

The Judges of the Canton Municipal Court do hereby propose the following modification to the Local Rules of Practice for public comment and consideration. Public comments may be submitted to Michael Kochera, Court Administrator of the Canton Municipal Court at michael.kochera@cantonohio.gov.

Public comments will be accepted until Friday April 28, 2017.

Rule No. 1.23(A)

The Canton Municipal Court Recovery Court is a voluntary program intended to provide a mechanism to promote appropriate and effective treatment of substance use disorders, including the use of medically assisted recovery (MAR) when clinically indicated, as an alternative to incarceration for a person whose history of treatment non-compliance, and/or refusal to accept treatment, results in a recurring pattern of criminal offenses. The Program requires court and treatment provider involvement in treatment planning and supervision compliance.

Recovery Court will provide a non-adversarial, comprehensive, coordinated approach to the criminal cases of selected defendants with a history of substance use disorders in order to decrease criminal recidivism, improve public safety and improve the defendant's quality of life by stabilizing the defendant in the least restrictive environment. Recovery Court is a voluntary hybrid program whereas defendants can enter as a condition of Intervention in lieu of Conviction, pursuant to R.C. 2951.041, or via referral post-conviction as a condition of probation. The target duration of the Recovery Court program varies based upon the defendant's compliance with the conditions of participation, but generally twelve months.

I. Intervention in Lieu of Conviction and other Pre-Plea referrals

Eligible offenders may make motion for Intervention in Lieu of Conviction under R.C. 2951.041 at any point prior to sentencing. Upon said motion being filed and considered by the Court, the Assigned Judge may refer the case to the Recovery Court for assessment and consideration of admission. The Recovery Drug Counselor shall complete the Specialized Docket Intake Referral Form (Form #SD7), conduct a clinical assessment on the offender/or obtain a clinical assessment conducted within the past 12 months in order to determine clinical eligibility and suitability. The Recovery Court Probation Officer shall conduct the ORAS Assessment and provide recommendations as to the offender's suitability for the Recovery Court Program.

The case shall be presented to the Recovery Court Treatment Team for consideration of acceptance. Upon acceptance to the Program, the assigned Judge may sustain the offender's Motion for Intervention in Lieu of Conviction and transfer the case to the Recovery Court Judge (Form 10).

If the offender is denied acceptance into the Recovery Court, said case shall be referred back to the assigned Judge.

II. Post-Conviction Referrals

Offenders currently on probation supervision at the Canton Municipal Court may be referred to the Recovery Court as an alternative to revocation due to substance abuse issues. Upon consultation and approval of the Chief of Probation, the Supervising Probation Officer shall complete the Specialized Docket Referral Form and submit to the Recovery Court Drug Counselor. The Recovery Court Drug Counselor shall conduct a clinical assessment/obtain clinical assessment conducted within the past 12 months and make recommendation for admission as well as any further treatment plan recommendations to the Recovery Court Treatment Team.

Upon acceptance to the Recovery Court, the assigned Judge shall order the modification offender's probation supervision to include the participation and successful completion of the Recovery Court. The Recovery Court Judge shall then preside over the post-conviction treatment and supervision of the offender's case. The probation supervision of the offender will also be transferred to the Recovery Court Probation Officer.

Should the offender be terminated from the Recovery Court, a Show Cause Hearing shall be set before the assigned Judge for consideration of re-imposition of the original sentence.

III. Acceptance to the Recovery Court Docket

Acceptance into the Recovery Court Docket shall be governed by the legal, clinical and general eligibility criteria set forth in the Administrative Order adopted for the operation of the Recovery Court Program.

IV. Election of Judge(s) to Preside over the Recovery Court Docket

The Judge(s) assigned to oversee the Recovery Court Docket shall be elected by a vote of a majority of the Judges at the first Judges' meeting after the adoption of this Rule. Thereafter, the Judge(s) elected to preside over the Recovery Court Docket shall be elected each year at the meeting during which the Administrative Judge is elected. If the Judge elected to oversee the Recovery Court Docket is unable or unwilling to serve, a new Judge shall be elected at the next Judges' meeting.