



Intervention in Lieu of Conviction

Toolkit





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Introduction

What is Intervention in Lieu of Conviction?

Intervention in lieu of conviction (ILC) is a procedural arrangement in which certain eligible defendants may admit guilt, but have their criminal proceedings stayed while they complete a recommended intervention plan. If the intervention plan is completed successfully, the defendants' charges are dismissed. [R.C. 2951.041\(A\)\(1\)](#) lists some of the offenses which may be eligible for ILC, those offenses where ILC is prohibited (such as offenses of violence), and the factors which may be considered by a court when determining whether to accept an offender's request for ILC prior to entering a guilty plea. The court is not required to grant ILC to an individual, even for a first-time defendant. Instead, the statute gives a judge the discretion to grant the defendant an opportunity to complete the terms and conditions of an intervention plan. While participating in the plan, the defendant usually receives assistance or treatment and is supervised by a probation officer or other supervisory authority.

ILC is an opportunity for individuals to address the underlying issues that contributed to their criminal charges and in turn, receive a dismissal of those charges if the individual successfully completes the intervention plan. Intervention plans require defendants to abstain from the use of illegal drugs and alcohol, to participate in treatment and recovery support services, and to submit to regular random testing for drug and alcohol use, for at least one year from the date on which the court grants the order of ILC. Plans may include other treatment requirements or terms and conditions similar to community control sanctions, like community service or restitution.

How does ILC Work?

The defendant must initiate the process by filing a motion for ILC containing specific language outlined in the ILC statute prior to entering a guilty plea. A sample motion can be found in Appendix A. If granted, the defendant will undergo an ILC evaluation and, if deemed eligible, will plead guilty to the offense. At this point, the judge will withhold a finding of guilt and postpone sentencing. The defendant is then given a period of time to complete the terms and conditions of ILC. If the defendant successfully completes the intervention plan, the charges will then be dismissed. This allows the defendant to avoid the criminal conviction for purposes of any disqualification or disability imposed by law. Upon dismissal, the defendant would be eligible to file a motion to seal any qualifiable records related to the offense in question.

If the defendant fails to comply with any term or condition imposed as part of the intervention plan, the probation officer or other supervisory authority will notify the court of the failure. The court will hold a hearing to determine whether the defendant failed to comply with the terms and conditions of the intervention plan. If the court determines that the defendant has failed to comply, the court may either (1) allow the defendant another chance to complete the intervention plan, (2) place additional terms, conditions, or sanctions on the defendant, or (3) enter a finding of guilt and proceed to sentencing. If the court sentences the defendant to a prison term, it may, after consulting with the Ohio Department of Rehabilitation and Correction (DRC) regarding the availability of services, order continued treatment of the defendant during the prison term. Additionally, the court, upon consideration of progress reports from DRC, may consider judicial release.



Best Practice Tip

If your court has a certified specialized docket, please consider coordinating intervention in lieu of conviction services for participants, when appropriate.

How does ILC affect tolling time for purposes of statistical reporting under the Rules of Superintendence?

Time is tolled when the defendant enters a diversion program solely for purposes of Supreme Court of Ohio statistical reporting pursuant to Sup.R. 39. Time will only toll for speedy trial purposes with the time waiver required by statute. If the defendant successfully completes the program, the case is dismissed, and does not need to be noted on the report. If the defendant is unsuccessful, the case should be reactivated and reported on Line 3 of the report. For purposes of reporting, time is counted from the time of the arraignment through the time of termination, excluding the time spent in the diversion program.

How does Marsy's Law affect ILC?

[R.C. 2951.041\(A\)\(2\)](#) states that the victim notification of [R.C. 2930.06\(E\)](#) applies in relation to any hearing held in the ILC process pursuant to [R.C. 2951.041\(A\)\(1\)](#).

ILC Compared to Pretrial Diversion

[R.C. 2951.041](#) lays out the procedure for defendants seeking ILC. While similar in nature, pretrial diversion programs however are governed by [R.C. 2935.36](#) and are established by a prosecuting attorney for adults who are accused of committing criminal offenses and whom the prosecutor believes will not offend again. The defendant does not have to seek permission from a judge to participate in a pretrial diversion program; the prosecutor must make an application to the judge. The judge may then order the defendant to comply with the terms of the diversion program. If the defendant completes the diversion program, the prosecutor will recommend to the court that the charges against the accused be dismissed, the defendant never enters a guilty plea, and the court will dismiss the charges. If the defendant violates the terms of the pretrial diversion agreement, the individual may be brought to trial upon charges.

Both ILC and pretrial diversion seek alternative ways to help individuals avoid convictions and the accompanying collateral consequences. Ultimately, a judge must approve either ILC or pretrial diversion for the process to go through. However, for ILC, the defendant must request it and enter a plea to be accepted into the program, whereas no plea is required for pretrial diversion.



Intervention in Lieu of Conviction Checklist

When is it appropriate for a defendant to be screened for ILC?

A defendant may be screened for ILC when the defendant has been charged with a criminal offense AND:

- The court has reason to believe that drug or alcohol usage by the defendant was a leading factor in committing the crime; OR
- At the time of the offense, the offender had a mental illness, intellectual disability, or was a victim of human trafficking/prostitution which was a leading factor in committing the crime;

AND

- The defendant submits a request for ILC that includes a statement as to which of the above factors led to the criminal offense with which the defendant is charged.

How is the request made?

A request is made for ILC by the defendant or their counsel to the court prior to entering the guilty plea. The request must be in writing and include:

- A statement as to what factors the defendant alleges led to the criminal offense. Factors to be considered:
 - Drug or alcohol usage
 - Mental illness
 - Intellectual disability
 - Victim of human trafficking/prostitution
- A waiver of right to speedy trial, preliminary hearing, grand jury time requirement for consideration of indictment, and arraignment, unless those proceedings have already occurred.

If the court accepts the request, what must the court do next?

If the court elects to consider the request,¹ the court shall:

- Schedule a hearing and stay all criminal proceedings pending the outcome of the hearing; AND
- Order an assessment of the defendant for the purpose of determining the eligibility for ILC and the recommended intervention plan (See: Appendix B for sample journal entry); AND
- Conduct a hearing to determine defendant’s eligibility for ILC.

Note

For cases where a defendant alleges drug or alcohol usage, the court may order the offender be assessed by a community addiction services provider for purpose of determining eligibility and recommending a plan. If done, that provider shall provide a written clinical assessment of the defendant to the court.

What must the court determine at the eligibility hearing?

An offender is eligible for ILC if the court finds the following: [\(R.C. 2951.041\(B\)\)](#)

- No prior conviction for a felony offense of violence;
- The offense for which ILC has been requested is not a disqualifying offense (See: Disqualifying Offenses, below);
- If alcohol/drug usage is a leading factor, the court has received a written assessment of eligibility and a recommendation for an intervention plan from a community addiction services provider or properly credentialed professional ([\(R.C. 2951.041\(B\)\(4\)\)](#));
- If mental illness or intellectual disability is a leading factor, or the defendant is a victim of human trafficking/prostitution, the court has received an assessment of eligibility and a recommendation for an intervention plan from a psychiatrist/psychologist or the like ([\(R.C. 2951.041\(B\)\(5\)\)](#));
- Intervention in lieu would not demean the seriousness of the offense and intervention would substantially reduce the likelihood of any future criminal activity;
- The victim of the offense does not fall into one of the prohibited categories (See below: *Does the Victim of the Offense Make This Case Ineligible?*);

¹ Unless an offender alleges that mental illness or drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court may reject the defendant’s request without hearing. [R.C. 2951.041 \(A\)\(1\)](#).

- The offender is willing to comply with all terms and conditions to be imposed by the court.

As of 2018, an offender who previously went through ILC is not automatically disqualified and the recommendation of the prosecutor is no longer required.

Disqualifying Offenses

If the offense for which ILC has been requested is one listed below, the defendant is not eligible for ILC:

- Felony 1, Felony 2, or Felony 3
- Offenses of violence ([R.C. 2901.01\(A\)\(9\)\(a\)-\(d\)](#))
- Aggravated vehicular homicide ([R.C. 2903.06 \(A\)\(1\) or \(2\)](#)) or aggravated vehicular assault ([R.C. 2903.08\(A\)\(1\)](#))
- Operating vehicle under the influence of alcohol or drugs (OVI) ([R.C. 4511.19](#))
- Any offense requiring a mandatory prison term
- Corrupting another with drugs ([R.C. 2925.02](#)); Illegal manufacture of drugs or cultivation of marijuana ([R.C. 2925.04](#)); Illegal administration or distribution of anabolic steroids ([R.C. 2925.06](#))
- Felony 1, Felony 2, Felony 3, or Felony 4 Trafficking in Drugs (ONLY Felony 5 Trafficking is eligible) ([R.C. 2925.03](#))
- Felony 1 or Felony 2 Possession of Drugs ([R.C. 2925.11](#))
- Felony Sex Offense ([R.C. 2951.041\(G\)\(8\)](#))

Does the Victim of the Offense Make This Case Ineligible for ILC?

ILC is prohibited if the victim was any of the following:

- 65 years or older;
- Permanently and totally disabled;
- Under 13 years of age;
- A peace officer engaged in official duties; or
- If the underlying charge is Tampering with Drugs ([R.C. 2925.24](#)) and the victim suffered physical harm.

What happens after the eligibility hearing?

After the hearing, the court shall enter its determination as to whether the defendant is granted ILC. The court shall presume that ILC is appropriate unless the court finds specific reasons to believe that the candidate's participation in ILC would be inappropriate. If the court denies a candidate's participation in ILC, the court shall state the reasons for denial with particularity in a written entry.

If granted, the court shall:

- Accept the defendant's plea of **guilty** (waiver of right to speedy trial, preliminary hearing, grand jury time requirement for consideration of indictment, and arraignment, if applicable); AND
- Withhold a finding of guilt, stay all criminal proceedings, and establish an intervention plan for the offender, ordering compliance with all terms and conditions. The terms and conditions of the ILC plan:
 - a. Shall be supervised by a probation department or other supervisory authority;
 - b. Must last for at least one year, but not more than five years, from the granting of ILC;
 - c. Must require the defendant abstain from drugs/alcohol, participate in treatment and recovery support services, submit to regular, random drug/alcohol testing; and
 - d. May include any other treatment terms and conditions, such as community service or restitution.
- An entry allowing participation in ILC is not a final appealable order, thus ILC conditions can be modified after the defendant enters a guilty plea.²

If ILC is denied, the court shall state the reasons for the denial, with particularity, in a written entry and the criminal proceedings shall proceed against the defendant.

² *State v. Yontz*, Slip Opinion No. [2022-Ohio-2745](#), ¶ 22.

Procedure Upon Completion of ILC	
Successful Completion	Unsuccessful Completion
<p>If the defendant successfully completes the intervention plan, the court shall dismiss the proceedings against the offender without an adjudication of guilt. The court may order the sealing of the records related to the offense in accordance with R.C. 2953.51 and R.C. 2953.56.</p>	<p>If the defendant fails to comply with any term or condition imposed as part of the intervention plan, the supervising authority shall promptly advise the court of this failure and the court shall hold a hearing to determine whether the defendant failed to comply with any term or condition.</p> <p>The court has three options if there is a finding that the defendant has failed to comply:</p> <ol style="list-style-type: none"> 5. The court may continue the defendant on ILC without additional terms; 6. The court may continue the defendant on ILC and may add additional terms to the plan; OR 7. The court may enter a finding of guilt, hold a sentencing hearing, and impose an appropriate sanction. If the offender is sentenced to prison, the court may order continued court-supervised activity and treatment of the offender during the prison term and may, at the appropriate time and after consideration of the offender's progress in treatment in prison, consider judicial release.

Intervention in Lieu of Conviction: Best Practices For A Successful Program

Best Practices at a Glance

- Formalize cooperative agreements between the supervisory authority and key stakeholders to assure program continuity and consistency.
- Provide defendants access to counsel to consult about the ILC program and its requirements.
- Mandate and adhere to due process protections for all aspects of the program.
- Provide intervention plans tailored to individual participant risks and needs and developed with the participant's input.
- Provide the maximum possible privacy protections for participants and program records.
- Collect and maintain program performance measurement data.



Best Practice Tip

Formalize cooperative agreements between the supervisory authority and key stakeholders to assure program continuity and consistency.

Every program requires an understanding among itself, the court, and other appropriate partners about program eligibility, requirements, and outcomes. Successful programs collaborate with partner agencies under formalized written agreements that provide clarity and continuity. With a written agreement in place, key system actors are less likely to change the prescribed procedures.³

The court should consider a memorandum of understanding (MOU) executed between key system actors.

3 Kennedy, Spurgeon et al., [*Promising Practices in Pretrial Diversion*](#), National Association of Pretrial Service Agencies (2009)(accessed October 27, 2022).



Best Practice Tip

Provide defendants access to counsel to consult about the ILC program and its requirements.

ILC is a legal option that, if accepted, will result in a dismissal or return to full prosecution. Access to competent legal counsel ensures that the defendant can discuss legal options and provides the information necessary to make an informed decision as to the best route to take with the charge.

The court should ensure defendants have an opportunity to consult with legal counsel. If a defendant cannot afford legal counsel, the court shall appoint counsel.



Best Practice Tip

Mandate and adhere to due process protections for all aspects of the program.

The National Association of Pretrial Services Agencies (NAPSA) Diversion/Intervention Standards stress the importance of due process safeguards throughout the ILC process. These include procedural due process issues⁴ and substantive due process issues.⁵

The court should ensure all key system actors understand and adhere to due process protections, particularly when considering terminating an individual from an ILC program, the use of program information following termination, or when evaluating whether the conditions of supervision or treatment are appropriate for the individual.

4 Procedural due process assumes just procedures and government actions whenever individual rights are restricted and that decision makers be impartial in regard to the matter before them. [*Snyder v. Commonwealth of Massachusetts*](#), 291 U.S. 97, 105, 54 S.Ct. 330, 78 L.Ed. 674 (1934).

5 Substantive due process assumes that basic rights cannot be abridged without appropriate governmental justification. [*Griswold v. Connecticut*](#), 381 U.S. 479, 85 S.Ct. 1678, 14 L.Ed.2d 510 (1965).



Best Practice Tip

Provide intervention plans tailored to individual participant risks and needs and developed with the participant's input.
(See: *Glossary of Risk, Needs, Responsivity Terms, Appendix C.*)

Beyond standard conditions such as keeping appointments or making restitution payments, a promising practice is to individually tailor requirements based on the needs and risks identified through an assessment instrument. Such conditions should be directly related to reducing the risk of future arrests and can include attending treatment for drug abuse, alcohol abuse, mental health problems, or other specific needs. This practice is supported in the evidence-based principle of targeted interventions to achieve risk reduction.⁶ Targeted interventions consider the total person entering the program and are sensitive to cultural, gender, and trauma-related issues.

There are many considerations when constructing an appropriate responsivity plan based upon the offender's risk-need profile. It is imperative not to over treat, under treat, or treat needs in the incorrect order. High risk individuals are less likely to independently or voluntarily seek or remain engaged in services to address the factors that contribute to the offending behavior. Therefore, high risk scoring individuals may require intensive supervision, frequent status reviews with a judicial officer, frequent drug testing, regular probation appointments, and community supervision at their homes and places of employment. When assessing and responding to offender needs, it is also critical to appreciate the difference between criminogenic (antisocial attitudes), stabilization (homelessness, severe mental illness), and maintenance (literacy and employment skills) needs. Stabilization needs must be addressed first. Maintenance needs should be addressed only after stabilization and criminogenic needs are met.

The NAPSA Diversion/Intervention Standards address the importance of individually tailored services and supervision in several places. Standards 5.2, 5.5, and 9.5 all emphasize the promising practice of designing individualized programming that addresses risk reduction through services tailored to meet criminogenic factors and ensuring that the services provided fit the participant's needs.⁷

6 Plink, Lisa, et al., *A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency*. National Institute of Corrections (2017).

7 Kennedy, Spurgeon, et al., *Promising Practices in Pretrial Diversion*. National Association of Pretrial Service Agencies (2009).



The court should understand and adhere to the following NAPSA Diversion/Intervention Standards:

Standard 5.2 – An intervention program should utilize individualized and realistic intervention plans, which feature achievable goals. Plan formulation should occur as soon as possible after enrollment in consultation with the participant and should be reduced to writing. The written intervention plan should contain the conditions to be met by the participant and the potential outcome for the criminal case upon successful completion or unsuccessful termination.

Standard 5.5 – An intervention program should develop, identify, and partner with treatment and other types of services in their community which have demonstrated effectiveness and the ability to provide culturally competent and gender-specific programming for participants.

Standard 9.5 – An intervention program should be, in all policies and actions, culturally sensitive and informed. All program policies and procedures should support the inclusion of and equal opportunity for staff and participants regardless of race, ethnic origin, gender, sexual orientation, physical ability and/or any other protected class.

An equally important aspect of devising and employing individualized services and supervision requirements that address the needs/risk assessment outcome is ensuring that conditions are not excessive.⁸

8 *Id.*

The court should ensure the individualized services and conditions of supervision are congruent with the outcome of the assessment. Best practices literature suggests that “over-programming,” especially of lower-risk defendants, often leads to more technical violations with no improvement of therapeutic outcomes.⁹



Best Practice Tip

Provide the maximum possible privacy protections for participants and program records.

The NAPSA Diversion/Intervention Standards discuss at length the challenges faced by programs in the “information age” of the 21st century as they try to protect both the privacy of program records and the public fact of an arrest that ends in a dismissal upon successful completion.

The court should understand and adhere to the following NAPSA Diversion/Intervention Standards:

Standard 6.3 – Upon successful completion of an intervention program, a participant should have their record sealed or expunged.

Standard 8.1 – An intervention program should specify to the potential participant at the time of entry precisely what information might be released, in what form it might be released, under what conditions it might be released and to whom it might be released, both during and after participation. As a general rule, information gathered in the course of the intervention process should be considered confidential and may not be released without the participant’s prior written consent.

Standard 8.2 – An intervention program should strive to guarantee, by means of interagency or intra-agency operating agreements or otherwise, that no information gathered in the course of a request for ILC or participation in an intervention program will be admissible as evidence in the underlying case or in any subsequent civil, criminal, or administrative proceeding.

Standard 8.3 – Intervention program guidelines should be developed for determining the type of information to be contained in reports to be released to criminal justice agencies. Such reports should be limited only to information which is verified and necessary.

9 Crime and Justice Institute, *Implementing Evidence Based Practice in Community Corrections: The Principles of Effective Intervention* (2004), <https://nicic.gov/implementing-evidence-based-practice-community-corrections-principles-effective-intervention>.



Best Practice Tip

Collect and maintain program performance measurement data.

All criminal justice programs and interventions, including ILC programs, are guided by desired outcomes. These objectives can include, but are not limited to, reduced recidivism and support recovery. Additionally, ILC programs are funded with public capital. Therefore, community stakeholders, legislators, and the public are all invested in the outcomes and effectiveness of such programs. Collecting and analyzing in-program performance measurement data positions a program to defend its effectiveness as well as advocate for its ongoing sustainability.



Appendix A

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

STATE OF OHIO,

Plaintiff

v.s.

Defendant,

CASE NO.

REQUEST FOR INTERVENTION
IN LIEU OF CONVICTION; AND
TIME WAIVER

R.C. 2951.041

The defendant hereby requests intervention lieu of conviction pursuant to R.C. 2951.041. The defendant represents that alcohol and drug usage, mental illness, intellectual disability, or victim of R.C. 2905.32 or 2907.21 was a factor leading to the criminal behavior charged. The defendant, by signing below, also waives the right to a speedy, public jury trial as guaranteed by the United States Constitution, the Ohio Constitution, and R.C. 2945.71 et seq. The defendant certifies that the defendant has not previously been convicted of or pleaded guilty to a felony of violence and is charged with a felony for which the Court, upon conviction, would impose sentence under R.C. 2929.13(B)(2)(b) or with a misdemeanor.

The defendant further certifies that the offense charged is not a felony of the first, second, or third degree, is not an offense of violence, is not a felony sex offense, and is not a violation of R.C. 2903.06 (A)(1) or (2), is not a violation of R.C. 2903.08(A)(1), is not a violation of R.C. 4511.19(A) or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term, a mandatory term of local incarceration, or a mandatory term of imprisonment in jail.

Furthermore, the defendant certifies that the offense charged is not a violation of R.C. 2925.02, 2925.04, or 2925.06 that is a felony of the first, second, or third degree. Furthermore, the defendant certifies that the offense charged is not a violation of R.C. 2925.03 that is a felony of the first, second, third, or fourth, degree nor is it a violation of R.C. 2925.11 of the first or second degree.

The defendant further certifies that the defendant has been assessed by an appropriately licensed provider, certified facility, or licensed and credentialed professional as set forth in R.C. 2951.041(B)(5).

The defendant admits that alcohol or drug usage, mental illness, intellectual disability, or the fact defendant was a victim of R.C. 2905.32 or 2907.21 was a factor leading to the

criminal offense with which the offender is charged.

The defendant further states that the victim of the offense was not sixty-five years of age or older, not permanently and totally disabled, not under 13 years of age, and not a peace officer engaged in the officer's official duties at the time of the alleged offense.

The defendant is willing to comply with all terms and conditions imposed by the Court pursuant to R.C. 2951.041(D).

I CERTIFY THAT I HAVE READ THIS ENTIRE REQUEST AND SWEAR THAT IT IS TRUE.

Defendant

Respectfully submitted,

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 20____, I served this request upon _____ (the prosecutor) via electronic filing (or other appropriate means).

ATTORNEY FOR DEFENDANT

Appendix B

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

STATE OF OHIO,

CASE NO. _____

Plaintiff

Judge's Name: _____

v.s.

Defendant,

JOURNAL ENTRY

This matter is before the Court upon the motion of the Defendant to be considered for intervention in lieu of conviction pursuant to R.C. 2951.041.

The Court will refer this matter to the probation department to determine eligibility for an assessment.

Therefore, Defendant is directed to contact the probation department at 555-555-5555 on or before _____ (month) _____ (day), 20_____ to schedule an appointment for an assessment.

This matter is further scheduled for a potential change of plea on _____ (month) _____ (day), 20_____ at __ a.m./p.m.

The victim notification provisions of R.C. 2930.06 (E) apply and victim shall be given notice.

At that time, assuming the assessment shows that the Defendant is eligible to be accepted into the program, Defendant will enter a guilty plea to the indictment. However, a finding of guilty will not be made. Rather the Defendant will be put under the control of the probation department for a period of at least one year, but not to exceed five years. During that time, Defendant will complete all requirements of the intervention in lieu of conviction plan. If the plan is successfully completed, the charge against the defendant will be dismissed at the end of the period.

However, Defendant is cautioned that failure to successfully complete the plan which could occur with any violation of any term or condition of the plan, will result in termination from the intervention in lieu of conviction program. At that time a finding of guilty will be entered and the Court will proceed to determine the appropriate sanction to be imposed.

All pretrial and jury trial dates scheduled prior to the date of the potential change of plea are hereby continued and will be reset as necessary. The Defendant's request for intervention in lieu of conviction tolls speedy trial time pursuant to R.C. 2945.72.

SO ORDERED.

Judge's Name

cc: _____ County Prosecutor

cc: _____ County Adult Probation

Appendix C

IN THE COURT OF COMMON PLEAS, _____ COUNTY, OHIO

STATE OF OHIO,

CASE NO. _____

Plaintiff

Judge's Name: _____

v.s.

Defendant,

JOURNAL ENTRY

This cause came on to be heard on the request of the Defendant for Intervention in Lieu of Conviction, Defendant having entered a Plea of Guilty to the offense charged in the Indictment and having waived his right to a speedy trial. The Court, having heard evidence relative to the request for Intervention in Lieu of Conviction, has reason to believe that Defendant's drug or alcohol usage, mental illness, is a person with an intellectual disability, or was a victim of R.C. 2905.32 or R.C. 2907.21 was a factor leading to the Defendant's criminal offense, and finds as follows:

1. Defendant, previously has not been convicted of or pleaded guilty to a felony of violence and is charged with a felony wherein Community Control Sanctions may be imposed.
2. The offense is not a felony of the first, second or third degree, is not an offense of violence, is not a felony sex offense, is not a violation of R.C. 2903.06(A)(1) or (2), is not a violation of R.C. 2903.08(A)(1) nor R.C. 4511.19.
3. Defendant is not charged with a violation of R.C. 2925.02, 2925.04, or 2925.06 that is a felony of the first, second or third degree, or a violation of R.C. 2925.03 that is a felony of the first, second, third, or fourth degree or a violation of R.C. 2925.11 of the first or second degree.
4. Defendant has been assessed by an appropriately licensed provider, certified facility or licensed and credentialed professional for the purposes of determining Defendant's eligibility for Intervention in Lieu of Conviction and recommending an appropriate Intervention Plan which was based upon the assessment filed with the Court.
5. Defendant alleges that, at the time of committing the criminal offense, the offender had a mental illness, was a person with an intellectual disability, or

was a victim of R.C. 2905.32 or 2907.21 and was a factor leading to the offense. Defendant has been assessed by a psychiatrist, psychologist, independent social worker, licensed professional clinical counselor, or independent marriage and family therapist for the purpose of determining the defendant's program eligibility for Intervention in Lieu of Conviction and recommending an appropriate intervention plan.

6. Defendant's drug and alcohol usage, mental illness, or a person with an intellectual disability or the fact that the offender was a victim of R.C. 2905.32 or R.C. 2907.21 was a factor leading to the criminal offense with which Defendant is charged; Intervention in Lieu of Conviction would not demean the seriousness of the offense; and Intervention would substantially reduce the likelihood of any future criminal activity.
7. The alleged victim of the offense, if any, was not sixty-five (65) years of age or older, permanently and totally disabled, under thirteen (13) years of age, or a peace officer engaged in his official duties at the time of the alleged offense.
8. If the Defendant is charged with a violation of R.C. 2925.24, the alleged violation did not result in physical harm to any person.
9. Defendant is willing to comply with all terms and conditions imposed by the Court pursuant to R.C. 2951.041(D).
10. Defendant is not charged with an offense that would result in the defendant being disqualified from operating a commercial motor vehicle or any other sanction under R.C. Chapter 4506.

The Court therefore finds Defendant's request for Intervention in Lieu of Conviction, pursuant to R.C. 2951.041, is well taken and hereby sustains the same.

It is therefore Ordered, Adjudged, and Decreed that Defendant is found to be eligible for Intervention in Lieu of Conviction and he is Ordered to an indefinite period of rehabilitation for not less than one (1) year, but not to exceed five (5) years, under the control and supervision of the Probation Department as provided pursuant to R.C. 2951.041(D) as if the defendant was under Community Control Sanctions.

The Court further Orders a Stay of all criminal proceedings in view of the Guilty Plea entered by Defendant and Orders the defendant to the period of rehabilitation as aforementioned. The period of rehabilitation shall be conditioned upon Defendant:

1. Abstaining from illegal use of drugs and alcohol;
2. Submitting to regular random testing;
3. Voluntarily completing all treatment programs for at least one year; and
4. Obtaining gainful employment or pursuing further education endeavors.

Appendix D

Glossary of Risk, Need, Responsivity (RNR) Terms			
Term	What it means	What it does not mean	Examples of predictive factors (where applicable)
Risk	Probability of an event occurring	Harmfulness or seriousness of the event; violence or dangerousness	N/A
Risk of Violence or Dangerousness	Probability of committing a new offense against a person, such as an assault or robbery	Effectiveness of incarceration	History of violence, psychopathy, sociopathy, or PTSD combined with substance use
Criminogenic Risk	Probability of criminal recidivism, typically, the probability of being arrested for or convicted of any new crime or returned to custody for a technical violation	Risk of violence or dangerousness	Early onset of delinquency or substance use; prior treatment failures, prior criminal convictions or incarceration
Criminogenic Needs	Risk factors for criminal recidivism that are potentially changeable or treatable	Risk factor for violence or dangerousness; risk factors that are changeable or historical in nature	Delinquent peer interactions, antisocial values or attitudes, sparse involvement in prosocial activities, addiction
Responsivity Needs	Clinical syndromes, impairments, or social service needs that usually do not cause crime but can interfere with rehabilitation	Risk factors for criminal recidivism, violence, or dangerousness	Homelessness, serious or persistent mental illness, drug or alcohol cravings/ withdrawal, PTSD, or TBI
Maintenance Needs	Clinical syndromes, impairments, or social services needs that do not cause crime or interfere with rehabilitation efforts but can degrade rehabilitation gains	Risk factors for criminal recidivism, treatment failure, violence, or dangerousness	Lack of job skills, illiteracy, poor educational history, or poverty
Responsivity Case Management	Ensuring participants receive services they need, do not receive services they do not need, receive services in the proper sequence	N/A	N/A

Source: SAMHSA's GAINS Center for Behavioral Health and Justice Transformation





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