

Cuyahoga County Common Pleas Court Local Rules

30.5: ASSIGNMENT OF CRIMINAL CASES TO HIGH-RISK DOMESTIC VIOLENCE DOCKET

- (A) **PURPOSE.** The High-Risk Domestic Violence Docket is established to reduce intimate partner violence and risk of homicide by utilizing a specialized collaborative approach by criminal justice professionals highly trained in intimate partner violence. Enhanced accountability practices will be utilized to increase victim safety, and evidence-based practices will be utilized to facilitate and support behavior change in the defendant. The defendant must also satisfy eligibility requirements of Section (C) of this rule.
- (B) **APPOINTMENT OF JUDGE TO PRESIDE OVER HIGH-RISK DOMESTIC VIOLENCE DOCKET.** The Administrative Judge will select a Common Pleas Court General Division Judge for the High-Risk Domestic Violence Docket. The judge will serve for a period of three years from date of appointment. Upon approval of the Administrative Judge, the judge may be reappointed to successive terms. Thereafter, any Common Pleas Court General Division Judge who desires to preside over the High-Risk Domestic Violence Docket may submit his/her name to the Administrative Judge for consideration.
- (C) **ELIGIBILITY FOR HIGH-RISK DOMESTIC VIOLENCE DOCKET.** Only cases involving intimate partner violence will be considered. Cases are identified by the presence of high-risk lethality factors in the current offense, specifically an allegation of strangulation and/or use of a firearm.
- (D) **ASSIGNMENT OF CASES TO THE HIGH-RISK DOMESTIC VIOLENCE DOCKET.** The cases will be randomly assigned at Arraignment to a Common Pleas Court Judge. Defense counsel will inform the defendant of his/her eligibility to be placed on the High-Risk Domestic Violence Court and determine whether or not they are willing to participate. The assigned judge will be notified that the case meets admission criteria for the High-Risk Domestic Violence Court due to the presence of the high-risk lethality risk factors of strangulation and/or use of a firearm in the offense and that the defendant has agreed to have the case transferred to the High-Risk Domestic Violence Court. Should the assigned judge approve, the case will be transferred to the High-Risk Domestic Violence Docket.
- (E) **PROCEDURE FOR ADMISSION.** A defendant must enter into a Participation Agreement with the High-Risk Domestic Violence Court. Eligible cases shall be transferred to the High-Risk Domestic Violence Court as early in the case as is possible or by the plea or trial date at the latest.
- (F) **CASES WILL NOT BE ASSIGNED TO THE HIGH-RISK DOMESTIC VIOLENCE DOCKET WHEN:**
- (1) A defendant has a pending case with a new offense while on probation or community control. The case shall then be assigned to the docket of the judge with such a prior case.
 - (2) A defendant has a pending case. The case shall be assigned to the docket of the judge with a pending case.
 - (3) A defendant has a co-defendant(s) with a prior pending case. The case shall be assigned to the docket of the judge who was assigned to the pending case. If two or more defendants have pending cases, the case shall be assigned to the docket of the judge with the lowest numbered case.

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- (4) A defendant has co-defendants where one co-defendant has a pending case and the other defendant has a community control case. The case shall then be assigned to the docket of the judge with the pending case.
 - (5) A defendant has co-defendant(s) where no co-defendant has a pending cases but a co-defendant(s) is on community control, then all defendants shall be assigned to the docket of the judge who has a co-defendant on community control. Where there is more than one co-defendant on community control, the case shall be assigned to the docket of the judge with the lowest numbered case.
- (G) **EFFECT OF TRANSFER.** When a case is transferred to the High-Risk Domestic Violence Docket, the assigned High-Risk Domestic Violence Docket Judge shall acquire full jurisdiction over that transferred case. If a defendant is deemed ineligible for the High-Risk Domestic Violence Docket, the transferred case shall be returned to the active docket of the originally assigned judge.