

**30.2 ASSIGNMENT OF CRIMINAL CASES TO DRUG COURT DOCKETS**

- (A) Purpose. The Drug Court docket is established in order to reduce substance abuse and recidivism by utilizing treatment and community control alternatives. Drug Court is intended to supplement, but not replace, existing diversionary programs that treat offenders with drug dependencies. Drug Court is established to target low risk/high need offenders utilizing the Court's current risk assessment tool. The defendant must also satisfy the eligibility requirements of Section (C) of this rule.
- (B) Appointment of judges to preside over Drug Court. The Administrative Judge will select Common Pleas Court General Division judge(s) for Drug Court docket(s). The judge(s) will serve for a period of three years from date of appointment. Upon approval of the Administrative Judge, the judge(s) may be reappointed to successive terms. Thereafter, any Common Pleas Court General Division judges who desire to preside over a Drug Court docket may submit their names to the Administrative Judge for consideration.
- (C) Eligibility. Drug Court will be available to participants who are arrested for or pleading guilty to:
- (1) Either:
    - (a) Any felony drug (non-trafficking) offense of the third, fourth or fifth degree; or
    - (b) Any non-violent felony theft or theft related offense of the third, fourth or fifth degree where the offender is determined to be a drug dependent person or in danger of becoming a drug dependent person and would benefit from treatment; and
  - (2) Upon consideration of the following factors:
    - (a) The defendant is eligible for community control on the current charge.
    - (b) There is no criminal history of sexually oriented or violent behavior.
    - (c) Defendant has three or fewer prior non-violent felony convictions.
    - (d) Defendant has no prior drug trafficking convictions.
    - (e) Defendant has no other pending case(s) in which charges are pending that may lead to convictions for a violent felony, sexually oriented felony, or drug trafficking.
    - (f) The current and majority of past criminal behavior is drug-driven.
    - (g) The defendant must demonstrate a sincere willingness to participate in a long-term treatment process.
    - (h) No acute health condition currently exists.
    - (i) Preference will be given to residents of Cuyahoga County.
- (D) Diversionary and Non-Diversionary Track. The Drug Court docket will have two tracks, one diversionary and one non-diversionary. Defendants on both tracks will gain the benefit of enhanced treatment resources to treat their drug dependency. Defendants seeking placement on the Diversionary track will need to obtain the approval of the Cuyahoga County Prosecutor's Office. Unless the Prosecutor's Office assents to Diversionary status prior to the defendant's plea of guilty to the underlying offense, the defendant shall be on the non-diversionary track.

### Cuyahoga County Common Pleas Court Local Rules

- (E) Procedure of Admission. Drug Court will admit defendants at any stage of the criminal process. Diversionary defendants must be admitted prior to their plea according to the provisions of Section (D). Non-diversionary defendants may be admitted at any point during the criminal process. Defendants seeking admission to Drug Court must undergo an assessment with a Pretrial Services admission specialist in the Common Pleas Probation Department.
  
- (F) Effect of Transfer. When a case is transferred to a Drug Court docket, the assigned Drug Court judge shall acquire full jurisdiction over that transferred case. If a defendant is deemed ineligible for Drug Court prior to their plea, the transferred case shall be returned to the active docket of the originally assigned judge.

*Effective 02/04/2010.*