

30.3 ASSIGNMENT OF CRIMINAL CASES TO VETERANS TREATMENT COURT DOCKET

(A) Purpose

The Veterans Treatment Court (VTC) docket is established for offenders presently serving on active duty in the military, the Reserves, and the National Guard, or for veterans/individuals who served in the United States Armed Forces. VTC serves those with substance use disorders, mental health use disorders, and at risk of recidivism, by utilizing treatment and community control alternatives through a multi-disciplinary approach. VTC will utilize the shared military experience of other veterans to assist the offenders while promoting public safety and alternatives to incarceration.

VTC docket is established to target high risk and high need individuals within the criminal justice system. VTC 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 VTC.

(B) Appointment of a judge to preside over the Veterans Treatment Court

The Administrative Judge will select a Common Pleas Court General Division judge for the Veterans Treatment Court. The judge will serve for a period of three years from the date of appointment. Upon approval of the Administrative Judge, the judge may be reappointed to successive terms.

(C) Eligibility for the Veterans Treatment Court

The Veterans Treatment Court docket will be available to offenders who are arrested for or plead guilty to:

(1) Legal Criteria

- a. Any misdemeanor or felony offense eligible for Community Control Sanctions, except for the following:
 - ii. Current or past sexually oriented offenses with notification requirements;
- b. Any charge determined eligible for diversion, per the Cuyahoga County Prosecutor's Office;
- c. Any offender eligible for 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 section (C)(1)(a);
- e. Any offender eligible for Judicial Release, except those outlined in section (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 Veterans Treatment 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, written and clinical criteria do not create a right to participate in a specialized docket.

(2) Clinical Criteria

- a. Moderate to severe substance use disorder;
- b. Mild to severe substance use disorder and mental health diagnosis;

Cuyahoga County Common Pleas Court Local Rules

- c. An offender must volunteer to participate in the Veterans Treatment Court and comply with treatment planning and court conditions;
- d. An offender must be capable of participating and completing all Veterans Treatment Court conditions;
- e. Moderate to High Risk ORAS Assessment;
- f. Low risk ORAS Assessment may be considered if high responsivity needs are identified;
- g. An offender who is clinically eligible for the Mental Health and Developmental Disabilities (MHDD) Court will be reviewed and appropriate recommendations for which Court the offender is best suited for will be determined.

(3) Veteran Eligibility

- a. An offender shall present evidence of military service with military form, DD-214;
- b. An offender's discharge status alone does not affect eligibility. The Veteran Treatment Court Judge will review an offender with bad conduct, dishonorable conduct, or failure to complete basic training.
- c. It is **not** a requirement of the Veteran's Treatment Court that an offender be service-connected for injury or disability.
- d. It is **not** a requirement of the Veterans Treatment Court that an offender be eligible for VA medical benefits.

(4) Diversionary and Non-Diversionary Tracks

The Veterans Treatment Court will have 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 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 pleas accepted and a finding of guilt entered, in accordance with Ohio Rule of Criminal Procedure 11.

(D) Transfer of Cases to the Veterans Treatment 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 post-plea.

Cuyahoga County Common Pleas Court Local Rules

- a. A Participation Agreement must be signed by the offender;
- b. An offender found eligible for Diversion or Intervention in Lieu of Conviction may be transferred prior to a plea;
- c. An offender who is found guilty or plead guilty to a felony of the third, fourth or fifth degree may be transferred post-plea;
- d. An offender who is found guilty or plead guilty to a felony of the first or second degree may be transferred post-sentence when a community control sanction is imposed;
- e. Once a case is transferred to the Veterans Treatment Court, the assigned VTC judge shall acquire full jurisdiction over the transferred case;
- f. If a defendant is deemed ineligible for any reason prior to acceptance into VTC, 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 Veterans Treatment Court program they may apply for graduation.

- a. An offender who successfully completes the diversionary track of the Veterans Treatment Court 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 Veterans Treatment Court will have their community control sanctions terminated.

Passed by Emergency Vote 12/19/2022