

# **FAIRBORN MUNICIPAL DRUG COURT**



## **PARTICIPANT HANDBOOK**

Judge Beth W. Cappelli  
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# WELCOME

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Welcome to the Fairborn Municipal Drug Court! You have been admitted to this program because you have had assessments with a substance abuse treatment agency and mental health agency which determined that you are a good candidate for this program. It is a court managed, drug intervention treatment and monitoring program designed to provide an alternative to traditional criminal case processing. At this point you should have already been through the protocol and procedure sheets. Although you may meet the eligibility requirements to participate in the drug court, it does not mean that you have the right to participate. The presiding judge has discretion on your admission or termination from this program based on the written eligibility requirements.

## **ASSESSMENT AND REFERRAL PROCESS**

1. The participant is referred to the Drug Court Program by the Judge, Probation Officer, Defense Attorney, Prosecutor, Treatment Provider, and/or Law Enforcement.
2. The participant is placed on probation/community control or with the Drug Court probation officer if already on probation/community control to be further assessed. Participant is on reporting probation/community control until assessments are completed.
3. After completing probation/community control paperwork participant then meets with the Drug Court probation officer to complete an ORAS-MAT assessment, if not already completed. The ORAS-MAT will be completed in the next five business days.
4. After the ORAS-MAT is complete, the probation officer will contact the case manager or treatment facility to schedule the participant for a drug/alcohol and mental health assessment. The participant will be scheduled within ten business days. The treatment agency will forward to the probation officer the referral follow-up report and progress reports.
5. After the assessments are complete and a case plan has been established, the treatment team will review the prospective participant and make a recommendation to the Judge for placement or alternative programming. During the referral process, the participant will be given the Participant Handbook and Participant Agreement to review with the defense attorney prior to acceptance into the program.
6. If the prospective participant is accepted into the Drug Court Program, they will sign the Participation Agreement and Rules at the time of the hearing. At this intake appointment the participant will be given appointment times, a Handbook, and court dates.
7. The counseling agency will follow through with the participant's treatment plan.
8. The participant meets the Judge and enters the program in the appropriate phase as decided by the treatment team and follows the Handbook according to the phase guidelines.
9. Appointment times with the probation officer and case managers must be on separate days.

## **WHAT YOU NEED FOR COMPLETION**

In order to complete the Drug Court Program successfully, you must meet all of the criteria below.

- Complete all ordered community service
- Complete all required phases.
- Maintain sobriety for at least five months prior to graduating.
- Complete a relapse prevention plan.
- Meet all treatment goals related to the Drug Court Program.

## **WHAT SUCCESSFUL COMPLETION WILL MEAN FOR YOU**

If you are successful in completing all phases of the Fairborn Municipal Drug Court Program, the following will apply:

- Early termination from probation/ community control if all community service is complete
- Any performance of community service may be credited towards your fines owed
- A graduation ceremony will be held for all Drug Court graduates. This ceremony will be a time for you to share your success with your family and friends.

## **UNSUCCESSFUL TERMINATION FROM THE PROGRAM**

You may be terminated unsuccessfully from the Fairborn Municipal Drug Court Program and you may have all of the previously suspended jail time reimposed if:

- You commit a violent offense while on probation/community control with the Drug Court Program.
- You commit a serious felony offense and are sentenced to serve time in a state or federal prison.
- You continuously fail to comply with the requirements of the Fairborn Municipal Drug Court Program
- You violate the participant rules as stated in the Handbook and in the Participant Agreement.

## **NEUTRAL TERMINATION FROM THE PROGRAM**

You may also be neutrally discharged from the program. Examples of reasons for neutral discharges are as follows: serious mental health condition, referral to another treatment facility where participant will be unavailable for more than 30 days, long-term medical issues or hospitalizations, moving out of jurisdiction, or death.

## **YOUR GOALS**

Although the Fairborn Municipal Drug Court staff will work with you on establishing and reaching individual goals, the following are goals for every Fairborn Municipal Drug Court participant:

- To learn to be alcohol and other drug free
- To learn better ways of coping with life
- To adjust to a drug-free lifestyle
- To develop a non-criminal pattern of living
- To enhance employment skills through educational pursuits and/or vocational or alternative training
- To increase your social skills, self-esteem, and self-motivation
- To learn the warning signs of relapse and develop a relapse prevention plan
- To introduce a sober lifestyle to your children

## **PROGRAM DESCRIPTION**

The Fairborn Municipal Drug Court is designed as a 16-month, six-phase program. How well you do in the program and how quickly you move through the phases is directly correlated with your compliance and motivation to make positive changes in your life. You may progress more quickly or more slowly through the phases. Progress through the phases is not preset on the outlined timelines.

During Phase One, and throughout the remaining five phases, the Judge will conduct status hearings for all Drug Court participants. As these hearings will include all current probationers in this program.

The Judge, through status hearings, will review your progress in the program. The Judge will ask your probation officer, case manager, your substance abuse treatment counselor, your mental health counselor, and any other relevant persons to provide the Court with reports on how you are progressing through the program. The Judge will also review work and/or education reports regarding your attendance and attitude in that setting.

Immediate, graduated, and individualized incentives and sanctions shall govern the responses of a specialized docket to a specialized docket participant's compliance or noncompliance.

If you have not complied with probation/ community control and treatment guidelines, the Judge will administer immediate sanctions for your non-compliance. Sanctions can be defined as legal consequences for negative behaviors.

The Judge administers sanctions during status hearings. Your treatment plan will be reviewed after sanctions occur. Sanctions may be administered for the following types of behavior, but not limited to:

- Missed counseling appointments
- Positive urine screens
- Failure to comply with court ordered appointments
- Non-compliance with treatment provider

Fairborn Municipal Drug Court sanctions may include, but are not limited to, the following:

- Additional Community Service
- Increased supervision and monitoring
- Electronic monitoring (participant may be required to pay the fees for this)
- Repetition of a program phase
- Essay assignments
- House arrest
- Termination of driving privileges if your license is currently suspended
- Increase Community Support Meetings
- Daily reporting
- Incarceration at local jail
- Expulsion from the Drug Court Program and re-imposition of previously suspended jail time

Immediate notification to the Court will be given when the participant tests positive, fails to submit to testing, submits an adulterated sample or the sample of another individual, or dilutes the sample. Failure to submit to testing, submitting an adulterated sample or the sample of another individual, or diluting the sample shall be treated as positive tests and immediately sanctioned.

The Judge also administers incentives for those participants who continue to make substantial progress in the Drug Court Program. Incentives are individually tailored to each participant and their progress within the program. Fairborn Municipal Drug Court incentives may include, but are not limited to, the following:

- Reduction of suspended jail time
- Driving privileges
- Verbal praise from Drug Court Team
- Gift certificates
- Reduction of community supervision

The most important incentive is that if you are successful, that you will once again be in control of your life.

## **PHASE DESCRIPTIONS**

The Fairborn Municipal Drug Court is a six-phase program. Completion of the Drug Court Program is directly correlated to your motivation, participation, and progress in the program. Participants move from one phase to the next by completing the requirements for each respective phase. As a result of non-compliance or lack of progress, a participant may be required to repeat a previous phase of the program. The following is a description of each phase of the Fairborn Municipal Drug Court Program:

- **PHASE I**

- **30 Days**

- Participant becomes acquainted with drug court and familiarizes themselves with their personalized treatment plan
- Participant meets with probation officer in person at least one time per month
- Participant will be drug tested twice per week
- Participant attends status hearings with the Judge two times per month
- Participant will be seen by the chemical dependency treatment and mental health treatment provider for assessments as indicated in their treatment plans
- Participant will set future appointments with their treatment providers in a reoccurring fashion.

- **PHASE II**

- **12 Weeks**

- Participant is drug tested a minimum of 2 times per week
- Participant is seen by the probation officer a minimum of 1 time per week
- Participant is seen by chemical dependency treatment provider as indicated by the treatment plan
- Participant is seen by mental health treatment provider as indicated by the treatment plan
- Participant is seen by doctor as indicated by the treatment plan
- Participant is seen for status hearings by the Judge two times per month
- Participant is compliant with his/her individualized treatment plan for 8 consecutive weeks

- **PHASE III**

- **12Weeks**

- Participant is drug tested a minimum of 2 times per week
- Participant is seen by the probation officer 1 time per week
- Participant is seen by chemical dependency treatment provider as indicated by the treatment plan
- Participant is seen by mental health treatment provider as indicated by the treatment plan
- Participant is seen by doctor as indicated by the treatment plan
- Participant is seen for status hearings by the Judge two times per month
- Participant is compliant with his/her individualized treatment plan for 12 consecutive weeks

- **PHASE IV**
- **12 Weeks**

- Participant is drug tested a minimum of 1 time every other week
- Participant is seen by the probation officer every other week
- Participant is seen by chemical dependency treatment provider as indicated by the treatment plan
- Participant is seen by mental health treatment provider as indicated by the treatment plan
- Participant is seen by doctor as indicated by the treatment plan
- Participant is seen for status hearings by the Judge once a month
- Participant is compliant with his/her individualized treatment plan for 12 consecutive weeks

- **PHASE V**
- **12 Weeks**

- Participant is drug tested a minimum of 1 time per month
- Participant is seen by the probation officer once every 3-4 weeks
- Participant is seen by the chemical dependency treatment provider as indicated by the treatment plan
- Participant is seen by mental health treatment provider as indicated by the treatment plan
- Participant is seen by doctor as indicated by the treatment plan
- Participant is seen for status hearings by the Judge at a minimum once a month
- Participant is to have remained drug free for the past five months

- **PHASE VI**
- **12 Weeks**

- Participant is seen by the probation officer one time a month
- Participant will be randomly drug tested one time per month
- Participant is seen by the chemical dependency treatment provider as necessary
- Participant is seen by mental health treatment provider as necessary
- Participant is seen by doctor as necessary
- Participant is required to attend a final drug court hearing with the Judge during the last week of this phase. Attendance at all other status hearings with the Judge is optional.

Alcohol and/or other drug testing will be conducted at random, at the Court offices, treatment provider's offices, at your home, or at any place a law enforcement officer requests. Drug and alcohol testing plans are individualized and you may be screened more or less than other participants. Screens are random, frequent, observed, and follow the probation policy for drug screens.

The probation officer will contact you on your testing days. You must keep your contact information current with the probation department. You must have a voicemail system set up and able to receive new messages. If you are unable to answer, a voicemail will be left by your probation officer. You must return the officers call within 2 hours.

Your probation officer will give you specific instructions as to the location and time you will need to report by. If you fail to submit a urine drug screen at the location and by the time given it will be deemed as a positive test and immediately reported to the Court and sanctioned.

You will be given a copy of the probation policy for drug screens and are expected to follow those protocols.

The probation officer may appear at your home at any time to check your compliance with the rules including checking for alcohol and drugs.

If you used alcohol and/or drugs of abuse prior to entering the program you will not be sanctioned. You will be given time to produce a clean screen. The Judge will address this issue with you at your first status hearing.

If you test positive during the program you will receive a sanction and have your treatment plan reviewed.

## **COST RELATED TO THE PROGRAM**

All Participants eligible for the Fairborn Municipal Drug Court must have some form of medical insurance in order to be able to obtain the medication. Indigent clients may be covered at the cost of outside grants or local board funding, or through internal funds. These concerns should have already been addressed with the treatment team. The Court will work closely with the treatment providers, ensuring that all participants receive quality chemical dependency and mental health treatment.

## **NON-ADVERSARIAL APPROACH**

The FMDC incorporates a non-adversarial approach. The treatment team works together to identify needs of each participant. The Court recognizes the prosecutor's distinct role in pursuing justice and protecting public safety and victim's rights. The prosecutor helps identify potential participants for the FMDC.

The Court recognizes the defense counsel's distinct role in preserving the constitutional rights of the drug court participant, the participant's right to request the attendance of defense counsel during the portion of the treatment team meeting concerning their participation, and the participant's right to a detailed, written Participation Agreement and Participant Handbook outlining the requirements and process of the Drug Court. The defense counsel is not an active member of the treatment team unless requested by the participant. This information is also included in the Fairborn Municipal Drug Court Handbook.



The FMDC does not deny admission based on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability. The treatment team consults a doctor on the participant's medical needs and whether that client would be appropriate for any medical assisted treatment.

## **PARTICIPANT RULES**

Any infraction of the drug court rules will be reviewed by the Judge, who may impose sanctions. The following are rules of the Fairborn Municipal Drug Court Program:

- Appropriate clothing is expected at all times. Clothing bearing alcohol or other drug-related themes or promoting or advertising alcohol or other drug use is not allowed. No hats will be worn in the courtroom.
- You must attend all scheduled individual, family, and group counseling and case management sessions, educational sessions, and court sessions, unless you obtain prior approval in writing from your probation officer. You must arrive on time and not leave until the meeting or session is over. If you are late, you may not be allowed to attend the session and may be considered absent, which could result in sanctioning by the Judge.
- Pagers and cellular phones are not permitted during drug court program activities unless prior approval is given by the Judge or your probation officer.
- All participants must notify staff of any contact with law enforcement, arrest, or court obligations within one business day of the contact.
- Although your counseling and case management sessions are confidential, the program case manager and treatment counselors must comply with the laws of mandated reporting of child abuse or neglect, elder abuse or neglect, and situations involving homicide or suicide.
- You will be expected to maintain appropriate behavior at all times during drug court sessions and while in the courthouse.
- You must attend all required doctor appointments.
- The following actions will not be tolerated and may be cause for termination from the program or other sanctioning by the Judge:
  - Violence or threats of any kind
  - Use and/or possession of alcohol, other drugs, or paraphernalia
  - Belligerent behavior
  - Possession of any type of weapon
  - Inappropriate sexual behavior or harassment

## **AGREEMENT TO PARTICIPATE**

Understanding the description and requirements of the Fairborn Municipal Drug Court and, in order to be admitted into the Fairborn Municipal Drug Court Program, I agree to the following terms and conditions:

1. I understand that the Fairborn Drug Court Program consists of six phases, and that I must successfully complete the requirements of each phase before I can graduate from the program. I understand that, during each of the phases, I must meet the requirements as outlined in my handbook and/or individual case plan.
2. I understand that, throughout the Program, I will be required to attend status hearings with the Judge. I understand that I am required to attend status hearings with the Judge at least two times per month for the first seven months of the program and less frequently, but on a regular basis in later phases to review my progress.
3. I understand that these status hearings will not be private, and that other program participants and their significant others may be in the courtroom at the same time. It is an expectation of the Court that all participants respect the confidentiality of other participants.
4. I understand that in order to achieve and maintain sobriety, I need to have a permanent and stable residence that supports a sober lifestyle. I shall notify the Drug Court Probation Officer immediately if my address will be changed.
5. I further understand that I waive my right to have an attorney present during all Status Hearings. I understand that I can request to have defense counsel present during the portion of a treatment team meeting concerning my participation. I understand that I have a right to an attorney during court proceedings which include plea, sentence, sanction, and any violation which could lead to termination of participation in the Drug Court Program. If I am unable to afford an attorney, I may be eligible for public defender representation.
6. I understand that if I violate the terms and conditions of my probation/ community control during the course of the program, I will be given a sanction. I understand I will receive sanctions on a graduated scale and might be ordered to serve jail days. I understand that if I am not scheduled for a status hearing I may be required to attend a status hearing sooner than my scheduled phase.
7. I understand that if I complete the program successfully, the Judge may reduce jail time, probation/ community control time, or court fines and costs.

8. I understand that I am subject to drug and alcohol screens during the duration of the program. I understand testing is random, frequent, and observed. I understand I will be required to follow the drug testing policy in place through the probation department and I acknowledge that I have received a copy of the policy. I understand that I will be screened at a minimum of 2 times per week and called in for random screens by either my probation officer or treatment provider.
9. I understand that failing to submit to a drug screen, submitting an adulterated urine sample, submitting a urine sample that is not mine, or diluting a urine sample will be treated as a positive drug screen and immediately sanctioned. I understand I will be immediately sanctioned for positive drug screens.
10. I understand that I shall inform my Drug Court Probation Officer of any over-the-counter medications that I am using, or may be using, and the medications must be non-addictive and not contain alcohol (i.e. mouthwash, cough syrup, etc.). I am responsible for verifying with a pharmacy or medical professional that these medications are non-addictive and do not contain alcohol. I understand that using mood-altering medications, prescribed or not, could exclude me from participation in the Drug Court Program.
11. I understand that I shall not use, possess, or associate with any persons who use or possess any controlled substance or illegal drugs.
12. I understand that that as a part of my drug treatment plan I may be encouraged to attend appointments with medical physicians and submit to medically assisted treatment.
13. I understand that I am subject, at any time, to a search conducted by a representative of the Probation Department and/or Drug Court, which includes any law enforcement representative, without a warrant, of my person, place of residence, vehicle or other personal or real property.
14. I understand that I am agreeing to allow the exchange of information as necessary between all drug court personnel and their respective agencies with regard to my progress, performance and compliance with the drug court requirements. Records shall remain confidential within respective agencies. In addition, I understand that any release of information I sign for/between drug court personnel and external agencies shall include release of information to all respective agencies participating in the drug court program.
15. I understand that the written legal and clinical eligibility and termination criteria do not create a right to participate in Drug Court. However, I understand that prior to termination from the Drug Court Program, I will receive notice of the intent to terminate. Upon receiving that notice, I understand that I do have the right to a hearing and to be represented by an attorney.
16. I understand all of the requirements as outlined in my handbook. I am able to read/ or have been read all my requirements.

17. I understand that I have a commensurate level of rights as those required for community control revocations, which includes notice of the alleged violations; the right to counsel, including appointed counsel if eligible; and the right to a hearing. I understand that I may also waive these rights if I choose to do so knowingly, intelligently, and voluntarily.

## **DRUG TESTING POLICY**

**Purpose:** To clearly state the steps used by the Fairborn Municipal Court Probation Department in conducting drug/ alcohol testing of individuals under probation services and Court ordered Drug Treatment Programs.

**POLICY:** In order to monitor and detect the abuse of drugs by probationers and bond reporters under the supervision of the Fairborn Municipal Probation Department, drug screens are administered randomly throughout the term of bond reporting and probation at the officer's discretion. In addition, drug testing shall be determined by the following factors: nature of offense, prior abuse, admitting abuse of alcohol and/or drugs and repeated positive drug test results. The department uses an approved drug testing system, and staff must complete the product training certification.

### **COLLECTION OF URINE SAMPLE**

1. Inform the Probationer/Bond Reporter that they are required to submit to drug test and are only permitted to depart the Courthouse with prior approval from the Probation staff. The Probationer/Bond Reporter will be notified by the probation officer or treatment provider in person, by email, by telephone, by text notification or by mail.
2. Staff may instruct the probationer/bond reporter to remove his/her coat, jacket or any form of outer garment.
3. Staff will accompany the probationer/bond reporter to the restroom. The probationer/bond reporter will be observed at all times while in the restroom during the collection of the sample.
4. Staff will provide the probationer/bond reporter with the specimen cup at the time he/she is to give the sample and have the probationer produce a minimum amount of specimen for testing. Staff shall observe and collect one specimen at a time.
5. All collections must be observed and collected by the same staff member, with an exception being for an incarcerated offender of the opposite gender in which the officer may request a law enforcement officer of the same gender as the offender collect the specimen and transfer said specimen to the testing staff member. In such an event, if a positive test is observed, the staff member shall have the law enforcement officer sign the collection sheet.
6. Once the urine is produced, the probationer/bond reporter will hand over the specimen cup to the officer for review.
7. The probationer/bond reporter will observe the results of the drug test while in the presence of the Officer.
8. At the end of the testing procedure, urine will either be sent to the lab or be properly disposed with used specimen cup discarded in appropriate waste receptacle.

### **ALCOHOL TESTING**

1. Fairborn Municipal Court's Probation Department will utilize breathalyzer testing to detect alcohol use when necessary.
2. Probation Officers will use equipment provided by the Fairborn Municipal Court's Probation Department to conduct breathalyzer testing and all testing shall be administered according to the manufacturer's instructions.

3. In the event a probationer/bond reporter disputes the results of the breathalyzer, Fairborn Police Department's Chief shall be contacted, and arrangements will be made to conduct a second breathalyzer at the Fairborn Police Department for verification.
4. The Officer will log the results and date of test in the drug test section of Adult Probation Software.
5. It will be at the discretion of the Chief Probation Officer or the probationer/bond reporter's Probation Officer on what further action is to be taken.

## **TRAINING**

1. All Officers or other personnel designated to perform drug tests shall be properly trained as pertains to the specific drug screens conducted by the Adult Probation Department. Personnel shall complete the product training certification and complete a review of the drug testing policy.
2. The Officer will receive further onsite training and review as needed. All staff will receive ongoing refresher/review training during staff meetings periodically by the Chief or designee to ensure that procedures are being adhered to.

## **INFECTIOUS DISEASE CONTROL**

1. Staff performing urine screens will have rubber gloves supplied for their use before and after handling urine.
2. Since gloves can be torn or punctured, cover any cuts with bandages before putting on gloves. Replace disposable single-use gloves as soon as possible if they are torn, punctured, contaminated, or no longer an effective barrier protection. Never wash or decontaminate gloves for reuse.
3. If skin or mucous membranes come in direct contact with urine, wash or flush the area with water immediately.

## **HANDLING OF URINE SPECIMEN**

### **A. NEGATIVE TEST RESULTS**

1. If the test result is negative, properly dispose the remaining urine. The empty specimen bottle is to be discarded by placing it in the properly designated garbage receptacle. At no time shall a urine specimen be retained or stored for later testing.
2. The Officer will document all negative results in the case management system.

### **B. POSITIVE RESULTS**

1. If the probationer wishes to send off for lab confirmation the appropriate box is checked and specimen is sent according to lab procedure.
2. If the probationer/bond reporter admits to using illegal substances and does not request confirmation, the Officer will have the probationer complete the Drug Test Confirmation Form. This form is filed in the probationers/bond reporter's case file.
3. The Officer will log the results and date of test in the drug test section of Adult Probation Software.

## **PREPARING A URINE SAMPLE FOR LABORATORY CONFIRMATION**

1. Complete the confirmation form, lab form and have the probationer/bond reporter sign form. If he/she refuses to sign, the Officer indicates this on the form.
2. Affix the chain of custody tape over the lid of the specimen bottle insuring the tape adheres to both sides of the specimen cup.
3. Affix the peel-off label containing the chain of custody number to the specimen cup.
4. Place the sealed specimen cup in the plastic pocket of the shipping bag. The lab submission forms are placed in the shipping box and additional copy is placed in the offender case file.
5. Place the sealed urine in the proper location for mail pickup.
6. The offender will be charged for the submittal if the results are positive.

## **ADULTERATED SPECIMENS**

1. Officer shall make a visual observation of the urine collected and the adulteration test within the testing device to attempt to determine the possibility of the specimen being altered.
2. Offender shall be confronted and required to re-submit at a date and time determined by the officer.

## **INABILITY TO SUBMIT TO URINE DRUG TESTING**

1. If at any time during the screening process the probationer/bond reporter refuses to urinate, the Probation Officer will sanction appropriately.
2. If the probationer/bond reporter is unable to provide a sample once in the restroom, the Officer will immediately retrieve the specimen bottle and will direct the probationer/bond reporter that he/she may not exit the Courthouse without permission from the officer and allow them to drink water.
3. The Officer will instruct the probationer/bond reporter to remain seated in the Probation Department reception area until he/she is able to produce the sample for testing.
4. Offenders who do not submit to same day testing, may be sanctioned to return the next work day morning, and follow same procedure as outlined above, or may be arrested for failure to provide a urine sample.

## **DRUG COURT/SPECIALIZED DOCKET STANDARDS**

1. All drug and alcohol screens shall be random, frequent, and observed. In the initial phases of the program, participants are screened at a minimum of twice per week. As the participant advances through the phases, they are subjected to less frequent screening. Participant's drug screens are random, individualized, and witnessed. Participants may be subject to more frequent screens if appropriate. Drug testing may also be conducted by the treatment agency. Participants must submit to the screens as a part of their treatment plan.

2. If the participant tests positive there shall be immediate notification to the Court and they will be sanctioned. If a participant fails to submit to a drug screen, submits an adulterated screen, submits a test that belongs to someone else, or dilutes a sample the probation officer is notified immediately and it is treated as a positive test and subject to sanctions.
3. All participants are required to comply with the probation department's drug screen policy.



## **PROGRAM COMPONENTS**

- Individual Counseling** These one-on-one sessions are held with a counselor from a local substance abuse treatment agency or mental health agency. Sessions are mandatory and are conducted according to your needs. You will attend individual counseling as assigned by your primary treatment counselor.
- Group Counseling** Group counseling sessions are conducted by a local substance abuse treatment agency or mental health agency. These sessions are mandatory. When assigned to a group, you must be on time and may be considered absent if late.
- Monitoring Services** Monitoring services are conducted by the Court Probation Officer. These services may include the monitoring of drug court programming compliance, as well as home, school, work, and treatment visits.
- Supervision Services** Supervision services are performed by the Court Probation Officer. Supervision includes the monitoring of the participant's compliance with rules of probation, as well as family member's compliance with orders of the Court.
- Doctor Visits** All participants will be required to attend regular visits with a doctor administering any medically assisted treatment. It is mandatory that clients make these appointments with the doctor. Failure to attend these appointments could mean termination from the program.
- Family Sessions** All significant family and household residents may attend family sessions which are conducted by the local substance abuse treatment agency or mental health agency. Issues may be addressed that will increase your family's understanding of addiction, help re-establish trust, and encourage support throughout the recovery process.
- Support Groups** Involvement and participation in Community Support Meetings are vital to your recovery. Attendance at these groups is mandatory and must be documented. These meetings will help you see how others with similar problems are recovering from their addiction. You will observe that changing to a drug-free lifestyle is a positive and exciting experience. The meeting is of your choosing but you must notify the team of your decision. Choices include but are not limited to; AA/NA meetings, church services, book clubs, grief support and educational groups.

- Incarceration** You may be required to serve time in the custody of the Regional Jail while participating in the drug court program. Time in jail may be used as a sanction for various infractions of the rules, including but not limited to positive drug screens; missed court, probation, case management or counseling sessions; or inappropriate behavior
- Employment/Education** You will be expected to obtain a job or to enroll full-time in school when it is determined that you are prepared for such activities. A combination of employment and school will be acceptable so long as it constitutes a full-time schedule. Whether you are employed full-time, attending school full-time, or have a full time schedule of both employment and school, the Judge, probation officer, case manager and treatment counselor will obtain ongoing reports of your progress.
- Random Drug Screening** Random drug screening through urinalysis will be conducted throughout your participation in the drug court program and will follow the probation policy. The results of these drug screens will play a significant role in your recovery and completion of the program. Any positive drug screen may result in a sanction being administered by the Judge. Positive screens include positive tests, failing to submit to a test, submitting an adulterated sample, submitting the sample of another individual, or diluting samples.
- Positive Social Activities** You are required to participate in healthy, positive social activities. A “positive social activity” may include going to the library, attending church functions, obtaining a valid driver’s license, exercising, etc. You will be required to show proof of such activities to your probation officer.

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

The treatment team for the FMDC consists of the Judge, counselors, case managers, probation officer, defense counsel, prosecutor, and children’s services caseworker, if appropriate.

#### Judge- Honorable Beth W. Cappelli

- chairs the treatment team meeting, attends the treatment team meetings, and reviews the progress of each participant during status hearings;
- chairs the advisory committee;
- decides on incentives, sanctions, phase advancements, admission, and successful completion or termination from the program.

#### Probation Officer

- responsible for ensuring participant compliance in the program;
- monitors each participant and conducts regular office visits;
- conducts home visits and drug screens as appropriate;
- tracks phase advancements as well as incentives and sanctions;

- participates in discussion regarding incentives, sanctions, advancements, successful completion, and termination;
- maintains participant file;
- provides information to the treatment team on whether participant is following court orders;
- maintains court statistics and data concerning participants;
- collects data from service providers;
- creates reports for review and submission to funding sources.

Treatment Provider(s)- (TCN) and (DeCoach), or designee

- licensed treatment provider who conducts assessments;
- must maintain appropriate licensure;
- provides information on clients progress in treatment and compliance with treatment plan;
- conducts individual and group sessions with participants;
- develops realistic, effective, and measurable treatment plans;
- uses multi-dimensional modalities to help the individual or group meet their treatment goals;
- participates in discussions regarding incentives, sanctions, advancements, successful completion, and termination;
- completes referrals or applications for other services in the community or rehabilitation facilities;
- completes a relapse prevention plan with participant;
- tests for drug and alcohol use to ensure abstinence;
- links other team members with the treatment provider.

Case Manager—, or designee

- meets with participants on a regular basis;
- conducts home visits;
- assists participants with housing, education, employment, medical care, family issues, or other applications;
- provides documentation to treatment team on progress;
- participates in discussions regarding incentives, sanctions, advancements, successful completion, and termination.

### Defense Counsel-

- is familiar with FMDC participants;
- attends drug court to be aware of participant's progress;
- reviews allegations with participant;
- advises participants of their rights when an individual violates the terms of drug court of any allegations of violations of drug court;
- discusses with defendant potential defenses or mitigating evidence to present to the Court;
- advocates for the participant in court proceedings; and refers clients to drug court who could potentially benefit.

### Prosecutor-

- is familiar with participants on the drug court docket;
- attends drug court to be aware of any potential revocations being filed;
- is mindful of drug court when prosecuting cases for potential referrals to drug court; and
- protects public safety and victim's rights.

### CSB Caseworker

- refers participants for services that could benefit the participant and their children;
- acts as a resource to support parents in their role as caregivers;
- helps parents enhance skills and resolve problems to promote optimal child development;
- helps the participant understand and implement any case plan; and is a general resource resource for family support.

# Court Staff's Contact Information

**Judge-** Chairs team meetings. Makes decisions on incentives, sanctions, phase advancements, and successful completion or termination of program. The Judge will review progress with you during the status hearings.

**Probation Officer-** Responsible for ensuring your compliance in the program. She will monitor you through office visits, drug screens, and home visits. She will also keep track of your advancement in the program and make recommendations at team staffing meetings.

**Counselors and Case Managers-** Have individual sessions with you to assist in developing realistic, effective and measurable treatment plans. Hold groups utilizing multi-dimensional modalities including skills development and balance individual needs as well as group needs to achieve the desired group goals. Help with forms and applications for other services in the area. Provide drug and alcohol testing to ensure abstinence.

Judge Beth W. Cappelli  
Fairborn Municipal Court  
1148 Kauffman Ave.  
Fairborn, OH 45324  
Phone (937)754-3045

Dan Zwiesler, Chief Probation Officer  
Fairborn Municipal Court  
1148 Kauffman Ave.  
Fairborn, OH 45324  
Phone (937)343-8922

*JASS Mental Health & Drug/Alcohol Therapist*  
TCN Behavioral Health Services, Inc.  
452 W. Market St  
Xenia, OH 45385  
Phone (937)306-1210

Alcohol & Drug Community Based Therapist  
DeCoach Rehabilitation Centre  
302 W. Main St.  
Fairborn, Oh 45324  
937-281-4673

Please note it is YOUR responsibility to contact staff if you are unable to attend an appointment prior to the appointment time. Failure to do so may result in a sanction.