RULE 47 Specialized Dockets

The purpose of this Local Rule is to define the specific Local Rule requirements and procedures relate to Specialized Dockets. Specialized Dockets offer a therapeutically oriented judicial approach to providing Court supervision and appropriate treatment to individuals.

(A) Mental Health Court Docket

(1) Establishment of Mental Health Court Docket

Recognizing that offenders with severe mental health illness pose a special challenge within the criminal justice system, the Court has created a Mental Health Docket in accordance with the requirements set forth in Rules 36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The Mental Health Court Docket was created 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 of the Mental Health Court Docket

A referral may be initiated by a judge, pre-trial services, defense attorney, prosecuting attorney or probation officer. The formal referral process initiates upon a "Mental Health Docket Assessment Order" ("MHDA Order") issued by a Hamilton County Common Pleas Court Judge. The MHDA Order states that the Mental Health Program Coordinator will screen the defendant. The Program Coordinator will then determine if the Court Clinic needs to complete a clinical assessment of the defendant for their suitability for the Mental Health Court Docket. The MHDA Order shall provide at least thirty (30) days for assessment to be complete.

(3) Eligibility

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 assigned Mental Health Docket Judge.

(a) Legal Eligibility

(1) Third, fourth- and fifth-degree felony level offenses

are preliminarily eligible. Second degree felony offenses are reviewed on a case-by-case basis. The Mental Health Court judges 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.

(4) Participants, if eligible, may complete the program as an Intervention in Lieu of Conviction.

(5) Any history of serious or repetitive violence will be reviewed by the Mental Health Court Prosecutor and Mental Health Court Team.

(6) Exclusions: NGRI, Incompetent to Stand Trial, significant history of violent offenses, persistent offending that is not mental health driven. All prospective participants are reviewed on a case-by-case basis.

(7) Participant must be a resident of Hamilton County, both currently and at the time of the offense.

(b) Clinical Eligibility

(1) Diagnosis of Schizophrenia; Schizoaffective Disorder; Bipolar Disorder; or Major Depressive Disorder, Recurrent.

(2) Must also be appropriate for intensive case management services and treatment. This means that an individual may have a "qualifying diagnosis" but not be appropriate for the program's treatment services.

(3) Must have cognitive ability to understand and voluntarily participate in a mental health service plan.

(4) Case Assignment in Multi-Judge Court

If the referred defendant is found eligible, the Program Coordinator shall be responsible for attending the "Report" date in front of the referring judge. The Program Coordinator shall consult with the attorney, defendant and referring Judge to confirm the decision to transfer the case to the Mental Health Docket. The referring judge shall sign an "Entry Directing Transfer of Case to the Mental Health Docket" and the Program Coordinator shall be responsible for filing the Entry and setting a date on the Mental Health Docket. The transferred case shall be randomly assigned to one of the three general division Common Pleas judges designated to hear the Mental Health Docket. The Program Coordinator shall provide the defendant with a date to report to the appropriate Mental Health Docket Judge. Should a defendant subsequently decide not to participate before they have entered a plea or signed the participation agreement the case shall remain on the regular docket of the assigned Mental Health Docket Judge.

(5) Mental Health Docket Case Management

Upon admission to the Mental Health Docket, each participant shall be registered for services through the primary case management agency. An initial treatment plan shall be created by the primary case management agency, Court Clinic Mental Health Assessment recommendations, and the participant. Services, including mental health treatment,

medication, psychiatric consultation, substance abuse and community support services shall be promptly available upon admission to the Mental Health Court Docket. The policies regarding treatment planning, provided services, treatment compliance, program rules and program admission, are contained in the Mental Health Court Program Description, Handbook, and Participation Agreement, and incorporated herein by reference.

(6) Termination from Mental Health Docket

There are two types of termination classification used by the Mental Health Court: unsuccessful discharge and neutral discharge. The judge has discretion to decide termination from the Mental Health Docket in accordance with the written criteria. The treatment team shall advise the judge on matters of termination.

(a) Unsuccessful Discharge

(1) Criteria:

(a) Ongoing compliance 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 Mental Health Court participant contract.

(2) Result of Unsuccessful Discharge:

(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.

(c) Should the defendant remain on probation, the defendant shall be transferred to the regular criminal docket of the Mental Health Court Judge, assigned a probation officer and continued under the terms of probation.

(d) An unsuccessful discharge from the Mental Health Court program shall not mean a discharge from appropriate mental

health, substance abuse or other programming available to a qualified defendant.

(b) Neutral Discharge

(1) Criteria:

(a) A serious mental 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 withdrawal from the program prior to completion of a plea and signing of the Mental Health Court Participation Agreement.

(e) Other factors that may keep the participation from meeting the requirements for successful completion.

(2) Result of Neutral Discharge:

(a) Defendant is returned to the regular criminal docket of the Mental Health Court Judge for regular case proceedings.

(b) Defendant shall have the right to request new representation other than the representation of the assigned Mental Health Court Defense Attorney.

(c) A prior neutral discharge from the Mental Health Court Docket will be considered by the Treatment Team and the Mental Health Court Docket Judge in considering admission. Discretion to admit a defendant with a prior neutral discharge is within the discretion of the assigned Mental Health Docket Judge.

(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 offenses are preliminarily eligible. Second-degree felony offenses are reviewed on a case by case basis. The Veterans' Court Judge has 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.

(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. All prospective participants are reviewed on a case by case basis.

(7) Participants must be a United Stated 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:

(a) Loss of future eligibility for the Veterans' Treatment Court Docket.

(b) Further legal action, including revocation of Intervention in Lieu of Conviction, motion for probably cause or probation violation.

(c) Depending on the circumstances, the participant may be subject to jail, prison or other penalties.

(d) 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.

(e) 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.

(C) Reentry Docket

(1) Establishing of Reentry Docket

Recognizing that individuals who are incarcerated, identified as moderate-high risk/moderate-high need, and who have 24 months or less remaining on their sentence present unique challenges within the criminal justice system, the Court has established a Reentry Docket in accordance with Rules 7.00 through 7.09 of the Rules of Superintendence for the Courts of Ohio. The Reentry Docket was created with the intent of protecting the community by reducing the recidivism of these offenders by improving and expediting the delivery of services through intensive supervision and treatment.

(2) Placement on the Reentry Docket

Applicants may complete an application and submit it to the Reentry Docket Judge. Alternatively, if the sentencing Judge wants to transfer a motion for judicial release to the Reentry Docket, the transferring Judge must first correspond with the Reentry Docket Coordinator to determine if the defendant meets basic eligibility criteria. If the applicant is eligible, a Reentry Docket application will be provided. Applications will be reviewed within 30 days. If deemed eligible, the applicant will be assigned an attorney to complete a motion for judicial release, if this has not already been done. A judicial release hearing will be scheduled.

The Reentry Docket Team will review each application and motion for consideration of the applicant's suitability for participation. If granted acceptance to the docket, the Sentencing Judge will be notified. The Sentencing Judge retains the discretion to determine whether or not to transfer the applicant's case to the Reentry Docket. Upon consent, the Sentencing Judge will request the Administrative Judge to reassign the case to the Reentry Docket Judge. Upon reassignment, the Reentry Docket Judge will assume all supervision of the participant on judicial release and receive any new felony case(s) against the participant, if any, during such supervision.

(3) Eligibility Criteria

The legal and clinical eligibility criteria and disqualifying factors for the Reentry Docket are set forth in the Program Description. The eligibility criteria listed in the Program Description do not create a right to enter the specialized docket. Eligibility is at the discretion of the Reentry Docket Judge.

(4) Reentry Docket Case Management

Upon admission to the Reentry Docket, each participant shall be registered for services through the primary case management agency, the Hamilton County Office of Reentry. An initial Reentry Plan shall be created by both the Reentry Docket Team and the participant. Services include mental health treatment, substance use treatment, primary care, employment, housing, and community support services. In order to successfully complete the Reentry Docket, participants will have to demonstrate that they have maintained employment, sobriety, stable housing, compliance with the law, and compliance with the terms of community control sanctions. Should a participant subsequently decide not to participate, or is unsuccessfully terminated from the program, the case shall remain on the regular docket of the Reentry Docket Judge.

(5) Termination of Reentry Docket

Participation in the Reentry Docket is not voluntary. Participants are expected to engage in the program for a period of 12-18 months. Participants may exit the program in one of three ways: Successful Completion, Unsuccessful Termination, or Neutral Termination. If unsuccessful, participants can be discharged from the program and the original remaining sentence will be imposed. If a participant is discharged due to neutral termination, the Reentry Docket Judge will determine the disposition of the remaining sentence on a case-by-case basis. If participants successfully complete the program, this is identified as graduation and they will transition into Alumni status. Data tracking will continue for all Alumni of the program for up to 24 months.

(D) Drug Treatment and Recovery Court

See Local Rule 35 for more information on Drug Treatment and Recovery Court.

(Effective July 1, 2023. Reentry effective October 22, 2026.)