

AMENDMENT TO THE LOCAL RULES OF PRACTICE
FOR THE LICKING COUNTY MUNICIPAL COURT

This new Rule of Court is being adopted pursuant to the Rules of Superintendence for the Courts of Ohio and specifically Sup. Rule 5. The Court has determined that there is an immediate need for the Rule and as such it is being adopted without prior notice and opportunity for comment. However the Court shall afford notice and opportunity for comment by notifying the local Bar and placing the upon the Court's website located at lcmunicipalcourt.com.

FILED
LICKING COUNTY
MUNICIPAL COURT
2011 SEP 26 P 12:37
NEWARK, OHIO
J. PHELPS

This Rule shall be numbered Rule 28.1 of the Local Rules of the Licking County Municipal Court. The Rule shall be captioned Specialized Docket for Licking County Intervention For Treatment (LIFT) Drug Court Offenders.

The full text of the Rule is as follows:

RULE 28.1

Specialized Docket for Licking County Intervention For Treatment (LIFT) Drug Court Offenders

(A) **Establishment of Licking County Intervention For Treatment (LIFT) Drug Court Specialized Docket.** The Court hereby establishes the "Licking County Intervention For Treatment (LIFT) Drug Court Specialized Docket Program" effective September 26, 2013. This docket is created pursuant to the authority and requirements under Sup.R.36.20 through 36.29 of the Rules of Superintendence for the Courts of Ohio. The goals and objectives of the program are to provide supervision and effective treatment for substance abuse offenders and to reduce recidivism of offenders with substance abuse issues.

(B) **Placement in the LIFT Drug Court Specialized Docket.** Upon the request of an offender or probation officer following a conviction for an offense where the offender has a substance abuse issue, a Judge may refer an individual to the LIFT Court Team for consideration to participate in the Specialized Docket Program. The offender will complete a screening and assessment. The LIFT Court Team will then determine appropriateness for participation in the program based upon specific eligibility criteria and make recommendations to the LIFT Court Program Judge. The LIFT Court Judge will determine whether to accept the individual into the program. The program will consider offenders who meet the following legal eligibility criteria:

- Convicted of a Misdemeanor of the 1st, 2nd or 3rd degree and has at least a balance of sixty (60) days suspended
- Licking County resident and eligible for treatment services at the Licking County Alcoholism Prevention Program (LAPP)

- Out of county resident who possesses the financial resources to pay the cost of treatment at LAPP

Offenders must have transportation as well as family or other sober support willing to be involved in the treatment process. Offenders may be disqualified from the program based upon the following factors:

- Significant mental illness
- History of violent offenses
- Pending felony charges
- Sex offense convictions
- Previous prison and/or parole history
- Currently on post release control or felony supervision
- Highly resistant to changing behavior in spite of previous interventions and/or punishments
- Lack of transportation or support from family/family assistance
- Receiving Developmental Disability services or eligible for such services
- Transient residency, or temporary or unstable housing

Offenders will not be eligible for the program unless they have a diagnosis of alcohol or drug dependence.

(C) **Case Assignment.** If an individual is accepted into the program, the case shall be transferred to the LIFT Court Judge for further proceedings. The LIFT Court Judge is authorized to accept any plea from the offender, sentence the offender, and shall have supervision responsibility over the offender. If terminated from the LIFT Court Program, the individual shall be sentenced by the LIFT Court Judge. For purposes of Supreme Court statistical reporting, the case shall be considered disposed by the assigned Judge when the offender is found guilty of the offense. The LIFT Court Judge may request the Administrative Judge to reassign another case by lot to another judge in the event that the LIFT Court Judge determines the reassignment is in the interest of justice.

(D) **Licking County Intervention For Treatment (LIFT) Drug Court Specialized Docket Case Management.** LIFT Court participants shall be placed on reporting community supervision of the Licking County Municipal Probation Department. Participants shall be placed in treatment with the LAPP and attend sober support meetings. Participants will be monitored by the LIFT Court Probation Officer, the LIFT Court Judge and the Treatment Agency. Requirements of the LIFT Court Specialized Docket are set forth in the Program Description, Participant Handbook and the Participation Agreement, all incorporated herein and adopted by reference.

(E) **Termination from the Licking County Intervention For Treatment (LIFT) Drug Court Specialized Docket.** A participant will be terminated from the program when found to be in non-compliance with the terms and

conditions of the program. Common behaviors that lead to unsuccessful terminations include:

- Ongoing noncompliance with treatment ;
- Resistance to treatment;
- New serious criminal conviction;
- A serious specialized docket infraction or series of infractions; and
- A serious probation violation or series of probation violations.

Termination proceedings will occur before the LIFT Court Judge upon termination. A participant could face the imposition of the balance of sentence, transfer to an alternative supervision program, placement in a residential treatment program, or other penalties deemed appropriate by the LIFT Court Judge. Individuals terminated unsuccessfully from the program are not eligible to participate in the future.



Judge Michael F. Higgins
Administrative Judge