

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 88 - HOME INCARCERATION PROGRAM - [04-20-94]

Statement of Purpose

The Home Incarceration Program was established pursuant to O.R.C. Section 2929.23 to give the court an alternative to incarceration. The primary purpose of home incarceration is the protection of the public with the lowest possible expenditure of tax money. Other benefits include relieving crowded conditions at the Franklin County Jail, getting offenders out of jail into a less restrictive environment and facilitating rehabilitation of offenders by encouraging them to behave in a responsible manner in a non-institutional setting.

88.01 The Courts within Franklin County, Ohio, may utilize the House Arrest Program as an alternative to incarceration for convicted criminal offenders who pose no substantial threat to the community but who need minimum custody in order for treatment efforts to be affected. For example, house arrest may be utilized for revocation, pending pre-trial investigation, as a condition of bond and as a condition of probation.

88.02 The House Arrest Program is administered and operated by the Franklin County Common Pleas Court, General Division. All staff of the program are appointed employees of the Franklin County Common Pleas Court. The staff shall be comprised of a director, and any staff deemed necessary for operation of the program.

88.03 The House Arrest Program utilizes an "active" system whereby an offender wears a transmitter which sends a signal to a central computer that has been specifically coded to reflect that offender's sentence. The offender's movement is limited by how far the transmitter can operate, usually 100 to 150 feet. Should the offender exceed that distance, or leave home without authorization, a signal is sent to the computer and a violation is recorded. An unauthorized absence may result in a return to traditional jail incarceration. Case managers make random home visits to monitor the progress of the offender, and may also make random drug and alcohol tests to control substance abuse.

88.04 A per diem fee, as provided for by O.R.C. 2929.23(E)(1), is paid by each eligible offender sentenced to electronically monitored house arrest. The fee includes the actual costs of providing house arrest

and an additional amount necessary to enable the court to provide electronically monitored house arrest to indigent eligible offenders. The fee adopted shall be in addition to any fine, specifically authorized by any other section of the Revised Code for an eligible offender upon whom electronically monitored house arrest is imposed as a sentencing alternative.