

# **Local Rule No. 33**

## **Creation of the Conneaut Municipal Court Specialized “Renewal Court” Docket**

### **A. Creation of a Specialized “Renewal Court” Docket:**

1. Pursuant to Sup. R. 36.20 through 36.29, Specialized Docket Standards, Appendix I Rules of Superintendence, the Specialized “Renewal Court” Docket is hereby established and the rules and guidelines associated with such specialized docket are hereby adopted.

2. The Conneaut Municipal Court Specialized Court, designated as the “Renewal Court” (RC), is created with the goal of addressing the unique needs of offenders who suffer from any mental health disorder or from co-occurring mental health and opioid use/substance use disorders that have contributed to an underlying criminal offense, while increasing the likelihood of future criminal justice involvement.

3. RC will hold participants accountable by providing immediate and appropriate mental health disorder and opioid use/substance use disorder assessment and treatment, and facilitating behavioral change through the use of risk/needs assessments, referrals to appropriate community services, comprehensive case management and community supervision.

4. The target population for RC is individuals involved with the criminal justice system who are charged with low, moderate and high-risk misdemeanor charges, are on community control/probation, and may be eligible for benefits and services from community service providers. Individuals can qualify for the RC Program as part of an intervention in lieu of conviction/diversion or post-conviction/probation treatment and will be appropriate for care in the community as part of supervision by probation for a misdemeanor offense.

5. The goals and objectives of the RC are to:

- a. Reduce the likelihood of recidivism of RC participants through intensive treatment, supervision and personal accountability (recidivism is defined as a new charge, conviction, and sentence resulting in a sentence of jail or prison incarceration);
- b. Reduce the cost of incarceration by tracking the cost savings in diverting jail bed days to community corrections-based treatment and court supervision;

- c. Link all participants to available community resources to reduce recidivism, unemployment, homelessness or provide benefits for disability; and
- d. Treat victims with respect and dignity by providing them with a voice during the court process and providing victims with information regarding victim-related community resources.

## **B. Placement in Renewal Court:**

The following outlines the general process associated with placement of Individuals in RC:

1. Potential participants can be referred to RC in various ways, including, but not limited to, Prosecutor/Law Director referral; Judge referral; Probation referral; Defense Counsel referral; Jail referral; Treatment provider referral; and Self-referral.
2. A referral can be made at any stage of the court process, including initial appearance, pretrial, plea agreement, change of plea, intervention in lieu of conviction, post-plea, and sentencing, while currently under court supervision/probation or as a result of a probation violation.
3. The referring entity will complete an application form and provide the completed form to the Prosecutor/Law Director who will then contact the Renewal Court Administrator (RCA) along with a recommendation in favor or against the individual's participation in RC. The RCA will then interview the potential participant and conduct an initial screening. All potential participants referred to RC shall be screened using the Global Assessment of Individual Needs Short Screener (GAIN SS) among other tools to screen for opioid use/substance use disorder issues.
4. If deemed appropriate, the RCA will contact the Probation Department to further evaluate the potential participant. If the potential participant is deemed clinically eligible for the Specialized Docket, he or she is referred for a mental health and/or opioid use/substance use disorder evaluation to initiate the assessment process.
5. The Court shall have the sole authority to accept or reject cases referred to RC for supervision, guidance and treatment.

## **C. Eligibility Criteria in Renewal Court:**

In order to be eligible for RC, the offender must satisfy all of the following criteria:

1. Reside in Ashtabula County.
2. Be charged with criminal or traffic offenses that are misdemeanors of the first, second, third, or fourth degree, which are not otherwise excluded

herein. Offenders are not eligible to participate if they are charged with OVI/DUI; any type of a sex crime; crimes involving the use of a weapon; and any crime having a child or children or elderly as victim(s). Offenders charged with violent offenses involving a victim with an injury are eligible only if the Prosecutor/Law Director, with the consent of the alleged victim(s), requests placement in RC, and an agreement has been reached for the offender to pay restitution to the victim, if any, prior to the offender's completion of RC.

3. Express and demonstrate a desire and willingness to participate in RC, engage in mental health disorder and/or opioid use/substance use disorder treatment and recognize the benefit of intensive outpatient services and individual and/or group therapy. RC is voluntary, and not everyone who is appropriate will be accepted. The potential participant must be motivated and receptive to complete RC.
4. Be diagnosed with any debilitating mental health disorder or any debilitating mental health disorder and opioid use/substance use disorder condition; be sufficiently stable to understand and comply with program requirements; have no acute health condition; be capable of participating in and completing RC, and not pose an unacceptable risk to RC staff or the community.
5. Acknowledge that their criminal behavior has a negative consequence on their life and that they are willing to change.
6. If an offense of violence is involved, acknowledge that violence has had a significant impact on their victim and other household and family members.
7. Recognize that case management and probation services will improve their quality of life.
8. Demonstrate a responsiveness to positive incentives and graduated sanctions imposed by the court, and recognize that they would benefit from RC by seeking mental health disorder and/or opioid use/substance use disorder treatment and other treatment and services provided by community service providers.
9. Be willing and able to comply with all court orders regarding victim contact.
10. Be willing to enter a plea of guilty to the charge(s) and sign all waivers and agreements.

#### **D. Tracks/Case Assignment:**

Two tracks of assignment to RC exist: (1) intervention in lieu of conviction/diversion, and (2) post-conviction/community control. All cases will be assigned to Judge Nicholas A. Iarocci or his successor, the only presiding Judge in Conneaut Municipal Court.

#### **E. Case Management:**

Case Management is an integral element of RC. All offenders referred to RC are appropriately screened, and thereafter an individualized case management plan is developed. The plan is prioritized based on the risk findings to ensure that the most imminent concerns are addressed immediately. Participants are educated as to the role of case management through the program description, participant handbook and executed participation agreement. Participants, therefore, understand the relationship between the Court and adjunct service providers as well as the expectations for compliance. The case plan is an ever-evolving document that follows the offender through every state of community control supervision, thus ensuring continuity and that all identified issues and risks are addressed even beyond RC involvement.

#### **F. Renewal Court Team:**

The Renewal Court team shall consist of the Judge, RCA and any subordinate staff, RCA, probation officers, case managers, licensed treatment providers, the Law Director or Assistant Law Director, and an attorney with the Public Defender's Office or other defense counsel. The RC team shall convene weekly to handle the Docket, to discuss the progress and status of individual offenders, and to apply sanctions and incentives as needed.

#### **G. Renewal Court Treatment Phases:**

RC offenders shall be required to complete phases of treatment, and all other requirements, as identified in the Renewal Court Program Description, the Renewal Court Participant Handbook, and the Renewal Court Participation Agreement. While in RC, offenders shall receive services to assist in meeting criminogenic needs. Upon graduation (Commencement) from RC, those offenders in the post-conviction/community control track the offender may remain under community control sanctions to ensure continued compliance/success.

#### **H. Completion/Discharge from Renewal Court:**

1. Criteria for Successful Completion: Successful completion criteria are the guidelines used to identify the manner in which RC 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; and
  - Medication regime compliance as reported from Treatment Provider.
- Displayed a change in thinking, attitude and beliefs;
- Successfully completed treatment or programming, or continues 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 (inability to pay costs in full does not necessarily 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 Renewal Court 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 RC Judge has sole discretion to determine whether and when the participant will successfully complete the program.***

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

- a. Nomination: The participant and/or member of the Treatment Team offers a nomination of a participant for successful completion.
  - b. 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.
  - c. Treatment Team Recommendation: The Treatment Team then makes a formal recommendation to the RC Judge.
  - d. Judicial Decision: The RC Judge determines that the participant successfully completed the RC program.
  - e. 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 RC Judge makes a formal statement indicating the accomplishments of the graduate, thus reinforcing expectations for other participants.
  - f. Aftercare Components: The participant is then directed to the aftercare component of the program.
  - g. 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.
2. Unsuccessful Termination: There are two types of written termination criteria from RC: unsuccessful and neutral discharge. The RC Judge has the discretion to terminate the participant from RC in accordance with the termination criteria. Common behaviors that lead to unsuccessful termination include, but are not limited to, the following:
- Ongoing noncompliance with treatment;
  - Resistance to treatment;
  - New serious criminal convictions;
  - A serious RC infraction or series of infractions; and/or
  - A serious probation violation or series of probation violations.

Common effects of unsuccessful termination include:

- Loss of future eligibility for RC or another Specialized Docket;
- Further legal action, including revocation of intervention in lieu of conviction, or motion for probable cause or probation violation; and
- Depending on the circumstances, the participant may be subject to jail and other penalties.

If an offender is an intervention in lieu/diversion participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of RC, the stay of legal proceedings will be lifted and the offender will be sentenced to the usual sanctions allowable under the law for the offense(s). Disposition of the charge(s) will then be determined by the Judge and the Prosecutor/Law Director.

If an offender is a post-conviction participant and unsuccessfully terminated from the program for failure to comply with the terms and conditions of the program, a complaint for violation of probation will be filed and the matter will be set for a violation hearing. Should the Court determine that the offender violated the terms of probation for being terminated from RC, then he or she will be sentenced to the usual sanctions allowable under the law for the offense.

3. Neutral Discharge: There may be circumstances in which the participant is discharged from the RC through a Neutral Discharge status. This status is assessed in situations when the participant has reached maximum benefit for various possible reasons:
  - a serious medical condition;
  - cognitive impairment;
  - serious mental health condition that cannot be addressed by Renewal Court;
  - death; and
  - other factors that may keep the participant from meeting the requirements for success completion.
4. 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 Renewal Court is beneficial to the participant and the program;
- Unable/unwilling to comply with program requirements in a timely manner as directed; or
- Under an outstanding warrant for non-compliance from the specialized docket and the issue has not been resolved.

This rule is adopted this 10<sup>th</sup> day of August, 2020, and shall be effective on August 10, 2020.

**IT IS SO ORDERED.**

*Nicholas A. Iarocci*

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NICHOLAS A. IAROCCI, JUDGE  
CONNEAUT MUNICIPAL COURT