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OCCO Supports Passage of Issue 1 on November Ballot

The Ohio Council of County Officials supports the passage of State Issue 1 to promote safe communities in Ohio and help protect crime victims by empowering our local judges to once again consider public safety when setting the amount of bail.

State Issue 1 proposes to amend Article I, Section 9 (Bail) of the Ohio Constitution to require Ohio courts, when setting the amount of bail, to consider public safety, including the seriousness of the offense, as well as a person's criminal record, the likelihood a person will return to court, and any other factor the Ohio General Assembly may prescribe.

For years, judges across Ohio were able to consider all relevant information when setting the amount of a person's bail. This included public safety and public safety related information like the seriousness of the crime, the person's criminal record, the nature and circumstances of the crime, and whether the person used a weapon. Then, in January of this year, a four justice majority of the Ohio Supreme Court, in a case called *DuBose v. McGuffey*, decided that it was no longer appropriate for judges to consider public safety when setting the amount of bail. This rejected decades of understanding and practice based on caselaw, Ohio's Rules of Criminal Procedure, and Ohio statutes related to bail.

The decision has tied the hands of local judges and in doing so made our communities and victims less safe. Dangerous and even violent offenders are more likely to be released before trial, with more opportunity to obstruct the criminal justice process, and to harass and intimidate victims and witnesses.

The Ohio Council of County Officials believes that our local judges, with input from both the prosecution and the defense, are in the best position to make decisions about whether bail is needed, what amount of bail is appropriate, or whether other steps should be taken to get a defendant to show up to court and to protect the public. Judges should be authorized to consider all relevant information, including whether a person could be dangerous to any person or to the community, when making these decisions and when setting the amount of bail.

The Ohio Council of County Officials supports State Issue 1.