

**ASHTABULA COUNTY COMMON PLEAS MENTAL HEALTH COURT**  
**JUDGE MARIANNE SEZON, 25 West Jefferson Street, Jefferson, Ohio 44047**

**PARTICIPANT HANDBOOK**

**TABLE OF CONTENTS**

CHAPTER 1: WELCOME AND PROGRAM INTRODUCTION .....	2
CHAPTER 2: LEGAL AND CLINICAL ELIGIBILITY CRITERIA .....	4
CHAPTER 3: PROGRAM ENTRY AND CASE FLOW.....	6
CHAPTER 4: TREATMENT TEAM.....	8
CHAPTER 5: TREATMENT TEAM MEETINGS AND STATUS REVIEW HEARINGS.....	10
CHAPTER 6: PHASES.....	12
CHAPTER 7: SANCTIONS AND INCENTIVES .....	12
CHAPTER 8 – PROGRAM COMPLETION .....	18
CHAPTER 9: SUBSTANCE MONITORING.....	20

## **CHAPTER 1: WELCOME AND PROGRAM INTRODUCTION**

This handbook will provide an overview of the Ashtabula County Common Pleas Mental Health Court and detail the participants' rights and responsibilities in the program. The Mental Health Court is a voluntary program focused on providing treatment oriented options for offenders with identified mental health concerns. The Mental Health Court Program is designed to be approximately twelve (12) months in duration, yet due to the individualized nature of needs-based programming, your term of participation may be longer or shorter in duration. A participant may be extended past the 12-month guideline if there are violations of rules and conditions, failure to complete or participate in treatment activities or general noncompliance with the treatment and case plans. There are many potential benefits, resources and requirements of program participation:

### **The benefits of Mental Health Court participation are:**

- Learning how to enjoy a productive lifestyle
- Improved familial and social relationships
- Reduce negative interactions with peers and the criminal justice system
- Overall healthier lifestyle

### **The resources the Mental Health Court offers participants are:**

- Access to a range of treatment services
- Case management services to assist with linkages to local services such as employment, educational or vocational opportunities, housing assistance and transportation assistance
- Incentives for compliance
- Relationships with the Mental Health Court team members, including the Judge, probation officer, recovery coaches and treatment partners

### **The following is a list of basic requirements of Mental Health Court participants:**

- Abstain from alcohol and drug use
- Attend status review hearings
- Attend appointments with treatment providers and case managers
- Comply with all medication requirements
- Attend appointments with your probation officer
- Comply with program requirements, conditions and treatment plans
- Submit to frequent and random alcohol and drug screens
- Comply with sanctions for infractions
- Engage in a mental health support community
- No further violations of the law

## **Program History and Overview**

The Ashtabula County Common Pleas Mental Health Court was established in 2016. The Mental Health Court Program was developed and continues to evolve through a collaborative and nonadversarial process focused on meeting the needs of the offender, courts and the community. The initial development team stakeholders include Ashtabula County Common Pleas Judges, Prosecutor, Defense Counsel, Mental Health and Recovery Services Board Director, local law enforcement officers and all area treatment providers, associated social service organizations, adult probation and parole, the Veteran's Commission, and local educators. The Ashtabula County Mental Health Court Program is based on evidence-based practices to include cognitive behavioral Interventions.

Essential program features include individualized screening and assessment that guides program placement, reporting schedule, format and intensity of services received. The Ashtabula County Mental Health Court has been designed to target high risk and high need offenders with a qualifying mental health diagnosis who are in need of specialized case management services.

This is a voluntary program and requires participants to sign a program Participation Agreement. The Participation Agreement outlines core program elements, participants' rights, as well as rights to be waived regarding formal hearing and immediacy of sanctions. It is important to note that one's eligibility does not constitute or create a right to participate in the Mental Health Court. The Mental Health Court Judge has the ultimate discretion to determine admission into the program. The overarching goal of the Mental Health Court Program is to reduce the likelihood of recidivism through intensive treatment, supervision and personal accountability.

Program noncompliance is addressed immediately through targeted and progressive sanctions. A graduated sanction continuum is used to guide the Judge in determining the most appropriate sanction for non-compliance in treatment, reporting or abstinence.

Dependent on the participant's treatment needs, each are engaged in mental health treatment ranging from outpatient therapy, psychiatric services, targeted case management, crisis intervention services and residential treatment as required. If participants are diagnosed with co-occurring mental health and substance abuse issues, they may be placed into specialized treatment such as Substance Abuse Mental Illness (SAMI) classes and/or community support meetings (i.e. AA, NA, ALANON). Services available to program participants include: Outpatient substance abuse counseling, Intensive Outpatient Counseling, Residential Treatment, Recovery Support Services, Aftercare and Transitional Services, Transitional Housing, Employment and Housing Assistance, Mental Health Counseling and Specialized Group treatment to address issues of abuse, cognitive thinking errors and other topics of interest.

Graduation from the Mental Health Court Docket is based on progress toward the individualized goals and objectives set forth in the Mental Health Court treatment plan, compliance with the rules and conditions of community control and additional goals and objectives identified in Intensive Supervision case plans. As participants satisfy these requirements, they progress through the phases of Mental Health Court, most often with graduation occurring between 8 and 24 months. Participants who have not responded to the continuum of sanctions will ultimately be staffed for consideration of program termination. This process is monitored by the Mental Health Court Treatment Team (MHCTT) and ultimately enforced by the Mental Health Court Judge. The MHCTT exhausts all available sanction and treatment options prior to making a determination of unsuccessful discharge.

Program participants are required to pay all court costs, fines, restitution, and a \$150.00 supervision fee, unless otherwise determined through payment plan, community service credit, or waiver. Additionally, participants may be required to pay for all positive drug tests. Restitution is a core element of the Supervision, and officers and the Judge continually monitor progress in this area.

## **MENTAL HEALTH COURT MISSION STATEMENT**

It is the mission of the Ashtabula County Mental Health Court to promote recovery through a court-supervised treatment program. This will be accomplished by streamlining and coordinating services to felony offenders whose crimes are substantially related to underlying mental health issues. The Ashtabula County Mental Health Court Program will increase long term stability by holding offenders accountable and ultimately reducing crimes and improving community safety.

## **CHAPTER 2: LEGAL AND CLINICAL ELIGIBILITY CRITERIA**

### **TARGET POPULATION**

The Ashtabula County Mental Health Court has been designed to target the nonviolent, mentally ill offenders who are in need of structured treatment, supervision and personal accountability. The Mental Health Court Docket is intended to divert mentally ill offenders from future recidivism and possible local or state incarceration. Offenders must have an established Ashtabula County residence and volunteer to participate. Eligibility does not create a right to participate.

### **CLINICAL ELIGIBILITY CRITERIA**

The defendant must be diagnosed with a serious persistent mental diagnosis, not including personality disorders. He/she must have a history of mental illness prior to the commission of the underlying offense. The primary diagnosis cannot be a substance abuse disorder, developmental disability or mental retardation.

### **CLINICAL ASSESSMENT**

If the potential participant is deemed eligible and agrees to participate in the specialized docket, then the potential participant is referred for formal clinical assessment. The clinical assessment confirms that the potential participant meets the specialized docket's written clinical criteria and is appropriate for inclusion in the program. The Clinical Assessment and ORAS risk assessment both identify individual challenges, needs and beliefs to ensure that all subsequent interventions and interactions are gender responsive and culturally appropriate.

### **The Standards and Recommended practices that apply to the clinical assessment are:**

- The Judge shall have discretion to decide the admission into a specialized docket in accordance with the written criteria;
- All mental health and other programming assessments shall include available collateral information to ensure accuracy of the assessment;
- The potential participant is required to sign a release of information form to provide confidential communication about participation and progress in treatment and compliance with program requirements; and

- The potential participant receives a clinical assessment from a professional who possesses the appropriate licenses and credentials to provide the specialized docket treatment services within ten (10) business days from the time of referral.

## **LEGAL ELIGIBILITY CRITERIA**

An individual must meet the following criteria in order to be referred to the Mental Health Court Program:

### ***Eligible:***

- Current charge is community control sanction eligible.
- Offender is charged with a felony offense of the 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> degree. Higher level felonies may be considered on a case-by-case basis, subject to Mental Health Court Treatment Team approval.
- Offender is capable of participating in and completing the program.
- Offender demonstrates an interest in and willingness to participate in the treatment program.
- Offender would benefit from mental health treatment.
- Offender resides in Ashtabula County.
- Offender is charged with an offense that is not a sex-related offense (per ORC) and there is no history of sex-related offenses (to be determined on a case-by-case basis).
- The primary diagnosis is not a substance abuse disorder.
- The primary diagnosis is not mental retardation, nor developmental disability.
- The offender meets diagnostic criteria for mental illness:
  - a. He/she must have a history of mental illness prior to the commission of the crime.
  - b. He/she must be diagnosed with a serious persistent mental diagnosis, not including personality disorders.
  - c. Other disorders will be considered on a case by case basis.

### ***Not Eligible***

- The charge is related to the use of a firearm or deadly weapon (to be determined on a case-by-case basis).
- The defendant has a consistent history of revocations, failure to appear, noncompliance issues, failed treatment experiences and a poor history of supervision.
- Out of county pending cases where a resolution is not forthcoming and would exclude participation.

## **Program Capacity**

The general capacity of the Mental Health Court Program is ten (10) *active* participants who are attending a status hearing. As not all participants attend the status review hearings bi-weekly, this allows for additional participants to be added when individuals have reached the higher phases of the program.

## **Results and Benefits**

Maintaining mental health stability brings its own benefits such as improved health, better coping skills and a decreased risk of involvement in criminal activity. This program provides an opportunity for early intervention and is a meaningful alternative to incarceration.

## **CHAPTER 3: PROGRAM ENTRY AND CASE FLOW**

### **Referral Process**

Potential participants can be referred to the Mental Health Court Program through various points of entry, to include:

- Prosecutor referral
- Judge referral
- Request of defense counsel
- Treatment providers
- Probation officer
- Jail-referral

Referrals can be made at any stage of the case or court process, to include arraignment, pretrial, preplea agreement, change of plea, intervention in lieu of conviction (R.C. 2951.041), post-plea (Presentence Investigation), sentencing, while currently under supervision/community control or as a result of a community control violation. The referring entity contacts the Mental Health Court Coordinator/Ashtabula County Probation Department, who conducts an initial eligibility screening. If an offender is deemed eligible for participation, the formal screening and assessment process is initiated.

### **Screening and Assessment**

All offenders referred to the Mental Health Court are screened using the validated Ohio Risk Assessment System (ORAS) either during the Presentence Investigation (PSI) or upon initiation of a community control sentence. A trained officer conducts the extensive ORAS interview that evaluates offender history and needs across seven (7) functional domains: Criminal & Supervision History; Educational, Employment and Finances; Family and Social Support; Neighborhood Challenges; Substance Abuse; Peer Associations; and Criminal Attitudes and Behavioral Concerns. Based on the issues identified, officers then develop an individualized case plan that identifies goals and objectives for both the offender and supervising officer and case manager. Offenders who are identified with challenges in the mental health domain are promptly assessed and referred to an area treatment program for an intensive substance abuse/dependence evaluation.

Mental health assessments are scheduled in a timely manner. Final diagnostic summaries are sent and reviewed within fourteen (14) days of assessment, and participants shall be placed as soon as possible in appropriate treatment services and programs. All screenings and assessments for treatment determinations are provided by programs or persons who are appropriately licensed and trained to deliver appropriate licensure and training of treatment staff. Release of information forms are completed so that the collateral assessment agency can provide communication regarding confidential information, treatment participation and progress and compliance with relevant law. Most often screening and

assessment is completed during the Presentence Investigation which allows offenders to begin participating in the Mental Health Court Program immediately after being sentenced. The ORAS interview assists officers in identifying individualized needs and beliefs to ensure that all services and interactions are gender responsive and culturally appropriate. All mental health, chemical dependency, and other programming assessments shall include available collateral information to ensure accuracy of the assessment.

Upon completion of the substance abuse assessment, participants immediately enter treatment per the recommendations of the treatment provider. Most Mental Health Court participants have initiated treatment prior to formally starting in the program.

### **Program Admission**

A critical feature of the Mental Health Court Program is to initiate contact by court personnel at the earliest point possible. Upon determination of clinical and legal eligibility, a referred person is immediately admitted and begins participating in all required Mental Health Court functions, to include the status hearings. Immediately upon admission participants begin working through a progression of program phases. Most Mental Health Court referrals are under reporting supervision with the Adult Probation Department during the referral and admission process, which ensures continuity and monitoring. Individuals not under reporting supervision at the point of referral are monitored immediately through bond reporting procedures during the Presentence Investigation.

### **Progression of Phases**

Phases are the steps in which a participant's performance and progress through the specialized docket are monitored. The following general principles apply to the phase system:

1. Phase advancement is not solely based on preset timelines; rather, it is based on treatment plan progression and program compliance.
2. At a minimum, the participant shall appear before the specialized docket Judge at least twice monthly in the initial phase.
3. In subsequent phases the participant shall appear regularly before the specialized docket Judge to review the participant's progress. After the initial phase, the phase description includes the participant's attendance requirement (bi-weekly, monthly, etc.) at status review hearings.
4. Time between status review hearings are increased or decreased based upon compliance with treatment protocols and observed progress. General criteria for phase advancement may include a participant's mental health status, progress in treatment, compliance with court orders, payment of court fees, and team recommendation.

### **Non-Discriminatory Practices**

If the participant meets the written clinical and legal eligibility criteria for the program, then the participant is not to be denied admission to the specialized docket based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status or any disability.

## **CHAPTER 4: TREATMENT TEAM**

The Mental Health Court Treatment Team (MHCTT) is created and members are invited by the specialized docket Judge for the purpose of coordinating the day-to-day operations of the Mental Health Court Program. Each Treatment Team member plays a critical role in ensuring adequate support and accountability for the Mental Health Court participant.

### ***Specific Roles and Responsibilities of Treatment Members***

Each Mental Health Court Treatment Team (MHCTT) member plays a specific and equally critical role in the administration of this specialized docket. Listed below are the MHCTT member's roles and responsibilities. In addition to these core members, additional team supports are accessed on an as needed basis specific to the needs of the current Mental Health Court population.

#### ***Judge***

- The Mental Health Judge attends and is the Chair of all Treatment Team sessions;
- The Judge has discretion to determine the admission into or termination from the Mental Health Court Program in accordance with the written legal and clinical criteria for the specialized docket;
- Knowledgeable about treatment and programming methods and limitations;  
Decision-maker, especially concerning incentives, sanctions, phase advancement, and successful completion or termination;
- Maintains contact and discusses progress with each participant at status review hearings;
- One Judge will be assigned to the Mental Health Court Docket to ensure consistency throughout the participant's term of participation.

#### ***Probation Officer/Specialized Docket Coordinator***

- Facilitates the specialized docket in accordance with the written program description;
- Assists with identifying potential participants;
- Conducts the legal eligibility screening;
- Assists the participant in all phases including the orientation phase;
- Maintains the daily operations of the specialized docket;
- Collects and maintains statistical information and other confidential records concerning participants, collects data from service providers and creates reports for review and submission to funding sources;
- Gathers progress reports from treatment and service providers to present to the Treatment Team;
- Ensures that Treatment Team members follow program policies and procedures;
- Monitors service provider agreements and contracts and monitors the services to participants;
- Monitors treatment compliance;
- Plans and facilitates advisory committee meetings;
- Coordinates specialized docket team professional education;
- Coordinates random drug screens and monitors compliance with any sanctions;

- Meets with participant regularly to discuss individualized program goals and progress while the participant is in the specialized docket;
- Assists the participant in the development, utilization and coordination of the individualized case plan;
- Attends Treatment Team meetings and status review hearings;
- Participates in any discussions regarding incentives, sanctions, phase advancement, successful completion and termination;
- Monitors compliance with supervision plan;
- Conducts random alcohol and drug tests as necessary and reports the results of tests to the Treatment Team;
- Monitors sanctions;
- Conducts field visits with participants at home, school or other community locations;
- Attends Treatment Team meetings and status review hearings;
- Informs the Treatment Team whether treatment plan, supervision plan and court orders are followed;
- Advises of any specialized docket violations; and
- During Treatment Team meetings, provides progress reports and recommendations to the Treatment Team.

***Specialized Docket Licensed Treatment Providers / Veteran's Commission and Services***

- Anyone providing treatment for the specialized docket must be appropriately licensed and trained to deliver services;
- Coordinates diagnostic assessments, clinical diagnosis and develops and maintains the treatment plan and record of activities;
- Provides documentation on a participant's progress in treatment and compliance with treatment plans, including treatment attendance and results of alcohol and drug tests;
- Attends Treatment Team meetings and status review hearings;
- During Treatment Team meetings, gives treatment updates and makes recommendations regarding treatment needs; and
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion and termination.

***Prosecutor***

The Ashtabula County Mental Health Court incorporates a non-adversarial approach while recognizing the distinct role of the prosecutor in pursuing justice and protecting public safety and victims' rights. The Ashtabula County Prosecutor, or designee, plays an adjunct role on the Mental Health Court Treatment Team (MHCTT), and is not required to attend MHCTT meetings:

- Identifies eligible clients for the specialized docket in accordance with the specialized docket written criteria; and
- Attends Treatment Team meetings and status review hearings at the request of the Judge.

## ***Defense Counsel***

The Ashtabula County Mental Health Court incorporates a non-adversarial approach while recognizing the distinct role of defense counsel in preserving the constitutional rights of the specialized docket participant. Defense counsel plays an adjunct role on the MHCTT, and is not required to attend MHCTT Treatment Team meetings, however, may attend Treatment Team meetings upon the participant's request. Defense counsel's role includes:

- Assists with decision-making regarding participation in the specialized docket;
- Explains to the participant what rights are waived by entering the program;
- Explains the possible sanctions that may be imposed;
- Explains the circumstances that may lead to termination; and
- Explains the effect that termination from the specialized docket may have on the participant's case.

## **CHAPTER 5: TREATMENT TEAM MEETINGS AND STATUS REVIEW HEARINGS**

The Mental Health Court Treatment Team (MHCTT) monitors each participant's performance and progress through Treatment Team meetings and Status Review hearings. Treatment Team meetings are held, at a minimum, every Wednesday at 9:00 a.m. with the status hearings occurring immediately thereafter.

### **Status Review Hearings**

The Ashtabula County Mental Health Court incorporates on-going judicial interaction with each participant. The frequency and content of this interaction is based on the individualized case plan and phase of each participant.

- Participants in Phase I of Mental Health Court are appearing before the Judge at least weekly, with pointed discussion as to accountability and expectations. Frequent status review hearings establish and reinforce the specialized docket policies and ensure effective and efficient supervision of the participant.
- Phase 2 of Mental Health Court focuses on supporting the treatment objectives and ensuring compliance and sobriety. Participants continue to report at least bi-weekly during this phase.
- Participants in Phase 2 and Phase 3 of participation are interacting with the Judge at least tri-weekly with the intent of maintaining and supporting positive lifestyle changes and aftercare activities.
- Participants in Phase 4 report for Mental Health Court status hearings on a monthly basis, yet are still able to receive support and guidance from the Mental Health Court Case Manager. This transitional element of the Mental Health Court Program seeks to increase autonomy while still keeping former participants under the support of their Case Manager.

While not all participants attend every session, a significant number of Mental Health Court participants appear at each status review hearing so that the participant is educated as to the benefits of complying with the specialized docket and consequences for noncompliance.

**Summary of Treatment**

Mental Health Court participants will participate in the development of a treatment plan based on their individual needs, and all services provided incorporate evidenced-based strategies. Consistent with the principles of evidence-based best practices, the treatment plans shall incorporate the following requirements:

- Treatment plans take into consideration services that are gender responsive, culturally appropriate and effectively address co-occurring disorders.
- Provided services, including case plans, are appropriate and clinically necessary to the degree that available resources allow.
- Mental Health Court participants have prompt access to a continuum of approved treatment and rehabilitation services.
- The Mental Health Court treatment provider maintains a current treatment plan and a record of activities. Treatment plans continue to develop throughout program participation to reflect the participant’s changing needs based on program progress. The treatment provider shares current treatment plans with the Treatment Team.
- All treatment and programming is provided by appropriately licensed and trained programs or persons to deliver such services according to the standards of their profession.

**Agencies and Services for Mental Health Court Participants**

Agency	Service(s) Provided
<p><b>Community Counseling Center</b></p>	<p>Assessment, Registration/Intake, Treatment Plan Development, Case Management Services, Intensive Outpatient Treatment (individual and group treatment), Outpatient Services, Drug Testing, Relapse Prevention Planning and Support, Aftercare Planning and Support, Medication-Assisted Treatment, Sober Lifestyle Support (Recovery Club), Baseline Alcohol and Drug Testing, Substance Abuse and Mental Health Evaluation, Outpatient Treatment (Group and Individual).</p> <p>Mental Health Assessment and Treatment (Individual and Group), Psychiatric Assessment and Treatment, Medication Monitoring, Co-occurring Disorder Treatment, SAMI Group, Coordinated Case Management Services, Mental Health Court.</p> <p>Children’s Partial Hospitalization Program, Crisis Services, Supported Employment, Individual Placement &amp; Support Services, Pharmacy, Family Therapy, Second Chance Citizen Circle Member.</p>

<b>Signature Health</b>	<p>Assessment, Registration/Intake, Treatment Plan Development, Case Management Services, Intensive Outpatient Treatment (individual and group treatment), Outpatient Services, Residential Treatment Program (Male and Female), Drug Testing, Relapse Prevention Planning and Support, Aftercare Planning and Support, Medication-Assisted Treatment, Baseline Alcohol and Drug Testing, Substance Abuse and Mental Health Evaluation, Outpatient Treatment (Group and Individual), Co-occurring Treatment.</p> <p>Mental Health Assessment and Treatment (Individual and Group), Psychiatric Assessment and Treatment, Medication Monitoring, Co-occurring Disorder Treatment, Coordinated Case Management Services,</p> <p>Marriage and Family Counseling, Art Therapy, Pharmacy, Lab Services, Primary Medical Care, Partial Hospitalization Program, Residential Facility (Bridgeview Manor), Second Chance Citizen Circle Member.</p>
<b>Any Other Agencies</b>	Glenbeigh, ACMC, Windsor Laurelwood, VA Mental Health Services

**CHAPTER 6: PHASES**

As previously reported in the program description, the Ashtabula County Mental Health Court is structured with four distinct phases of program participation. Progression through the Mental Health Court Program is based on the participant’s performance toward the treatment plan and compliance with the specialized docket phases. Phase advancement is not solely based on preset timelines, rather on specific accomplishments and progress toward individualized treatment and case plan goals.

Participants appear at status review hearings weekly in the specialized docket initial phase. In later phases the participant reports less frequently, yet at least once a month through phase four (4). Within the general phase structure, the time between status review hearings is increased or decreased based upon compliance with treatment protocols and observed progress. General criteria for phase advancement may include mental health, progress in treatment, participant’s sobriety, compliance with court orders, payment of court fees and recommendation. The following is a detailed description of the phases of Mental Health Court:

***Orientation Phase***

The goal of the orientation phase is to ingrain a thorough understanding of the aspects of the specialized docket requirements to assure the highest level of function 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 Mental Health Court Coordinator and/or Mental Health Court Probation Officer. The participant will be interviewed as part of a risk assessment and a written report will be prepared. The purpose of this report is to collect information that will assist the Mental Health Court Treatment Team in assessing the participant's eligibility to participate in the Mental Health Court Program and to inform the assigned judge's decision whether to grant the participant's request for Mental Health Court.
- Meet as instructed at the participant's mental health treatment provider's location in order to undergo a complete mental health 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 the participant's defense counsel.

### ***Compliance Phase (Phase 1 – Initial)***

This phase stabilizes the participant and assures participant compliance with the specialized docket program requirements. During this phase, the participant has the most contact with the court by attending scheduled status review hearings. This is also the most intense phase for the participant's case manager and/or probation officer.

#### **Tasks for the Compliance Phase include the following:**

- Ensure court obligations are met, such as developing payment schedules for fines, court costs, and victim restitution.
- Determine frequency of random alcohol and drug testing at a minimum of two times per week.
- Complete other assessments and inventories determined necessary by the Treatment Team.

#### **Participant Requirements for the Compliance Phase include the following:**

- Attend weekly status review hearings;
- Develop initial treatment plan;
- Attend all treatment sessions;
- Call in and submit to random alcohol and drug testing (if applicable);
- Complete a substance abuse assessment, if indicated;
- Attend weekly office visits and follow all rules of supervision with the Mental Health Court Coordinator and/or probation department;
- Cooperate with random home visits by the Mental Health Court Coordinator and/or probation department;
- Engage in sober community support activities; and
- Remain law abiding.

## ***Program Engagement Phase (Phase 2)***

After the participant obtains stability in the Compliance Phase, the participant will begin to address the issues that brought the participant into the specialized docket. During this period, the participant will begin to develop skills, improve family relationships, and set employment, vocational, or educational goals. Based on the participant's progress, required appearances at status review hearings may be reduced.

### **Tasks for the Program Engagement Phase include the following:**

- Ensure probation requirements are met;
- Continue random alcohol and drug testing at a minimum of two times per week;
- Identify long term goals;
- Begin to develop plans for employment or educational opportunities;
- Continue linking the participant with housing, educational, vocational and employment opportunities; and
- Make referrals for other ancillary services not yet addressed.

### **Participant Requirements for the Program Engagement Phase include the following:**

- Regularly attend status review hearings before the Judge to review the participants progress;
- Comply with Treatment Plan;
- Continue to attend all treatment sessions;
- Continue to attend all required office visits and follow all rules of supervision with the Mental Health Court Coordinator and/or probation department;
- Continue to cooperate with random home visits by the Mental Health Court Coordinator and/or probation department;
- Continue to call in, submit and provide negative results to all alcohol and drug testing (if applicable);
- Continue to engage in sober community support activities;
- Obtain/maintain stable, clean, sober housing
- Create a realistic plan for payment of restitution, fines and supervision fees;
- Follow through on housing, educational, vocational, and employment referrals; and
- Remain law abiding.

### ***Growth and Development Phase (Phase 3)***

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, 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.

#### **Tasks for the Growth and Development Phase include the following:**

- Complete probation obligations;
- Identify long term goals with implementation strategy; and
- Continue to improve family relationships.

#### **Participants Requirements for the Growth and Development Phase include the following:**

- Regularly attend status review hearings before the Judge to review the participants progress;
- Comply with Treatment plan;
- Continue to attend all treatment sessions;
- Continue to attend all required office visits and follow all rules of supervision with the Mental Health Court Coordinator and/or probation department;
- Continue to cooperate with random home visits by the Mental Health Court Coordinator and/or probation department;
- Continue to call in, submit and provide negative results to all alcohol and drug testing (if applicable);
- Continue to engage in sober community support activities;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Obtain and verify a recovery sponsor (if applicable); and
- Remain law abiding.

### ***Maintenance/Aftercare (Phase 4)***

This post-graduation period is focused on the participant maintaining the stability obtained in the earlier phases. By the time the participant graduates, they have successfully and faithfully adhered to treatment or programming requirements. The participant may have also integrated structure into the participant's life by obtaining permanent housing; maintaining employment or regularly participating in other vocational activities; maintaining a functional support system; and avoiding additional involvement with the criminal justice system.

#### **Participants Requirements for the Maintenance/Aftercare Phase include the following:**

- Successfully completed all required treatment programs;
- Demonstrated stability in the community;
- Regularly attend status review hearings before the Judge to review the participants progress;
- Continue to attend all treatment sessions, such as, therapy, psychiatry, etc.;
- Continue to attend all required office visits and follow all rules of supervision with the Mental Health Court Coordinator and/or probation department;
- Continue to cooperate with random home visits by the Mental Health Court Coordinator and/or probation department;
- Obtain/maintain stable, clean, sober housing;
- Obtain/maintain employment, schooling, vocational training, or engage in other Court approved activity;
- Continue and complete the Mentorship Program by mentoring a Mental Health Court participant, giving a Turning Point or IOP Lead, or serving as a treatment volunteer;
- Complete any other outside requirements (parenting classes, family counseling, financial counseling etc.)
- Demonstrated abstinence from alcohol and drugs as evidenced by submitting negative screens for a minimum of ninety (90) days prior to graduation;
- Paid in full restitution, fines, supervision fees and court costs, unless otherwise determined.

#### **Commencement**

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

### **CHAPTER 7: SANCTIONS AND INCENTIVES**

An individualized, progressive and immediate system of program incentives and sanctions is a critical element to the Mental Health Court Program. While violations will be addressed immediately to ensure a high level of accountability, it is also crucial to recognize an incentive program and personal successes.

#### ***Incentives***

Incentives are individualized according to the specific treatment plan and directly related to the participant's achievements as certain milestones of the specialized docket treatment plan are attained. Incentives are also tracked to ensure that the participant is rewarded on a progressive basis. Incentives are issued on an immediate, graduated and individualized basis to ensure maximum benefit of positive reinforcement of program compliance.

#### **The following are examples of incentives:**

- Encouragement and praise from the Judge;
- Ceremonies and tokens of progress, including advancement in specialized docket phases;
- Reducing supervision contacts;
- Decreasing frequency of court appearances;

- Reducing fines and fees;
- Increasing or expanding privileges;
- Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work or other positive hobbies;
- Gifts of inspirational items, including books, pictures and framed quotes;
- Assistance with purchasing clothing for job interviews;
- Gift cards for restaurants, movie theaters, recreational activities or personal care services;
- Gifts of small personal care items, hobby or pet supplies, plants or small household items;
- Dismissing criminal charges (if Intervention in Lieu of Conviction) or reducing the term of community control;
- Reducing or suspending jail, prison or detention days;
- Graduating from the specialized docket; and
- Any other reward deemed appropriate by each Officer/Supervisor.

**\*Incentives should be given at a 4:1 ratio (4 rewards for every 1 sanction).**

### ***Sanctions***

Likewise, it is imperative that program noncompliance is addressed and sanctioned immediately to ensure high levels of accountability and responsiveness. Immediate, graduated and individualized sanctions govern the Mental Health Court's responses to the participant's noncompliance. Graduated sanctions are used to help the participant conform behavior to program requirements. Sanctions are crafted in an individualized and creative manner, as well as in a progressive manner based on the infraction. Sanctions are issued when there is non-compliance with both program protocol and the treatment plan. Sanctions are a deterrent to negative behavior, as well as serving the intent to encourage future compliance.

### **The following are common infractions that may result in a sanction:**

- Failure to attend court appearances and treatment appointments;
- Failure to follow Mental Health Court rules and rules of community control;
- Failure to keep scheduled appointments with the probation officer, case manager or any other team member;
- Noncompliance with other requirements of the treatment plan;
- Noncompliance with random alcohol and drug screens or testing positive for alcohol and/or drugs;
- Failure to improve troublesome behaviors;
- Failure to meet employment or vocational goals as determined by the Treatment Team; and
- Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, social security applications, etc.

### **The following are a continuum of sanctions for noncompliance:**

- Warnings and admonishment from the Judge;
- Increasing frequency of alcohol and drug testing;
- Increasing court appearances;
- Refusing specific requests, such as permission to travel;

- Denying additional or expanded privileges or rescinding privileges previously granted;
- Increasing supervision contacts and monitoring;
- Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior;
- Imposition of suspended fines and costs;
- Requiring community service or work programs;
- Escalating periods of jail or out of home placement;
- Filing of community control violation; and
- Termination from the specialized docket.

Sanctions shall be imposed by the Court as a result of noncompliance or a rule violation by the participant. Sanctions are immediate and may range in severity depending on the seriousness of the participant's noncompliance or rule violation. The supervising Mental Health Court Officer communicates to the participant potential responses to program compliance and noncompliance on an ongoing basis. In addition, the Mental Health Court Judge provides summation of these responses to the participants in the Mental Health Court session.

## **CHAPTER 8 – PROGRAM COMPLETION**

### **Criteria for Successful Completion**

Successful completion criteria are the guidelines used to identify how Mental Health Court 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; ○ Medication regime compliance as reported from Counseling Center.
- Displayed a change in thinking, attitude and beliefs;
- Successfully completed treatment or programming or continue 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, unless otherwise determined through payment plan, community service credit, or waiver. (inability to pay costs in full does not 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 specialized docket program 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 Judge has discretion to determine when the participant will successfully complete the program.*

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

1. **Nomination:** The participant and/or a 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 and aftercare activities;
3. **Treatment Team Recommendation:** The Treatment Team then makes a formal recommendation to the Mental Health Court Judge;
4. **Judicial Decision:** The Judge determines that the participant successfully completed the Mental Health Court Program;
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 Mental Health Court Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants;
6. **Aftercare Components:** The participant is then transferred to the aftercare component of the program in which they are supported by the Case Manager and established recovery community; and
7. **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 and Criteria**

There are two types of termination criteria; unsuccessful and neutral discharge. These criteria have been developed by the Mental Health Court Treatment Team and Specialized Docket Advisory Committee. The Mental Health Court Judge has ultimate discretion in determining termination from the specialized docket.

***Unsuccessful termination***

**The following are examples of unsuccessful termination reasons:**

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

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

- Loss of future eligibility for the specialized docket;
- Further legal action including revocation of intervention in lieu of conviction, probation or parole violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

***Neutral Discharge***

There may be circumstances in which the participant is discharged from the Mental Health Court through a neutral discharge status. This status is accessed in situations where the participant has reached maximum benefit for various possible reasons:

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

***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 Mental Health Court is beneficial to the participant and the program;
- Unable/unwilling to comply with program requirements in a timely manner as directed; and/or
- Have an outstanding warrant for noncompliance from the specialized docket and the issue has not been resolved.

**CHAPTER 9: SUBSTANCE MONITORING**

Substance use monitoring for Mental Health Court is based on individual drug testing plans maintained within the individual treatment and case plans. The Mental Health Court monitors participant substance use by random, frequent and observed alcohol and drug testing protocols. The use of fifteen (15) panel drug screens ensures adequate monitoring of the participant’s drug of dependence, as well as other common substances of abuse. Substance testing is the last supervision and monitoring tool that is

decreased as the participant progresses through the program. The specialized docket in this chapter explains its substance monitoring program in terms of randomness, frequency and observation.

The Mental Health Court Treatment Team has clearly established plans for addressing participants who test positive at intake or who relapse during program participation. If a participant tests positive at intake, the test will determine the level of treatment services required as well as establish future testing expectations. If a participant relapses, these plans include increasing the level of treatment, increasing the frequency of testing, and other sanctions determined by the Mental Health Court Judge.

The Mental Health Court Judge ensures that the random alcohol and drug testing plans and subsequent sanctions are enforced and reinforced to the participant. The Mental Health Court Judge is notified of positive drug results immediately and at the Mental Health Court Treatment Team meeting. The following acts are treated as positive tests and will be immediately sanctioned:

1. Failure to submit to testing;
2. Submitting an adulterated sample;
3. Submitting the sample of another individual; and/or
4. Dilution of sample.

### **Drug Testing Procedure**

The participant agrees to submit to random, frequent, and observed alcohol and drug screens. The participant is required to be available for contact by the Probation Department Monday through Friday between 8:00 a.m. to 12:00 p.m. to find out if he/she is required to submit a urine screen from 9:00 a.m. to 4:30 p.m. that day. The participant is to submit to testing if requested by their treatment provider, the Probation Department, or the 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. The Probation Department will utilize Sentry Cordant Health Solutions' random automated system to determine the participants who will be tested.

The participant will be tested with an instant urinalysis drug screen. The participant agrees to travel to the testing location at their treatment provider or the Ashtabula County Probation Department during the hours indicated for testing. The participant agrees to arrive at the testing location to produce a sample within a certain period of time. If the participant fails to produce the sample during that time, it will be the same as a positive test and immediately sanctioned. 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 the participant tests positive, the participant may request that the sample be retested for confirmation. With the request for confirmation test, the participant will be required to provide the testing fee. If the participant is found indigent, they will not be denied confirmation testing. If the participant fails to make a timely request and pay the fee, he/she cannot later request confirmation testing of the same sample. If the confirmation testing returns positive the participant will be sanctioned.

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 understand the difference between relapses in the beginning of treatment versus later on in the program and treatment and/or sanctions are used when appropriate and enforced by the Judge.

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