

House Criminal Justice Committee
November 28, 2017

Proponent Testimony
House Bill 365

Chairman Manning, Vice-Chair Rezabek, Ranking Member Celebrezze and members of the House Criminal Justice Committee: I represent ACTION OHIO Coalition For Battered Women, a statewide domestic violence coalition, and I am submitting this testimony to support passage of House Bill 365.

House Bill 365 is composed of provisions intended to increase public safety and address the failures in the system that led to the abduction, rape and murder of Reagan Tokes. But I believe that these provisions will also lead to the prevention of many felony crimes and the victimization of many Ohioans.

House Bill 365 (Reagan Tokes Act) will modify the Felony Sentencing Law by providing for indefinite prison terms for offenders sentenced to prison for a 1st or 2nd degree felony, or specified 3rd degree felony, committed on or after the bill's effective date, with presumptive release at the end of the minimum term imposed. The sentencing judge will select a minimum and maximum term. ODRC will have the ability to reduce an offender's minimum term or rebut the release presumption to keep an offender in prison up to the maximum. Offenders will be accountable for their behavior while within prison walls. And offenders serving indefinite terms will be subject to post-release control.

There will be requirements for offenders being monitored by global positioning system devices, remedying the lack of control enjoyed by Reagan's alleged perpetrator. Other provisions include a reentry program for all offenders released who are not accepted by a halfway house or similar facility and a maximum work-load and case-load standards for Adult Parole Authority parole and field officers.

The alleged perpetrator of the abduction, rape and murder of Reagan Tokes had been incarcerated for rape, but his sentence did not fit the extent of his criminal behavior. A rape victim dared not come forward to testify against him.

Several years ago Ohio's Attorney General Mike DeWine launched a campaign for Ohio law enforcement agencies to process their backlogs of DNA evidence in rape kits. Although there are still more kits to be processed, many agencies worked hard to clear the evidence room. As a result, Cuyahoga County began to work with the Begun Center for Violence Prevention Research and Education at the Mandel School of Applied Social Sciences at Case Western Reserve University. They learned through that collaboration that there are more serial rapists than previous research indicated. Serial rapists are more prone to attack strangers – not acquaintances. And they found that serial rapists committed many more crimes than rape. In fact, they came to describe the serial rapists as “one man crime waves.”

I suggest that the enactment of House Bill 365 will not only prevent some violent crimes, but that it could also decrease many other lower level crimes in the community. Violent felons capable of committing rape and murder are anti-social and choose to perpetrate violence on others. They want to inflict pain on others and experience no remorse or empathy for their victims. Before being released, Reagan's alleged assailant demonstrated anti-social behavior in prison, but current law did not allow for his actions to prevent his release into the community.

Although there is great emphasis being placed on reducing the prison population in Ohio, mainly for financial reasons, there needs to be great care in determining which inmates are suitable and ready to gain their freedom and which inmates are not likely to succeed in establishing a new, crime-free path.

Based on research findings right here in Ohio, it is clear that violent offenders create great risks in our communities. The behavior they exhibit in prison can be indicative of their actions once released. It appears that House Bill 365 will provide the means to motivate good behavior from inmates capable of leading a crime-free life. But House Bill 365 will also provide the means to hold inmates accountable if they demonstrate the same type of anti-social behaviors in prison as the behaviors that landed them in prison in the first place. Violent individuals who have already established their proclivity to commit crimes of violence and related crimes of opportunity once released will continue to be a threat to our communities. House Bill 365 will be one safeguard that could make a difference. The safety of all Ohioans should be a priority.

Reagan Tokes didn't deserve to be abducted, raped and murdered. Neither do the loved ones in your family or mine.

I urge your support for the passage of House Bill 365. It is important to learn from mistakes. And in this case, we need to prevent future tragedies like the one that happened to the Tokes Family.

Thank you for the opportunity to express these views.

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