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June 12, 2019
Senate Judiciary Committee
Sub. SB 3 Interested Party Testimony

**SUMMARY OF TESTIMONY OF CIRCLEVILLE MUNICIPAL COURT JUDGE
GARY DUMM**

The majority of Ohio's judges are treatment-oriented and very concerned with budgetary constraints at both a local and state level. Any discussion about justice reform is welcome to them, because they are always looking for better ways to handle cases with better outcomes for both defendants and society.

Four major concerns most of us have with SB 3 are as follows:

1. Since the beginnings of the opiate crisis, judges across the state have spent countless hours addressing sentence modifications to direct more people into treatment and away from incarceration. Generally, by the time a defendant is incarcerated for a long term in the municipal court system, all treatment options have been explored, the social work done, and the court is without an alternative. Jail is a tool to modify behavior and it does work sometimes when all else has failed. It is not our first, but rather is our last option.

Substantially eliminating incarceration removes a tool that is left for that person, who refuses to participate in any of the numerous programs available. These are the people who pass diseases on in prostitution, steal from family, friends and the rest of us, and perpetuate the demand for drugs from the cartels. There must be a "carrot/stick" approach for those individuals who will not participate in lesser sentencing options. Most municipal courts do not violate folks on probation for "technical" violations. We use these violations for teaching moments and for lesser sanctions in probation settings or drug courts.

2. From a law enforcement perspective, getting to the large dealers/suppliers should be and has always been a major goal. Without threat of incarceration, no one on the lower end of the food chain will have any incentive to assist law enforcement with moving up the chain of suppliers. Currently, more and more

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law enforcement personnel are starting with the very lowest line users and talking about treatment, more so than I would have ever expected in my lifetime, based upon the current emphasis the courts have been placing on treatment. Most all law enforcement folks know that we cannot arrest ourselves out of this current drug problem. However, without incarceration as an ultimate threat, no one will cooperate with treatment or law enforcement in the ongoing battle to stop the flow of drugs into our communities. As a result, law enforcement will begin turning a blind eye to drug possession itself and those who would have been assisted by law enforcement will merely be ignored.

Additionally, if possession penalties are relaxed, dealers will have much less concern in hiding their wares as currently, it is possession that is easier to make than sales. Most addicts cannot spend enough money to obtain large quantities of a given drug. Dealers, on the other hand, can. It is the dealers who will benefit from penalty downgrades and who are not a target group for treatment concerns.

3. The use of drug courts as a tool will be impacted as once again, people participate to a large degree in drug courts with the threat of incarceration motivating them. More drug courts are in use every year and judges spend considerable amounts of their time handling drug courts with the knowledge that it is effective in dealing with addict issues.
4. Lastly it is a concern that the savings, if any, to the State of Ohio from a reduced prison population, from less felony incarceration will be passed on as a cost to the local communities in treatment, probation staff, and statistical reporting. Local communities are currently strapped from similar moves by the State. Looking at current monies allocated to the local communities from similar State-wide cost cutting leaves most of us with a nervous feeling as to how much money to deal with costs on our end will be available.

Thank you for your time.