

LARRY L. SIMS
SHERIFF



BARRY K. RILEY
CHIEF DEPUTY

WARREN COUNTY SHERIFF'S OFFICE

Ohio House of Representatives Criminal Justice Committee Chairman Jeff LaRe

May 25, 2022

Testimony of Sheriff Larry Sims, Warren County Sheriff

Chairman LaRe and Committee Members,

I would respectfully like to address H.B.315.

As I begin, I would like to share that I have been a deputy sheriff for 44 years. I believe my experience gives me a real-life perspective on the issues in this bill.

As a member of the Ohio Criminal Sentencing Commission, I have participated in the Ohio bail reform efforts. Additionally, I served on Chief Justice Maureen O'Connor's Committee on Bail and Pretrial Release. Chief Justice O'Connor led the effort to make changes to Ohio Criminal Rule 46, which became effective in 2020.

The changes to Criminal Rule 46, I believe can and will improve the overall efficiency of our criminal justice system.

That being said, the changes suggested in H.B. 315 are unnecessary, potentially dangerous and puts a priority on those committing crimes over our victims and the citizens in our communities.

If you place your most recent version of H.B. 315 side by side to Ohio Criminal Rule 46, you will see some of what is in H.B. 315 is already in place without jeopardizing safety.

The ink is barely dry in Criminal Rule 46 to allow anyone to see or realize the impact these changes made.

It frightens me to see these continual efforts to condone or minimize criminal activity by a presumption of a release without bail. We are all watching these efforts across our country be met with disastrous results. Why would we as Ohioans ever want this?

Contrary, to the belief of some, Ohio does not have individuals unnecessarily taking up jail space for the lack of being able to be released on some sort of bail, monetary or non-monetary.

This is true throughout our state as I am regularly in contact with many other Sheriff who also have the pulse on their local jail.

As the Sheriff in the last fourteen years, I pay very close attention to jail population. Individuals not able to post bail immediately, within two days, their case is heard by a Judge. It is the Judge that determines an appropriate release of the individual. Those factors spelled out in Criminal Rule 46 provide the Court with the opportunity to release the individual, if financial conditions are warranted, *“in an amount and type which are least costly to the defendant while also sufficient to reasonably assure the defendant’s future appearance in court”*. It further allows the court to *“release the defendant on the least restrictive conditions that, in the discretion of the court, will reasonably assure the defendant’s appearance in court, the protection or safety of any person or the community”*.

This duty must remain with the judge, rather than arbitrarily listing offenses in the revised code without any appreciation for the context around the specific case.

To provide a list of offenses presuming automatic release without bail is irresponsible and dangerous. Historically, cash bonds have effectively served as an incentive for individuals to appear in court. As we all know, surety bonds have also served as a necessary component of our criminal justice system as well. The use of a bail bondsman, when bond does happen to be higher than a defendant can afford, provides an opportunity to be released from jail by paying a much smaller fee. Additionally, the use of this form of release allows the bondsman to work with their client to assure their appearance in court.

The proponents suggest this list of low level offenders as if to condone or minimize this criminal activity. I need only to point to several economically disadvantaged communities in our county. Every county in our state has these neighborhoods. These neighborhoods consist of those financially less fortunate that are law abiding citizens. They consist of those trying to provide for their families as well as keeping their children safe away from drugs and criminal activity just like everyone else. These same neighborhoods are where many of these low level offenders reside. The low level offenders are typically drug users committing crimes against their neighbors. These low level offenders, when released with little or no accountability, are the examples these children see.

If we want to focus on those less fortunate, let’s focus on and not forget the victims and their communities that are suffering. These are all quality of life issues and even our economically disadvantaged residents deserve to live in crime free neighborhoods.

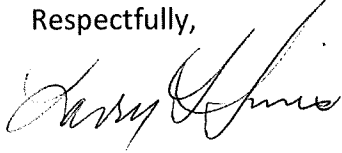
Our criminal justice system has seen positive changes over the last few years. We have all seen, in the last several years, a shift in how sentencing guidelines have changed with the intention of sending less individuals to prison. This shift has pushed these offenders and their cases staying at the local level. We have seen an increase in opportunities for sentencing alternatives such as specialty courts for drugs, mental health and veterans. I, as many of us do, believe these

opportunities are and should be available for those individuals to take advantage of, especially if it can lead to them being productive and stay out of the criminal justice system.

H.B. 315 does nothing more than continue to shift responsibility and accountability away from the offenders.

In closing, let me be very clear, a vote for HB 315, is a vote against law enforcement's ability to keep our communities safe.

Respectfully,

A handwritten signature in black ink, appearing to read "Larry L. Sims". The signature is written in a cursive style with a large, sweeping initial "L".

Larry L. Sims
Sheriff