

Cuyahoga County Common Pleas Court Local Rules

30.2 ASSIGNMENT OF CRIMINAL CASES TO THE DRUG COURT DOCKETS

(A) Purpose

The Drug Court docket(s) are established in order to reduce substance use disorders and recidivism by utilizing treatment and community control alternatives through a multi-disciplinary approach. Drug Court docket(s) are established to target high risk and high need individuals within the criminal justice system. The Drug Court Dockets utilizes a risk assessment tool and a substance abuse assessment to appropriately identify risk to recidivate and level of care needs. The totality of these assessments determine the eligibility and placement into each specific Drug Court docket based on target population requirements. Appendix A outlines the current target population for each Drug Court docket(s) for which an offender may be placed.

(B) Appointment of judges to preside over the Drug Court docket(s)

The Administrative Judge will select a Common Pleas Court General Division judge(s) for the Drug Court docket(s). 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.

(C) Eligibility for the Drug Court docket programs.

The Drug Court docket(s) will be available to offenders who are arrested for or plead guilty to:

(1) Legal Criteria

- a. Any misdemeanor or felony offense of the third, fourth or fifth degree felony eligible for Community Control Sanctions, except the following:
 - i. Sexually oriented offenses;
 - ii. Gang-related offenses;
 - iii. Any offender who has exhibited a pattern of violent or drug trafficking convictions.
- b. Any charge determined eligible for diversion, per the Cuyahoga County Prosecutor's Office;
- c. Any offender eligible Intervention in lieu of Conviction (ORC 2951.041) or other diversionary programs with the appropriate clinical diagnosis;
- d. Any offender in violation of Community Control Sanctions, except those outlined in (C)(1)(a);
- e. Any offender eligible for Judicial Release, except those outlined in (C)(1)(a);
- f. Any offender with pending felony charges in another jurisdiction will be reviewed on a case by case basis to verify the potential offender's ability to comply with the Drug Court conditions;
- g. Per Supreme Court Specialized Docket Commission standards, (Sup. R. Appendix I, Standard 3, (C)(1)&(2)), the specialized judge has discretion to decide the admission into the specialized docket in accordance with written criteria. Further, the written and clinical criteria does not create a right to participate in a specialized docket;

(2) Clinical Criteria

- a. Moderate to severe substance use disorder;
- b. An offender must volunteer to participate in the Drug Court docket(s) and comply with treatment planning and the Drug Court conditions;
- c. An offender must be capable of participating and completing all Drug Court conditions;
- d. An offender who is clinically eligible for the Mental Health and Developmental Disabilities (MHDD) Court will be excluded from eligibility.

(3) Diversionary and Non-Diversionary Tracks

The Drug Court docket(s) has two tracks, one diversionary and one non-diversionary. Offenders on both tracks will receive the benefit of enhanced treatment resources through a multi-disciplinary team and stakeholders. Unless the Prosecutor's Office assents to Diversionary status prior to the offender's plea of guilty to the underlying offense, the offender shall be on the non-diversionary track.

a. Diversionary Track

- i. If the offender is placed on the diversionary track, the Court shall accept the offender's plea of guilty and waiver of the right to a speedy trial, a preliminary hearing, and the time period within which a grand jury may indict. The guilty verdict shall be held in abeyance as the participant completes the program.
- ii. Every participant will be reviewed for placement for the diversionary track by the Cuyahoga County Prosecutor's Office. A participant may have prior felony convictions and be eligible for this track. If the Prosecutor's Office does not consent to the Diversionary Track, the participant will be placed in the non-diversionary track.

b. Non-Diversionary Track

- i. The offender shall have their guilty plea accepted and a finding of guilt entered, in accordance with Ohio Rule of Criminal Procedure 11.

(D) Transfer of Cases to the Drug Court docket(s)

In cases where it has been determined an offender meets legal and clinical eligibility and has volunteered to enter into the docket, the assigned courtroom will be notified and may apply to the Administrative Judge when a case has been granted diversion or is prepared to plea and/or in accordance with (C)(1) of this rule.

- a. Determination of the appropriate Drug Court docket will be determined based on the offender's clinical need and risk to recidivate;
- b. A Participation Agreement must be signed by the offender;
- c. Once a case is transferred to the Drug Court docket, the assigned Drug Court judge shall acquire full jurisdiction over the transferred case.;
- d. If a defendant is deemed ineligible for the Drug Court docket(s) prior to the plea, the transferred case shall be returned to the active docket of the originally assigned judge.

(E) Successful Completion

Once an offender completes all court ordered conditions and phasing requirements of the Drug Court program they may apply for graduation.

- a. An offender who successfully completes the diversionary track of the Drug Court docket(s) shall have their proceedings dismissed and the Court shall order the sealing of records pursuant to R.C. 2953.52. The case shall be without adjudication of guilt, and is not a criminal conviction for purposes of any disqualification or disability imposed by law and/or upon conviction of a criminal offense.
- b. An offender who successfully completes the non-diversionary track of the Drug Court docket(s) will have their Community Control sanctions terminated.

Appendix A

The Drug Court docket(s) addresses offenders with moderate to severe substance use disorders. Offenders may also suffer from other behavioral health disorders or have differing criminogenic needs. Therefore, it was important for the Cuyahoga County Common Pleas Court to tailor each of the Drug Court docket(s) to target diverse behavioral health disorders in an effort to treat each offender's need safely and effectively based on best practice standards.

The Drug Court docket funding is often provided by federal or state grants and therefore target population for each of the dockets may be revised over time based on community needs and growing research. Appendix A will be updated whenever a target population is modified or changed.

The following information defines the target population for each Drug Court docket(s) based on an offender's substance use and/or mental health assessment, along with an ORAS assessment and an interview with the potential participant.

1. Traditional Drug Court docket criteria:
 - Moderate to severe substance use disorders (excluding opioid use disorder);
 - Moderate ORAS Assessment
2. Recovery Court docket criteria:
 - Moderate to severe substance use disorders;
 - Human Trafficking exposure;
 - Moderate to High Risk ORAS Assessment
3. Opioid Use Disorder (Medical Assisted Treatment- MAT) Drug Court docket criteria:
 - Moderate to severe Opioid Use Disorder;
 - Moderate to High Risk ORAS Assessment;
4. HOPE Drug Court criteria:
 - Moderate to severe substance use disorder (excluding opioid use disorder); and
 - High Risk ORAS Assessment
 - Offenders with lengthy criminal histories records may be considered.

