



Ohio Judicial Conference

The Voice of Ohio Judges

September 21, 2021

Chairman Manning, Vice Chair McColley, and Members of the Judiciary Committee:

I am Paul Pfeifer, the Executive Director of the Ohio Judicial Conference. I am here to provide testimony as a proponent of SB 207 which constitutes a small change in the law to modernize the only statutory drug court in the state, the Hamilton County Drug Court.

Most drug courts, also referred to under the umbrella term “specialized docket courts” including veterans courts and mental health courts, are dockets created by a local court and certified by the Ohio Supreme Court. The Hamilton County Drug Court is the only court in the state created by statute.

In 1995, when the Hamilton County Drug Court was created, it was the first of its kind and the most progressive approach to drug addiction in the state. However, the world has changed quite a bit since 1995 and the Hamilton Drug Court has remained exactly the same. (To remind you how much the world has changed, in 1995 people were using pagers and dial-up modems, the first chicken pox vaccine was approved, and the Rock and Roll Hall of Fame in Cleveland had just opened for its inaugural year.) Our understanding of substance use disorder and how to address it within the criminal justice system has likewise changed markedly since 1995. The language that created the Hamilton Drug Court limits the types of charges that can be referred to drug court. This made sense in 1995, but we now know that the crime a person is charged with may not correlate at all to that person’s risk level or needs. SB 207 does only one thing: it removes from statute the restriction of what sorts of cases can be referred to the Hamilton County Drug Court. It makes this change to ensure that the greatest number of people has access to treatment, based on evidence-based practices that are in place today. It provides flexibility for those practices to change as we continue to learn more about treating substance abuse.

We understand that Hamilton County prosecutors oppose the change made in this bill because they would like greater control over the drug court process in Hamilton County. Prosecutors across the state have diversion programs, completely under the control of a prosecutors’ office, and the Hamilton County prosecutors could do the same. But for a drug court which is under the purview of a judge, the prosecutor should not have an outsize role. Prosecutors across the state work cooperatively as part of a team with the other members of the docket, and there is no reason why that should be different in Hamilton County.

I’d like to thank sponsor Senators Thomas and Wilson for introducing this bill. The OJC stands ready to assist in any way it can. Thank you for your time.