accountable, thereby reducing drug-related crimes and in so doing, will make our community safer.

## **ADVISORY COMMITTEE**

The Advisory Committee is comprised of key stakeholders who assist in shaping the policies and procedures of the SDD program. The Advisory Committee serves as a policy-making authority for the SDD program. The Advisory Committee members shall consist of, but are not limited to, the following:

- Judge of the Sylvania Municipal Court
- Magistrate of the Sylvania Municipal Court
- Special Docket Coordinator (SDC) of the Sylvania Municipal Court
- Clerk of the Sylvania Municipal Court
- Chief Probation Officer (CPO) of the Sylvania Municipal Court
- Special Docket Probation Officer (SDPO)
- Representative from a court-approved treatment provider

The Advisory Committee may also include the following:

- Representatives of the City of Sylvania Prosecutor's Office
- Representatives of the defense bar
- Representatives of community partners

## **GOALS AND OBJECTIVES**

By selecting appropriate offenders and coordinating structured, evidence-based programming, and individualized treatment services, the SDD program strives to accomplish the following goals and objectives:

- Decrease recidivism of drug-addicted offenders
- Increase the number of successful SDD program completions

## **POLICIES AND PROCEDURES**

After being determined to be eligible by the SDPO, and before entering a plea, the participant and his or her legal counsel must execute a *Specialized Drug Docket Participation Agreement and Waiver of Rights* in open court and request formal approval from the Judge to enter the SDD program. (See *Specialized Drug Docket Participation Agreement and Waiver of Rights*, Appendix page 17).

The *Specialized Drug Docket Program Participant Rules and Expectation Agreement* details a participant's rights and responsibilities in the SDD program. (See *Specialized Drug Docket Program Participant Rules and Expectations Agreement*, Appendix page 23). The document also explains the participant's individualized required terms and conditions as assigned by the SDPO after the participant has been accepted into the program

Participants must execute the *Specialized Drug Docket Receipt of Participant Handbook Form* as an acknowledgment that they have received and reviewed the *Participation Handbook*. (See *Specialized Drug Docket Receipt of Participant Handbook Form*, Appendix page 26). The *Participation Handbook* is given to participants at their program screening meeting with the SDPO. The *Participation Handbook* outlines the SDD program requirements, rules, phases, incentives, sanctions, completion, and termination criteria.

## **PROGRAM ENTRY AND CASE FLOW**

A participant must be recommended by the Sylvania Municipal Court Prosecutor's Office for participation in the SDD program (See *Prosecutor's Recommendation for Defendant to be Screened for Participation in Specialized Drug Docket Program*, Appendix page 21). When a participant is recommended by the prosecutor to participate in the program, the participant will be scheduled to meet with the program Special Docket Probation Officer (SDPO) to receive an overview of the program, and be provided with the *Participation Handbook*, and sign a release of confidential information form. The participant will be

referred for a diagnostic assessment by a court-approved treatment provider and an ORAS score determination.

The SDPO will review the participant's assessment results and ORAS score to determine if the participant meets the minimum eligibility requirements of the program. If the participant is determined to be eligible, the SDPO will request approval from the Judge to admit the participant into the program. Participants will be notified in writing by the SDPO of their approval or denial of admission into the SDD program.

The Judge has sole discretion to decide if a person is granted admission into the SDD program in accordance with the written eligibility guidelines. Meeting SDD program eligibility requirements does not guarantee admission into the program.

A participant who is eligible and approved by the Judge for the SDD program will:

- Enter a guilty plea to all charges.
- The Judge will impose the maximum number of jail days.
- The Judge will suspend all of the jail days for completion of the SDD program.
- Upon the participant's successful completion of the SDD program, the suspended jail days will be vacated, and the case(s) will be ordered sealed upon payment of costs. (Inability to pay costs in full does not necessarily prevent successful completion of the program).

A participant who does not complete the SDD program will:

- Be terminated from the program, and a hearing will be scheduled for the imposition of the suspended jail days. At the hearing, the Judge may order the participant to serve the suspended jail days or may modify the sentence.

## **TARGET POPULATION**

The SDD program is designed to target nonviolent, moderate to high-risk, offenders with substance use disorders. The risk level is based on risk relative to core criminogenic needs and the likelihood of recidivism and or incarceration as identified through the Ohio Risk Assessment System (ORAS) screening and assessment process. A certified officer conducts an ORAS interview that evaluates offender history and needs across several functional domains:

- Criminal and supervision history
- Educational, employment, and finances
- Family and social support
- Neighborhood challenges
- Substance abuse
- Peer associations
- Criminal attitudes and behaviors

The SDD program objectives and goals will be individualized to each participant based on the issues and needs identified through the screening process.

**Clinical Eligibility Criteria:**

Participants are required to complete a diagnostic assessment by an approved court provider to determine eligibility for the program. To be considered for the program, participants must provide a substance abuse disorder diagnosis by an approved provider. (See *Sylvania Municipal Court Treatment Providers*, Appendix page 29).

**Clinical Assessment**

A formal diagnostic assessment, and any recommended treatment, will be conducted by a professional who possesses the appropriate licenses and credentials and who is Court approved. The clinical assessment and the ORAS assessment both identify individual challenges, needs and beliefs, and ensure all subsequent interventions and interactions are gender responsive and culturally appropriate. Collateral information is provided to individuals completing both the clinical assessment and the ORAS assessment to ensure the accuracy of the assessments.

*\*A person's inability to pay for assessment or any recommended treatment will not prevent the participant from being admitted into, or participating in the program.*

**Legal Eligibility Criteria**

*The following criteria will be considered for the SDD program:*

- Current charges are misdemeanor offenses, otherwise eligible for sealing;
- Current charges are drug-related offenses;
- Offender has a moderate to high ORAS score;
- Offender has a diagnosed substance abuse disorder;
- Offender would benefit from substance abuse treatment;
- Offender is capable of participating in and completing the program.

*An offender is not eligible for the SDD program if:*

- The current charges carry mandatory jail days;
- The current charges are related to the use of a firearm or deadly weapon;
- The current charges are related to drug trafficking;
- The current charges are offenses of violence or sexually oriented offenses;
- The offender has a history of failures to appear, non-compliance issues, failed treatment experiences, or a poor history of supervision;
- The offender has pending cases in this court or other courts that would exclude participation.

**Please note these are only guidelines. A potential candidate does not need to meet all criteria to be determined eligible for the program.**

**Non-Discriminatory Practices:**

If the participant meets the written clinical and legal eligibility criteria for the program, the participant will not be denied admission to the SDD program based upon race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran status or disability.

**Program Capacity:**

The general capacity of the SDD program is 20 active participants. Eligible candidates will not be permitted to participate if the capacity has been met.

**TERMS AND CONDITIONS**

The minimum terms and conditions of SDD program are:

- Signed participation agreement
- Diagnostic assessment
- Follow all treatment recommendations
- Inpatient and/or outpatient drug treatment program with court approved treatment provider
- No drugs and no alcohol
- Weekly drug screens
- Weekly sober support meetings
- Attend weekly in-person or virtual SDPO meetings
- Attend in-person court check-in meetings, for 12 consecutive months
- Obtain employment upon agreement from the provider, if applicable
- Maintain stable housing
- Provide negative drug screens
- Parenting course, if applicable
- Remain law-abiding

What other terms and conditions may be imposed:

- Obtain GED, if applicable
- Thinking for Change behavior modification program
- Obtain a valid license, if applicable
- Carey Guides
- Any other conditions deemed appropriate by SDPO

**PHASES OF THE PROGRAM**

The SDD program has three phases or steps to successfully completing the program:

## **Phase 1**

Phase 1 is an engagement and stabilization phase focusing strongly on a participant's substance abuse issues. Drug testing will occur in this phase no less than twice per week during the first several months of an individual's enrollment. The frequency thereafter will vary depending on participant progress.

Phase 1 will also focus intensely on obtaining sobriety and engaging in treatment as recommended by a court-approved treatment provider. A participant will also be required to meet weekly with their SDPO, and attend a minimum of two court check-in meetings each month with the Specialized Docket Judge. The following is a minimum expectation for Phase 1. The participant should:

- Accept and agree to program goals, objectives, and terms as assigned by the SDPO;
- Engage and follow treatment provider recommendations;
- Engage and actively participate in treatment provider meetings and counseling sessions;
- Engage and actively participate in SDPO meetings;
- Actively engage in tasks as assigned by the SDPO;
- Be compliant with program rules and conditions.

## **Phase 2**

In Phase 2 the participant will continue to work on sobriety, but will also focus on treatment services that more broadly address their individual identified criminogenic needs. Participants will work toward re-establishing relationships, obtaining sober support networks, and obtaining employment or educational and vocational skills. The following is a minimum expectation for Phase 2. The participant should:

- Demonstrate progress on assigned tasks;
- Demonstrate progress in treatment and show compliance with recommendations of the treatment provider;
- Actively participate in court check-in meetings;
- Demonstrate compliant attitude and change in behavior;
- Be providing negative drug screens;
- Be compliant with program rules and conditions.

## **Phase 3**

In Phase 3 the participant will be near completion of assigned tasks and will have demonstrated consistent compliant behavior with all program rules and conditions. Participants will also have completed required education courses and life skill objectives. The following is a minimum expectation for Phase 3. The participant should be working toward the following:

- Completion of all assigned program tasks as assigned by the SDPO;
- Completion of the treatment program and compliance with follow-up recommendations;
- Submission of the required number of clean drug screens;
- Obtain GED, valid license, stable housing, and/or employment, if applicable;
- Payment of program and treatment provider costs\*;
- Full compliance with program rules and conditions.



\*Inability to pay costs in full does not necessarily prevent the successful completion of the program.

Movement through phases in the program will be determined by the effort and compliance of the individual participant. The goal for participants is to complete all three Phases within a twelve-month period. Phases may be shortened or extended based upon participant progress or treatment needs.

**A participant may be terminated from the program at the discretion of the Judge at any time, for non-compliant behavior and/or ANY violation of the terms and conditions of the program.**

All participants are afforded due process including notice, and a hearing, and are entitled to legal representation before termination from the program, and imposition of jail sanctions.

If a participant develops a serious or terminal medical condition or is diagnosed with a serious mental condition and is physically or medically unable to complete the SDD program, his or her termination will be considered a “neutral” termination and he or she will not be penalized at disposition.

### **PARTICIPANT MONITORING**

The participant will be monitored by the Treatment Team, the SDPO, and through court check-in meetings.

#### **Treatment Team**

The treatment team consists of the Judge, SDPO, the Chief Probation Officer (CPO), the Special Docket Coordinator (SDC), prosecutor, the participant’s attorney, representatives from court-approved special docket treatment providers, and the participant’s court-approved treatment provider(s). (See *Sylvania Municipal Courts Treatment Providers*, Appendix 26). The treatment team monitors the progress and performance of each participant to assist the participant in the successful completion of the program. The treatment team meetings are conducted as needed, and before a participant’s court check-in meeting. If a participant is not compliant with program terms and conditions, a treatment team member, or the treatment team collectively, may make a recommendation to the Judge for the imposition of sanctions or recommend the participant’s termination from the program. If a participant is compliant with all program terms and conditions and demonstrates excellent performance, the treatment team may recommend incentives, early termination, or successful termination from the program.

Each treatment team member plays a specific and equally key role in the administration of the program. Listed below are each member’s roles and responsibilities:

Judge	<ul style="list-style-type: none"><li>-The Specialized Docket Judge has the discretion to determine admission into the program based on legal and clinical criteria set forth for the Specialized Docket program;</li><li>-The Judge is the chair of the treatment team and attends treatment team meetings;</li><li>-The Judge is the decision maker concerning incentives, sanctions, phase advancement, and successful completion or termination;</li><li>-The Judge meets with each participant at court check-in meetings to discuss a participant’s progress and phase in the program.</li></ul>
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<p>Special Docket Coordinator</p>	<ul style="list-style-type: none"> <li>-Facilitates the specialized docket program in accordance with the written specialized docket program description;</li> <li>-Assists with identifying potential participants;</li> <li>-Conducts eligibility screening;</li> <li>-Coordinates and manages the daily operations of the specialized docket;</li> <li>-Coordinates specialized docket education for team members;</li> <li>-Facilitates and coordinates the treatment team meetings and status review hearings;</li> <li>-Monitors compliance with the supervision plan and monitors sanctions;</li> <li>-Informs the treatment team whether treatment plan, supervision plan, and court orders are followed;</li> <li>-Monitors service provider agreements and contracts;</li> <li>-Monitors services and programming provided to participants;</li> <li>-Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and program termination of participants;</li> <li>-Oversees and manages Specialized Docket Probation Officers;</li> <li>-Collects and maintains statistical data;</li> <li>-Notifies the Judge of participant non-compliance with the treatment plan, case plan, court orders, or positive drug screen.</li> </ul>
<p>Specialized Docket Probation Officer/ Chief Probation Officer</p>	<ul style="list-style-type: none"> <li>-Assists with identifying potential participants;</li> <li>-Conducts eligibility screening;</li> <li>-Assists the participant in the development, utilization, and coordination of the individualized case plan;</li> <li>-Assists and monitors the participant through each phase of the program;</li> <li>-Monitors the participant's compliance with the case plan;</li> <li>-During treatment team meetings, provides progress reports and recommendations;</li> <li>-Meets regularly with the participant to discuss program goals and participant progress;</li> <li>-Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination from the program;</li> <li>-Monitors participant sanctions;</li> <li>-Informs the treatment team whether the case plan, treatment plan, and court orders are followed;</li> <li>-Advises the Judge and Specialized Docket Coordinator of any case plan, treatment plan, or court order violations;</li> <li>-conducts random alcohol and drug tests and reports the results of the tests to the treatment team.</li> <li>-Notifies the Special Docket Coordinator of participant non-compliance with the case plan, treatment plan, Court orders, or positive drug screen.</li> </ul>

Prosecutor	<p>The Sylvania Municipal Court incorporates a non-adversarial approach while recognizing the distinct role of the Prosecutor in pursuing justice and protecting the safety of the public and victims.</p> <ul style="list-style-type: none"> <li>-Identifies potential participants for the program in accordance with the written specialized docket criteria;</li> <li>-Recommends participants for admission into the program;</li> <li>-Attends treatment team meetings and court check-in meetings.</li> </ul>
Defense Counsel	<p>The Sylvania Municipal Court incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the specialized docket participant.</p> <ul style="list-style-type: none"> <li>-Attends treatment team meetings and court check-in meetings;</li> <li>-Assists the participant with decision-making regarding participation in the specialized docket program;</li> <li>-Explains to the participant what rights he or she is waiving by entering the program;</li> <li>-Explains the possible sanctions that may be imposed;</li> <li>-Explains the circumstances that may lead to termination from the program;</li> <li>-Explains the effect that termination from the specialized docket may have on the participant's case and possible disposition outcomes;</li> <li>-Attends the initial hearing admitting participants into the program;</li> <li>-Attends all hearings, treatment team meetings, and Court check-in meetings at the request of the participant.</li> </ul>
Treatment Providers	<ul style="list-style-type: none"> <li>-A treatment provider is anyone providing treatment for the specialized docket.</li> <li>-All treatment providers are licensed and trained to provide services in accordance with the written criteria in the specialized docket program description;</li> <li>-Coordinates diagnostic assessments, and clinical diagnosis, develops a treatment plan;</li> <li>-Provides documentation of a participant's progress and compliance with treatment recommendations;</li> <li>-Attends treatment team meetings and court check-in meetings;</li> <li>-Provides updates on participant progress and makes treatment recommendations regarding the individual needs of the participant;</li> <li>-Participates in discussions regarding sanctions, incentives, phase advancement, and successful completion and termination;</li> <li>-Notifies the Special Docket Coordinator of participant non-compliance with treatment plan protocols, or positive drug screens.</li> </ul>

### **Court Check-In Meetings**

The court check-in meeting (or status review hearing) is an in-person meeting held at the court. The meeting includes the participant, Judge, SDPO, SDC, prosecutor, participant's attorney, treatment

provider(s), spouse of the participant, and, or support person (at the request of the participant). At the court check-in meeting, participant progress is reviewed and the participant’s program goals and objectives may be reinforced with sanctions, incentives, and/or admonishments.

**Sanctions**

If a participant violates the terms and conditions of the SDD program, sanctions imposed may include:

- Admonishment from the Judge
- Book reports on topic
- Watch YouTube/Ted Talk on topic and write a book report
- Increased frequency of SDPO meetings and supervision
- Increased frequency of court check-in meetings
- Increased frequency of drug screens
- Imposition of random drug screens
- Community service
- Electronic monitoring
- Jail days
- Extension of the program term
- Termination from the program

Sanctions are graduated and will be imposed consistent with the severity of the infraction. See the example below:

<b>Infraction</b>	<b>Level of Severity</b>	<b>Sanction</b>
First missed SDPO meeting	Low	Verbal warning
Second missed SDPO meeting	Moderate	Community service hours
Third missed SDPO meeting	High	Termination from program

All participants are afforded due process including notice, and a hearing, and are entitled to legal representation before termination from the program, and imposition of jail sanctions.

**Termination Hearings:**

Participants shall not be terminated from the program unless the participant is provided notice of intent to terminate, a hearing, and representation by an attorney. Participants have a commensurate level of rights as those required for community-control-revocation hearings. A participant may waive the right to a hearing, as long as the participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

**Imposition of Jail Sanctions:**

A participant will not receive a jail sanction for non-compliance without notice, a hearing, and representation by an attorney. A participant may waive the right to a hearing, as long as the

participant had the right to consult with an attorney and the waiver is made knowingly, intelligently, and voluntarily.

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

#### Therapeutic Adjustments:

A participant will not receive a punitive sanction if they are otherwise compliant with their treatment and supervision requirements, but are not responding to treatment interventions. In that circumstance, the participant will be reassessed and the participant's treatment plan may be adjusted based on the recommendations of trained treatment professionals.

#### **Incentives**

If a participant is compliant with all terms and conditions of the SDD program, the SDPO may recommend:

- Reduced frequency of SDPO meetings
- Reduced frequency of court check-in meetings
- Reduced frequency of drug screens
- Early successful termination from the program

#### **Non-compliance**

Examples of participant conduct that is considered non-compliance and would result in an immediate sanction or termination from the program include, but are not limited to:

- Failure to attend SPDO meetings
- Failure to attend court check-in meetings
- Failure to keep appointments with treatment providers
- Failure to comply with treatment recommendations of treatment providers
- Failure to submit negative drug screens
- Failure to be honest with SDPO
- Failure to be responsive to SDPO contacts

Court check-in meetings (or status review hearings) provide consistent, ongoing judicial interaction with each participant. The frequency and context of these interactions are based on the participant's case plan, phase of the participant, and the participant's program compliance. The participant's plan is developed, tailored, and adjusted based on the participant's individual needs and progress. All services provided incorporate evidence-based strategies, services that are gender-responsive, culturally appropriate, and based on the risk level of the individual.

Court check-in meetings are scheduled by the Court on designated days and times in accordance with the participant's risk level as determined by the participant's ORAS score.

## **PROGRAM COMPLETION**

SDD participants who successfully complete the program receive a graduation ceremony held in their honor, at which time they will receive a certificate of recognition from the Judge. The participant is permitted to invite family, friends, and supporters to celebrate their achievement.

## **SUBSTANCE MONITORING**

Participants are monitored by random, frequent, and observed alcohol and drug testing protocols established by the Sylvania Municipal Court Probation Department. (See *Sylvania Municipal Court Probation Department Substance Abuse Monitoring Policy for Specialized Drug Docket*, Appendix page 29). If a participant tests positive, refuses to submit to testing, submits an adulterated sample, submits a sample of another, or dilutes the sample, he/she will be considered to be in non-compliance and may incur sanctions or termination from the program. The participant will be notified in writing by the SDPO of any positive test results. The SDPO will also provide immediate email notification to the Judge of any positive test result or noncompliance with the testing protocol.

## **CONFIDENTIALITY**

The files of the SDD program participants are confidential and are secured in the Sylvania Municipal Court Probation Department. No person, other than treatment team members and the Judge/Magistrate has access to the files.

## **POSSESSION OF A FIREARM**

Participants in the SDD program are not permitted to possess or use a firearm while they are in the program.

## **PROFESSIONAL EDUCATION**

Members of the treatment team and the Judge are provided education opportunities annually.

An interdisciplinary, continuing education plan includes training on a variety of topics including, but not limited to:

- The specialized docket model
- Best practices in substance abuse and mental health services
- Training on community resources
- Drug trends and drug testing

## **PROGRAM EVALUATION**

The SDD program shall comply with reporting data as required by the Supreme Court of Ohio. This data may be used to access compliance with the Standards as set forth in Standard 12 of Sup. R.36.20-36.29, Appendix I (Specialized Docket Standards).

The Sylvania Municipal Court shall engage in ongoing data collection to evaluate whether or not the SDD program continues to meet its goals and objectives.

Data collection will be overseen by the SDPO and SDC and include, but not be limited to:

- Number of participants determined to be eligible for the program;
- Number of participants determined to be ineligible for the program;
- Active number of participants in the program;
- Number of participants who successfully complete the program;
- Number of participants who are terminated unsuccessfully from the program.

Upon completion of the SDD program participants will be given an anonymous exit survey. The data received from the survey will be reviewed yearly by the Advisory Committee to make improvements and or changes to the policies and procedures of the program as the committee determines necessary and appropriate.

## **CONCLUSION**

The goal of the Sylvania Municipal Court Specialized Drug Docket program is to support participants in obtaining sobriety and living a healthy lifestyle and to prevent further negative contact with the criminal justice system. The treatment team guides and supports each participant through the SDD program. Program success is in the participant's control. Only participants who are truly committed to achieving sobriety and who have a sincere desire to improve their life will be considered for admittance into the program.

## APPENDIX

Specialized Drug Docket Participation Agreement and Waiver of Rights Form _____	17
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**IN THE SYLVANIA MUNICIPAL COURT**

State of Ohio, :  
Plaintiff, : Case No. \_\_\_\_\_  
 :  
vs. :  
 : **SPECIALIZED DRUG DOCKET**  
 : **PARTICIPATION AGREEMENT**  
\_\_\_\_\_, : **AND WAIVER OF RIGHTS**  
Defendant. :  
 :

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The undersigned Defendant requests that he/she be sentenced to the Sylvania Municipal Court Specialized Drug Docket (“SMC Drug Docket”).

Defendant understands by being sentenced to the SMC Drug Docket that he/she is waving certain constitutionally-guaranteed rights to which he/she might otherwise be entitled. Those rights include, but are not limited to:

- Waiver of the right to due process regarding the imposition of sanctions;
- Waiver of right to consult with and be represented by an attorney at status review hearings. However, Defendant does retain the right to request the attendance of defense counsel at review hearings;
- Waiver of any objection to the Judge and/or Magistrate receiving confidential communications regarding the Defendant’s treatment, progress, and/or rule violations without Defendant or his/her attorney present;
- Waiver of the right to contest the results of drug and alcohol testing at review hearings;
- Waiver of the right to remain silent and to not incriminate himself/herself at review hearings;

**TERMS AND CONDITIONS OF SMC DRUG DOCKET:**

1. Defendant agrees to enter into and complete an inpatient and/or outpatient substance abuse treatment or counseling, and all aftercare requirements. Defendant further agrees to respond to, and comply with, the supervision of his/her Special Docket Probation Officer (“SDPO”), or any assigned probation officer. Defendant agrees to report and comply with treatment, meetings, activities, and/or other program terms as assigned by the SDPO, including but not limited to:
  - Diagnostic assessment;
  - Clean drug screens;
  - Court check-in meetings;

- Thinking for a Change behavior modification course, Think First online program, and/or Carey Guides;
  - SDPO in person and/ or virtual meetings;
  - Sober support meetings;
  - Obtain employment, if applicable;
  - Obtain GED, if applicable;
  - Obtain a valid license, if applicable;
  - Obtain stable housing, if applicable;
  - Parenting education, if applicable;
  - Remain law-abiding;
  - Payment of \$250.00 program fee and court costs;
  - Restitution (if applicable);
  - Other conditions as determined by the SDPO.
2. Defendant agrees to inform his/her assigned SDPO of all prescribed medications he/she receives while participating in the SMC Specialized Drug Docket. Defendant shall inform his/her SDPO the next business after receipt of any prescription(s). Defendant shall inform SDPO of any over-the-counter medications that Defendant is using. Defendant understands the use of prescription medication and/or abuse of over-the-counter medication could result in termination from the program. The defendant understands that medication-assisted treatment services 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.”
  3. Defendant agrees not to possess or use any illegal drugs, alcohol, or synthetic cannabinoids while participating in the SMC Specialized Drug Docket.
  4. Defendant agrees to sign all necessary authorizations for the release of information to allow the communication of confidential information, including participation and progress notes, to his/her SDPO. Defendant understands the failure to sign such authorizations could result in termination from the program.
  5. Defendant agrees to not associate with anyone known to be actively involved in the sale or use of illegal drugs.
  6. Defendant acknowledges that he/she shall be subject to sanctions which may be imposed by the Court in furtherance of treatment. Sanctions shall be imposed by the Court as a result of noncompliance with any program condition assigned by his/her SDPO. Defendant will be immediately informed of the infraction(s), and sanctions will be graduated and will range in severity depending upon the seriousness of Defendant’s noncompliance. Possible sanctions include, but are not limited to:
    - Warnings and admonishments from Judge and/or Magistrate;
    - Increased drug and alcohol testing;
    - Increased review hearings and/or in-person meetings;

- Individualized sanctions such as writing essays, reading books, or performing community service;
  - Periods of jail time;
  - Periods of electronic monitoring (house arrest)
  - Termination from the program
7. To successfully complete the SMC Drug Docket program, Defendant shall demonstrate compliant behavior by successfully completing all treatment recommendations and programming requirements, abstaining from alcohol and drugs (as evidenced by negative urine screens) for at least 60 days before graduation, and payment in full of his/her ordered court costs, supervision fees, and restitution (if applicable).
  8. Defendant understands that he/she will not be terminated from this program without being provided notice of intent to terminate and that he/she is entitled to a hearing on the matter. Defendant understands that he/she is entitled to be represented by an attorney at the hearing.
  9. Defendant understands that he/she will not be subject to any jail sanctions for non-compliance with program conditions without notice, hearing, and representation by an attorney.
  10. Defendant understands that he/she may consult with an attorney and have legal representation at any time in this process while he/she is participating in this program. Defendant further understands that he/she may have an attorney represent him/her at all court check-in meetings and any court hearings.
  11. Defendant understands that his/her inability to pay fees, fines, costs, and, or costs of treatment will not prevent his or her admission into this program or his or her ability to successfully complete this program.
  12. Defendant understands that if he/she meets the clinical and legal eligibility criteria for the program, that he/she will not be denied entry into the program based on race, color, religion, gender, sexual orientation, national origin, age, citizenship, disability, or financial status.
  13. Defendant understands the progression of phases in this program are the steps in which a participant's performance and progress through the specialized docket program are monitored. The following general principles apply to the specialized docket phase system:
    - a. Phase advancement is based on compliance with assigned conditions and the treatment plan progression of the participant;
    - b. At a minimum, I understand a participant must appear before the Specialized Docket Judge at least twice monthly in the initial phase;
    - c. Defendant understands that if I am considered a high-need, high-risk participant (based on my Ohio Risk Assessment System score) I may be required to appear at status review hearings every week in the initial phase;
    - d. I understand that the times between status review hearings are increased or decreased upon a participant's compliance with treatment protocols and observed progress such as providing

consistent negative screens, compliance with court orders, and treatment team recommendations.

e. I understand that I will not receive a punitive sanction if I'm otherwise compliant with my treatment and supervision, but am not responding to treatment interventions. I understand in that circumstance, I will be reassessed and my treatment plan may be adjusted based on the recommendations of trained professionals.

14. Defendant understands that his/her unsuccessful termination from the SMC Drug Docket program may result in the imposition of suspended jail days and any other sanctions deemed appropriate by the Judge and/or Magistrate.

15. Defendant understands that upon his/her successful completion of the SMC Drug Docket program his/her suspended jail days will be vacated and his/her case(s) will be sealed.

16. Defendant consents in accordance with Traffic Rule 14 and Criminal Rule 19 to the Magistrate accepting and entering a guilty plea and determining guilt or innocence. Defendant further consents to the Magistrate receiving statements in explanation and in mitigation of sentence, and imposing a penalty in this case in the event he/she does not successfully complete the SMC Drug Docket program.

Defendant acknowledges that he/she has read and understands this agreement, that he/she freely and voluntarily relinquishes the rights discussed herein, and he/she agrees to abide by all the terms and conditions of the SMC Specialized Drug Docket.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel for Defendant

\_\_\_\_\_  
Date

**IN THE MUNICIPAL COURT OF SYLVANIA,  
LUCAS COUNTY, OHIO**

State of Ohio : Case No. \_\_\_\_\_  
Plaintiff, : **PROSECUTOR'S RECOMMENDATION**  
 : **FOR DEFENDANT TO BE SCREENED**  
 : **FOR PARTICIPATION IN SPECIALIZED**  
 : **DRUG DOCKET**  
vs. :  
\_\_\_\_\_, :  
Defendant :

Now comes the State of Ohio, by and through the Sylvania Prosecutor's Office, and makes the following recommendation in the captioned case:

If Defendant is eligible for the Specialized Drug Docket, the State requests Defendant enter guilty plea(s) to the charge(s) in the captioned case(s). The State requests the Court impose the maximum jail days and that all the days be suspended for Defendant's completion of the SDD program.

Upon Defendant's successful completion of the SDD program, the State requests Defendant's jail days be vacated and the case(s) be sealed upon payment of costs.

The State further submits \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If Defendant is not eligible to participate in the program, the State respectfully requests the above captioned matter be scheduled for:

\_\_\_\_\_ Pre-trial hearing  
\_\_\_\_\_ Bench trial  
\_\_\_\_\_ Other \_\_\_\_\_

Respectfully submitted,  
\_\_\_\_\_  
(Chief) Prosecutor

## SDD SCREENING FORM

Date Defendant referred for screening \_\_\_\_\_

Defendant's full name: (Please include middle name)	
Defendant's date of birth:	
Defendant's current address:	
Defendant's phone number:	

**\*Required Data Collection Per Special Docket Ohio Standard 12**

Ethnicity	Gender	Number of Minor Children	Type of Insurance
<i>Please circle:</i>  White-Non-Hispanic  White-Hispanic  Black  Native American  Asian  Other _____	<i>Please circle:</i>  Male  Female  Non-Binary		<i>If yes, Please circle which type:</i>  Medicaid  Medicare  Private Insurance  No Insurance  Other:

## **SPECIALIZED DRUG DOCKET PROGRAM PARTICIPANT RULES AND EXPECTATIONS AGREEMENT**

I, \_\_\_\_\_, agree to the following:

1. I will attend all my Specialized Docket Probation Officer (SDPO) meetings and court check-in meetings;
2. I will attend all my treatment, counseling, or therapy sessions;
3. I will be alcohol and drug-free;
4. I will treat the SDPO, court staff, and my treatment providers with respect;
5. I will sign all necessary releases of information;
6. I will actively participate and engage in all program conditions assigned by my SDPO;
7. I will complete all homework assigned by my SDPO;
8. I will be on time for my SDPO meeting, court check-in meetings, and meetings with my treatment providers;
9. I will be appropriately dressed for my SDPO meetings, court check-in meetings, and meetings with my treatment providers;
10. I will be committed to making a change in my behavior.

I understand that progression through this program will be based on my performance and my process with my treatment recommendations.

I will cooperate with all treatment services outlined in my treatment plan and all conditions and terms of this program as assigned by my SDPO.

I understand I will be subject to random drug testing while participating in this program and will be required to provide negative drug screens.

I understand that my attendance at scheduled meetings with my treatment provider(s), my SDPO meetings, and my court check-in meetings are mandatory and ANY missed meetings will be considered non-compliant behavior and could result in a sanction, extension, or termination from this program.

I understand that I will not be terminated from this program without being provided notice of intent to terminate and that I am entitled to a hearing on the matter, I also understand I am entitled to be represented by an attorney at the hearing.

I understand that I will not be subject to any jail sanctions for non-compliance with program conditions without notice, hearing, and representation by an attorney.

I agree to immediately report any violations in my terms or conditions to my SDPO.

I understand I may consult with an attorney and have legal representation at any time in this process and while I am participating in this program. I further understand I may have an attorney represent me at all court check-in meetings and any court hearings.

I understand that my inability to pay fees, fines, costs, and, or costs of treatment will not prevent my admission into this program or my ability to successfully complete this program.

I understand that if I meet the clinical and legal eligibility criteria for the program, I will not be denied admission to the program based on race, color, religion, gender, sexual orientation, national origin, age, citizenship, disability, or financial status.

I understand the progression of phases in this program are the steps in which a participant's performance and progress through the specialized docket program are monitored. The following general principles apply to the specialized docket phase system:

- f. Phase advancement is based on compliance with assigned conditions and the treatment plan progression of the participant;
- g. At a minimum, I understand a participant must appear before the Specialized Docket Judge at least twice monthly in the initial phase;
- h. I understand that if I am considered a high-need, high-risk participant (based on my Ohio Risk Assessment System score) I may be required to appear at status review hearings every week in the initial phase;
- i. I understand that the times between status review hearings are increased or decreased upon a participant's compliance with treatment protocols and observed progress such as providing consistent negative screens, compliance with court orders, and treatment team recommendations.

I understand that I will not receive a punitive sanction if I'm otherwise compliant with my treatment and supervision, but am not responding to treatment interventions. I understand in that circumstance, I will be reassessed and my treatment plan may be adjusted based on the recommendations of trained professionals.

**STATEMENT OF ACCEPTANCE:**

I have read and or had read to me the above rules and expectations and have had an opportunity to ask any relevant questions. I have reviewed all of my assigned terms and conditions of this program with my SDPO and have received a written copy of those terms and conditions. I understand that should I fail to abide by the rules and expectations termination from this program is possible.

I agree to follow these expectations and understand that they are designed to help me improve my life.

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Defendant's Printed Name



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Defendant's Signature

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Date

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Defendant's Attorney

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Specialized Docket Probation Officer

**SPECIALIZED DRUG DOCKET  
RECEIPT OF PARTICIPANT HANDBOOK  
ACKNOWLEDGMENT FORM**

I \_\_\_\_\_ acknowledge that I have received a copy of the Sylvania Municipal Court Specialized Drug Docket *Participant Handbook* and have reviewed the handbook with my attorney and or my Special Docket Probation Officer (SDPO).

\_\_\_\_\_  
Defendant's Printed Name

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Special Docket Probation Officer

\_\_\_\_\_  
Date

# Sylvania Municipal Court Treatment Providers

MH- Mental Health

AOD- Drug/Alcohol Treatment

Provider	Address	Facilitator	Type of TX	Insurance
A Renewed Mind	1832 Adams St. Toledo, OH 43604 419-720-9247	Varies	MH AOD	Medicare Medicaid Paramount
Acorn Counseling	109 W Wayne St. Maumee, OH 43537 419-893-8432	Jim Staneluis	MH AOD	Medicare
Arrowhead	1725 Timber Line Rd. Maumee, OH 43537 419-891-9333	Varies	MH AOD	Medicare Medicaid
Harbor	800 Commerce Dr. #115 Perrysburg, OH 43551 419-872-2419	Varies	MH	Medicare Medicaid Paramount
Catholic Charities of Southeast Michigan	25 S Monroe St. Monroe, MI 48161 734-240-3850	Varies	MH	
Glenbeigh	3425 Executive Pkwy. Suite 207 Toledo, OH 43606 419-536-4000	Varies	AOD	Medicare
Harbor	4334 Secor Rd. Toledo, OH 43623 419-475-6478	Varies	MH AOD	Medicare Medicaid Paramount
Health Connections	6600 W Sylvania Ave. Suite 264 Sylvania, OH 43560 419-517-4088	Varies	MH AOD	Cash or Card only
Lucas Co. Board of MRDD	1154 Larc Ln. Toledo, OH 43614 419-381-4000	Varies	MH *if eligible	
Lutheran Social Services	2149 Collingwood Blvd. Toledo, OH 43614 419-243-9178	Varies	MH AOD	Medicare Medicaid Paramount

Dr. Marilyn Smith	6800 W Central Ave Building E Toledo OH, 43617 419-842-1253	Marilyn Smith	MH AOD	
Mylo Jennings and Assoc.	2737 Navarre Ave. Oregon, OH 43616 419-691-8500	Varies	MH AOD	Medicare Medicaid Paramount
New Concepts	111 S. Byrne Rd. Toledo, OH 43615 419-531-5544	Varies	MH AOD	
Racing for Recovery	6202 Trust Dr. Holland, OH 43528 419-824-8462	Todd Crandall	AOD	
Recovery Services of NWO	560 W. Linfoot Wauseon, OH 43567 419-337-1937	Varies	MH AOD	Medicare Medicaid Paramount
TASC of NOW	701 Jefferson Ave #101 Toledo, OH 43604 419-242-9955	Varies	MH AOD	
Unison	1425 Starr Ave Toledo, OH 43605 419-693-0631	Varies	MH	
Veteran's Administration	3333 Glendale Ave. Toledo, OH 43614 419-213-6090	Varies	MH AOD *veterans	
Zepf Center	2272 Collingwood Blvd. Toledo, OH 43620 419-841-7701	Varies	MH	Medicare Medicaid Paramount
Jeff Ziegler, LPCC	4930 N Holland-Sylvania Rd Sylvania, OH 43560 419-885-5636	Jeff Ziegler	AOD	
Neal Davis	3324 Stanhope Dr Toledo, OH 43606 419-509-5047	Neal Davis	AOD	Cash or Card Only
Midwest Recovery Centers	1757 Indian Wood Circle, Maumee OH 43537 419-740-1814	Varies	AOD	

**SYLVANIA MUNICIPAL COURT  
PROBATION DEPARTMENT  
SUBSTANCE ABUSE MONITORING POLICY FOR  
SPECIALIZED DRUG DOCKET**

A participant must submit to random, frequent, and observed drug and alcohol testing while participating in the Sylvania Municipal Court Specialized Docket (SDD) program.

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

The Judge or Magistrate will sanction a participant who relapses or returns to use; which may include but is not limited to an increase in the frequency of testing, electronic monitoring, jail days, and/or termination from the SDD Program. Additionally, their treatment provider will be notified immediately to allow for updating or changes to their treatment plan.

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

If a participant desires to leave the area for any length of time, they must obtain permission from their Special Docket Probation Officer (SDPO), and they may be expected to make arrangements for ongoing substance abuse testing in whatever location to which they are traveling.

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

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

All participants must submit random urinalysis based on request at any time when requested by an authorized representative of the specialized docket treatment team and or their SDPO. All urinalysis screens could be shared with internal and external agencies. A participant could also be sanctioned to increase urinalysis test, due to response of behaviors.

**Random Drug Testing Monitoring**

- The participant is required to provide and maintain a valid cell phone number with the SDPO to receive drug testing notifications. The text message will generate at 8:00 AM on the day of testing

and the client must submit a sample before the expiration of the Centralized Drug Testing's hours of operation that day. The dates of testing will be random and determined by the SDPO at a frequency that adheres to the guidelines of the SDD.

- The following acts will be treated as a positive test, and immediately sanctioned:
  - Failing to submit to testing
  - Submitting an adulterated sample
  - Submitting the sample of another individual; or
  - Diluting samples.

### **Drug Testing Location**

**The Centralized Drug Testing Unit is located:** at 1302 Washington Street, Toledo, Ohio 43604 (behind the Source).

**Important reminders:** Do not park in the Source parking lot, your vehicle will be towed. The participant understands that upon their arrival at CDTU, all participants, and items are searched by security. The participant understands that they are required to make themselves available during CDTU testing hours. The participant understands that they are responsible for traveling to the CDTU testing location and arriving promptly.

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

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

**Monday & Thursday 8:30a.m.-6:00p.m.**

**Tuesday & Wednesday 8:30a.m.-4:30p.m**

**Friday-8:00a.m-4:00p.m**

- The participant understands that specimens can only be collected by same-gender staff. The participant understands and agrees that if there is a question regarding the participant's gender, CDTU staff will inquire discreetly about what the participant's gender is.
- Female and/or Male participants are called in order that they enter the facility. The participant understands and agrees that each participant will be accompanied into the restroom by the appropriate officer.
- The participant understands and agrees that during sample collection they are observed by an officer to ensure that they do not attempt to adulterate the sample.
- Female participants understand and agree that they may be required to squat and cough prior to submitting the sample collection.

- The participant understands and agrees that they cannot leave the facility until the sample collection is checked for appropriate temperature, if the sample collection is not the appropriate temperature or does not register, the participant is required and instructed that they must submit another collection sample.
- The participant understands that both collection samples are tested and an incident report with the results are to be forwarded to the drug court team immediately.
- The participant understands that all sample collections are kept for at least 14 business days, and allows the participant the opportunity to contest the accuracy of the test performed by the CDTU.

### **Challenging a Positive Screen**

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

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

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

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

### **INFORMATION REGARDING OTHER CONSTITUTIONAL AND STATUTORY CONCERNS:**

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

