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*Ohio Senate*  
*3<sup>rd</sup> District*

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**Sponsor Testimony: Senate Bill (SB) 202**  
**Senate Government Oversight & Reform Committee**  
**October 25<sup>th</sup>, 2017**

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Senate Government Oversight & Reform Committee, thank you for allowing Senator Bacon and I to present sponsor testimony today on SB 202. This legislation, which, as you know, was introduced concurrently in both the House and Senate after the brutal kidnapping, assault, and murder of OSU student Reagan Tokes, would improve the rehabilitation of criminal offenders through the reform of current global positioning system (GPS) monitoring procedures and reentry programs for recently released offenders. It is the second half of two Senate bills, 201 & 202, which, when combined, are identical to House Bill 365.

While there were many breakdowns in Ohio's justice system that led to the murder of Reagan Tokes, the issue addressed by SB 202 is the failure of Ohio's system of post-release monitoring protocols to prevent her violent abduction and murder. SB 202 addresses this failure by making changes to Ohio law governing parole officer caseloads, offender reentry programs, and GPS monitoring systems.

Indeed, upon his release from prison, Reagan Tokes' alleged attacker is suspected of committing at least six violent acts of robbery prior encountering her, all while being "monitored" by a GPS ankle bracelet. This was made possible by the fact that so-called inclusionary and exclusionary zones are not always placed on GPS monitors. These zones are vital to providing the company overseeing the monitor with information both about where a parolee should be, and where his presence is prohibited.

For example, an inclusionary zone could be the parolee's residence from 9:00pm to 7:00am. If the parolee leaves his residence during that time, the company overseeing the GPS monitor would be notified. An exclusionary zone, by contrast, could be 500 feet from a victim's home, or a school. If the parolee enters an exclusionary zone, again, the company overseeing the GPS would be notified. Without inclusionary and exclusionary zones, GPS monitoring is practically meaningless for crime prevention purposes, yet Ohio continues to pay for this monitoring without such restrictions in place.

If passed, on and after SB 202's effective date, each GPS monitor must specify and monitor restrictions for the offender. These restrictions must include inclusionary zones and, to the extent necessary, exclusionary zones for the offender, and may include a curfew specifying times of required presence in the inclusionary zone and any other reasonable restrictions.

Additionally, the sharing of GPS information amongst law enforcement in Ohio is tangled with bureaucratic restrictions. Under current Ohio law, law enforcement officers do not have the ability to access GPS information during a criminal investigation without possessing a subpoena. In situations where there is an unusual increase in criminal activity within a defined area, investigators should have every resource available, including GPS information of all recently released parolees, at their disposal without the burden of gratuitous bureaucratic red tape. This is another issue addressed this bill.

Under SB 202, no later than 12 months after the bill's effective date the Ohio Department of Rehabilitation and Correction (DRC) must establish and operate a statewide Internet database that contains specific information for all GPS-monitored offenders. Information included in the database must include the following: (1) the offender's name; (2) the offense or offenses for which the offender is subject to GPS monitoring and the offender's other criminal history; (3) the offender's address; (4) the monitoring parameters and restrictions for the offender, including all inclusionary zones, exclusionary zones, and inclusionary zone curfews; (5) the identity and contact information of the person (from DRC or a third-party) who is being used to monitor the offender; and (6) all previous violations of the monitoring parameters currently in effect for the offender.

Upon request from a local law enforcement representative, information from this database, including the offender's real-time location and current information about recent criminal activity in or near the GPS-monitored offender's inclusionary and exclusionary zones, must be supplied by the individual being currently used to monitor the offender without need for a subpoena or arrest warrant.

SB 202 would also enact provisions that address reentry programs for "target offenders" released from DRC. Under the bill, a target offender is defined as a parolee released from a state prison that the DRC intends to require to reside in a halfway house, reentry center, or community residential center, but for whom no such facility has been licensed to accept – often due to the offender's violent behavior. Under current law, in cases such as this, including that of Reagan Tokes' accused attacker, offenders are often released essentially homeless. As we saw in Reagan's case, this can lead to tragic consequences.

SB 202 thus requires that, not later than 24 months after its effective date, DRC must establish and implement a reentry program, including a facility, for all target offenders. The program and facility must satisfy all the standards that DRC's Division of Parole and Community Services adopts by rule for the licensure of halfway houses, reentry centers, and community residential centers. Upon the establishment and implementation of the facility and program, DRC or the Adult Parole Authority (APA) must require that all target offenders reside in the program's facility during a part or for the entire period of their term of post-release control.

Finally, SB 202 requires DRC to establish guidelines providing a maximum workload for parole officer cases that include a minimum number of hours parole officers should dedicate to a parolee. This number would be based on the parolee's risk classification to ensure that former inmates have more adequate supervision and that parole officers are not overburdened. In our discussions with parole officers from around the state, it has become clear that, not only are they overburdened, but their numbers of intensive risk offenders are high as well. Those discussions have revealed that experienced parole officers can reasonably be expected to handle around 100 cases per month, with DRC reporting that present caseloads amount to approximately 75 offenders per officer.

In practice, however, the average current caseload for individual officers is closer to 120, with some individual officers supervising up to 180 offenders, 80 of whom are high risk and sex offenders with high contact requirements. It is little wonder that incidents like that involving Reagan Tokes have occurred when Ohio's parole officers are spread so thin and responsible for so many offenders.

To address this issue, our bill requires the APA, not later than one year after bill's effective date, to establish supervision standards for parole and field officers. The standards must include caseload specifications that comport with industry standards set forth by the American Probation and Parole Association. Not later than two years after establishing the standards, DRC must ensure that there are enough parole and field officers in Ohio to comply with the standards and that the officers have been trained to the extent required to comply with the standards.

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Senate Government & Oversight Reform Committee, thank you again for allowing us to present SB 202 to you today. The murder of Reagan Tokes is a tragedy that could have been prevented, had we had the proper procedures in place prior to her attacker's release from prison. Senate Bills 201 and 202 are just one small step toward ensuring proper post-release procedures are in place, and that what happened to Reagan never happens to any Ohioan ever again. We urge your favorable consideration of SB 201 and SB 202, and would be happy to answer any questions you may have at this time.