

Local Rules of Court
Akron Municipal Court
Summit County, Ohio

4018

AMC Rule No. 43.4 Specialized Dockets: OVI Court Program

AKRON MUNICIPAL COURT
JIM LARI
CLERK
SEP 30 3 36 PM '13

(A) Establishment of Akron OVI Court Program

- (1) Pursuant to Sup. R. 36.20 through 36.29 and by order of the Judges of The Akron Municipal Court, effective September 23, 2013, the rules and guidelines of The Akron Municipal OVI Court Program, created in 2007 and formally adopted on January 2, 2012 are hereby modified.**
- (2) The Akron Municipal OVI Court Program will hold multiple OVI offenders accountable by providing immediate and appropriate substance abuse treatment and facilitating behavioral change through the use of risk/needs assessments, referrals to appropriate community services, comprehensive case management and community supervision.**
- (3) The goal of The Akron Municipal OVI Court Program is to assist participants in obtaining a sober and crime-free lifestyle by expediting their case processing, providing immediate and appropriate substance abuse treatment and facilitating behavioral change through the use of risk/needs assessments, referrals to appropriate community services, comprehensive case management and community supervision.**
- (4) Additional goals and objectives include: Increase the number of successful OVI Court completions and have a success rate of 50% (National Average), Reduce recidivism among active OVI Court Participants (By the end of three years, 75% of successful OVI Court graduates will remain arrest free), and Increase the number of OVI Court participants who complete treatment (By the end of 6 months, 80% of active OVI Court participants will have completed treatment).**

(B) Placement in the Akron OVI Court Program

- (1) Individuals being considered for The OVI Court Program must be adjudicated through the Akron Municipal Court.**
 - (a) All individuals shall be screened by the Akron Municipal Court Probation Department. The Akron Probation Department screening unit will review the arraignment docket each day, Monday-Friday. The screening staff will complete the OVI Court Program Preliminary Screening form on any offender charged with OVI. The screening form shall be placed in the court file for further review with a copy being given to the OVI Court Program Coordinator/Probation Officer.**
 - (b) Offenders may also be referred from another Judge in the Akron Municipal Court, pre or post-adjudication, or on referral from a probation violation and/or early release from another Judge in the Akron Municipal Court.**

(2) Legal Criteria:

(a) Any offender charges with an OVI (M1) and adjudicated through the Akron Municipal Court.

(3) Exclusionary criteria include the following: No active felony probation or parole supervision, No Pending felony charges, No prior convictions for Trafficking or Distribution of Drugs, No Registered Sex Offenders, No prior successful completion of the Akron OVI Court.

(4) Clinical Criteria include the following: Focus should be on those repeat offenders who have an substance abuse or dependency problem, with special interest in those who need case management services [i.e.: employment, establishing stable support systems, linkage to community resources]. The OVI Court is an intensive program reserved for those OVI offenders who are likely to recidivate and require more services than traditional probation can provide. Each case should be reviewed individually and potential candidates should always be assessed as to the risk they pose to the safety of the community. The OVI Court Team should approve each potential candidate prior to admission in the program. The following clinical factors will assist in the selection process and help define guidelines needed to identify candidates for eligibility:

- **Those OVI offenders who acknowledge that alcohol use have had a negative consequence in their life and are willing to abstain.**
- **Those OVI offenders willing to participate in treatment and can benefit from intensive outpatient services.**
- **Those OVI offenders who will benefit from case management services to improve their quality of life.**
- **Those OVI offenders who will respond to positive incentives and graduated sanctions imposed by the Court.**
- **Those OVI offenders who honestly want to participate to work toward recovery and display a motivation to change their behavior.**
- **Those OVI offenders willing to work a twelve (12) step support group (or other OVI Court Team approved support group).**

(C) Case Assignment:

(1) All potential OVI Court Program cases shall be transferred to the OVI Court Program Judge prior to a plea of guilty, upon signing of a valid time waiver and transfer paperwork. Individuals found eligible and who voluntarily agree to enter the OVI Court Program will enter the plea before the OVI Court Program Judge. Case assignment for The Akron Municipal Court Judges will not be changed.

(2) The OVI Court Program Judge will be responsible to monitor compliance by utilizing appropriate rewards and sanctions to help modify offender behavior.

(a) In the event a participant is terminated from the program, the case shall remain with the OVI Court Program Judge. The OVI Court Program Judge will administer the re-imposition of the participant's sentence.


(D) Case Management

- (1) The Akron OVI Court Program will provide Case Management services in the least restrictive manner that is consistent with offender compliance and public safety.
- (2) The Akron Municipal OVI Court Program will work closely with all of its community partners to provide the most intensive and comprehensive treatment to each offender entering the OVI Court Program.
- (3) All forms, program descriptions, handbooks and agreements shall be incorporated as part of the Akron Solutions Court Program.

(E) Termination from OVI Court Program

- (1) All individuals who are unsuccessfully terminated from the Akron OVI Court Program are subject to have their entire original suspended sentence re-imposed by The OVI Court Judge.
- (2) With input from the OVI Court Program Team, The OVI Court Program Judge may impose a sentence utilizing a combination of all resources available to the court including but not limited to jail, community service, house arrest, residential treatment, non-residential treatment, probation, fines, court costs, etc.

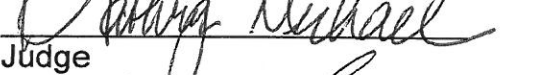
IT IS SO ORDERED,



 OVI Court Program Judge



 Judge



 Judge



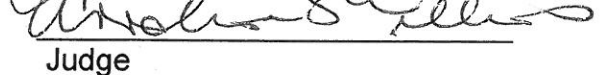
 Judge



 Judge



 Judge



 Judge

NOT AVAILABLE/ON LEAVE

Judge John E. Holcomb

SEP 30 3 35 PM '13
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 CLERK