



Remarks to The Supreme Court of Ohio- *"Task Force to Examine the Ohio Bail System"*

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Thank you for Madame Chair Huffman for the opportunity to offer comments to the Task Force this morning. I will provide a brief overview of the criminal justice reform strategies implemented in Lucas County under current Criminal Rule 46. These strategies have culminated in a 29% reduction in the Lucas County jail population. More germane to this discussion, the Lucas County pretrial population has been reduced by 15%.

First, I will highlight key trigger points to criminal justice reform in Lucas County:

- Since 1976, the Lucas County Jail's capacity has been subject to a federal Court Order, which continues to this day.
- In 2014, Sheriff John Tharp publicly declared that Lucas County needs a new Jail. This statement has been the impetus to many of the reforms.
- In 2015, Lucas County implemented the Arnold Foundation Public Safety Assessment (PSA) tool. This tool has laid a risk based framework for future reforms.
- Also in 2015, Lucas County was selected as one of 20 Safety + Justice Challenge (SJC) Planning sites and was subsequently selected as an Implementation Site in 2016.
- In 2018, Lucas County was selected to receive continued safety + justice challenge funding
- In 2019, Lucas County has achieved a **29%** reduction in jail population as compared to the established baseline (November 2015 – April 2016). The pretrial population has been reduced by **15%**.

Second, I will provide a brief overview of the Safety + Justice Challenge. The Safety + Justice Challenge is funded by the MacArthur foundation to reduce over-incarceration by changing the way America uses jail. To do this, the Safety + Justice Challenge supports a network of local jurisdictions and technical assistance providers throughout the nation. The goal of the challenge is to help jurisdictions across the country create fairer, more effective local justice systems.

Lucas County has been challenged to reduce the local pre- and post-sentence jail population by **27% - 30%**. The initial benchmark was set at 15-18% which has been surpassed. To accomplish this, Lucas County has received two \$1.5 million grants to accomplish jail reductions while improving public safety, and reducing racial and ethnic disparities. The grant awards are for two year periods first awarded in 2016 with a continuation award in 2018.

Lucas County's Safety + Justice Challenge work consists of five strategies: pre arrest deflection, managing based on risk, population review team, diversion of underserved populations, and coordinated probation practices. Each strategy has an owner and a sponsor to move this work forward.

Strategy One: Pre-Arrest deflection focuses on training of law enforcement officers and deflecting individuals from the criminal justice system. The first prong of the strategy consists of procedural justice training of law enforcement officers. All officers have received 8 hours of training in community police relations, implicit bias, procedural justice, blue courage, crisis de-escalation and constitutional use of force.

The initial training was completed in 2017. The second prong is pre-arrest deflection. The plan is to expand the new diversion curriculum into a pre-arrest deflection program. This would mean that an individual would not be arrested instead, they would be referred to a program. We are currently reviewing strategies to fund this initiative. Another focus of this strategy is the intersection of behavioral health and criminal justice. The need for this focus is evident in the numbers: 57% of individuals released from Lucas county corrections center have behavioral health needs and 67% of individuals booked into the jail on June 30, 2014 had received behavioral health services through the mental health board at some point in their lives. To further assist this population, the number of Crisis Intervention Team training classes have been expanded through increased funding from the mental health and recovery services board. This has enabled the training of an additional 300 officers. There are on-going discussions on how to deflect individuals with behavioral health needs from the system.

Strategy Two: Managing Based on Risk is built upon the implementation of the public safety assessment tool in 2014. The tool is an evidence-based tool utilized by judges to inform pre-trial release decisions. The tool looks at failure to appear rates and criminal activity of the offender and develops a risk score. The judge still retains judicial discretion in the decision. Since the implementation of the PSA, year one results indicate that FTA rates have decreased by 30% and new criminal activity rates have decreased by 50%. 12.5% of the pre-trial population have been recommended for release but held by judicial decision.

Lucas County has reduced their contracted bed days at the Corrections Center of Northwest Ohio which serves as our sentenced facility. Lucas County has sustained the reductions through the increased use of electronic monitoring in both pre-trial and sentenced populations as well as other community resources.

Lucas County developed Strategy three: population review team to review the pretrial population on a weekly basis. The focus is on expedited case resolution and bond revisions. A public defender and city prosecutor is assigned to the team. The team is able to access affidavits and incident reports, if a plea deal is reached during the meeting the public defender will meet with their client and present the offer. If the offer is accepted, a bring back order will be issued the next day and, if the judge accepts the plea agreement, the case is resolved. Additionally, bond recommendations are being reviewed and are sometimes revisited with the judge.

- In 2016, we held 31 meetings, made 243 case recommendations and saved 1,166 bed days.
- In 2017, we held 49 meetings, made 218 case recommendations and saved 1,812 bed days.
- In 2018, we held 444 meetings, made 112 case recommendations and saved 857 bed days.

The opportunity project is the second component of strategy 3. The opportunity project pairs a social worker with a public defender to connect an individual with needed services during felony arraignments to produce better outcomes for these individuals.

In the first year of the project, 419 individuals have been identified as possible candidates. 97% of those individuals have been engaged in program services, 60% of the cases have been resolved at Toledo Municipal Court, and 65% have been linked to services. The average length of the program is 16.5 days.

Strategy 4: Diversion of Underserved Populations consists of procedural justice training and diversion. Toledo Municipal Court collaborated with the Center for Court Innovation to create a procedural justice training for court actors. Procedural justice training has been completed for Toledo Municipal Court personnel - judges and clerks staff; Lucas county court of common pleas staff, and correctional treatment facility staff. Toledo Municipal Court, also in collaboration with the Center for Court Innovation, has developed and implemented an expanded diversion program, grounded in the elements of procedural justice. This program originally targeted three offenses, disorderly conduct, obstructing official business,

and drug possession. Upon implementation, the program has been expanded to include all offenses. The program began in June of 2018. Through December 2018, 455 defendants have been referred representing 644 cases. 356 individuals registered for the class (78% of referrals) and 288 individuals completed the program (81% of registrants).

Strategy Five: Coordinated Probation Practices is focused on coordinating probation practices amongst the four probation departments in Lucas County. Both Toledo and Lucas County Common Pleas have been implementing best practices over numerous years. They are leading this initiative with the assistance of the Community Corrections Planning Board Coordinator. To begin this work, a regional chief probation officer meeting is held monthly. The goal of this strategy is to reduce the number of probation violators that are in jail through the use of evidence based practices, including consistent use of ORAS by all probation departments. To increase the use of evidence based practices, a graduated response policy has been adopted and trainings are coordinated for all departments. One success of this strategy has been the sharing of drug testing results amongst departments. Through a review of data, it showed that 26% of individuals on common pleas probation was also on probation in another jurisdiction. Additionally, 11% of TMC's probation clients are on probation in another jurisdiction.

Finally, I will provide an overview of other reform efforts. Lucas County is a Stepping up Community and is focusing on the Intersection of Criminal Justice and Behavioral Health. The Mental health and recovery services board funded a Behavioral Health Criminal Justice Coordinator position at the Criminal Justice Coordinating Council. This person is dedicated to moving projects and discussions forward and recently convened a work group to update the Sequential Intercept Map. As part of the coordinators work, CJCC received a \$400,000 justice and mental health collaboration program grant. The grant will focus on implementing a behavioral health screen at Lucas county corrections center and will also identify the best role for TASC in the new criminal justice system landscape. Additionally, Lucas County participates in the data driven justice initiative created under President Obama and now led by NACO and the Arnold foundation. The focus is on cross-system information sharing.

Lucas County has a strong Reentry Coalition. As part of their work, a reentry resource fair is held once per month at one government center on the first Wednesday every month. Part of the services provided are child support, driver's license and outstanding legal issues.

In an effort to provide support to the Reentry Coalition, the CJCC established a reentry committee in 2013 that blends elected officials and grass roots reentry coalition of northwest Ohio. The CJCC hired a reentry coordinator to support this work. The focus of the committee is creating a sustainable reentry system for returning citizens. This committee has leveraged several federal second chance act grants, including the co-occurring grant to provide pre and post release services to individual who have co-occurring disorder (substance abuse and mental health) who are returning to the community from a halfway house and Correctional Treatment Facility (CTF).

Lucas County has an established domestic violence task force. The task force serves as a forum to discuss domestic violence related issues in the community. Resulting from the Task Force recommendations, Toledo Police Department has implemented the Danger Assessment – Law Enforcement (DA-LE) tool. This is an evidence based tool developed by the Jeannie Geiger Foundation to reduce the number of domestic violence fatalities. The tool is 11 questions asked by officers responding to incidents of domestic violence. The next step is to form a high risk team. High risk teams review the highest DALE scores and provides the victims with intensive services.

Lucas County has adopted an intensive focus on enhancing the Housing First Process. The goal of Housing First focus is providing permanent affordable or supportive housing to families or individuals experiencing homelessness.

Thank you for your time today.