

# OHIO PRISON PROJECT

## Senate Bill 67 Opponent/Interested Party Testimony Judiciary Committee June 10, 2017

Chairman Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, Female Minority Member Lehner, and Members of the Judiciary Committee, thank you for the opportunity to present opponent/interested party testimony.

My name is Christopher Knecht, and I direct the Ohio Prison Project through its mission to provide information focusing on post-imprisonment punishments; legislative advocacy geared towards removing civil punishments; and, enhancing the quality of life for second class citizens, their families, and the communities in which they reside.

Senate Bill 67 was introduced by your legislative colleagues who, in the July 27, 2016 press release, stated that “[o]ne “of the fundamental responsibilities of government is the safety of our citizens,” and that, “[w]e have an obligation [of] working with law enforcement to best achieve enhanced safety and public awareness.”<sup>1</sup>

SB 67 is, as Arthur Lurigio, a professor of psychology and criminal justice at Loyola University in Chicago, said, “[i]t's a perpetual punishment. It's a continuation of the punishment along different lines, a social punishment in which you're locked in a category.”<sup>2</sup> Categorizing is how we as Americans divided our People along racial lines which continue to this very day. By requiring individuals with dated criminal transgressions to register as a violent offender just adds another nail in the coffin of the felon, and in my experience, when you have nothing to lose you typically have everything to gain. Affixing a violent offender stigma to one already a felon will only work to create additional barriers in the path of those who have and are striving to become productive members of society by being further shunned by society in any number of areas such as housing, employment, family relationships, or even education.

The Ohio Attorney General has indicated in its March 14, 2017, letter to Chairman Bacon, supporting SB 67, that “[a]ccording to a study my office commissioned about violent crime in Ohio over the last 40 years, 10.9% of all felons in Ohio are responsible for 100% of violent crimes!”<sup>3</sup> While I don't purport to be a criminologist, I would assume that all the barriers (under

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<sup>1</sup> <http://ohiosenate.gov/gardner/press/gardner-and-hite-begin-work-on-ohio-violent-offender-registry>

<sup>2</sup> <http://www.chicagotribune.com/suburbs/naperville-sun/crime/ct-nvs-illinois-murderer-registry-st-0626-20160701-story.html>

<sup>3</sup> Actually, the data cited by the Ohio Attorney General is inaccurate. The report he references indicates that individuals with one or more serious violent crime convictions from 1974-2010 stood at 2.62% of Ohio adult population; 0.91% for 2 or more serious violent crime convictions; .036% for three or more, and 0.17% with four or more. Source: *Thirty-six years of Weapon and Serious Violent Offending in Ohio: How Data Can Inform Policy* (Final Report) Deanna L. **Wilkinson**, Ph.D., Associate ProfessorThe Ohio State University, Department of Human

the euphemism, ‘collateral consequences’) in which the state has been creating, coupled with the fact that the People are represented by the State and tend to look to the state for guidance, might be one of the biggest reasons why individuals with felony convictions return to crime.

In fact, Emily Horowitz, a professor of sociology and criminal justice at St. Francis College in Brooklyn, New York, believes that such a registry does more harm than good, serving as barriers to those who have already paid their debt and are trying to become productive: “It doesn’t reduce crime. It doesn’t make people safer.”<sup>4</sup> Even Gary Daniels, spokesperson for the American Civil Liberties Union, stated, “[o]ne area we know these registries do work is in serving as a barrier to reentry into society once they’ve served their sentence.”<sup>5</sup>

If such registries “protect and inform” society, Reagan Tokes would be alive today, but she is not, because registered sex offender, Brian L. Golsby, who also was wearing an electronic monitoring device, raped and killed her. In some cases, individuals have been mistaken as offenders and beaten or murdered.<sup>6</sup>

To “protect” society, legislation should have been introduced decades ago limiting plea bargaining when the offender is charged with a violent offense. Had James Worley not been permitted to plea down to abduction from kidnapping and felonious assault, he might have never crossed paths with Sierah Joughin.

To “inform” society, one needs nothing more than common sense. You do not need a registry to inform you of the dangers of your enemy while at war; you take necessary steps or precautions to ensure that you do not become a statistic. Here, the same applies.

Finally, what constitutes a “violent offense?” The founder of Standing Courageous, Inc., Paula D. Walters, who has spear-headed this personal mission, had her violent offense of assault diverted by the Perrysburg, Ohio, Municipal Court, upon completion of a program entitled, “Women Who Resort To Violence.”<sup>7</sup> Would she be included? What about juvenile offenders, or even someone like me who was convicted in 1987 under the 1983 Ohio statute for aggravated burglary (O.R.C. § 2911.11 (A) (3)) which is now a non-violent felony offense placed under O.R.C. 2911.12 (A) (2)?

Chairman Bacon, Vice Chair Dolan, Ranking Minority Member Thomas, Female Minority Member Lehner, and Members of the Judiciary Committee, this concludes my testimony and I will be happy to answer any questions the committee may have.

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Development and Family Science. Prepared for the Ohio Attorney General Mike DeWine’s Violent Crimes with Guns Advisory Task Group. April 9, 2012. Columbus, Ohio

<sup>4</sup> <http://www.the-review.com/local%20news/2017/04/15/senate-bill-would-create-violent-offender-registry>

<sup>5</sup> <http://www.toledoblade.com/Politics/2017/02/13/Ohio-violent-offender-registry-bill-moving-forward.html>

<sup>6</sup> *Man mistaken for sex offender confronted on street after photo shared on news site’s Facebook page.*

[<http://www.thejournal.ie/monasterevin-mistaken-identity-3413004-May2017/>], with, *Man mistaken for sex offender, killed with bat.* [<http://www.heraldtribune.com/news/20100514/man-mistaken-for-sex-offender-killed-with-bat>]

<sup>7</sup> State of **Ohio v. Paula D. Gulch** [aka Paula D. Walters], CRB0900005 (Perrysburg Municipal Court).

