

Hamilton County Common Pleas Court

Judge Nicole Sanders
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September 20, 2021

Re: Written Testimony in Support of SB 207

First, I would like to apologize for not being available to speak directly before the hearing today. Due to an unexpected death in my immediate family I will not have the ability to present today. Hopefully my written testimony will be sufficient and persuasive.

I am submitting this written testimony as a proponent of SB 207, to modify the Hamilton County Drug Court jurisdiction. My name is Nicole L. Sanders, and I am the Judge of Hamilton County Drug Court. I was elected to the Bench in 2020 and took office in January 2021.

One of my first objectives upon taking office was getting Hamilton County Drug Court specialty docket certification by the Ohio Supreme Court. Certification would ensure that Hamilton County Drug Court is compliant with the Ohio Supreme Court Specialty Docket Standards and Practices, also, we would be eligible for funding and grants to offset cost to the community. The Supreme Court staff recommended that I contact the National Drug Court Institute (NDCI) and the National Association of Drug Court Professionals (NADCP) for assistance in meeting current NADCP best Practices Standards.

A comprehensive review was scheduled by the NDCI and conducted over the next few months. I have attached the Report for your review but the summary was that "Hamilton County Drug Court does not meet current Best Practices Standards; therefore, it is not a drug court"

The first of their priority recommendation was that Hamilton County Drug Court address their target population. However, because of the legislative language

creating Hamilton County Drug Court in 1995, some parties felt we were restricted from targeting the High-Risk High Need population.

The Hamilton County Drug Court was established in 1995 by innovative legislation that at the time mirrored the requirements of Treatment in Lieu of Conviction, O.R.C. Section 2951.041 (now known as Intervention in Lieu of Conviction). The legislation further reflected the operational theory of drug courts during this time, i.e., drug courts were diversionary and targeted first offenders. The Hamilton County Drug Court was the first drug court in Ohio and continues to be the most significant drug court in the State, with an average daily docket of over 500 offenders.

Now 26 years later, the innovative legislation establishing the Drug Court restricts its effective operation severely. The Hamilton County Drug Court not only should but must be a shining example for the State. It is now time to modernize the Hamilton County Drug Court to reflect the reforms made in Ohio's felony sentencing law since 1995 and reflect the best practice standards developed because of thirty (30) years of research on what produces the best outcomes in drug courts.

Ohio's first major reform in felony sentencing occurred with Senate Bill 2, applying to offenses occurring on or after July 1, 1996. This legislation was designed to move offenders towards community-based corrections and away from prison sentences. The State has continued its sentencing reforms, including requirements for mandatory community control and prison limitations for probation violators, which have yielded tremendous savings in correctional costs.

Another major reform occurred in 2000 with the repeal of R.C. 2951.041 as it existed (and upon the Hamilton County Drug Court is mirrored) and replaced with the new R.C. 2951.041, Intervention in Lieu of Conviction (ILC). And, since 2000, this ILC statute has been amended 14 times, including the addition of felony five trafficking and felony three drug possession as ILC eligible offenses.

Since 1995, drug courts have also been the subject of intense national research. This research resulted in the *Adult Drug Court Best Practice Standards*, which establish the practices for producing the best outcomes in drug courts. *Standard I-Target Population* clearly outlines that drug courts should target offenders for admission who are addicted to illicit drugs or alcohol and are at substantial risk of reoffending or failing to complete a less intensive disposition, such as standard probation or pretrial supervision. These individuals are referred to as "high-risk and high-need offenders." These are not the low-risk, low-level drug possession cases initially envisioned by the 1995 legislation.

In addition, Ohio's drug courts (know as specialized dockets) must comply with Ohio's Supreme Court's Specialized Docket Standards. Standard 2(B) requires that a drug court target individuals with a moderate to high risk for recidivism and high need for treatment. If a drug court cannot target only high-risk and high-need offenders, the docket should use alternate tracks with modified services to meet its participants' risk and need levels.

Compliance with the Ohio Supreme Court Specialized Docket standards is required for formal Supreme Court certification. Yet, the antiquated 1995 legislation prohibits the admission of the high-risk and high-need offenders that have proven to have the best outcomes from drug courts, producing significant savings in criminal justice costs.

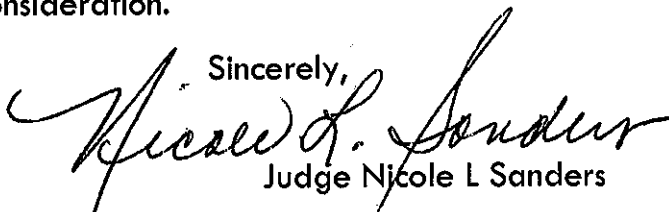
Because of the size of the docket, Hamilton County Drug Court is very well positioned to have multiple tracks with modified services based upon the risk and need levels of the offenders. But the drug court program must be able to serve the high-risk and high-need offenders in Hamilton County. Participants with other criminal charges, in addition to drug charges, tend to be at higher risk.

Research has shown that programs that admit participants with other charges in addition to drug charges have significantly lower recidivism and higher costs savings. Any offender eligible for community control as a sentence and probation violators need to be eligible for consideration for admission into the program. A prior felony conviction of violence or drug trafficking does not preclude an offender in Ohio to a community control sentence. Yet, the 1995 legislation prevents their participation in the Hamilton County Drug Court Program

The Hamilton County Drug Court Program is unique in its reach and operation. It is the most extensive program in the State. But it is now hampered severely by the antiquated 1995 legislation. The Ohio legislature must modernize the statute to reflect the current felony sentencing law, Ohio Supreme Court's Specialized Docket Standards, and the national best practices.

As it stands now it can be argued that Hamilton County Drug Court has less Judicial Authority to accept participant for treatment than Intervention in Lieu ORC 2951.041 affords every other Common Pleas Court in the State of Ohio.

Thank you for your time and consideration.

Sincerely,

Judge Nicole L Sanders
Hamilton County Court of Common Pleas