



September 28, 2021

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

Thank you for the opportunity to give testimony on behalf of the Hamilton County Prosecutor's Office as an opponent to Senate Bill 207, which seeks to eliminate any and all guidelines of what cases and what defendants may participate in Drug Court in Hamilton County.

I have seen the testimony provided by proponents of SB 207 including assertions made about our office's opposition to the bill, and look forward to addressing this committee with our true intentions and answering any questions you may have.

I agree with proponents that the Drug Court in Hamilton County is unique in its nature. To my knowledge, it is the only drug court that operates by statutory authority and has done so since its creation by this legislature in 1995. Because our county has a full-time drug court, our citizens have had greater opportunity in participating in the program than if the court operated on a part time basis as other specialty dockets do. Because this court has been created by statute, it is incumbent on this legislature to set guidelines on what cases are appropriate to participate in it.

It is true that there are some statutory criteria that cases and defendants must meet in order to engage in Drug Court in Hamilton County. However, this committee has been presented with testimony that must be corrected. First, Senator Thomas advanced in his letter to this committee that property offenses related to an offender's drug use ought to be permitted in Drug Court. Those cases are expressly permitted under the current statute. Second, Senator Wilson offered in his letter to the committee that only felony 4 and felony 5 drug possession cases are permitted to participate in Drug Court. Again, this is false. The reality is that those cases along with other cases described as drug abuse offenses by statute are automatically assigned to Drug Court along with other theft offenses that are transferred into the court from other general division judges.

Prior testimony has described Hamilton County's drug court to be something that it is not: antiquated, resistant to change, old-fashioned, etc. And, the general theme is that the Prosecutor's Office is behind this, standing in the way of progress and best practices. Again, this is false. As research and times have changed, so our office has with it. We have viewed individual cases and defendants on a case-by-case basis at the request of defense attorneys and the Court for admission to Drug Court. We have supported the local rule that provides for the initial assignment of cases to Drug Court in many circumstances rather than strictly by referral as contemplated in the statute. The cooperation of our office along with defense attorneys and the Court has resulted in a massive number of defendants getting the help for addiction that they need through the Court.

Our office stands in agreement with the Court in the vast majority of questions about its operation. We maintain a cooperative working relationship with the Court and defense bar, and maintain the same goal: the treatment and rehabilitation of those afflicted with addiction. However, the one major difference we have is what cases and what defendants are appropriate for participation in the Court. Some proponents for SB 207 would have felony cases of violence participate in drug court simply due to the fact that the offender has a drug problem. This is a public safety issue that we



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that desperately need the treatment the Court can provide. This simply doesn't make sense. What this bill would do is allow a full time Court established by statute to operate without any statutory guardrails.

Please note that our office was made aware of this bill after its proposal and only recently because aware of hearings on the bill in committee. Our hope is that by advancing this letter and subsequent testimony that we can set the record straight on the heart of our office, our commitment to the treatment of those afflicted with addiction, and the lack of need for this bill to fulfill this mission.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew C. Wallace", written over a horizontal line.

Matthew C. Wallace
Assistant Prosecuting Attorney
Hamilton County Prosecutor's Office