



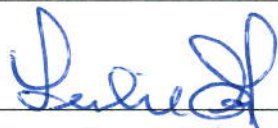
**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**


IN RE: APPROVAL OF PROPOSED AMENDMENT : M230002
TO LOCAL RULES 4; 14.1; AND 47 FOR :
PUBLICATION AND PUBLIC COMMENT : ENTRY


Pursuant to Sup. R. 5, the attached proposed amendments to (1) Local Rule 4: General Division Administrative Judge; (2) Local Rule 14.1: Bond; and (4) Local Rule 47: Specialized Dockets, of the Hamilton County Court of Common Pleas is hereby approved for publication. The Court determines that there is an immediate need for the amendments to these rules, and therefore adopts these amendments without prior notice and opportunity to comment. Once adopted, however, the amendments shall be posted for a period of 21 days to afford notice and comment.




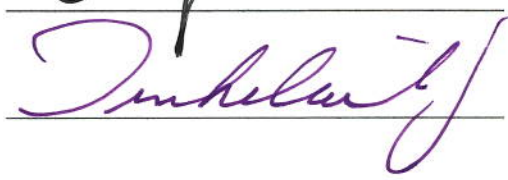


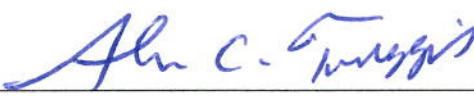




















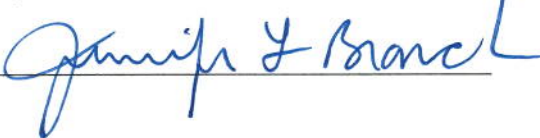












Amendments to Local Rules 4 & 14.1

RULE 4. General Division Administrative Judge

In the event the judge elected Presiding Judge pursuant to Rule 3(A) is a judge of the General Division, that judge may also be the Administrative Judge of the General Division required by Sup. R. 3 promulgated by the Supreme Court of Ohio.

The Administrative Judge of the General Division shall be elected by majority vote of the judges of the General Division, consistent with the Rules of Superintendence.

Pursuant to Sup. R. 4.03, the Administrative Judge shall be provided the option to receive a docket reduction of 15%.

Effective: (July 1, 2023)

Rule 14.1 Bond

In the event that a criminal defendant is bound over to, or indicted by the Grand Jury, the Common Pleas Court automatically recognizes the bond, if any, set in the Municipal Court, until the defendant is arraigned and a bond is set in the Common Pleas case by a Common Pleas Judge or Magistrate. Any Defendant whose previously set Municipal Court bonds consist of both secured bonds and 10 percent appearance bonds under one indictment number must appear in person for Common Pleas arraignment.

Effective: (July 1, 2023)

Amendments to Local Rule 47

(B) Veterans' Treatment Court Docket

(1) Establishment of Veterans' Treatment Court Docket

Recognizing that United States Veteran offenders with mental illness, substance abuse and/or trauma related injuries pose a special challenge within the criminal justice system, the Court has created a Veterans' Treatment Docket, in accordance with the requirements set forth in Sup. R. 36.20 through 36.29, with the intent of protecting the community by reducing the recidivism of these offenders by improving and expediting the delivery of services through intense supervision and treatment.

(2) Placement on the Veterans' Treatment Court Docket

Referrals may be made formally and informally from many sources, including: judges, attorneys, prosecutors, case managers, self-referral, police officers, pre-trial services, probation officers, jail staff and others. An informal referral may consist of a phone call or discussion with any member of the Veterans' Treatment Court Team. The Team shall pass along referral information to the Program Coordinator from all sources.

The formal referral process initiates upon a request from a Hamilton County Common Pleas Court Judge for a Veterans' Treatment Court Assessment. The referral states that the Veterans' Treatment Court Team shall complete an assessment of a defendant for their suitability for the Program. The request shall provide at least thirty (30) days for the assessment to be complete.

The legal and clinical eligibility criteria described below do not create a right to enter the specialized docket, but rather, provide guidelines. Eligibility is at the discretion of the Veterans' Treatment Court Judge.

(3) Eligibility

(a) Legal Eligibility

- (1) Third, fourth- and fifth-degree felony level offenses, with prosecutorial and victim consent, are preliminarily eligible. First and second-degree felonies are not eligible offenses are reviewed on a case by case basis. The Veterans' Court judge have final discretion on a defendant's acceptance to the docket with input from the prosecutor's office and treatment team.

- (2) A case may be accepted at multiple stages of the proceedings including: Pre-Plea, Post-Conviction or Violation of Probation.
- (3) Participants are required to plead guilty ~~as charged~~.
- (4) Participants, if eligible, may complete the program as an Intervention in Lieu of Conviction. If the participant is not eligible for Intervention in Lieu of Conviction, they shall complete the program on a standard community control.
- (5) Any history of serious or repetitive violence will be scrutinized by the Veterans' Treatment Court Prosecutor and the Veterans' Treatment Court Team.
- (6) Exclusions: NGRI, Incompetent to Stand Trial, significant history of violent offenses, persistent offending that is not mental health driven related to treatment need. All prospective participants are reviewed on a case by case basis.
- (7) Participants must be a United States Veteran.

(b) Clinical Eligibility

- (1) Preference is given to individuals with a demonstrated trauma related injury such as Post Traumatic Stress Disorder or Traumatic Brain Injury.
- (2) Must have need for intensive treatment related to trauma, substance use and/or mental illness.
- (3) Must have cognitive ability to understand and voluntarily participate in Veterans' Treatment Court.

(4) Veterans' Treatment Docket Case Management

Upon admission to the Veterans' Treatment Docket, each participant shall be registered for services through the primary case management agency, the VA Veterans Justice Outreach Program. An initial treatment plan shall be created by the primary case management agency and the participant. Services, including

mental health treatment, medication, psychiatric consultation, substance abuse and community support services shall be available upon admission to the Veterans' Treatment Court Docket. The policies regarding treatment planning, provided services, treatment compliance, program rules and program admission, are contained in the Veterans' Treatment Court Program Description, Handbook, and Participation Agreement, and incorporated herein by reference. Should a defendant subsequently decide not to participate, or unsuccessfully terminates the program, the case shall remain on the regular docket of the Veterans' Treatment Court Judge.

(5) Termination from Veterans' Treatment Docket

There are two types of termination classification used by the Veterans' Treatment Court, unsuccessful discharge and neutral discharge. The judge has final discretion on decisions concerning termination and classification of termination. The treatment team shall advise the judge on these decisions.

(a) Unsuccessful Discharge

(1) Criteria

- (a) Ongoing noncompliance with treatment or resistance to treatment plan.
- (b) New serious criminal conviction.
- (c) A serious probation violation or series of probation violations.
- (d) A serious infraction of the Veterans' Treatment Court participation agreement.

(2) Result of Unsuccessful Discharge:

1. Loss of future eligibility for the Veterans' Treatment Court Docket.

- (a) Further legal action, including revocation of Intervention in Lieu of Conviction, motion for probable cause or probation violation.
- (b) Depending on the circumstances, the participant may be subject to jail, prison or other penalties.

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- (c) Should the defendant remain on probation, the defendant shall be transferred to the regular criminal docket of the Veterans' Treatment Court Judge, assigned a probation officer and continued under the terms of probation.
- (d) An unsuccessful discharge from the Veterans' Treatment Court Docket shall not mean a discharge from appropriate mental health, substance abuse or other programming available to a qualified defendant. Discharge shall have no effect on access to VA services.

(b) Neutral Discharge

(1) Criteria:

- (a) A serious medical condition resulting in inability to participate in program requirements.
- (b) Serious mental health condition resulting in inability to participate in program requirements.
- (c) Death
- (d) Choice to voluntarily withdraw from the program prior to completion of a plea and signing of the Veterans' Treatment Court Participation Agreement.
- (e) Other factors that may keep the participant from meeting the requirements for successful completion.

(2) Result of Neutral Discharge:

- (a) Defendant is returned to the regular criminal docket of the Veterans' Treatment Court Judge for regular case processing.

- (b) Defendant shall have the right to request new representation other than the representation of the assigned Veterans' Treatment Court Defense Attorney.
- (c) Admission of a defendant with prior neutral discharge from the Veterans' Treatment Court Docket will be considered by the Treatment Team and the Veterans' Treatment Court Judge. Discretion to admit a defendant with a prior neutral discharge is within the discretion of the assigned Veterans' Treatment Court Judge.

Effective: (July 1, 2023)