

NEW PHILADELPHIA MUNICIPAL
RECOVERY COURT

Participant Handbook

New Philadelphia Municipal Court
Judge Nanette DeGarmo Von Allman
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I. Introduction

What is the New Philadelphia Municipal Recovery Court Program?

The NPMR Court program offers intensive probation supervision and drug and alcohol treatment programming for defendants who are addicted to alcohol or drugs.

PARTICIPATION IN THIS PROGRAM IS VOLUNTARY. If you choose to enter the program you will engage in intensive treatment, possibly including medication assisted treatment, and you will be placed on intensive probation supervision. You will meet with the Judge on a frequent basis, along with other program participants, to discuss and evaluate your progress and participation.

Basic Requirements

You will be required to sign a release of information, waiving your right to confidentiality in certain medical and treatment records.

If you choose to be in the NPMR Court program you must:

- Abstain from alcohol and drug use;
- Attend status review hearings;
- Attend appointments with treatment providers and medical appointments;
- Attend appointments with probation officer;
- Submit to other random contacts from probation officer;
- Comply with the program requirements;
- Submit to frequent, random and observed alcohol and drug screens;
- Comply with sanctions for infractions;
- Obtain/maintain employment;
- Obtain GED if applicable;
- Secure stable housing;
- Engage in a sober support activities (A.A., N.A.) and obtain a sober support individual; and
- Not violate the law;
- Engage in sober, personal, leisure activities

II. Eligibility

To be eligible for the program you must:

- Be charged with, be currently on probation for, or currently serving a sentence for any misdemeanor criminal or traffic offense (except a minor misdemeanor) related directly or indirectly to alcohol or drug dependence;
- Be a resident of Tuscarawas County;
- Be assessed and diagnosed as alcohol or drug dependent by an approved drug treatment provider;
- Have the mental ability to understand and adhere to the program requirements.

You will not be denied admission to the program based solely on race, color, religion, gender, sexual orientation, national origin, ancestry, age, citizenship, marital status, veteran's status, or any disability.

Even if you meet all the clinical and legal criteria for admission, you do not have a RIGHT to participate. The Judge will decide who is or is not admitted and who will be terminated in accordance with the written criteria for the program.

You will not be admitted to the program if any of the following exist:

- You have a pending felony indictment/conviction in another Court for which a prison term is mandatory;
- You are developmentally disabled or have a mental health disorder which would prevent or interfere with your successful completion of the program;
- You have dealt or manufactured drugs or are in a gang;

III. Program Entry

Referral and Screening

You are eligible to apply for the program if you have a pending misdemeanor charge or you have a misdemeanor conviction for which you are serving a jail sentence and/or are currently on probation in this court. Minor misdemeanor charges do not qualify for the program. Your charge does not have to be a specific drug or alcohol offense. Any charge where alcohol or drug dependence or use was a directly or indirectly a contributing factor is sufficient.

If you are referred to the program the court's Chief Probation Officer will provide you with a copy of the program handbook and an application screening form. You must complete the application screening form and return it to the Chief Probation Officer to start the application process.

The Chief Probation Officer will meet with you to review and discuss the program requirements. At this meeting you will be scheduled for an alcohol, drug and mental health assessment at a local treatment agency. You must sign releases of information so that the court has access to your assessment and treatment records.

If you have had an assessment at an approved agency within the past three (3) months, you can give a copy of that to the Chief Probation Officer at your first meeting but you will, in all likelihood, still be sent for a new assessment.

The Chief Probation Officer will notify you when the assessment report, which will include a diagnosis and treatment plan, is received. The target goal is that the report and plan will be returned to the court within 15 days of when you complete your assessment. The Chief Probation Officer will review the report and plan and decide whether or not to recommend you to the Treatment Team as a possible participant in the program.

The Chief Probation Officer will make this decision based upon numerous factors, including the information you provided in your application screening form, the drug/ alcohol and mental health assessment report and plan, your juvenile and adult criminal history, prior attempts at treatment and sobriety; and other factors in favor of, or against, your admission.

If you are recommended for entry then your assessment and treatment plan will be reviewed by the NPMR Court Treatment Team, which consists of the Judge, counselors, probation staff, a prosecutor, a local defense attorney and community partners. The Treatment Team will then decide if you should be recommended for entry into the program and whether your treatment plan should be adopted by the court.

The Treatment Team can, but is not obligated, to recommend you for entry to the program. The Treatment team can, but is not obligated, to recommend that the court adopt and follow the treatment recommendations.

The Judge has the discretion to decide whether or not you will be admitted into the NPMR Court program in accordance with the written criteria in the program description. If the Judge decides not to admit you, then your case will be assigned for trial, further hearing or probation supervision, if necessary, depending on the status of your case.

In most cases you will be notified in writing by the Chief Probation Officer of the Judge's decision within ten (10) business days after the Judge makes the decision, together with a written notice of the date and time of your next court hearing and/or probation meeting if necessary.

Acceptance into the Program

If the Judge decides to offer you admission in the program you will be scheduled for a program acceptance hearing before the Judge.

If you are admitted to the program pre-conviction (DIVERSION TRACK) you will enter a plea of Guilty to the pending charge and provide a written waiver of speedy trial. You will be given a recognizance bond, conditioned upon compliance with the NPMRC Diversion Track requirements. You will be placed under the supervision of the Probation Department and will be subject to all standard terms of intensive probation supervision. NPMR Court participation and completion will be ordered.

If you are admitted to the program post-conviction (POST-CONVICTION TRACK) you will enter a plea of Guilty to all pending charges or will enter an Admission to all pending probation violation(s) and sentence will be imposed according to law. You will be placed on intensive probation supervision. In addition to other terms and conditions of probation, NPMR Court participation and completion will be ordered.

For all admissions, the Judge will review the Participant Agreement with you. You will acknowledge that you have received a Participant Handbook. The Judge will explain how the program will work during each phase and what you must do to progress successfully through each phase. The Judge will explain what happens if you comply, or don't comply, with the requirements of the program and how you could be terminated from the program. Once you tell the Judge that you understand everything you will sign the Participant Agreement. You will be given a copy of your signed Participant Agreement at the hearing.

When you have been admitted into the NPMR Court program you must immediately begin treatment. In most cases, your program acceptance hearing will be conducted within ten (10) business days of the Judge's decision to offer admission. Your hearing may be set beyond that time frame due to docket congestion. You will be assigned to attend regular review hearings in front of the Judge. Other program participants will also be present for these hearings.

IV. Supervision Requirements

You must abide by the following NPMR Court supervision requirements:

- Abide by all standard terms and conditions of probation and attend probation meetings as instructed by probation officer.
- Expect and permit random home contacts and searches of your person, place of residence, motor vehicle, and/or personal property conducted in a reasonable manner at a reasonable time by the probation officer. At the request of the probation staff, a law enforcement officer may accompany them on any such search.
- Do not use or possess any alcohol or mood altering substance, including

non-prescribed medication, federally controlled substances or illegal drugs. Do not ingest or misuse any otherwise legal household or industrial items, such as paint, solvents, or aerosol spray products.

- Report any and all prescribed medications to your treatment provider and probation officer and provide verification of any prescription from your doctor, including signing a release for NPMR Court personnel to contact the doctor or clinic directly.
- Do not take gabapentin (Neurontin), benzodiazepines (Valium, Ativan, Xanax, Librium, etc.), opiates (Lortab, Vicodin, Oxycontin or Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.), and amphetamines (Adderall, Ritalin, Cylert, etc.), or the generic equivalents of any of these drugs.
- When seeking any type of medical treatment, you must inform the doctor/nurse/clinic that you are alcohol or drug dependent and undergoing treatment, including medication assisted treatment if applicable, and request non-narcotic and/or non-alcoholic medication be prescribed, if at all possible. You must take all medications only as prescribed. The Medical Visit Form must be completed at all medical visits and provided to your probation officer.

If, because of a medical necessity, a doctor prescribes medication that could yield a positive drug screen result, you must provide a letter, from your doctor to the Court, stating he/she is aware: that you are a recovering alcohol or drug addict, that you are receiving medication assisted treatment, if applicable, and that the need for this medication outweighs the possible risks.

If you test positive for a controlled substance and do not have such a letter from your doctor, you will be sanctioned immediately.

You must also inform your probation officer and counselor of any “over-the-counter” (OTC) medications you may be using. Before taking OTC medicine you must make sure it has no mood altering properties and contains no alcohol. Inappropriate use of any medication, irrespective of whether it was prescribed or purchased OTC, could result in termination from the NPMR Program.

You cannot go into any establishment where the primary source of income is the sale of alcoholic beverages, such as bars and taverns. You must obtain prior approval from your probation officer to enter into any other establishment that serves alcoholic beverages, such as a restaurant, sporting event, or concert venue.

You must follow all recommendations of your treatment providers. Failure to abide by those recommendations may result in sanctions, including termination from the program.

You must attend all treatment sessions and be on time. You may be asked to provide documentation in order to obtain an excused absence. Any missed sessions due to illness may require a written note from a physician. You must immediately inform your probation officer of any absences/tardiness from treatment sessions.

You must attend all status review hearings before the Judge as scheduled. An unexcused absence from status review hearings will result in a warrant being issued for your arrest and other sanctions.

You must conduct yourself in an appropriate manner when attending any NPMR Court related activity, including review hearings, probation meetings, counseling and treatment sessions, 12-step meetings, and other required appointments.

You must speak and act in a respectful and courteous manner toward the Judge, court, program, and treatment staff and others at all times.

Dress appropriately, with respect for yourself and others, for all court appearances, appointments and meetings. Treatment agencies may have their own dress requirements and it is your responsibility to determine and follow those as well. Any non-compliance with the court's dress code may result in you being asked to leave, as well as the possible imposition of sanctions for non-attendance.

You must follow this dress code whenever you are in the courthouse:

- No exposed tattoos or clothing containing written or graphic references to drugs, alcohol, or illegal activity;
- No low cut or revealing tops, tank tops or bare stomachs/backs;
- Jeans and pants must not be excessively torn or frayed and must be pulled up, belted so they stay up, and not reveal any underwear or bare skin above the knee;
- No short shorts, spandex or miniskirts; and
- All hats must be removed.

You must provide your probation officer and all treatment providers with your current residence and mailing address, working telephone number(s), and all information as to where you work and attend school, proof of income and grades, if applicable.

You must provide proof of attendance at all sober support group meetings (AA/NA or other secular meetings), sober leisure activities and sponsor/peer support activities on the form required by the court. You will be required to obtain a sober support individual.

As you progress in the program you will be required to obtain/maintain employment. Employment must be consistent, verifiable, and legitimate. Employment will be required prior to advancement to Phase III, unless you prove that you are disabled.

You must pay all fines, court costs, probation fees, and/or restitution as ordered as a part of your sentence. If you are making a good faith effort to pay financial obligations in full prior to completion of the program you may still graduate from the program but you must enter into a payment plan with the court.

If you do not have a high school diploma or General Equivalency Diploma (GED) you may be required to obtain your GED prior to graduation unless you have a verified learning disability that prevents you from doing so. You must provide verification of attendance at all classes.

You will be subject to the following curfews. You must be at your residence during the following times unless working or attending a sober support group meeting:

Orientation and Phase I: 9:00 p.m. to 6:00 a.m.

Phase II: 10:00 p.m. to 6:00 a.m.

Phase III: 11:00 p.m. to 6:00 a.m.

Phase IV: 12:00 a.m. to 6:00 a.m.

You must actively engage in the treatment process and cooperate with all requirements of your individual case plan. Treatment services and programming may include the following:

- Inpatient medical detoxification in a treatment facility ;
- Medication assisted treatment with Vivitrol or Suboxone;
- Residential treatment;
- Intensive outpatient treatment;
- Individual or group treatment sessions;
- Gender specific programming;
- Family therapy;
- Medication monitoring;
- Ongoing mental health treatment; and
- Case management.

- Peer support

In addition to the treatment requirements, you must comply with referrals for other services to help you overcome obstacles to recovery and learn to live a substance free lifestyle. This may include:

- Education;
- Vocational training;
- Employment;
- Transportation;
- Anger management;
- Changing criminal associations, thinking and behavior;
- Housing;
- Parenting classes;
- Domestic violence programming;
- Physical, mental and dental health; and

V. Treatment Team

The Treatment Team is actively involved in deciding who is admitted to the NPMR Court program. The Treatment Team will meet weekly to review participant progress and make recommendations to the Judge about each case. Members of the Treatment Team have specific roles and responsibilities as outlined below:

A. NPMR Court Judge Nanette DeGarmo Von Allman

- Decides admission or termination in accordance with the written legal and clinical criteria for the program;
- Meets with the Treatment Team to review all reports and recommendations and discuss your progress;
- Decides all incentives, sanctions, phase advancements, and successful completion or termination;
- Discusses your progress with you at the status review hearings.

B. Chief Probation Officer

- Conducts the initial legal eligibility screening and refers you for your initial alcohol, drug and mental health assessment;
- Runs the daily operations of the NPMR Court docket;
- Collects and maintains all reports and confidential records;

- Contacts you at home, school, or other locations and meets with you regularly to discuss progress;
- Attends and participates in all Treatment Team meetings and status review hearings;
- Monitors your compliance and makes recommendations about incentives, sanctions, phase advancement, successful completion, and termination;
- Conducts regular, random and observed drug testing and reports results to the Treatment Team and your treatment provider(s).

C. Probation Officer

- Contacts you at home, school, or other locations and meets with you regularly to discuss progress;
- Attends and participates in all Treatment Team meetings and status review hearings;
- Monitors your compliance and makes recommendations about incentives, sanctions, phase advancement, successful completion, and termination;
- Conducts regular, random and observed drug testing and reports results to the Treatment Team and your treatment provider(s).

D. Licensed Treatment Provider

- Conducts diagnostic assessments, provides the clinical diagnosis, and develops the treatment plan;
- Provides documentation on treatment progress including attendance and results of alcohol and drug tests;
- Attends Treatment Team meetings and status review hearings;
- Makes recommendations regarding treatment needs; and
- Participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination.
- Conducts regular, random and observed drug testing and reports results to the Chief Probation Officer.

E. Prosecutor

- Identifies eligible defendants in accordance with the written legal criteria;
- Attends Treatment Team meetings and status review hearings;

- Makes recommendations concerning incentives, sanctions, phase advancement, successful completion, and termination.

F. Defense Counsel

- Identifies eligible clients for the program in accordance with the written legal criteria and assists you with decision-making regarding participation;
- Explains to you what rights you are waiving by entering the program, possible sanctions that may be imposed, circumstances that may lead to termination, and the effect of termination;
- Assists you at status review hearings and attends, at your request, any Treatment Team meeting, but only during the portion that concerns you. If you ask your attorney to attend the Treatment Team meeting he or she may advocate on your behalf regarding progress or lack of progress, incentives, sanctions, phase advancement, successful completion, or termination.

G. Community Partners

- Attends all treatment team meetings, participates in discussions regarding incentives, sanctions, phase advancement, successful completion, and termination, and provide support to the Judge and treatment team by sharing suggestions and bringing awareness of relevant community and sober support activities and community resources.

VI. Status Review Hearings

You will be required to attend all of you status review hearings. As you progress through the program phases your hearing requirements will change. The Judge will explain responses to compliance and non-compliance, including reviewing the criteria for termination during status review hearings. You will be required to attend hearings as follows:

Orientation: Weekly review hearings

Phase I: Weekly review hearings

Phase II: Bi-weekly review hearings

Phase III: Monthly review hearings

Phase IV: Monthly review hearings

Status review hearings will take place before the NPMR Court Judge every Wednesday beginning at 11:30 a.m.

When attending a Status Review Hearing you can expect:

- To have direct interaction with the NPMR Judge regarding progress;
- To sign a waiver and consent form to discuss progress in open court;
- To be asked to provide verification of participation in recommended treatment;
- To listen during other participants' hearings;
- To receive recognition for achievements and sanctions for violations; and
- To have a warrant issued for failure to attend a Status Review Hearing unless the Judge excuses you prior to the scheduled hearing date.

Your family, friends, pastor, sober support individual, etc. are welcome and encouraged to attend your hearings.

VII. Program Phases

The NPMR Court Program has a two-week orientation followed by 4 phases in which your progress through the program is monitored.

Moving ahead to the next phase depends on the choices you make and the work you put in toward being clean and sober. You will not advance through phases based on pre-set timelines. Phase advancement is based on individual compliance with your treatment plan and program requirements.

All phases require that you begin and continue treatment according to your treatment plan, remain clean and sober, provide clean alcohol/drug screens, and appear for all court hearings and probation meetings. Following are the general requirements for each phase.

Orientation- 2 weeks

- Attend weekly status review hearings.
- Begin meetings with probation, medical and treatment staff.
- Find and attend sober support group meetings.
- Random drug/alcohol screens.

Stabilization Phase (Phase I) – 12-week minimum

- Weekly status review hearings before the NPMR Court Judge;
- Contact with probation officer as instructed;
- Engage in sober support community and obtain a sober support individual;
- Attend medical appointments and treatment sessions;
- Random substance abuse testing;
- Cooperate with random contacts by probation officer;
- Abide by rules of the NPMR Court Program, probation, and the law;
- Copy of pay stub/employer verification letter and/or copy of school enrollment/ GED class enrollment submitted to probation officer when applicable;
- Provide proof of sober support meetings, peer support or sponsor activities as well as personal sober leisure activities;
- No positive alcohol or drug test for six weeks prior to advancement to next phase;
- No sanctions for six weeks prior to advancement to next phase

Program Engagement Phase (Phase II) – 12-week minimum

- Bi-weekly status review hearings before the NPMR Court Judge;
- Contact with probation officer as instructed;
- Engage in sober support community and maintain a sober support individual;
- Random substance abuse testing;
- Continue to attend medical appointments and treatment sessions;
- Continue to cooperate with random contacts by probation officer;
- Continue to abide by rules of the NPMR Court Program, probation, and the law;
- Engage with housing, educational, vocational, and employment service agencies;
- Copy of pay stub/employer verification letter submitted to probation officer, when applicable;
- Copy of school grade report/GED report submitted to probation officer, when applicable;
- Provide proof of sober support meetings, peer support or sponsor activities as well as personal sober leisure activities;
- No positive alcohol or drug tests for six weeks prior to advancement to next phase;
- No sanctions for six weeks prior to advancement to next phase

Growth and Development (Phase III) – 12-week minimum

- Monthly status review hearing before the NPMR Judge;
- Contact with probation officer as instructed;
- Random substance abuse testing;
- Continue to cooperate with random contacts by probation officer;

- Continue to attend medical appointments and treatment sessions;
- Verifiable employment and proof of income or documented school/GED classes submitted to the probation officer, if applicable;
- Engage in sober support community and maintain a sober support individual;
- Continue to abide by rules of the NPMR Court Program, probation, and the law;
- Provide proof of sober support meetings, peer support or sponsor activities as well as personal sober leisure activities;
- No positive alcohol or drug tests for eight weeks prior to advancement to next phase;
- No sanctions for eight weeks prior to petition to next phase; and
- NPMR Court Treatment Team recommends entry into Phase IV.

Maintenance Phase (Phase IV) – 24-week minimum

- Monthly status review hearing before the NPMR Court Judge;
- Continue contact with probation officer as instructed;
- Random substance abuse testing;
- Continue to attend medical appointments and treatment sessions;
- Continue to cooperate with random contacts by probation officer;
- Continue to abide by rules of the NPMR Court Program, probation, and the law;
- Obtain and/or maintain employment or consistently participate in other vocational activities;
- Engage in sober support community and maintain a sober support individual;
- Good faith effort to pay all financial sanctions demonstrated by consistent regular payments;
- Complete all community service hours imposed;
- GED if applicable;
- Obtain and/or maintain stable, sober housing;
- Provide proof of sober support meetings, peer support or sponsor activities as well as personal sober leisure activities;
- No positive alcohol or drug tests for 12 weeks prior to petition to graduate;
No sanctions for 12 weeks prior to petition to graduate;
- Complete petition for graduation; and
- NPMR Court Treatment team recommends graduation.

V. Incentives

The NPMR Court Judge will acknowledge your accomplishments as you make positive changes, such as remaining clean and sober, completing treatment plan components, getting your high school diploma or GED or attending post high school classes, getting and keeping a job, advancing to the next phase of the program and/or graduating successfully

from recovery court. Your successes may be acknowledged at the hearings by means of verbal acknowledgment/ announcement to the group, certificates of completion/graduation, awarding of other tangible personal items.

Examples of conduct when incentives are awarded include but are not limited to:

- Maintaining sobriety as demonstrated by consistent negative alcohol/drug screens;
- Successful completion of treatment program;
- Maintaining employment;
- Maintaining a GPA of 2.0 or higher in educational pursuits per quarter/semester;
- Obtaining GED or diploma;
- Advancement to next phase in the program; and/or
Accomplishing any other milestone identified by the team.

Examples of incentives include but are not limited to:

- Recognition from the Judge;
- Announcement to other defendants;
- Certificate of achievement;
- Certificate of completion;
- Other tangible items;
- Advancement to next phase in program;
- Probation requirements modified;
- Probation term reduced; and/or,
- Financial Sanctions modified.

Incentives are awarded according to your progress in the phases of the program and are designed to encourage and reward positive behavior.

NPMR Court also utilizes a token-economy format, wherein weekly compliance is acknowledged by the giving of a sober-message token, which may be exchanged for items in the incentive closet (ie, small denomination gas or restaurant gift cards, personal care items.)

VI. Sanctions

By volunteering to enter this program, you have committed to becoming and remaining a drug and alcohol free, law abiding person. As in all aspects of life, making the wrong choices will have consequences in recovery court. Those consequences are called sanctions. Sanctions range in severity, depending on the seriousness of the violation. Sanctions will be immediate, graduated and individualized. Sanctions are at the sole discretion of the Judge, upon consultation with the Treatment Team. When a sanction is to be imposed, the Treatment Team will consider the Sanction Schedule (*Appendix J*).

Sanctions may include, but are not limited to:

- More frequent review hearings before the Court;
- More frequent contacts with probation officers;
- Increased testing for drugs or alcohol;
- Increased sober support group attendance;
- Verbal admonishment by the Judge;
- Written essays;
- Financial sanctions;
- Community service hours;
- One or more days seated in probation area or Courtroom;
- Inmate Work Program or Municipal Court Work Program;
- Electronically Monitored House Arrest (EMHA);
- Alcohol Monitoring Device;
- Revocation of limited driving privileges;
- Jail time, with or without work release;
- Termination from the NPMR Court Program;
- Revocation of probation and imposition of jail term.

Failure to attend any hearing may result in the issuance of a warrant for your arrest. If you are sent to jail as a sanction, you will be required to attend substance abuse programs in the jail, if available.

Examples of violations that may result in a sanction include, but are not limited to, the following:

- New misdemeanor or felony conviction (except minor misdemeanors which did not arise from alcohol or drug related incident);
- Missed review hearing with Judge – unexcused;
- Missed treatment session or medical appointment – unexcused;
- Missed office or outside meeting with probation officer-unexcused;
- Missed or positive alcohol or drug test;
- Late or inappropriately dressed for any hearing or probation meeting;
- Improper use of prescribed medication/use of disallowed substance without doctor's verification;

- Failure to notify probation officer of current place of residence, employment/source of income, or violation of standard written conditions of probation supervision not specifically included in NPMR Court Program requirements;
- Engaging in violent, threatening or harassing behavior toward the Judge, court staff, treatment staff, Treatment Team members or others;
- Failure to comply with treatment plan.

Note: If while in Phase II, III or IV you are returned to a previous phase as a sanction, you may be required to restart that phase.

VII. Program Completion

In order to graduate from the NPMR Court Program you must demonstrate to the satisfaction of Probation, Treatment Team and the Judge that you:

- Have completed any community service hours as ordered;
- Are alcohol and drug free, evidenced by negative screens for 12 weeks prior to graduation;
- Attend sober support group meetings regularly and have a sober support individual;
- Display a change in thinking, attitude and beliefs;
- Have completed all treatment and are continuing aftercare and relapse prevention as needed;
- Have consistent employment and stable housing;
- Demonstrate the ability to identify and eliminate criminal associations, thinking and habits;
- Have paid in full or are making a good faith effort to pay all financial sanctions demonstrated by regular payment history; and
- Completed the petition to graduate.

The Judge has sole discretion to determine when you will graduate from the program. The graduation process includes:

- The Chief Probation Officer nominates you for successful completion;
- The Treatment Team reviews your petition and recommends you for graduation;
- The Judge approves you to graduate;
- You attend graduation.

Upon graduation, and if the Judge determines that your performance in the program merits additional reward, the Judge can, but is not required to, release you early from probation, place you on non-reporting probation, or reduce remaining fines, court costs or probation fees.

VIII. Termination

You can be terminated from the program by the Judge in accordance with the written criteria. *The Judge has discretion to decide termination in accordance with termination criteria.*

Unsuccessful Termination

- Ongoing non-compliance with treatment or resistance to treatment;
- New criminal conviction;
- Any serious NPMR Court Program rule infraction or series of infractions; or
- A serious probation violation or series of probation violations.

If you are terminated unsuccessfully then, a motion to revoke probation will be filed and your case will proceed through the revocation process. In addition you will be ineligible to participate in the NPMR Court Program for a period of one year from date of termination.

Neutral Discharge

You may receive a “neutral discharge” from the program if you are:

- Diagnosed with a serious medical condition which will prevent or prohibit you from participating in the NPMR Court Program;
- Diagnosed with a serious mental health condition and/or mental deficit, which prevents you effectively participating in the program; or,
- Other factors that may prevent you from meeting the requirements for successful completion, as determined by the Judge in consultation with the Treatment Team.

If you receive a neutral discharge from the NPMR Court Program, the Chief Probation Officer will assign your case to the appropriate probation officer to continue with standard community control supervision.

Inactive or Suspension Status

If any of the following apply you may be placed on inactive or suspension status:

- Placement in a residential facility and cannot be transported for status review hearings;
- In need of further assessment or evaluations to determine if the NPMR Court Program is beneficial to you and the program; or
- You have an outstanding warrant for non-compliance from the NPMR Court

program and the issue has not been resolved.

Substance Abuse Monitoring

You must submit to random, frequent and observed drug and alcohol testing while participating in the NPMR Court Program. A positive test at intake will not result in a sanction and you will be allowed an acceptable amount of time to produce a negative drug screen. The Judge may sanction you if you relapse (positive test or admission) and the treatment provider will be notified immediately to allow for updating or changing the treatment plan.

A missed, adulterated or fraudulent test is the same as a positive test and will result in sanctions. If you test positive for alcohol and/or drugs you may request a confirmation test be conducted. If the confirmation test is positive for alcohol and/or drugs you will be ordered to pay the cost of the test. Additionally, if the confirmation test is positive, you may receive a more severe sanction than if you had admitted to relapsing.

I. Initial Screening Process

During the initial screening and assessment process you must reveal all recent drug and/or alcohol use, including the date and approximate time of use, the amount and type of substance used, method of ingestion, and any other relevant information required by staff.

During the initial assessment, you must submit to a hair follicle, blood or urine sample test to establish a baseline for the presence of drug metabolites in your system. You will not be sanctioned based upon the results of the intake test.

Due to the nature of cannabinoids and the time sometimes required for THC elimination from the body, you will be considered to be marijuana-free after two consecutive negative tests for marijuana use.

II. Self-Reporting Required

As a condition of the NPMR Court Program, you must voluntarily report to probation and treatment agency staff, and to the Judge at review hearings, any violations of the NPMR Court Program rules, including the use of alcohol, illegal or non-prescribed drugs, or misuse of prescribed drugs, including, but not limited to, synthetic cannabinoids such as “K2” and “Spice”, inhaling or “huffing” of chemical vapors, Kratom, bath salts and the abuse of otherwise properly prescribed medications which contain a controlled substance.

Medications that you are NOT permitted to take include gabapentin (Neurontin), benzodiazepines (Valium, Ativan, Xanax, Librium, etc.), opiates (Lortab, Vicodin, Oxycontin or Oxycodone, Tylenol 3, Percocet, Darvon, Darvocet, etc.), and amphetamines

(Adderall, Ritalin, Cylert, etc.), or the generic equivalents of any of these drugs.

III. Prescribed Medications

You must provide a written list of any and all prescribed medications to your treatment provider and probation officer. You must update the list as soon as prescriptions are added or changed and agree to provide verification of any prescription from your doctor, including signing a release for probation or treatment staff to contact the doctor for information.

When seeking any type of medical treatment, it is your responsibility to inform the medical provider of your alcohol or drug addiction and request non-narcotic and/or non-alcoholic medication be prescribed, if at all possible.

If, because of a medical necessity, a doctor/nurse practitioner prescribes medication that could yield a positive drug screen result, you must submit a letter from the physician/ nurse practitioner to the Court, stating that the he/she is aware of your status as a recovering addict and that the need for this medication outweighs the possible risks to your sobriety.

Further, this letter must state the physician/nurse practitioner knows of your participation in the NPMR Court Program, that you are taking an opiate antagonist or agonist medications (Suboxone or Vivitrol), if applicable and that you are subject to drug testing.

If you test positive for a controlled substance and do not have such a letter you will be sanctioned immediately.

You must take all prescription medication only as prescribed.

IV. Over the Counter Products

You must also inform the NPMR Court probation officer/staff and treatment counselor of any “over-the-counter” (OTC) medications used at any time.

Further, prior to the use of any over-the-counter medication, you are responsible to talk to a pharmacist or other medical professional to ensure that medication is not mood altering or addictive, and contains no alcohol.

Inappropriate use of any medication, irrespective of whether it was prescribed or purchased over-the-counter, could result in sanctions or termination from the NPMR Court program.

V. Testing for drug or alcohol use

You will be required to submit to frequent, random, observed and individualized alcohol/ drug screens depending on treatment plan requirements and program phase status. All testing conducted by probation staff will be done in accordance with The New

Philadelphia Municipal Court Drug Testing Policies and Procedures. You will receive a copy of this policy from your probation officer during your orientation phase.

In addition you are required to submit to random tests for drug or alcohol use as requested by your treatment provider and/or set forth in your treatment plan. You will be tested in the probation office, by the treatment provider and/or by the randomized drug testing software used by the court, no less than two times per week throughout the program. You will be notified of your selection for drug testing verbally or electronically, via the drug testing software.

The Chief Probation Officer and the Judge will immediately be notified when you test positive, fail to submit to testing, submit an adulterated sample or the sample of another individual, or dilute the sample. Positive tests will result in an appropriate sanction as determined with input from the Treatment Team and will be administered by the Judge. Your treatment provider will be notified immediately of the any positive test result by the probation staff to allow for adjustment to your treatment plan if necessary.