



H.O.P.E
ONEIDA COUNTY
INTERVENTION COURT
Program Manual

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I. PROGRAM OVERVIEW

The Oneida County H.O.P.E Intervention Court (OCHIC) is presided over by the Honorable Gregory J. Amoroso, professional staff members and agencies committed to help individuals stabilize and make positive changes. The court will began accepting participants in September 2020. This program follows the *Ten Essential Elements of Opioid Intervention Courts* model. (see exhibit A attached hereto)

To be eligible for H.O.P.E court the individual must be using opiates (ex: heroin, fentanyl or opioid pills and/or substances laced with an opioid), willing to engage in substance use disorder treatment and have criminal charges pending. Misdemeanors and non-violent felony offenses are considered for the program.

The pre-entry form is used for screening individuals for H.O.P.E court. The screening process will identify the defendant's opioid overdose history, current opioid use, pending criminal charges, history of substance use disorder treatment and willingness to enter substance use disorder treatment. Information obtained in the pre-entry form shall be restricted to the immediate OCHIC Team and shall not be used in the pending prosecution or as an independent cause to initiate prosecution. (see exhibit B attached hereto)

The program and expectations are explained to the defendant before entry. The participant is expected to appear at H.O.P.E court at least three times a week, abstain from all mood-altering substances, comply with the intake process with designated treatment facility and engage in random drug testing at court/treatment. (see exhibit C attached hereto)

At the first H.O.P.E court intervention appearance, the defendant will be interviewed by the opioid court judge for consideration into the program. Program expectations are reviewed, the defendant is provided a copy of expectations and program brochure. Personnel from District Attorney's Office, opioid court defense attorney and the defendant's defense counsel are notified and encouraged to attend the first appearance. A representative from the District Attorney's office and defense counsel shall attend one of the first appearances. During one of the first appearance, the defendant will discuss and sign the OCHIC speedy trial waiver along with defense counsel and a copy of the waiver will be forwarded to the court of jurisdiction for filing.

The Case Manager will meet with the new participant to complete an intake form. (see exhibit D attached hereto) The Participant Intake Form is used to collect the individual's demographics and identify any barriers. When barriers are identified the Case Manager will assist in problem solving and connecting the individual to services. Consent releases forms are signed at entry. An OASAS approved treatment provider staff member will be present to assist in providing the court with advice and direction for the overall success of the participant.

Immediately after entry, court of jurisdiction, defense attorney and prosecutor will receive notice indicating the defendant was accepted into H.O.P.E court and request for a suspension of prosecution during stabilization.

Participants are required to appear at H.O.P.E court at least three days a week at a designated time. If a participant is successfully progressing through the program, the H.O.P.E court judge will explore the option of reporting decreasing appearances.

Transportation is addressed with every participant to ensure no barriers to reporting.

Random drug testing is held at H.O.P.E court. Every participant is expected to comply with drug testing at court and treatment. Failure to do so can result in termination from the program. At court we screen for a variety of substances, including Fentanyl and other synthetic drugs to ensure abstinence from all substances.

In addition to Substance Abuse Treatment each participant is offered to be connected to mental health therapy. They are referred to a local mental health provider for an assessment and therapy.

H.O.P.E Court has implemented the *30-day Observation Period*. During the first 30 days, each participant's progress is closely monitored and reviewed. If they fail to comply with expectations, continue to use substances, or fail to comply with referral process they are subject to be discharged from the program and will return to the court of jurisdiction. H.O.P.E Court Judge will revoke pretrial release at his discretion and if applicable. Where allowable and appropriate under CPL 510, the H.O.P.E Court Judge may refer the matter to the court of original jurisdiction for a revocation of pretrial release.

Interested participants will be asked to complete the following forms with their assigned court case manager: Information obtained in the pre-entry form shall be restricted to the immediate Oneida County H.O.P.E Intervention Court Team and shall not be used in the pending prosecution or as an independent cause to initiate prosecution

This is a voluntary program and participants can choose to leave the program at any time. If a participant leaves the program early or is released from the program due to non-compliance the court of jurisdiction is notified immediately. When an individual completes the 90-day program a summary of their progress will be sent to the court of jurisdiction, defense attorney, Oneida County Probation-Pretrial Services and district attorney's office. Treatment providers are notified when there is any change of status.

II. REFERRAL PROCESS

Referrals to Oneida County H.O.P.E Intervention Court can be placed from Oneida County Probation Department including Pretrial Services, local town, village, city or county court judges, attorneys, sheriff's office and local police departments. (see exhibit E attached hereto) The individual must have a chemical dependency to opioids or use that needs treatment, be willing to engage in treatment and comply with the terms of our program. The primary focus of the court is to connect individuals arrested with misdemeanors and nonviolent felonies to chemical dependency treatment and stabilize them.

A referral can be placed by contacting Oneida County H.O.P.E Intervention Court, Case Manager with the individual's name, contact information and charges. From there the Case Manager will gather necessary information, contact the defendant and schedule a time for the individual to appear at H.O.P.E court for a screening. We also have a court/attorney referral form available for use

At the first appearance the defendant will be interviewed by Judge Amoroso, program expectations are reviewed, and necessary consent releases are signed. Defendant's attorney and a representative from the Oneida County District Attorney's Office are required to appear at the first appearance.

Some reasons an individual would be ineligible for H.O.P.E court are:

- Violent Felony Charges
- Lack of in County Residency
- Outstanding warrants
- Defendant not interested in the program
- No response from the referral
- No consent from court of jurisdiction or/and prosecutor
- Not using opiates

Once an individual enters, a letter will be sent to the individual's attorney, court of jurisdiction, Oneida County District Attorney Office and Oneida County Probation Department, if applicable.

Each referral is reviewed for suitability for the program and the H.O.P.E court personnel can admit or refuse any pending referral.

III. TREATMENT

At program entry, each new participant will receive an admission assessment appointment at an OASAS approved - Opioid Treatment Program. The goal is for every participant to engage in treatment within the first 24 hours of entry. It is a requirement of the program for everyone to be engaged in either inpatient or outpatient substance use disorder treatment. Each participant is advised to explore medically assisted treatment (MAT) options with the staff at the designated OASAS approved treatment provider. They can choose to be on MAT (i.e. Suboxone or Methadone) or chose not to be prescribed a medication after consulting with medical staff at treatment.

An OASAS approved Opioid Treatment Program (OTP) offers onsite, daily MAT dosing. If a participant decides to be on MAT, they are advised to engage in daily dosing in the OTP. OASAS approved treatment providers offer evidence- based therapy in all groups and individual counseling sessions. OASAS providers offer random drug testing, peer services, physicals, family involvement, case management and referrals to other services as needed.

If indicated, individuals can be referred to inpatient treatment at program entry or while in the program after an unsuccessful attempt at outpatient. If needed at program entry, the Court will coordinate with an OASAS approved inpatient representative to ensure quick admission into an inpatient chemical dependency treatment.

IV. TRANSPORTATION

The H.O.P.E Court Case Manager will screen each participant at program entry regarding transportation to court and reassess for need.

V. INSURANCE

Oneida County H.O.P.E Intervention Court will assess insurance deficits and if needed, refer to a Navigator Program. This service helps in determining eligibility and applying for health insurance coverage.

If the individual is being held in the jail and going bed-to-bed, there are local Navigator Programs that are available to provide the same service.

VI. DEFENSE COUNSEL

Individuals who are found to be at risk of opioid overdose and who meet eligibility requirements have an opportunity to consult with defense counsel. The Oneida County H.O.P.E Intervention Court has defense counsel from the Oneida County Public Defender and/or the Oneida County Assigned Counsel Program, and they are present at court on a regular basis, including when a new participant enters. The defendant's assigned or retained defense counsel are notified and must attend one of the first appearances.

VII. PEER SERVICES

Certified Recovery Peer Advocates (CRPA) are available at H.O.P.E court. This service provides addition support and improves participant engagement in the program. Each participant is offered a referral to peer services at entry.

Peer Support program is a person-centered service delivered by a Certified Recovery Peer Advocate, an individual who brings personal addiction recovery experience and professional training to the treatment experience. The peer support program offers an array of services. A few examples include:

- Empathetic, one-on-one recovery support and mentorship
- Connecting you to formal recovery supports such as 12 step programs
- Non-clinical crisis support, especially following cases of hospitalization or incarceration
- Education about various modes of recovery, and social and/or other support services
- Modeling coping skills and identify strengths

VIII. PROGRAM COMPLETION/CONTINUING CARE

Every participant will complete a continuing care plan. The continuing care plan will identify the ongoing services, appointments and next court appearance. Every participant is advised to continue with substance use disorder treatment.

When an individual completes the program, a program progress report will be sent to the court of jurisdiction, defense attorney and district attorney's office.

SOURCES

Center for Court Innovation, 2019, *The Ten Essential Elements of Opioid Intervention Courts*

EXHIBITS

New Your State Unified Court System Essential Elements of Opioid Courts A

Oneida County H.O.P.E Intervention Court- *Pre-Entry Form* B

Oneida County H.O.P.E Intervention Court- *Participant Expectations*..... C

Oneida County H.O.P.E Intervention Court- *Participant Intake Form (done by treatment provider)*D

Oneida County H.O.P.E Intervention Court- *Court/Attorney Referral Form* E

Oneida County H.O.P.E Intervention Court- *Participant Continuing Care Form*..... F