

(A) **Establishment of a Recovery Court Docket** – Recognizing that offenders charged with certain misdemeanor offenses, with a specific or underlying element of substance abuse, and whose continued appearances before the Court pose a special challenge for the criminal justice system, the Court hereby creates the Municipal Court Recovery Docket as a pilot program. The intent of the Recovery Docket is to reduce recidivism, address substance abuse needs, and improve the quality of life for participating defendants by providing wrap around services, primarily through outpatient treatment. The judge assigned to the Recovery Docket shall be determined by the Joint Session of the Municipal Court.

(B) **Placement in the Recovery Docket** – A referral may be initiated by judge, Pretrial Services, defense attorney, prosecuting attorney, probation officer, self-referral, or others. Placement of defendants on the Recovery Docket will focus on individuals who are charged with misdemeanors of the first or second degree, have multiple prior contacts with the criminal justice system and have current substance abuse issues. Pretrial Services will complete the Ohio Risk Assessment System (ORAS) Pretrial Assessment Tool to identify areas of risk. Participation is voluntary.

The written legal and clinical eligibility criteria do not create a right to enter the Recovery Docket, but rather provide guidelines for the discretion of the Judge.

LEGAL ELIGIBILITY:

- Defendant must be a resident of Hamilton County
- Focus on defendants charged with First- or Second-Degree Misdemeanor charges.
- Presenting charges must be determined to be a result of the individual's substance use disorder.
- Defendant is likely to be incarcerated at adjudication of the current offense.

- The defendant may not have pending charges in another court or jurisdiction that have not been resolved prior to application; unless an agreement has been established with the other court or jurisdiction that they will abide by the Recovery Court's plan.
- Defendant's present offense may not be an offense of violence.

CLINICAL ELIGIBILITY:

- Defendant must complete an assessment that determines that they are diagnosed with a substance abuse disorder.
- Defendant acknowledges a problem with substance use and is willing to address the issue.
- Defendant is cognitively able to give informed consent to participation.
- Defendant is not more appropriately assigned to another Specialized docket in the Hamilton County Municipal Court.

(C) Recovery Docket Case Management – Upon admission into the Recovery Docket each defendant will be assigned a Peer Recovery Coach through Talbert House at the earliest possible contact in the process. Engagement with the Peer Recovery Coach, Recovery Docket Coordinator and/or a clinical assessment must occur within two weeks post arraignment and a treatment plan will be created for each individual accepted into the Recovery Docket.

(D) Termination from the Recovery Docket – There are three types of termination classifications from the Recovery Docket; Successful Discharge, Unsuccessful Discharge and Neutral Discharge.

The Recovery Court Judge has final discretion to determine termination from the Recovery Docket in accordance with written criteria.

Successful Termination:

Criteria:

- Demonstrated period of abstinence from alcohol and drugs, evidenced by submitting negative alcohol and drug screens for a substantial period prior to graduation.
- Demonstrated compliance with treatment programs and medication compliance as required.
- Improved symptom identification and management.
- Displayed change in thinking, attitude and beliefs.
- Displayed use of sober network to provide support when treatment team is not available.
- Maintained consistent employment if required by treatment plan.
- Maintained stable independent housing if required by treatment plan.
- Identification of completion of a treatment plan to continue after program completion.
- Paid off all monies owed; or if indigent or otherwise unable to pay court-ordered monies, completed community service in lieu of court-ordered monies.

Termination by Unsuccessful Discharge:

Criteria:

- Ongoing non-compliance with treatment or resistance to treatment plan.
- New serious criminal conviction.
- Serious probation violation or series of probation violations.
- Serious infraction of the Recovery Docket participant agreement.

Result of Termination by Unsuccessful Discharge:

- Depending on circumstances, the defendant may be subject to incarceration and/or other penalties.
- Should the defendant remain on probation, the defendant will be transferred to the regular criminal docket of the Recovery Docket Judge, assigned a different probation officer and continued under the terms of probation.
- An unsuccessful discharge from the Recovery Docket shall not mean a discharge from appropriate mental health, substance abuse or other programming to a qualified defendant.
- Defendant will not be discharged solely on the basis of failing to pay in full or work off in full court-ordered monies.

Termination by Neutral Discharge:

Criteria:

- Serious medical condition resulting in the inability to participate in program requirements.
- Serious mental health or substance use condition resulting in the inability to participate in program requirements.
- Choice of voluntary withdrawal from the program prior to completion of a plea and signing of the Recovery Docket Participation Agreement.

Result of Termination by Neutral Discharge:

- Defendant's case shall be transferred to the regular docket of the Recovery Docket Judge or returned to the regular docket of the judge from which it was referred.

(Termination Hearing:

The Recovery Court Judge shall not terminate a defendant from the program without providing notice of intent to terminate, a hearing, and attorney representation. The Recovery Court Judge will provide the defendant the same due process protections as any other person would receive for a community-control/probation violation hearing.)