

Cuyahoga County Common Pleas Court Local Rules

**30.3 ASSIGNMENT OF CRIMINAL CASES TO VETERANS TREATMENT COURT DOCKET**

- (A) **Purpose.** The Veterans Treatment Court is established for defendants presently serving on active duty in the military, the Reserves, and the National Guard, or for veterans who served in the United States Armed Forces. Hereafter, defendant(s) refers to such individuals. The Veterans Treatment Court is committed to providing community services that seek to develop self-sufficiency, reduce recidivism, promote public safety, and provide alternatives to incarceration. To accomplish these purposes, the Veterans Treatment Court will utilize the shared military experience of other veterans to assist these defendants. The Veterans Treatment Court will work closely with the Veterans Administration (VA) and other agencies to accomplish these purposes.
- (B) **Appointment of Judge(s) to Preside Over Veterans Treatment Court.** The Administrative Judge will select a Common Pleas Court, General Division Judge(s) to preside over the Veterans Treatment Court docket. The Judge(s) will serve for a period of three years from the date of appointment. Upon approval of the Administrative Judge, the Judge(s) may be reappointed to successive terms. Any Common Pleas Court, General Division Judge who desires to preside over the Veterans Treatment Court docket may submit his or her name to the Administrative Judge for consideration.
- (C) **Eligibility.** A defendant is eligible for transfer to the Veterans Treatment Court when charged with a felony described in paragraph (D), provided the defendant presents evidence of military service with military form, DD-214. A defendant's discharge status does not necessarily affect eligibility. A defendant with a bad conduct or a dishonorable discharge, or a defendant with a discharge of other than honorable conditions from the National Guard must present compelling circumstances to warrant acceptance by the Veterans Treatment Court Judge.
- (D) **Permitted Felonies.** Any felony offense for which a defendant may receive a sentence of community control sanctions (CCS) makes that defendant eligible to transfer to the Veterans Treatment Court, subject to the approval of the Veterans Treatment Court Judge. A defendant who receives a sentence of CCS for a sexually-oriented offense or a gang-related offense, or who has a criminal record of such crimes, must present compelling circumstances to warrant acceptance by the Veterans Treatment Court Judge. At any point after arraignment, a defendant may be referred to the Veterans Treatment Court, but when a defendant is convicted of or pleads to a felony of the first or second degree, or of the third degree that is subject to high tier sentencing under R.C. 2929.14(A)(3), the assigned Judge shall sentence the defendant before transfer to the Veterans Treatment Court.
- (E) **Additional Participation Factors.**
- (1) **Diversion-Related Cases and Re-Entry Cases:** A defendant who qualifies for diversion, intervention in lieu, early intervention program (collectively, diversion-related programs), or judicial release including this Court's re-entry program is also eligible for the Veterans Treatment Court, subject to approval by the Veterans

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Treatment Court Judge. A plea involving a diversion-related program must be entered by the assigned Judge before transfer to the Veterans Treatment Court.

- (2) **Targeted Risk Level:** Priority acceptance to the Veterans Treatment Court will be given to:
    - (a) the defendant with a high risk/high need assessment, or
    - (b) the defendant with a demonstrated trauma-related circumstance or injury whether or not service connected, such as post-traumatic stress disorder, traumatic brain injury, or military sexual trauma.
  - (3) **Service-Connected Condition Not Required:** Eligibility to participate in the Veterans Treatment Court is not limited to a defendant who has a service-connected injury or disability.
  - (4) **VA Benefits Not Required:** For a defendant eligible for VA medical benefits, that defendant will utilize those benefits for CCS treatment programs. For a defendant not eligible for VA medical benefits, that defendant may be eligible for community treatment programs available to individuals on CCS. Supplemental benefits provided by the Cuyahoga County Veterans Service Commission that are not provided by the VA or other community agencies may be available to an eligible defendant as determined by such agency.
- (F) **Procedure for Admission.** A defendant must enter into a Participation Agreement with the Veterans Treatment Court; must undergo a clinical and administrative assessment to determine eligibility; and must be approved by the Veterans Treatment Court Judge.
- (G) **Effective of Transfer.** When a case is transferred to the Veterans Treatment Court, the Veterans Treatment Court Judge shall acquire full jurisdiction over that transferred case. If a defendant is found ineligible or is not approved for Veterans Treatment Court, the transfer shall not be completed and the case shall be returned to the docket of the original assigned Judge.
- (H) **Sanctions and Termination.** A defendant may be sanctioned to the extent permitted by law for CCS violations, including termination from the Veterans Treatment Court for violations stated in the Participant's Handbook and the Participation Agreement. The Veterans Treatment Court Judge retains jurisdiction over the defendant to determine the appropriate sanction.

*Effective 01/21/2015*

*Adopted by Emergency Vote*