

F.R.E.E.

Fighting Recidivism by Elevating Excellence



**South Euclid Municipal Court
Mental Health Docket**

PROGRAM HANDBOOK

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Breaking the Cycle of Jail/Prison

Is this where you are now?

You

Untreated Mental Health Issues and/or Drug/Alcohol Abuse

Law Enforcement Contact/Arrest

Court

Community Control

Untreated Mental Health Issues and/or Drugs/Alcohol Abuse

Arrest

Court

Community Control Revocation

Jail/Prison

Untreated Mental Health Issues and/or Drugs/Alcohol Abuse

YOU

Will it ever end?

Where do the things you really care about fit into this endless cycle?

Your Family?

Your Friends?

Your Job?

Your Education?

Your future?

WHAT IS YOUR FUTURE STORY?

Build it with the FREE Program and build the RESOURCES you need to create a future story that includes:

- A clean and sober lifestyle
- A medically stable life
- A family life with close relationships
- Friends who care about you and not what you can do for them
- A job that allows you to take care of yourself and your family
- An education so you can get a job or a better job
- Stable housing and reliable transportation for you and your family
- A future YOU choose

What are the resources the FREE program offers?

You gain resources when you create relationships with people who care about you.

The FREE Program helps you build relationships to help you achieve your future story.

These relationships include the judge, your community control officer, your case manager, your family, friends, boss and many others. They all work with you to get the most out of treatment and empower you to choose your own future.

If you want a future story that you choose, the first step is to commit yourself to changing for good. FREE offers you this opportunity. You do the work; FREE offers the resources to help you prepare for your future.

What is the FREE Program?

“Fighting Recidivism by Elevating Excellence“ (FREE) Program is the name given to the South Euclid Municipal Court Mental Health Docket. The mental health docket is not a separate court, but rather a specialized program that works within the framework of the existing municipal court. Persons who qualify for FREE will be sentenced with the sentence suspended subject to twelve (12) months of

community control, which could be extended to 18 months to ensure compliance. During community control, the participant is supervised by the FREE judge, reporting to the judge on a frequent basis, along with other FREE participants.

Why does the Court have a FREE Program?

The Court started the FREE Program to reduce recidivism among those with mental health issues. The Court understands that mental health problems play a big role in many of the crimes heard by the municipal court. The FREE Program connects the person who has committed these crimes with needed treatment and other life services. In making these connections, FREE helps that person make a permanent change to a stable, law abiding life.

How is the FREE Program different from regular community control?

Participants in the FREE Program are evaluated for a number of conditions that regular probationers are not. All FREE participants are evaluated for mental health conditions as well as drug and alcohol issues. They are also evaluated for neurological conditions that may affect learning or behavior. The results of these evaluations, and others are considered when determining if the FREE Program would enhance their ability to lead a medically stable, law –abiding life.

What makes a person eligible for the FREE Program?

A person who is interested in being in the FREE Program must meet both legal and clinical criteria before admission into the program is offered.

The legal factors are: current charge(s) which must be at least a first, second or third degree misdemeanor; disorderly conduct/intoxication (fourth degree misdemeanor); criminal history including violent and/or felony offenses; circumstances of current offense(s) and whether it involved a victim; outstanding warrants or pending cases or community control; and other factors which relate to public safety as well as safety for those providing resources to the participant. The

defendant must also be a Cuyahoga County resident. The defendant is not eligible if the offense was Operating a Vehicle while under the Influence (OVI), a sex offense, a crime involving weapons or an offense where a child was the victim.

The clinical factors include: mental health history, substance abuse, social and family history, other health conditions, together with motivation and willingness of the participant to change. The clinical criteria also include whether the mental illness was a contributing factor to the crime. The mental health diagnosis must qualify as a severe and persistent mental illness. Further, the defendant must be stable enough to understand and comply with the program requirements.

Admission to the program is voluntary. It is without regard to race, national origin, age, gender or sexual orientation to the applicant.

What happens if I am accepted into the FREE Program?

When a person is legally and clinically eligible, the person will be offered entrance into the FREE Program. If the person accepts the offer to enter the program, the participant will plead guilty to all pending charges and be sentenced to the maximum fines and jail time. The jail time is suspended and the participant is placed on community control (also known as probation) for twelve months. The written treatment plan becomes a condition of community control. The participant begins weekly review hearings on the Third Wednesday of each month at 10:00am after entering FREE. Review hearing participation may be decreased to twice monthly but not less than once per month, based upon the participant's progress in the program. The participant is expected to follow the treatment plan upon immediately being placed on community control and must follow all community control requirements.

How long will I be in the FREE Program?

The FREE Program is a twelve month long program. The treatment plan is divided into four steps that together take twelve months to complete. Drug screen results must be negative for at least six months prior to graduation from the program. Progress in treatment affects the amount of time spent in any step. The

development of resources the participant works on his/her future story also impacts the time needed in each step. In order to ensure completion of the program, the judge may extend participation in the FREE program for an additional six (6) months. The actual treatment plan and time in each step of the program is determined for each participant by the judge, community control officer and case manager. Graduates have the opportunity to help others who are still in the FREE Program.

What happens if I don't complete the FREE Program?

If a person is terminated from the program, s/he is subject to the jail sentence and fines that were originally imposed and not forgiven when the participant first entered the FREE program. A hearing will be held to determine whether the participant has violated the terms of community control. If the participant is found to have violated the term of community control, the suspended sentence is imposed. If a person is terminated from the program, s/he may not be eligible for the FREE program in the future.

If I am eligible for FREE do I automatically become a FREE Participant?

Meeting the legal and clinical criteria does not create a right by the defendant to enter FREE. Admission shall be at the sole discretion of the judge presiding over the FREE docket and based upon written eligibility standards.

Who would be on my treatment team and what does the team do?

Your treatment team is made up of the judge, community control officer, licensed treatment provider and case manager. The treatment team meets before each review hearing and communicates regularly with one another about your progress in FREE. Each member of the treatment team works together to assure your participation in FREE is successful. The judge leads the treatment team, makes the final decisions concerning your involvement in FREE and discusses your progress with you at the review hearing. Your community control officer monitors your

community control compliance, conducts random drug tests and provides progress reports to the treatment team. Your licensed treatment provider and case manager evaluates needed services, develops your individualized treatment plan and provides treatment updates and recommendations. Each of the treatment members discusses incentives or sanctions, step advancement and successful completion or termination at the treatment team meetings. You have the right to request that your attorney attend any of the treatment team meetings.

RULES FOR PARTICIPANTS

Releases

The participant is required to sign releases of information/exchange of information, to, from and between the following:

The judge,

Community control officer,

All drug/alcohol/medical/mental health provider(s) involved

And other court staff and FREE Program providers authorized by the judge so that they may speak to each other regarding the participant's attendance, progress, participation and prognosis in the FREE Program and recommended treatment.

The participant understands that if s/he revokes any release of information it will result in immediate termination from the FREE Program.

Cost of the Program

The participant will be assessed the maximum fine at sentencing. At the advancement of each step 1/5 of the fine shall be waived. The participant will be assessed a one-time supervision fee of \$250 for participation in the twelve month FREE program as well as court costs. Half of the supervision fee will be waived upon graduation from the program. The participant may be responsible for other

fees such as drug testing, house arrest alcohol monitoring as well as restitution. These fees must be paid before the participant can graduate from the program.

No Alcohol/Illegal Drugs or Mood Altering Chemicals

All FREE participants agree to abstain from using or ingesting any and all alcohol, illegal drugs or any mood altering chemicals.

Doctor Prescribed Medications

FREE Participants must report any and all prescribed medications to the treatment provider(s) and community control officer. If requested, s/he shall provide verification of any prescription from any doctor including a signed release for a provider of services and or community control officer to contact his/her doctor. FREE participants are generally not permitted to take Benzodiazepines (such as Valium, Ativan, Zanax Librium) and/or Opiates (such as Lortabs, Vicodin, Oxycontin or Oxycodone, Tylenol 3, Percocet, Darvon or Darvocet). If a doctor believes that it is absolutely necessary to prescribe medication that will yield a positive urine drug screen, the participant must submit a letter to the court from the physician stating that s/he is aware of the participant's status as a recovering person, why the need for this medication outweighs the possible risks to the participant and that s/he has been made aware of his/her patient's participation in the FREE Program and that the participant is subject to urine drug screening. If a participant tests positive and does not have a letter from a doctor, sanctions will be issued immediately. The participant will also limit use of over-the-counter medications to only when absolutely necessary. Participants agree to take all approved medications strictly as they have been prescribed or as recommended.

Following Recommendations of Treatment Provider

The participant agrees to follow the recommendation of any treatment provider and give the treatment provider notice of any sanction issued as a result of non-

compliance in the FREE Program. Further, the participant is expected to participate in treatment sessions, not merely attend.

Attending and Being on Time to Treatment Sessions

The participant understands that if s/he is running late or unable to attend a treatment session, the participant will call the treatment provider. The participant may be asked to provide documentation in order to obtain an excused absence. Additionally, the participant must inform the community control officer personally and immediately of any absences/tardiness of treatment sessions.

Failure to Appear at Court Sessions

Unexcused absences from court sessions are unacceptable. Failure to appear in court as scheduled may result in a bench warrant being issued for arrest of the participant.

Agreement to Conduct Self Appropriately

The participant agrees to conduct himself/herself in an appropriate manner when reporting to the FREE Program, to the community control officer, to the treatment provider and to any other required appointment(s). Appropriate manner includes but is not limited to being free from the influence of drugs and/or alcohol, arriving on time, being prepared to report to the judge or community control officer or other service providers, dressing appropriately, speaking respectfully both in court and to the community control officer as well as any treatment provider and maintaining an open and honest attitude.

Staying Out of Establishments that Primarily Serve Alcohol

The participant understands that, as a FREE participant s/he is not permitted to enter any business establishment that primarily serves alcoholic beverages for consumption on site.

Socially Associate with Others

The participant is not to socialize with other persons that are abusing drugs/alcohol, have a felony criminal record or are on community control with this court or any other court. Participants must notify the court or treatment team if they must associate with others as identified above.

Keeping Current Contact Information

The participant shall provide the community control officer and all treatment providers of their current address, telephone number, place of employment and place where they attend any educational classes or meetings.

Proof of Attendance at 12-Step Meeting

If required, the participant understands that s/he is required to provide proof of any twelve-step recovery meetings attended. Verification must be presented to the judge during the FREE Program court sessions. Proof is considered a written attendance slip signed and dated by the meeting facilitator after each meeting attended.

Obtaining and Maintaining Employment or Volunteering

If required as part of the treatment plan, the participant will obtain and maintain verifiable employment or volunteer service. Employment must be consistent and legitimate.

Obtaining a GED/Diploma

If the participant does not have a high school diploma or GED, then the participant must obtain a GED prior to graduation from the FREE Program, unless the participant has a verifiable developmental disability that prevents him/her from obtaining a GED. The participant will be expected to attend and be able to verify attendance at all classes.

Participant Payee Involvement

The participant's payee or agent may be required to attend FREE Program court sessions with the participant especially when addressing financial issues. Much of the participant's success during and after the program will depend on his/her payee.

Who May Attend FREE Court

Family, friends, sponsors and/or bosses are all welcome and encouraged to attend FREE Program court sessions with participants. Emotional and moral support is very important for recovery.

Policy/Procedure for Urine Drug Screen & Alcohol Screen

The participant agrees to submit to Urine Drug Screen ("UDS") and /or alcohol testing in the FREE Program. All testing is random, frequent and observed and based on individual drug and/or alcohol testing plan. If the participant fails to submit to testing, submits an adulterated sample or the sample of another individual or dilutes the sample, the test will be treated as positive. A missed UDS/alcohol screen is the same thing as a positive test and will result in court sanctions. Any and all test results will be immediately reported to the judge and, if positive, will subject the participant to immediate sanctions.

The participant is not permitted to drink more than forty (40) ounces of any liquid prior to providing a urine sample. This will eliminate the possibility of diluted urine screens, which are considered positive tests.

If there is any discrepancy in whether or not a participant provided a urine sample, the burden of proof is on the participant to provide verification. If no written verification is available, participant may go to jail as a sanction just as for a positive test.

If the participant tests positive on the UDS and wishes to have the specimen re-tested for confirmation, the participant is expected to pay the cost for the re-test. If the re-test is returned negative, the court will refund the re-test fee. If the re-test is returned positive, the participant will receive court sanctions.

If the participant desires to leave Cuyahoga County, Ohio for longer than 24 hours, the participant or their case manager must contact the Court to first obtain permission from the judge. In addition, the participant will be expected to make arrangements for ongoing UDS in the location where the participant may be. Failure to make arrangements for the UDS will result in court sanctions and may be considered a positive test.

The participant will be required to submit to a drug screen/alcohol screen at any time upon request by the judge, community control officer and /or case manager. A refusal to submit to a UDS/alcohol screen will be considered a positive screen subject to appropriate sanctions, including jail.

FREE participants shall submit to a base-line drug and alcohol test upon acceptance into program. In the event of relapse, treatment adjustments will be made and sanctions, when appropriate, will be imposed.

Program Steps

Program steps are used to monitor the participant's performance and progress through FREE. These steps are used as guidelines that can be modified to meet a participant's specific needs. Participants are required to frequently report to the FREE judge and other treatment team members for compliance monitoring,

assistance and compliance with treatment plans, random alcohol and drug testing and required reporting.

Participants shall appear at status review hearings every week during Step 1. At a minimum, the participant shall appear before the FREE judge at least twice monthly during Step 2. In subsequent steps, the participant shall appear regularly but in no event less than once a month. Participants can move from one step to another from the most restrictive to the least restrictive. Step advancement is based on individual performance, on a case-by-case basis, and as recommended by the treatment team. Progression through FREE is based on the participant's performance in the treatment plan and compliance with FREE steps. General criteria for phase advancement may include a participant's sobriety, mental health, progress in treatment, compliance with court orders, payment of court fees and team recommendation. Step advancement is not based on pre-set timelines. Time between status review hearings is increased or decreased based upon compliance with treatment protocols and observed progress.

Step 1 – Engagement

This step is associated with individuals becoming more aware of personal consequences associated with substance use, non-compliance with psychiatric care and involvement in the criminal justice system. There may be some ambivalence toward changing behavior, individuals are on the “teeter-totter” of understanding pros and cons of changing, and they may doubt that long-term benefits associated with quitting will outweigh the short-term costs. During Engagement, individuals are more open to receiving information and are more likely to use educational interventions and reflect on their own feelings and thoughts concerning negative behavior.

Tasks to be considered for successful completion of Step 1 include the following:

1. Attend four (4) consecutive court appearances
2. Attend all doctor appointments unless excused
3. Attend all case management appointments unless excused
4. Take medications as prescribed
5. Verbalize an understanding of program expectations and have reviewed the participation handbook
6. Complete assessment for chemical dependency needs, if any
7. Complete agency intake if needed

Step 2 – Preparation/Determination

During this step, individuals have made a commitment to make a change and begin taking small steps toward cessation of problem behavior. It is during this step when individuals gather information about what they need to do to change their behavior.

Tasks to be considered for successful completion of Step 2 include the following:

1. Seek or obtain stable housing
2. Attend all court appearances unless excused
3. Attend all outpatient/mental health appointments unless excused
4. Take medications as prescribed
5. A minimum of 30 days with negative drug screens
6. Refer/engage in vocational rehabilitation services if appropriate

Step 3 – Action/Willpower

During this step, individuals believe they have the ability to change their behavior and are actively involved in changing behavior. Action/Willpower is the point when individuals are at the greatest risk for relapse. Individuals begin to develop plans to deal with both personal and external pressures that may lead to relapse. Individuals are often open to receiving help and likely to seek support from others. The use of short-term rewards can be effective.

Tasks to be considered for successful completion of Step 3 include the following:

1. Maintain stable housing
2. Attend all court appearances unless excused
3. Attend all outpatient/mental health appointments unless excused
4. Active participation in structured daily activity
5. Participation in recovery group for relapse prevention, if required
6. Complete Individualized Life Plan
7. A minimum of 90 days with negative drug screen
8. No new arrests for 90 days

Step 4 – Maintenance/Relapse Prevention

In this step, the individual is preparing for graduation from FREE. During this time, participants are being encouraged to take the education, skills and programming provided and apply them on their own without the need for judicial instruction.

Tasks to be considered for successful completion of Step 4 include the following:

1. Maintain stable housing
2. Attend all court appearances unless excused
3. Compliance with mental health services
4. Review of the Individualized Life Plan
5. Active participation in employment, volunteer services, or structured daily activity
6. No new arrests for at least 6 months prior to graduation
7. A minimum of six months sobriety /negative drug screens
8. A final home visit by treatment team
9. Participation in the commencement ceremony
10. Payment of any fees or restitution not waived during the program

After graduation from FREE, the participant is to continue to obey all laws.

Termination From FREE

A participant may be terminated from FREE for unsuccessfully completing the treatment plan and/or violating terms of community control. A participant may be neutrally discharged from FREE if they are no longer capable of completing the FREE requirements. The judge has discretion in determining termination from FREE based upon written eligibility standards.

Sanctions

The FREE Program uses sanction to help a participant conform behavior. Entry into the FREE Program requires more of a participant than regular community control. It is not an “easy way out.”

The FREE Program offers a participant a way to have a different kind of life, a life free from drugs and/or alcohol and a life that is medically stable. Potential participants are urged to consult with their attorney, family members or other supportive persons in their lives before they commit to the program. While entry into the FREE Program is voluntary, compliance with the community control terms is mandatory.

The FREE Program is serious about success and expects participants to take their commitment seriously, too. The purpose of the program is to change a person's life, and sanctions for not complying with the community control terms are a necessary tool to help reinforce change.

Sanctions are issued according to the seriousness of a violation. Serious violations could result in termination from the program. When reviewing any behavior that warrants sanctions, there is an overriding consideration of whether the participant should continue in the program.

The sanctions are issued by the judge on a case-by-case basis and with consideration of the effect on treatment for mental health conditions. While the judge does not have a defined sanction for each violation, it is important for the participant to understand the sanctions that would be considered by the judge upon a violation.

The following are common types of infractions:

- a. Failure to attend court appearances and treatment appointments;
- b. Failure to following FREE rules;
- c. Failure to keep scheduled appointments with the probation officer, case manager or any other team member;
- d. Non-compliance with other requirements of the treatment plan;
- e. Non-compliance with random alcohol and drug screens or testing positive for alcohol and/or drugs;
- f. Failure to improve troublesome behavior;
- g. Failure to meet employment or vocational goals as determined by the treatment team;
- h. Failure to keep other appointments as scheduled, such as those for public benefit aid, health care benefits, housing assistance, social security applications, etc.;
- i. New criminal charges
- j. Forging or falsifying any documents presented to the court and/or treatment team.

The following are some but not all sanctions that may be imposed:

- a. Warnings and admonishment from the judge;
- b. Demotion to a previous step in the program;
- c. Increasing frequency of alcohol and drug testing;
- d. Increasing court appearances;
- e. Refusing specific requests, such as permission to travel;
- f. Denying additional or expanded privileges or rescinding privileges previously granted;
- g. Increasing supervision contacts and monitoring;
- h. Increasing treatment;
- i. Imposing a curfew;
- j. Individualized sanctions such as writing essays, reading books or performing other activities to reflect upon unacceptable behavior;
- k. Imposition of suspended fines or not waiving fines and court costs;
- l. Withholding discretionary spending money through the payee;
- m. Restitution;
- n. Letter of Apology
- o. Requiring community service;
- p. Escalating periods of electronically monitored house arrest (GPS or EMHA) or alcohol monitoring bracelet (SCRAM);
- q. Completion of in-patient or other program;
- r. Escalating periods of jail;
- s. Community control violation; and
- t. Termination from FREE

Rewards/Incentives

The goal is to encourage success and discourage failure. With that objective, FREE uses rewards and incentives as an important component in making lasting changes in behavior. Incentives and rewards demonstrate acknowledgement of the difficult changes participants are making in their lives.

Incentives are individualized according to the specific treatment plan and directly related to the participant's achievements as certain milestones of the FREE treatment plan are attained. The judge will dispense rewards as the participant's

status and conduct indicate. However, the ultimate reward is clinical stability, sobriety and successful graduation from the program.

The following are types of behaviors appropriate for incentives:

1. Attending required court appearances;
2. Attending required treatment appointments;
3. Maintaining close and productive contact with case manager;
4. Reaching individual treatment objectives;
5. Abstaining from alcohol and drugs, as evidenced by negative results;
6. Engaging in vocational or educational activities;
7. Securing stable housing;
8. Advancing in FREE steps, and;
9. Accomplishing any other milestone identified by the treatment team

The following are types of incentives:

1. Encouragement and praise from the judge;
2. Advancement in FREE steps;
3. Reducing supervision contacts or programming as medically appropriate;
4. Decreasing frequency of court appearances;
5. Reducing fines;
6. Increasing or expanding privileges;
7. Encouragement to increase participation in positive activities the participant finds pleasurable, such as writing, art work or other hobbies;
8. Assistance with purchasing clothing for job interviews, furniture for new housing, gifts for participant's children;
9. Gift cards for restaurants, movie theaters, recreational activities or personal care services;
10. Transportation passes for personal use;
11. Gifts of small personal care items, hobby or pet supplies, plants or small household items; and

12. Graduating from FREE, which at that time includes a waiver of a portion of probation fees and court costs.

NEXT STEPS FOR YOU!!.....

You've started to work with others who are on the same path you have been safely and successfully traveling; you are able to offer hope and encouragement because you've been there. Now that you've graduated.....

It's been twelve months of hard work and a meaningful transition to a new, sober, stable and clean lifestyle.

You may have earned your GED, graduated from high school or even enrolled in college.

You have found a job that now provides you financial stability, independence and satisfaction.

You have met new friends with whom you can share the joys as well as the frustrations of recovery – friends who value you for who you are, not just what you can do for them.

Perhaps your marriage or significant relationship has seen positive changes. Maybe your children have come to know you in a new way and feel safer and more secure with the new person you present in their lives.

You have found some sense of security in your own life. Your words will mean more to a newcomer than anyone else's. But your journey has only just begun. The judge, your community control officer and your case manager all recognize your efforts but remind you that the rest of the adventure is all up to you.

Freedom from the prison of drugs, alcohol and/or untreated mental illness requires your day to day commitment, one step at a time. Hopefully the tasks of recovery have become second nature to you. You see that your life is better today than it was when you began this journey.

Get active in your community, share what you have learned and give back.

You never have to return to jail again or stand before a judge again, if you are willing to work hard and commit yourself to doing what you have been doing each day.

Your future is all yours and it is in your hands. You can be FREE now and forever, if you only desire it to be.

This handbook is only a summary of the FREE Program. If you would like additional information about changing and stabilizing your life, please request a copy of the FREE Program Description from the South Euclid Municipal Court's Probation Department.

IN THE SOUTH EUCLID MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

IN RE:	Amendment of Local Rule)	Misc. Case No. XXX
	No. South Euclid Municipal Court)	
	Mental Health Court Docket -)	<u>ORDER</u>
	F.R.E.E.)	

Rule 43. Specialized Dockets

(A) Establishment of Mental Health Docket

The Court established a mental health specialized docket known as Fighting Recidivism by Elevating Excellence ("FREE") to commence following Initial Certification by the Ohio Supreme Court which is not anticipated until after April 1, 2015, which is now governed under Superintendence Rule 36.20 through 36.29 for Specialized Dockets. It is the goal of FREE to reduce recidivism among individuals with severe and persistent mental illness in the criminal justice system; to reduce periods of incarceration by individuals with severe and persistent mental illness; and to successfully graduate participants from FREE by effectively managing the risks associated with persons who have severe and persistent mental illness by providing mental health intervention that integrates community treatment options with judicial supervision. The opportunity for successful outcome is afforded through regular appearance before the judiciary, supervised treatment, and the use of graduated sanctions and other rehabilitative services.

(B) Placement on FREE Docket

In order for a criminal case to be placed on the FREE docket, a criminal defendant must first make a Request for Admission to the Mental Health Program as set forth as an exhibit in the program description. Program participants are selected from new cases that have not pleaded or have not been sentenced.

To qualify for admission, a criminal defendant must meet the following legal criteria:

1. Be a resident of Cuyahoga County
2. Be charged with at least a misdemeanor of the first, second or third degree, but not including violation of O.R.C. 4511.19 or a similar local codified ordinance, a sex crime, a weapons violation, or an offense involving a child victim.
3. The mental illness must be a contributing factor to the defendant being charged.

4. Must have a severe and persistent mental illness with an Axis I diagnosis which would benefit from court monitored treatment.
5. Must be stable enough to understand and comply with program requirements and competency issues must be resolved before entering the program;
6. Cannot have a criminal history of violence that might pose a risk to the public, staff and/or the agencies involved in treatment;
7. Having pending charges and/or presently on community control in other courts for felony or misdemeanor charges may make the defendant ineligible for this program;
8. If the offense involves a victim of a physical injury, the victim must agree to the defendant entering the program; and
9. The defendant must voluntarily enter into the FREE program.

Referrals to the program can be made by, but not limited to, law enforcement, family/friends of the defendant, victim, defense counsel, prosecutor, community control, a judge or the defendant. Request for Admission to FREE shall be subject to initial approval by the defendant or defense counsel after consultation with the defendant and the prosecutor assigned to the criminal case subject to approval by the judge assigned to the criminal case and initial assessment by the probation officer assigned to FREE according to the criteria adopted by the Court. Upon initial acceptance to the FREE program, the criminal defendant is referred for diagnostic evaluation to confirm that s/he meets the clinical criteria. Clinical criteria includes: an "Axis I" diagnosis that is consistent with a severe and persistent mental illness; sufficient stability to understand and comply with program requirements; and the criminal defendant must not pose an unacceptable risk to program staff, family or community. The diagnostic evaluation along with the "treatment team" as set forth in the program description and participant handbook, and approval of the judge presiding over FREE; will determine if the defendant qualifies for the FREE program.

(C) Case Assignment

A Request for Admission to FREE does not automatically transfer the criminal case to the docket of the judge presiding over FREE. If the criminal defendant does not enter FREE for whatever reason, then the case remains on the original criminal docket. If the criminal defendant is accepted into FREE and wants to voluntarily enter the program, then the case is transferred to the FREE docket where the criminal defendant shall enter a plea of **guilty** and be sentenced to the FREE program as part of probation. The judge presiding over the FREE docket shall have the primary responsibility for case management. In the event the criminal defendant is unsuccessfully terminated from FREE under the termination criteria as set forth in the program description and participant handbook, the case shall remain on the docket of the judge presiding over FREE for sentencing according to the

criminal sentencing laws as set forth in the Ohio Revised Code or local codified ordinances.

(D) Free Docket Case Management

Criminal defendants accepted into FREE will participate in mental health treatment, comply with medication as prescribed, counseling for mental health (individual and/or group sessions) and for substance abuse, if appropriate. The treatment plan may also include stable housing and reliable transportation, completing high school or obtaining a GED, participating in vocational assessments and entering appropriate training, obtaining and maintaining employment (either part or full time), attending other necessary counseling such as parenting courses, marital counseling and volunteering or community service as set forth in the program description and participant handbook.

(E) Termination from FREE

Upon successful completion of the Treatment Plan, the criminal defendant graduates from FREE. If the criminal defendant is unsuccessful in completing FREE, the judge presiding over the FREE court will conduct a community control violation hearing. If the terms of community control are found to be violated, then the remaining balance of the sentence may be imposed. A criminal defendant may also be neutrally discharged if they are no longer capable of completing FREE.

(F) Presiding on the FREE Docket

As the South Euclid Municipal Court has only a single judge that serves as the Administrative and Presiding judge of the court, this judge shall preside over the specialized Mental Health Court Docket. Such judge shall serve each year commencing the first day of April, 2015.

IT IS SO ORDERED.

GAYLE WILLIAMS-BYERS
Administrative and Presiding Judge
South Euclid Municipal Court