

BAIL & PRETRIAL IN OHIO COURTS

A Review of Recent Inquiries and Proposed Changes

BRIEF TIMELINE

April 2016: Ad Hoc Committee on Bail and Pretrial Services of Ohio Criminal Sentencing Commission formed

June 2017: Ad Hoc Committee's Final Report & Recommendations issued

July 2017: Proposals to Legislature and the Supreme Court of Ohio

March 2018: Sentencing Commission releases Addendum to Ad Hoc Committee's Report

August 2018: Public Comment open for proposed changes to Criminal Rule 46

September 2018: Grant awarded to Sentencing Commission and Office of Criminal Justice Services to examine pretrial and bail data collection and use among courts

BRIEF TIMELINE (CONT.)

January 2019: Supreme Court of Ohio convenes the Task Force to Examine the Ohio Bail System

April 2019: Supreme Court of Ohio hosts “Pretrial Justice Summit” at Ohio State University

June 2019: Sentencing Commission begins Pretrial Services Survey

July 2019: Final Report and Recommendations for the Task Force to examine the Ohio Bail System issued

September 2019: Proposed changes to Crim. R. 46 open for first round of public comment

January 2020: Changes to Crim. R. 46 voted on by justices and sent to General Assembly

PROPOSED CHANGES TO CRIM. R. 46 (SELECTIONS)

(B) Unless the court orders the defendant detained under division (A) of this rule, the court shall release the defendant on the least restrictive conditions that, in the discretion of the court, will reasonably assure the defendant's appearance in court, the protection or safety of any person or the community, and that the defendant will not obstruct the criminal justice process. If the court orders financial conditions of release, those financial conditions shall be related solely to the defendant's risk of non-appearance. Any financial conditions shall be in an amount and type which are least costly to the defendant while also sufficient to reasonably assure the defendant's future appearance in court.

PROPOSED CHANGES TO CRIM. R. 46 (SELECTIONS)

(B) (2) Non-financial conditions of release. The court may impose any of the following conditions of release:

(g) Require completion of a drug and/or alcohol assessment and compliance with treatment recommendations, for any person charged with an offense that is alcohol or drug related, or where alcohol or drug influence or addiction appears to be a contributing factor in the offense, and who appears based upon an evaluation, prior treatment history, or recent alcohol or drug use, to be in need of treatment;

PROJECTS IN PROGRESS

- Pretrial and Bail Data Assessment
- Ohio Pretrial Services Survey
- Jail Population Study

RESOURCES

[“Final Report & Recommendations.” Ad Hoc Committee on Bail and Pretrial Services, Ohio Criminal Sentencing Commission. June 2017.](#)

[“Bail Practices and Pretrial Services: Addendum to the June 2017 Ad Hoc Committee on Bail and Pretrial Services final Report & Recommendations.” Ohio Criminal Sentencing Commission. March 2018.](#)

[“Report and Recommendations of the Supreme Court of Ohio Task Force to Examine the Ohio Bail System.” The Supreme Court of Ohio . July 2019.](#)

[“Amendments to the Ohio Rules of Practice and Procedure.” The Supreme Court of Ohio. January 15, 2020.](#)

[“Pretrial Data Quality Assessment Tool” Office of Criminal Justice Services and the Ohio Criminal Sentencing Commission. December 2019.](#)