May 13, 2020

The Honorable John Eklund
Ohio Senate
1 Capitol Square, 1st Floor
Columbus, OH 43215

Dear Chairman Eklund and Members of the Judiciary Committee:

Please accept this letter as written testimony on proposed changes to Criminal Rule 46. The Ohio Community Corrections Association (OCCA) represents halfway houses and non-profit run Community Based Correctional Facilities around the state. We work with both individuals re-entering local communities from prison and those who are being diverted from ever entering prison. Our agencies provide a range of community corrections programs including residential, day reporting, electronic and GPS monitoring, mental health and substance abuse treatment, work release, and pre-trial services.

In 2019, the Supreme Court created a taskforce to examine the Ohio bail system. In July, the taskforce released its final report based on months of study, input from key stakeholders, and consultation with experts in Ohio and beyond. We concur with the task force’s first recommendation to require a validated risk assessment tool be available to the judge in every municipal, county and common pleas court when setting bond or conditions of bond. As the task force’s report noted, “Pretrial risk assessments are designed to inform, not replace the exercise of judicial decision-making and discretion.” Validated risk assessments administered by trained professionals can work to limit biases inherent in individual judgement and promote a fairer administration of justice.

Most importantly, we support validated risk assessment tools at all levels of the criminal justice system as they are at the foundation of efforts to adequately assess the risks for criminal justice-involved individuals and then tailor services to meet their needs. Over the past decade, the use of the Ohio Risk Assessment System (ORAS), has driven Ohio’s movement to the evidence based practices that reduce recidivism. Earlier this week, the Governor’s Working Group on Post-Release Control released its own initial report and affirmed the need for additional reliance on this validated risk assessment as we continue toward our common goal of safer communities across Ohio.

We stand with the National Institutes of Justice (NIC) and the National Association of Pretrial Services Agencies (NAPSA), which both recently declared their continued commitment to the use of pretrial risk assessments in the determination of bail decisions. We urge that Ohio adopt the recommendation that risk assessments be made available to courts across the state.

Additional questions may be addressed to: Kelly O’Reilly (Lobbyist, Governmental Policy Group, 614-581-9584) or Lusanne Green (Executive Director, OCCA, 614-378-9808).

Sincerely,

Jeremy Simpson
OCCA President