



State Senator Nickie J. Antonio District 23

Senate Judiciary Committee
February 12, 2020
Sponsor Testimony SB 270

Good morning, Chair Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee. Thank you for this opportunity to provide testimony on Senate Bill 270.

Jails and prisons are two separate entities, whose differences cannot be understated. For the most part, local jails are intended to hold a detainee as their case proceeds through charges, trial, and/or sentencing. Most of Ohio's local jails are occupied by detainees charged with relatively low level, non-violent crimes. It's important to note that according to the National Sheriffs' Association, "at least two-thirds of today's jail population has a drug abuse or dependence problem".¹

Unfortunately, our current system often lacks standards and processes that would ensure fair treatment for all Ohioans. Last year, the Cuyahoga County jail reported injuries to detainees, criminal charges filed against employees, and even multiple deaths. This issue extends beyond Cuyahoga County, affecting jails in each of our districts. ODRC reports that 173 inmates died in jails across Ohio from January 2016 to January 2020, with increasing deaths every year. Included in those reports were a suicide (2/19/19) in Clark County Jail, a suicide (10/27/19) in Montgomery County Jail, and a suicide (10/31/19) in Miami County Jail. With over 300 jails throughout the state, we are failing to promote public safety, if we do not take reformatory actions.

This legislation will provide reforms to our county jails which would establish necessary checks and balances between jails and ODRC, as well as guarantee the well-being of those in temporary detention, awaiting their day in court, through the following legislative remedies:

¹ <https://www.npr.org/2019/04/24/716398909/county-jails-struggle-with-a-new-role-as-americas-prime-centers-for-opioid-detox>

1. With regard to inspections by the ODRC, mandate a specific compliance period during which a non-compliant facility must address deficiencies. Currently, there is no timeline expressed in the Ohio Revised Code during which a jail must obtain compliance with deficiencies noted in an inspection.
2. Permit a temporary appointment of an outside corrections expert to be assigned for a designated period of time to remediate unresolved deficiencies following an inspection. Currently, the Ohio Revised Code does not provide the ability for the appointment of an outside person or persons who could step in to make needed changes if the situation requires.
3. Require that the ODRC file a lawsuit to obtain compliance if the local jail operator does not obtain compliance during a mandated compliance period. The Ohio Revised Code currently allows, but does not require, the ODRC to file a lawsuit to seek compliance.
4. Provide a mechanism to seek the temporary suspension of operations, or the closure of a facility, that is unable to secure timely compliance. There is not currently a mechanism in the Ohio Revised Code to address this issue.
5. Establish a whistleblower hotline which will allow employees of the jails to make anonymous reports of serious issues in good faith to the attorney general.
6. Finally, the legislation will establish a bipartisan commission charged with further investigation and evaluation of our state's local jail systems.

The General Assembly has a responsibility to ensure there are consequences and remedies when these findings show jails to be out of compliance. Clearly, there is a responsibility that extends to the constitutional protection of the due process and the lives of those detainees, charged usually with relatively low level, non-violent crimes in jails across Ohio.

Governor DeWine has taken important steps to initiating jail reforms, but as legislators, we have a duty to give these initiatives weight, by codifying the consequence of noncompliance. I look forward to working with the governor, the ODRC and county jail officials across the state to collaborate on creating impactful public policy that will serve to hold our jails accountable and provide safety for all Ohioans.

Thank you for your consideration, and I would be happy to answer any questions the committee may have at this time.