A Special Message from City Attorney Zach Klein

Dear community friends:

I hope this special message finds you healthy and safe. I'm sure you'll agree that 2020 has been a stressful and interesting year for everyone.

I'm writing today to clarify several policies and initiatives related to the City Attorney's Office, the Division of Police, and the community. Over the past couple of weeks, I've seen and received communications from residents and city employees that contained rumors or misrepresentations of city policy that I believe are detrimental to building community trust and enhancing public safety.

I want to take this opportunity to clear the air, so that we're all on the same page.

To start, there are two rumors floating around the city that are simply <u>not</u> true.

The first rumor is that elected city officials have asked police officers to "stand down" and not enforce the law. This is 100% false.

The second rumor is that police officers are not allowed to make an arrest. This is also untrue. In Ohio, police officers have the authority to make an arrest. That decision rests solely with the officer, and no one else. As city attorney, I support officers in their efforts to arrest individuals who are committing violent crime and/or are chronic and repeat offenders.

All Columbus City Attorney Office policies and programs support these principles.

With the help of the Columbus Division of Police and other courthouse partners, the City Attorney's Office has taken several steps during the past year to make the Franklin County Municipal Court a more fair and equitable system for defendants and victims. An important part of this effort has been the City Attorney's new Bail Reform Policy.

This policy change actually came at an appropriate time in light of COVID-19 because it helps to safely reduce the number of nonviolent and non-repeat/chronic offenders from being incarcerated. In fact, the Columbus Division of Police, Franklin County Jail, Municipal Court Judges, as well as the City Attorney and County Prosecutor have all taken steps to limit the size of court dockets and the jail population in order to reduce potential exposure to COVID-19.

These steps have included decisions and policies such as the issuance of less traffic tickets, prosecutors not requesting cash bail for nonviolent misdemeanants unless an exception applies (see the exceptions below), and the new procedure whereby police officers may give nonviolent misdemeanants with outstanding bench/non-appearance warrants a new court date at the scene instead of being taken to jail.

I appreciate the tremendous change that this has created for the men and women of the Columbus Division of Police, all while they are also acting as frontline responders for many COVID-19 related issues.

Policy changes during "normal" times can bring about questions, but when change is back-dropped amid a global pandemic, it can be even more difficult to digest.

In an effort to address this confusion around what <u>is</u> and <u>is not</u> policy and who is responsible for various policies or criminal case outcomes, we have put together the following Q & A.

City Attorney Bail Reform Policy Explained

Q. What is the City Attorney's Bail Reform Policy?

A. *The City Attorney will generally ask that nonviolent misdemeanants who are arrested and slated be released on their own recognizance, meaning they will not have to post bail to get out of jail.*

Q. Why was this policy adopted?

A. *This policy was adopted for several reasons, including:*

1. *Jail is generally appropriate for those who are violent, dangerous, or who victimize others;*

2. *Many nonviolent misdemeanants suffer from substance abuse issues or homelessness. Thus, support and treatment, rather than incarceration, is a better long-term strategy for helping these people get out of the criminal system;*

3. *Due to COVID-19, all stakeholders (the jail, judges, and prosecutors) worked to have less people unnecessarily held in jail, especially those who are nonviolent, not dangerous, and do not continually victimize others;*

4. *Poverty should never be a reason why someone remains in jail before trial.*

No Jurisdiction/City Attorney Policy Does Not Apply

Q. Does the City Attorney's Bail Reform Policy apply to felonies?

A. *No. The City Attorney's Office does not have jurisdiction over felony cases and is not involved in the request for bail or setting of bail on those cases. However, the City Attorney believes that higher bail amounts should be set for those who commit violent felonies in the City of Columbus. Public safety must remain a top priority.*

Q. Does the City Attorney's Bail Reform Policy apply to juveniles?

A. *No. The City Attorney's Office does not have jurisdiction over juvenile cases and is not involved in how they are handled. However, the City Attorney believes that the most violent juvenile offenders should be held in custody when they pose a danger to other persons or themselves. Again, the focus must be on public safety.*

Q. Does the City Attorney's Bail Reform Policy impact who is accepted by the Franklin County Jail?

A. *No. The City Attorney's Office does not set policy for the Franklin County Sheriff. Many of the Sheriff's jail policies have been made to manage the impact of COVID-19 on the jail population.*

Common-Sense Exceptions

Q. Are there exceptions to the City Attorney's Bail Reform Policy?

A. *Yes. There are common-sense exceptions:*

1. *The City Attorney's Bail Reform Policy has an exception for persons arrested for prostitution-related offenses who may also be victims of human trafficking. Bail is sometimes necessary to allow an opportunity to engage victims of human trafficking with services. Many victims of human trafficking have told us that being arrested, and being provided services such as drug and alcohol treatment while in jail has saved their lives.*

2. *The City Attorney's Bail Reform Policy has an exception for chronic/repeat offenders of nonviolent misdemeanors. Bail is sometimes necessary to protect the public from persons who repeatedly commit nonviolent offenses such as theft and trespass.*

3. *The City Attorney's Bail Reform Policy has an exception for individuals who have a history of failing to appear for court.*

Violent Misdemeanors

Q.   Does the City Attorney's Bail Reform Policy apply to misdemeanor crimes of violence?

A.   *No. The City Attorney's Bail Reform Policy only applies to nonviolent misdemeanor offenses. While each case must be evaluated on its merits, bail is often appropriate for misdemeanor crimes of violence such as Domestic Violence or Violation of a Protection Order.*

Arrests at Time of Crime

Q.   Does the City Attorney's Bail Reform Policy prohibit or prevent an officer from making an arrest of a suspect for a nonviolent misdemeanor at the time the crime is committed?

A.   *No. The City Attorney supports a policy of issuing summonses, rather than arresting, nonviolent individuals who do not have significant/repetitive criminal records or who have not demonstrated repeated and ongoing criminal conduct. But it's important to note that it's the Division of Police that actually sets this policy. The City Attorney Office's bail policy for nonviolent misdemeanors will only apply at the arraignment after an officer has made the decision to arrest and slate the individual in the jail.*

Summons and Citations

Q.   Does the City Attorney's Bail Reform Policy impact an officer's ability to issue summonses for nonviolent misdemeanors?

A.   *No. The City Attorney supports a policy of issuing summonses, rather than arresting, nonviolent individuals who do not have significant/repetitive criminal records or who have not demonstrated repeated and ongoing criminal conduct. But it's important to note that it's the Division of Police that actually sets this policy. Officers always have the option to issue summonses for nonviolent misdemeanors.*

Q.   Does the City Attorney's Bail Reform Policy prevent or prohibit officers from issuing citizens traffic citations?

A.   *No. Officers may still issue traffic citations/tickets for traffic violations.*