

IN THE AKRON MUNICIPAL COURT
SEP 30 3 35 PM '13 SUMMIT COUNTY, OHIO

AKRON MUNICIPAL COURT
JIM LARIA
CLERK

IN THE MATTER OF DRUG COURT

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JOURNAL ENTRY

Pursuant to Sup. R. 5(A)(2), the undersigned Judges of the Akron Municipal Court hereby authorize the modification of AMC Rule No. 43.1 Specialized Dockets: Drug Court, to state as follows:

AMC Rule No. 43.1. Specialized Dockets: Drug Court

(A) Establishment of Akron Municipal Drug Court Program

- (1) Pursuant to Sup. R. 36.20 through 36.29, and by order of the Judges of The Akron Municipal Court, effective September 17, 2013, the rules and guidelines of The Akron Municipal Drug Court program, created in 1995 and formally adopted on January 2, 2012, are hereby modified.**
- (2) The Akron Municipal Drug Court Program will provide effective supervision and enhanced treatment services to one hundred (100) misdemeanor offenders in an effort to (a) change their substance abuse behaviors and (b) reduce the risk they pose to the safety of the community and to themselves.**
- (3) The goals and objectives of the Akron Municipal Drug Court Program are to (a) increase the number of successful Drug Court completions so that the Drug Court will have a success rate consistent with the national average of fifty percent (50%); (b) reduce recidivism among active Drug Court participants so that seventy-five percent (75%) of successful Drug Court graduates will remain arrest free by the end of three years; and, (c) increase the number of Drug Court participants who complete treatment so that by the end of six (6) months in the program, eighty percent (80%) of active Drug Court participants will have completed treatment.**

(B) Placement and Screening for the Akron Municipal Drug Court Program

- (1) Individuals being considered for The Drug Court Program must be adjudicated through the Akron Municipal Court. Offenders will be referred to the program either through Intervention in Lieu of Conviction, under R.C. 2951.041; or post-conviction of an eligible misdemeanor offense.**
- (a) Offenders will be screened at the arraignment stage by the Akron Municipal Court Probation Department. The Akron Probation Department screening unit will review the arraignment docket each day, Monday-Friday. The screening staff will complete the Drug Court Preliminary Screening form on any offender the meets eligibility criteria based upon the arresting offense. The screening form shall be placed in the court file for further review with a copy being given to Drug Court Program Manager/Probation Officer.**
- (b) Offenders may also be referred from another Judge in the Akron Municipal Court, pre or post-adjudication, or on referral from a probation violation and/or early release from another Judge in the Akron Municipal Court.**
- (2) Legal Eligibility Criteria**
- (a) Intervention in Lieu offenders are required to meet the statutory requirements set forth in R.C. 2951.041.**
- (b) Post-conviction offenders are those convicted of a first or second degree misdemeanor offense that is directly related to substance use; or wherein the offender (a) has prior drug related convictions; (b) is under pre-sentence investigation; or (c) is on direct supervision with the Akron Municipal Court and determined to have a drug issue. The charged offenses may include (but are not limited to): Attempted Drug Abuse (M-1), Drug Abuse Land Premise (M-1), Permitting Drug Abuse (M-1), Possession of Drug Abuse Instruments (M-1 or M-2), Purchase of Pseudo-Ephedrine (M-1), Receiving Stolen Property (M-1), Theft (M-1), Criminal Trespass (M-1 or M-2), Criminal Damaging (M-2).**
- (3) Clinical Eligibility Criteria.**
- (a) All offenders are required to be diagnosed drug-dependent by a properly credentialed professional;**

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- (b) All offenders must express a willingness to participate in the Drug Court Program and engage in treatment.
- (4) Exclusionary Criteria (Disqualifying Factors)
 - (a) Exclusionary legal criteria for those participants entering through Intervention in Lieu of Conviction are set forth in R.C. 2951.041.
 - (b) Exclusionary legal criteria for post-conviction participants includes the following: No violent felony convictions within the past five years, and no prison term within the past 5 years for a violent offense; No active felony probation or parole supervision; No pending felony charges; No prior convictions for Trafficking or Distribution of Drugs; No Registered Sex Offenders; No prior successful completion of the Akron Drug Court or Summit County Drug Court Programs within the past 2 years; No prior successful completion of an Intervention in Lieu of Conviction Program; No unsuccessful discharge from the Akron or Summit County Drug Court Programs.
 - (c) Exclusionary clinical criteria for all offenders include offenders who are highly resistant to changing their behavior in spite of previous interventions and/or punishments; offenders diagnosed with a Developmental Disability if this Disability prohibits the offender from complying with or comprehending substance abuse treatment; and, offenders with co-occurring mental health conditions if there is no adequate treatment available.

C. Case Assignment

- (1) All eligible Drug Court cases shall be transferred to the Drug Court Judge prior to sentencing. Individuals found eligible and who voluntarily agree to enter the Drug Court Program will enter a plea before the Drug Court Judge. Case assignment for The Akron Municipal Court Judges will not be changed.
- (2) The Drug Court Judge will be responsible to monitor compliance by utilizing appropriate rewards and sanctions to help modify offender behavior.
- (3) In the event a participant is terminated from the program, the case shall remain with the Drug Court Judge. The Drug Court Judge will administer the re-imposition of the Drug Court participant's sentence.

D. Case Management

- (1) The Akron Drug Court program will work closely with all of its community partners to provide case management services in a least restrictive manner that is consistent with offender compliance and public safety and that provides the most intensive and comprehensive treatment available for each offender.**
- (2) The Drug Court Program will operate in a manner consistent with the nationally recognized “Drug Court Model” and “The 10 Key Components of a Drug Court Program”.**
- (3) The Akron Municipal Drug Court Policy and Procedures Manual, Participant Handbook, and Participation Agreement are hereby incorporated as part of the Akron Municipal Drug Court Program.**

E. Termination from the Drug Court Program


- (1) Offenders who are unable to follow the Drug Court program rules will be terminated from the program, including:**
 - (a) Maintain compliance with all treatment and collateral requirements as outlined in the offender’s Individualized Treatment Plan;**
 - (b) Maintain sobriety (1) for a minimum of six (6) months for post-conviction participants; or (2) for a minimum of twelve (12) months for IILC participants;**
 - (c) Maintain no criminal justice involvement for six months prior to completion.**
 - (d) Attend Commencement ceremony.**
- (2) All post-conviction individuals who are unsuccessfully terminated from the Akron Municipal Drug Court program are subject to have their entire original suspended sentence re-imposed by The Drug Court.**
- (3) All Intervention in Lieu of Conviction participants who are unsuccessfully terminated from the Akron Municipal Drug Court program are subject to a finding of guilt, and the imposition of sentence up to the maximum penalties permitted for each charge.**


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- (4) With input from the Drug Court Team, The Drug Court Judge may impose a sentence utilizing a combination of all resources available to the court including but not limited to jail, community service, house arrest, residential treatment, non-residential treatment, probation, fines, court costs, etc.

IT IS SO ORDERED.


JOY MALEK OLDFIELD
DRUG COURT PRESIDING JUDGE


KATHRYN MICHAEL,
AMC PRESIDING JUDGE


ANNALISA S. WILLIAMS, JUDGE

NOT AVAILABLE/ON LEAVE
JOHN E. HOLCOMB, JUDGE


JERRY K. LARSON, JUDGE


KATARINA COOK, JUDGE

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**Local Rules of Court
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