

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

FILED
KNOX COUNTY
COURT OF COMMON PLEAS

2021 MAR 16 AM 10:54

IN RE: : CHRISTY MILLIGAN STATION
CLERK OF COURTS

ESTABLISHMENT OF : JUDGE RICHARD D. WETZEL

SPECIALIZED DOCKET: :

“Alternative Rehabilitation Making :
Offenders Responsible” :

**ENTRY APPROVING CREATION OF SPECIALIZED DOCKET FOR
ARMOR COURT**

This matter came before this Court on March 21, 2019 upon the final certification by the Supreme Court of Ohio of a specialized docket to be known as the Alternative Rehabilitation Making Offenders Responsible (“ARMOR”) Court. The Court now sets forth the administrative order for the operation of the program pursuant to the Policies and Procedures adopted by this Court, and as amended from time to time as required by law and practice.

Establishment of ARMOR Court Docket – The Court hereby establishes a specialized docket according to the requirements set forth in Sup.R 36.20 through 36.29.

Placement in ARMOR Court Docket – The Court hereby establishes a general guideline on how an offender is considered for the program (an application or motion for consideration is required and to whom it is directed). This also provides the legal and clinical eligibility criteria for the program, including any disqualifying factors.

ARMOR Court Docket Case Management – The Court hereby establishes a general description of the plan to provide services to participants and incorporates by reference the specialized docket’s program description, participant handbook, and participation agreement.

Termination from ARMOR Court Docket – The Court hereby establishes the termination criteria for the specialized docket and states what generally will occur with the participant’s case if he/she is terminated from the program.

WHEREFORE, IT IS ORDERED that the Court shall proceed forthwith to establish and operate the specialized docket to be known as the “ARMOR COURT”.



RICHARD D. WETZEL
Specialized Docket Judge

3-16-21

Date

IN THE COURT OF COMMON PLEAS OF KNOX COUNTY, OHIO
GENERAL DIVISION

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KNOX COUNTY
COURT OF COMMON PLEAS

2021 MAR 16 AM 10: 54

CHRISTY HILLIGAN STATON
CLERK OF COURTS

THE STATE OF OHIO

:

Plaintiff,

:

Case No.

vs

:

JUDGE RICHARD D. WETZEL

:

Defendant

:

**ACKNOWLEDGMENT OF REQUIREMENTS OF THE ARMOR COURT AND
JOURNAL ENTRY ACCEPTING THE DEFENDANT INTO ARMOR COURT**

I wish to be placed in the ARMOR COURT (Alternative Rehabilitation Making Offenders Responsible) Court, which is a specialized docket for handling of convictions of third, fourth and fifth degree non-violent felonies and first degree misdemeanors that are recognized to have occurred because of alcohol or other drugs and/or co-occurring mental and substance abuse disorders. The purpose of ARMOR Court is to help qualified criminal defendants become drug free productive citizens.

The docket allows for intensive supervision of participants, both to hold participants accountable and to provide the support and encouragement necessary for participants to be successful. However, in order for participants to be successful, they must make a full-time commitment to the program and their recovery.

I understand that by entering into the ARMOR Court I will be waiving some of my due process rights, including the right to an attorney at all proceedings, the right to remain silent, and the right against self-incrimination. I also understand that I have the ability to rescind these rights waivers at any time. However, the consequence for rescinding the waivers may include unsuccessful termination from the ARMOR Court and may include revocation of my term of community control sanctions. I have the right to request the attendance of defense counsel during the portion of the ARMOR Court treatment team meeting concerning myself.

I understand that as a participant in the ARMOR Court, I will be expected to meet the following requirements:

1. I will be in the ARMOR Court for 9 to 18 months. During this time I will progress through an Orientation Phase of no less than two weeks, followed by four additional phases. I will graduate from each phase as I meet the requirements of that phase of the program. My length of time in ARMOR Court will be determined by my own progress.

2. I will fully comply with my treatment plan, which will include attending and participating in all individual and group counseling sessions, educational sessions, and activities or assessments as required by my counselor.
3. I will attend a minimum of three A.A., N.A., or other 12 step recovery meetings every week.
4. I will meet with my probation officer at all times requested, which will generally be three times per week until I graduate from Phase Two.
5. I am required to remain completely free from alcohol, marijuana, and all other illegal mood altering substances, including designer drugs, unless otherwise prescribed by a physician. Documentation of prescribed medications shall be provided to the ARMOR Court Probation Officer, the treatment facility, and my counselor. I understand that if I use alcohol or illegal drugs that sanctions will be given, and treatment plans may be amended to include a more intensive level of care.
6. I will be drug tested at least two times per week throughout the program. The ARMOR Court monitors my substance use by random, frequent, and observed alcohol and other drug testing protocols. The following will be considered positive tests and immediately sanctioned:

 - a. Failing to submit to testing;
 - b. Reporting late for a requested test;
 - c. Failing to provide a urine sample upon reporting;
 - d. Attempting to provide a diluted urine sample;
 - e. Attempting to submit a urine sample from another person;
 - f. Any other effort to obtain an inaccurate test result.

My entire test results will be reviewed at the Status Review Hearings. Furthermore, I understand that the Judge will be notified immediately of any violations of the above.

7. I will appear before the Judge for status review hearings once per week during Phases One and Two, once every two weeks during Phase Three, and once a month during Phase Four, unless otherwise ordered by the Court or by my supervising officer.
8. I will refrain from associating with other persons who use, possess, or sell illegal drugs.
9. I understand that in order to graduate from Phases One, Two, Three, and Four of the program, I will have to completely abstain from using alcohol or illegal drugs. I will not be released successfully from the ARMOR Court until I have remained completely drug and alcohol free for at least nine months in a non-residential setting.

10. I will be required to comply with all terms of Community Control Sanctions and demonstrate that I have become a productive law abiding citizen.

I understand that repeated non-compliance with the requirements of my Probation Case Plan or Treatment Plan may result in my dismissal from the ARMOR Court Docket and could result in further community control sanctions. Sanctions will be immediate and graduated and may include jail time of up to 14 days before a hearing is required. Furthermore, I understand that by complying with my treatment plan and the ARMOR Court I will be rewarded for my compliance.

I have read this Acknowledgement and understand this agreement, and I freely and voluntarily relinquish the rights discussed and agree to abide by all rules and conditions of the ARMOR Court.

Participant

Date

Attorney for Participant

Date

Prosecutor

Date

Court Approval

Having reviewed the ARMOR Court Admissions Assessment and eligibility requirements the Court hereby accepts this case and the Defendant into the ARMOR Court.

It is so ORDERED.

Judge Richard D. Wetzel

Date

Cc: Knox County Prosecuting Attorney
Counsel for Defendant
Defendant
Adult Probation Department, Lisa Lyons

Revised 7/17/18; 3/16/21

Rev. 3/16/21

LOCAL RULE 27

FILED
KNOX COUNTY
COURT OF COMMON PLEAS

RULE 27 – Specialized Docket – The ARMOR Court Program

2021 MAR 16 AM 10:54

27.01 (07/17/18; 3/16/21) Creation of Specialized Docket, “The ARMOR Court Program”. There is hereby created in the Court in its criminal division, a specialized docket for the handling of eligible third, fourth, and fifth degree non-violent felonies and first degree misdemeanors that are recognized to have occurred because of alcohol or other drugs and/or co-occurring mental and substance abuse disorders. This specialized docket is named “Alternative Rehabilitation Making Offenders Responsible” and shall be known as the “ARMOR Court Program”. Persons sentenced to community control who qualify for the ARMOR Court Program will be supervised by the judge, known as the ARMOR Court Program Judge, reporting to that judge on a frequent basis, along with other ARMOR Court Program participants.

27.02 Goal of the ARMOR Court Program. The ARMOR Court Program has among its goals the following:

- A. Consolidation and removal of a class of cases that places significant demands on court resources,
- B. Law enforcement’s action in arresting for crimes involving or relating to drug and alcohol abuse being taken seriously, because a drug court program causes offenders to be monitored more closely and squarely places responsibility on the offender to make positive choices or face immediate consequences for not doing so,
- C. Early identification of potential drug court participants resulting in reduced jail population and cost savings to the county, and
- D. Facilitating greater coordination and more effective use of public services for criminal justice cases in the treatment system.

27.03 History of the ARMOR Court Program. The Court started the ARMOR Court Program in January 2019 after initial certification by the Supreme Court of Ohio, to address the impact of drug and alcohol problems on the incidence of crime in Knox County. The Court understands that drugs and alcohol, and co-occurring mental and substance abuse disorders are a significant contributing factor in many crimes. The Court initially implemented the ARMOR Court Program as a pilot program by court entry signed the judge of the court and filed with the Clerk on February 5, 2019. The Court received a three-year certification for the ARMOR Court Program on March 21, 2019. The goal of the ARMOR Court Program is to address the causes of some of the crimes committed in Knox County by persons with drug or alcohol problems, or co-occurring mental and substance abuse disorders. The Court’s additional goals are (i) to assist criminal defendants in seeking needed treatment and related services, (ii) making permanent life changes resulting in reduced criminal recidivism, and (iii) to provide for a safer community.

27.04 Participation in ARMOR Court Program is Voluntary. Participation in the ARMOR Court Program is voluntary. It is not the intent of the Court to mandate that a defendant complete the ARMOR Court Program as a condition of community control. Before being sentenced to the ARMOR Court Program, each potential ARMOR Court participant shall

attend an ARMOR Court Program hearing to ensure that he or she still wishes to participate in the program.

27.05 Eligibility Criteria for ARMOR Court Program Admission.

- A. Potential ARMOR Court Program participants may enter the program on new charges, a probation violation or as a condition of judicial release. In any of these situations, the original charge may not be an offense of violence as defined in R.C. 2901.01, with the exception of domestic violence, which must be determined on a case-by-case basis, nor may it be a sexually oriented offense. The original charge(s) must be of no higher level than a felony of the third degree, and the conviction must be to a third, fourth or fifth degree felony or a first degree misdemeanor.
- B. A potential participant who desires to be considered for the ARMOR Court Program is to be evaluated for both legal and social factors to determine if they may be admitted. Such factors include, but are not limited to:
 - 1. LEGAL factors in screening ARMOR Court Program participants
 - a. Current charge
 - b. Criminal history, including adjustment to prior supervision
 - c. Circumstances of offense
 - d. Outstanding warrants, detainers, previous diversions, or other charges
 - 2. CLINICAL factors in screening ARMOR Court Program participants
 - a. Assessment of substance abuse history
 - b. Social/family history
 - c. Other health conditions
 - d. Motivation and willingness to participate (including signing of release of information)
- C. The ARMOR Court Program shall develop an outline of Eligibility Factors of Admission to the ARMOR Court Program that shall be available for reference to assist in determining a potential participant's eligibility for the program.

27.06 Referring Criminal Defendants to the ARMOR Court Program

- A. **Identifying eligible cases for transfer:** If a referring Judge has a criminal defendant that he/she believes is involved with the criminal justice system as a result of drug and/or alcohol abuse or co-occurring mental and substance abuse disorder he or she may request that such defendant be evaluated for eligibility for the ARMOR Court Program. The defendant should meet the basic eligibility requirements as set forth in Loc. R. 27.05(A) to be considered.

- B. **Discussion with counsel about referral for evaluation:** If a Judge desires to refer the defendant to be evaluated for eligibility for the ARMOR Court Program, discussion with counsel should take place, and counsel may also initiate a request that the Judge consider eligibility of the defendant.
- C. **Referral for evaluation:** In referring a defendant to be evaluated for eligibility for the ARMOR Court Program, a signed entry entitled "ENTRY REFERRING DEFENDANT TO ARMOR COURT PROGRAM FOR EVALUATION FOR PROGRAM ELIGIBILITY AND ADMISSION" must be completed and counsel notified.
- D. **Defendant consents to evaluation:** If the defendant wishes to be evaluated for eligibility, the defense attorney and defendant must complete the entry entitled "CONSENT AND WAIVER BY DEFENDANT FOR REFERRAL TO ARMOR COURT PROGRAM TO BE EVALUATED FOR PROGRAM ELIGIBILITY AND ADMISSION". This signed entry, along with the entry from the Judge in paragraph C. above must then be forwarded to the ARMOR COURT Coordinator.
- E. **Defendant is evaluated by ARMOR Court Coordinator:** Upon receipt of above entries noted in C. and D. above, the ARMOR Court Coordinator or his or her qualified designee shall personally meet with the defendant, whether incarcerated or on bond, to administer screening tools and evaluate motivation for admission to the ARMOR Court Program.
- F. **Program Staffing for Eligibility:** The ARMOR COURT Program team, consisting of but not limited to the ARMOR COURT Program Judge, the ARMOR COURT Program Coordinator, the ARMOR COURT Program probation officer, a treatment assessor and liaisons from treatment providers who have signed Memoranda of Understanding and confidentiality statements to participate as treatment providers for ARMOR COURT Program participants, shall jointly determine a potential ARMOR COURT participant's eligibility for the program.
- G. **ARMOR COURT Coordinator notifies of program eligibility:** Based on the recommendation of the ARMOR COURT Program team, the ARMOR COURT Coordinator shall complete the entry entitled "NOTICE OF RESULTS OF ARMOR COURT PROGRAM EVALUATION FOR PROGRAM ELIGIBILITY AND ADMISSION" and forward copies of this entry to the referring judge and counsel notifying them of the defendant's eligibility for admission to the ARMOR COURT Program.
- H. **Transfer of defendant's case(s) to the ARMOR COURT Program:** The ARMOR COURT Coordinator shall prepare the entry entitled "ENTRY TRANSFERRING DEFENDANT'S CASE TO THE ARMOR COURT PROGRAM," submitting it to

the ARMOR COURT Program Judge for approval and the defendant will be formally transferred to the ARMOR COURT Program docket.

- I. **Taking the plea:** When the case involves new charges, the ARMOR COURT Program Judge shall take the plea, which shall be third, fourth or fifth degree non-violent, non-sexually oriented felony(ies) or first degree misdemeanor(s). Because of the time needed to interview the defendant, the Judge may need to continue the case on his or her docket until notified that the defendant is eligible for the program.
- J. **Sentencing:** For cases involving new charges, each participant shall be subject to a presentence investigation to aid the ARMOR COURT Program and its treatment providers in preparing a successful case management plan for the ARMOR COURT participant. The ARMOR COURT Program Judge shall sentence the defendant to the ARMOR COURT Program as a condition of community control, setting the probationary period in accordance with applicable statutes, with the incentive of early termination of community control if the defendant successfully completes the ARMOR COURT Program. The ARMOR COURT Program participant shall begin attending ARMOR COURT Program hearings as a condition of bond, and generally, ARMOR COURT Program participants will be placed on a period of house arrest for sixty days as a condition of bond. Early release from the term of house arrest may be used as an incentive for continued ARMOR COURT Program compliance.

In the case of an existing probation case or a judicial release case, the ARMOR COURT Program Judge shall resentence the ARMOR COURT participant at a revocation hearing to the ARMOR COURT Program as a condition of community control, setting the probationary period in accordance with applicable statutes, with the incentive of early termination of community control if the defendant successfully completes the ARMOR COURT Program.

- K. **If there is a waiting list for ARMOR COURT Program:** At some point there may be a waiting list for the ARMOR COURT Program. If the Judge has a defendant to refer to the program, and the program is at capacity the Judge may refer the defendant to allow his/her name to be placed on a waiting list and to allow for effective program evaluation by comparing the ARMOR COURT Program participants' performance on community control with those who would be eligible but are completing conventional community control. This group of waiting list defendants becomes a "control group" for study purposes to help justify additional funding from outside sources to increase the capacity of the program.

27.07 Comprehensive Evaluation of ARMOR COURT Program Participants for Case Management. ARMOR COURT Program participants are to be evaluated for a number of conditions that regular probationers are not. All ARMOR COURT Program participants are to be evaluated for drug, alcohol and any mental health conditions, along with an evaluation to see if there is any neurological condition that affects learning or behavior. The results of these and

other evaluations are to be taken into account when determining what conditions of supervision will be required and how the participant will be supervised.

27.08 ARMOR COURT Documents; Program Handbook. The ARMOR COURT Program Coordinator shall maintain all program documents, including a Participant Agreement, and an ARMOR COURT Program Handbook, making those documents available to all court personnel, counsel and criminal defendants who may be eligible for the ARMOR COURT Program. The Handbook shall set forth rules for the program, the policies and procedures for urine drug screens and other methods for detecting the presence of drugs and/or alcohol in a participant's physical body/system, requirements for ARMOR COURT Program phases, graduated sanctions and program incentives. The ARMOR COURT Program Handbook shall be reviewed at least annually for necessary changes based on the needs of the court, the program, its participants and its treatment and other providers. The ARMOR COURT Program shall provide a copy of its documents and ARMOR COURT Program Handbook to the Specialized Dockets Section of the Ohio Supreme Court upon review and revision of the documents and the handbook.

27.09 ARMOR COURT Program Phases. Participants in the ARMOR COURT Program shall complete three treatment phases, each consisting of a minimum of eight to twelve weeks. Advancement to the next phase shall depend upon the frequency of any imposed sanctions in the existing phase, as set forth in the ARMOR COURT Program Handbook. An ARMOR COURT Program participant must maintain a period of sobriety of at least six months after completing the third phase to be eligible to graduate and have his or her community control terminated.

27.10 Successful Completion of ARMOR COURT Program. It shall be the goal of the ARMOR COURT Program that its participants shall complete the following minimum requirements:

- A. Restitution paid
- B. Letters of apology completed (when ordered)
- C. GED or equivalent diploma obtained, when capable
- D. All court costs and fines in all cases paid
- E. Valid driver's license, depending on ability to obtain one
- F. Employment
- G. Community service completed (if applicable)
- H. Court supervision fee paid
- I. Six months sobriety following completion of the third phase of the program
- J. Completion of post-program forms and interview.

27.11 Unsuccessful Termination from the ARMOR COURT Program. The ARMOR COURT Program Handbook shall set forth in its statement of graduated sanctions reasons for termination from the ARMOR COURT Program. Examples of reasons for termination from the ARMOR COURT Program include but are not limited to: absconding, failure to participate, failure to appear in court, and new charges and/or convictions that did not arise from an incident preceding ARMOR COURT Program participation. The decision to

terminate a participant from ARMOR COURT Program shall be made by the ARMOR COURT Program team. If an ARMOR COURT Program participant is terminated from the program, the ARMOR COURT Program probation officer shall schedule the participant for a revocation hearing before the ARMOR COURT Program Judge, at which time, the ARMOR COURT participant shall be subject to revocation as any probationer would be who is subject to revocation from community control. The ARMOR COURT Program Judge shall determine the sentence for the ARMOR COURT participant at a regular revocation hearing on the judge's docket. Program termination makes a former ARMOR COURT participant ineligible for future ARMOR COURT Program participation.

27.12 Funding of the ARMOR COURT Program. The ARMOR COURT Program in its pilot program stage has been established with grant funding from the Ohio Department of Alcohol and Drug Addiction Services. The ARMOR COURT Program shall be authorized to apply for additional grant funding to provide for the continued operation of the program.

27.13 Program Evaluation. The ARMOR COURT Program shall seek the assistance of the State of Ohio Office of Criminal Justice Services and/or any other qualified program evaluator to design and implement both process and outcome evaluations of the ARMOR COURT Program, with factors to be evaluated that include but are not limited to:

- A. Recidivism
- B. Time in custody
- C. Retention in program/treatment
- D. Costs
- E. Other

Program success may be defined in terms of a significant decrease in recidivism within a specific period of entering and/or completing the ARMOR COURT Program and the percentage of participants who complete the ARMOR COURT Program. Cost savings may also be a factor in conjunction with these success indicators.

26.14 Memoranda of Understanding with Treatment and Other Providers to the ARMOR COURT Program. The ARMOR COURT Program shall develop a Memorandum of Understanding to be signed by ARMOR COURT Program treatment providers. Such Memorandum of Understanding must include at least the following and shall be renewed annually by ARMOR COURT Program treatment providers:

- A. Treatment provider must guarantee no wait for ARMOR COURT Program participants to enter treatment; in the case of outpatient treatment, must provide treatment within several days of referral, as set forth in Memorandum of Understanding; in the case of inpatient treatment, must provide a bed within approximately two weeks of referral, as set forth in Memorandum of Understanding.
- B. Treatment and other providers shall be selected, taking into account Medicaid regulations, geographic location, service to diverse racial and cultural clientele, and

options for drug treatment of special populations such as dual diagnosis, pregnant women, mentally disabled, or HIV positive.

- C. Treatment and other providers shall coordinate with and account for ARMOR COURT Program sanctions, including but not limited to CBCF, house arrest and work release.
- D. When an ARMOR COURT participant can afford to pay for some of the cost of treatment, participant may pay according to a scale developed by treatment provider and approved by the court.
- E. When an ARMOR COURT participant has private health insurance that provides and pays for the referred substance abuse and/or mental health benefits, the participants shall be responsible for paying for treatment.