

LYNDHURST MUNICIPAL COURT
Domestic Violence Intervention Program

Purpose

The Domestic Violence Diversion Program ("Program") is designed to identify cases where offenders can be held accountable for their actions through participation in programming focused on preventing future criminal behavior. This Program is intended to reduce the collateral consequences many offenders face, while reducing recidivism rates. This Program is committed to seeking just resolutions while protecting victim rights.

Eligibility Criteria

- The charge is a first-time Domestic Violence offense or misdemeanor offense of violence.
- No prior conviction which was the result of a reduction from a Domestic Violence charge within ten (10) years prior to the date of the new offense.
- No prior conviction for a felony offense of violence.
- No deadly weapon used, as defined by R.C. § 2923.11(A), or possessed in the commission of the offense.
- No signs of strangulation or attempted strangulation.
- Victim consents to Defendant's participation in the Program.
- No previous participation in this or any other Domestic Violence Intervention Program.

NOTE: This criterion does not guarantee acceptance into the program nor does failure to meet all criteria preclude the offender's participation in the program.

Procedure

- Defendant enters a No Contest plea to the original charge(s).
- The Probation Department prepares a report for the prosecutor and the Court advising whether the Defendant is a candidate for the Program and, if so, proposed Program requirements for the Defendant.
- Based upon the approval of the prosecutor and the judge, the defendant may be placed in the Program.
- Defendant is required to sign a waiver of speedy trial rights and the tolling of any statute of limitations applicable to the offense charged.
- Defendant must agree, in writing, to the conditions of the Program.
- If a Temporary Protection Order is in place, the order may require modification to allow the parties to participate in the Program.
- The Court will conduct a hearing with the Defendant and counsel to set forth the conditions of the Program.
- Upon successful completion of Diversion, and at the prosecutor's discretion, the case would be dismissed or reduced to Disorderly Conduct (4th degree misdemeanor) at the next scheduled hearing.

Length of Program

Involvement in the Domestic Violence Diversion Program varies according to the specified needs of all the parties and is determined by the Court. The Court, Probation Department, and prosecutor retain the right to remove any defendant from the Program for just cause.

Program Requirements

1. Obey all municipal, state and federal laws.
2. Be truthful and cooperative with the prosecutor, probation officers, and the Court.
3. No new incidents of violence while participating in the Program.
4. As a condition of participation in the Program, the Probation Department may recommend any or all of the following:
 - Counseling
 - Batterer Intervention Program
 - Anger Management
 - Substance Abuse Treatment
 - Mental Health Treatment
 - Special Programming
 - Parenting Class
 - Restitution
 - Community Service

Participation Fee

There is a mandatory participation fee of \$250 assessed to the offender. This participation fee is in addition to: (1) any court costs and restitution ordered by the Court; and (2) any costs associated with court-ordered counseling or special programming.

Termination for Unsatisfactory Performance

In the event the Defendant violates the terms and conditions of the Program by either failing to complete all recommended counseling, treatment, and/or programming or by engaging in conduct which leads to the filing of additional criminal charges prior to completing the Program, the Defendant will be terminated from the Program and convicted of the original charge(s).