

Testimony for the Ohio House of Representatives

By Justin Kudela, Court Administrator, Delaware Municipal Court

June 2024

Good morning, Chairman, and esteemed members of the committee.

My name is Justin Kudela, and I currently serve as the Court Administrator for the Delaware Municipal Court. Over my 20-plus year career in the Ohio Judicial system, I have worked at all three levels of the Ohio judiciary, initially spending four years with the Ohio 2nd District Court of Appeals, then serving for fourteen years with the Supreme Court of Ohio, and currently the last three-plus years I have been employed with the Delaware Municipal Court. Throughout my career, I have always prioritized the safety and security of court staff to ensure the safe and efficient administration of justice.

I am here to address the critical need for legislative amendments to the Ohio Revised Code aimed to enhance protections for those Ohio citizens who choose to devote their life and work to the public sector and work in Ohio's court system.

Introduction

The necessity of these amendments became tragically clear following an incident in November 2023, where two of our bailiffs were assaulted while performing their duties. This incident, though severe, is unfortunately not an isolated one. Across the nation, court staff regularly face threats and physical violence while performing their jobs, which underscores the urgent need for enhanced legal protections.

Current Legislative Framework

The current provisions under Ohio Revised Code Sections 2935.01 and 2903.13(C)(9) are insufficient. Section 2935.01, which defines "Peace Officer," does not explicitly include court bailiffs and probation officers, even though they share many of the responsibilities and assume many of the same risks as other law enforcement positions which are classified as peace officers. Moreover, assaults against court staff are only considered felonies upon a second offense, undermining the gravity of the initial attack.

Proposed Amendments

In March of this year, Chief Bailiff Darren Smith and I met with Rep. Lorenz to propose two changes to the Ohio Revised Code which we believe will help better protect court

staff. The proposed changes are what is now before the committee as House Bill No. 532.

Inclusion in Peace Officer Definition:

First, we propose amending Ohio Revised Code Section 2935.01, which is the section that defines a 'Peace Officer' in Ohio, to include court bailiffs and probation officers.

This inclusion is justified as bailiffs and probation officers possess some of the same powers and duties as other peace officers, such as arrest authority in certain instances and carrying firearms as part of their duties.

Reclassification of Assault:

Second, we propose amending Ohio Revised Code Section 2903.13(C)(9) to reclassify a first assault against court staff as a felony of the 5th degree.

Revised Code Section 2903.13 defines the crime of assault. At present, subsection (C)(9) specifically provides for enhanced penalties for a second assault by someone who has previously assaulted a 'judge, magistrate, prosecutor, or court official or employee', but a first assault is only classified as a misdemeanor of the 1st degree.

Elevating a first assault against a judicial employee to a 5th degree felony would act as a stronger deterrent and emphasize the seriousness of such offenses.

Supporting Examples

As I mentioned earlier, across the United States, and even internationally, judicial employees regularly face potential physical violence in the course of their duties. Some examples highlighting this unfortunate reality are as follows:

1. In 1986, a federal probation officer Thomas E. Gahl was killed by a client during a routine home visit. This tragic event highlights the extreme risks federal and state probation officers face daily in their duties to monitor those individuals convicted of crimes. (<https://www.insp.uscourts.gov/about-tom-gahl>)
2. In Ohio in 2010, a Rocky River Municipal Court bailiff was assaulted by 51-year-old man after the man's bond was revoked. (https://www.cleveland.com/metro/2010/11/cleveland_man_who_assaulted_ro.html)
3. In Ohio in 2014, a Franklin County Probation Officer was shot and hospitalized in Columbus while performing a home visit with police officers. (<https://www.10tv.com/article/news/crime/crime-tracker/franklin-county->

[looking-probation-officer-communication-following-shooting/530-ada9f393-a497-43b0-b486-69ebe0e20ed8\)](https://www.nbcnews.com/news/us-news/man-brazenly-attacked-judge-sentencing-said-was-bad-day-rcna132506)

4. In Ohio in 2021, two Parole Officers in Columbus were assaulted by a woman, while taking another individual into custody. (<https://www.nbc4i.com/news/local-news/police-parole-officers-assaulted-by-woman-while-arresting-sex-offender/>)
5. In 2021 in Texas, a man attacked a bailiff, prosecutor and punched a judge after he was denied bond. (<https://www.kxxv.com/news/local-news/witnesses-texas-man-attacks-female-bailiff-punches-judge-in-courtroom>)
6. In 2024, a defendant leaped over the bench in Las Vegas and attacked a Judge and court staff. (<https://www.nbcnews.com/news/us-news/man-brazenly-attacked-judge-sentencing-said-was-bad-day-rcna132506>)
7. Probation Officers: A UK study revealed that violence, including physical assaults, is a common part of probation officers' work environments. For example, of 72 assaults documented, 79% occurred in the officers' main place of work.

These are just a few of numerous examples that illustrate the risks faced by court staff and underscore the need for stronger legal protection. Chief Bailiff Darren Smith will provide testimony regarding the incidents of violence at the Delaware Municipal Court specifically.

Including court bailiffs and probation officers in the definition of "Peace Officer" and reclassifying assaults against all court staff as felonies will provide necessary safeguards and deterrence against such violent acts.

Conclusion

In conclusion, the safety of Ohio court staff is paramount to the effective administration of justice. By amending the Ohio Revised Code to include court bailiffs and probation officers as peace officers and reclassifying assaults against them and all court employees, including judges, magistrates and prosecutors, as felonies, we take a decisive step towards safeguarding our judiciary and those who serve it.

I urge you to support these necessary amendments to ensure a safer working environment for all court personnel and to reinforce the respect and integrity of our judicial process.

Thank you for your time and consideration. I am happy to answer any questions you may have.